

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 17, 2011**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 17, 2011.

Closed Session

3:00 p.m. Property and litigation

Work Session

4:00 p.m. Council questions/comments

4:10 p.m. Legislative update

4:20 p.m. City Council meeting technology P. 5 - 12

4:50 p.m. Recreation Center update P. 13 - 17

5:20 p.m. Taxi ordinance amendments P. 37 - 126

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 27, 2011

P. 18 - 36

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

1. Consideration of a Resolution adopting a policy for memorial and community project donations on public property in Park City, Utah P. 127 - 138

(a) Public input

(b) Action

2. Ordinance amending Title 4, Chapter 15 of the Municipal Code of Park City, Utah to include a vehicle age limit requirement, a background check requirement, and a drug free workplace policy requirement for for-hire vehicle licensing P. 37 - 126

(a) Public hearing

(b) Possible action

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

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

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 24, 2011**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, February 24, 2011.

Posted: 02/14/11
See www.parkcity.org

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

February 2011

24 **No meeting**

March 2011

3 TDR discussion – work/regular
Comstock/Sidewinder Project - work
Winter trails survey - work
HPB interviews (4:00 – 6 p.m.)
1109 Woodside plat amendment – KW
Housing Authority Meeting – Medical Office Building at Quinns Junction
10 HPB interviews (4:15 – 6 p.m.)
American Airlines article on Park City
17 **No meeting**
24 Monthly budget update
Delivery ordinance
Utah National Guard presentation – Community Covenant Program
Christopher Homes plat Amendment 29 & 39 Silver Strike Trail
573 Main Street
31

April 2011

7
14 **No meeting**
21 Monthly budget update
28

May 2011

5
12
19 **Liza gone**
Monthly budget update
26

Pending Items:

RAB interviews
Addendums to facility leases extending terms – Library and Education Center, and Miners
Hospital
Review of two year special event policy
U S Postal Service gang boxes in Old Town



City Council Staff Report

Subject: iPads & Agenda Management
Author: Scott W. Robertson
Department: Executive; IT
Date: February 17, 2011
Type of Item: Administrative

Summary Recommendations:

Staff recommends City Council consider the use of technology devices to provide paperless meeting packets and for the use of software services to manage, store and provide Internet accessible audio recordings.

Topic/Description:

1. Identify City Council's interest in purchasing Apple iPads to view meeting packets as a primary alternative to printed materials.
2. Identify City Council's interest in purchasing Granicus software services for electronic capture, storage, and retrieval of indexed City Council meeting minutes and audio recordings that would be accessible through a public website.

Background:

1. Apple iPad is a light computer with a touch screen that is conducive for reading, viewing audio-visual media, and entering text using an on-screen keyboard. With network services, instant retrieval of Council Packets is possible. With additional apps, annotations and other document markups can be made.
2. Granicus Inc. is a private company hosting technology services in meeting management solutions for government agencies. Nationally recognized and serving 734 government bodies, Granicus was selected amongst other providers to meet the needs of agenda and audio recording management for Park City.

Analysis:

1. While iPads can be a cost-effective tool for communication and large volume document management, they also present different challenges. Challenges include hardware and software failures, connectivity issues, inefficient data input (for emails and document markup), screen glare, technical support requirements, and security threats. While these challenges are important considerations, they are not overwhelming or insurmountable.
 - a. **Training:** Ongoing training will be provided by staff as necessary and prior to equipment deployment.
 - b. **Support:** The IT Department will provide technical support during regular business hours; emergency support will only be available via telephone. IT

will retain one spare iPad for testing, development, and temporary replacement if available.

- c. **Data Storage:** Data stored on the iPad can be lost, stolen, corrupted or deleted. It would be the responsibility of the user to back up the data. The IT Department would make recommendations on various backup methods.
- d. **Acceptable Use:** The iPad would be provided primarily as a tool to conduct city business and would be subject to e-discovery and Government Records Access and Management Act (GRAMA) requests in the same manner as other City computer equipment and records. There would be no privacy expectations with regard to electronic records.
 - i. Internet Service: Limited 3G (cellular) Internet service would be provided. However, iPads can also utilize wireless Wi-Fi networks commonly available in many businesses/households for low or no cost. Cellular 3G service is limited to a 200MB data plan per month—additional service would be at the user's expense.
 - ii. Add-ons: Accessories and apps can be purchased so long as they are paid for by the user and do not violate City policies. However, no guarantees of City support and product performance can be provided. User assumes all the financial risk. In addition, secondary apps can potentially create security risks and impact the behavior of primary ones.
 - iii. Warranty/Damage: Users may be assessed charges for damaged, stolen or lost equipment.
 - iv. Security: Users would be responsible for the physical security of the iPad and should not store any private sensitive data on the device including personal passwords, social security and credit card numbers. In the event equipment is lost or stolen, users must notify the IT Department immediately. Users would still be accountable for maintaining protected, private and public record classifications in accordance with state law and record retention in accordance with City schedules.
- e. **Cost:** The table below represents the overall material costs. Should the City assume the bulk of the expenses, savings from the investment would be recognized in 1.5 to 2 years. The following costs are factored over the four year life of an iPad.

iPad Cost Table			
Item	Quantity	Unit Cost	Four Year Totals
Apple iPad 32GB with Basic Accessories & Software (Available Granicus funds would be used toward the initial purchase of hardware, software and case; Granicus project would be delayed)	8	~\$808/ea.	(\$6,464)
3G Wireless Service (This optional service provides 200MB of downloads each month, additional costs are not covered by the City)	8	\$15/mo.	(\$5,760)
Anticipated Paper Reduction and Copier Equipment Downsizing (Savings from this category would be used to help fund the monthly 3G wireless service, this savings includes both printed Planning Commission (\$2k/yr.) & Council Packets used by City Council (\$5.5k/yr.)	4 years	\$7500	\$30,000
Initial Employee Contribution (iPad purchases will be amortized over 4 years (less initial contribution), Council Members whose term ends prior to 4 years could be asked to pay the remainder of the unrealized amortized balance if they choose to keep the equipment)	8	\$100	\$800
Potential Net Savings (An ongoing portion of the savings would be contributed to the equipment replacement fund)	N/A	N/A	\$18,576

Once the iPad has reached its end-of-life and/or the employee contribution has been met, the iPad would be relinquished to their assigned owners as

private property, and 3G and technical support services would be discontinued. Security and software settings may need to be changed/removed. [If Council supports this part of the staff's recommendation, staff would propose language amending the City's Salvage Policy to address this procedure and payment.]

As an alternative, Council could consider a stipend toward the equipment purchase. This would simplify policy and administrative requirements. However, Council would be personally responsible for network access, support, accessories and maintenance costs. Support would be limited to the access/retrieval of city records. The stipend would be treated as taxable income. [If Council supports this alternative purchasing method, the amount of the stipend would need to be determined.]

- f. **Workload Impacts:** Staff and Council impacts would likely be minimal and consist mainly of process modifications. Anticipated changes include increased technical support and adjustments in composition and delivery of Council Packets.

Conclusion: iPads are a low risk and cost-effective solution if used to eliminate paper processes.

2. Granicus fulfills objectives of providing minutes and audio recordings from the Internet in a format accessible to the public. During the course of a meeting, notes are taken and associated with an audio hyperlink for each discussion topic. The agenda and audio recordings are uploaded and would be available for public review. Below are sample web pages of the Agenda and Minutes views.

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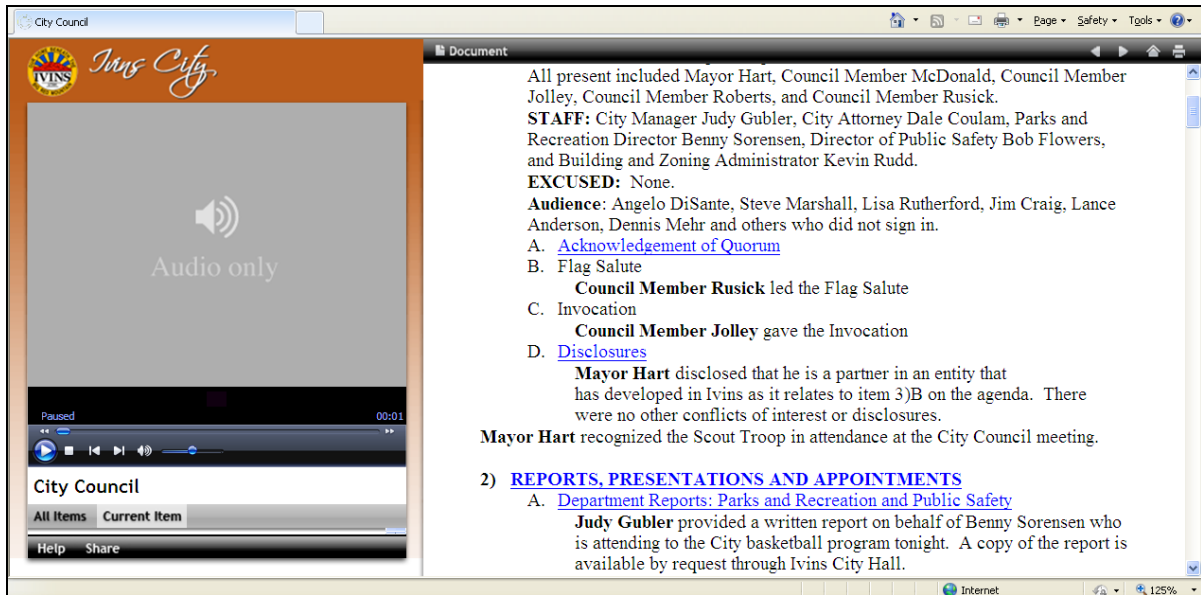
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City Council

Name	Date	Duration			
● City Council Meeting	Feb 3, 2011	02h 50m	Agenda		Audio
City Council Meeting	Jan 20, 2011	01h 25m	Agenda		Audio
City Council Work Meeting	Jan 18, 2011	01h 36m	Agenda		Audio
City Council	Jan 6, 2011	01h 53m	Agenda	Minutes	Audio
City Council	Dec 16, 2010	02h 58m	Agenda	Minutes	Audio
City Council	Dec 2, 2010	03h 39m	Agenda	Minutes	Audio
City Council Special Meeting	Nov 23, 2010	00h 18m	Agenda	Minutes	Audio
City Council	Nov 18, 2010	02h 25m	Agenda	Minutes	Audio
City Council	Nov 4, 2010	01h 16m	Agenda	Minutes	Audio



- a. **Cost:** This software service would be financed from existing operating budgets and would be paid monthly at an amount not to exceed \$650/month. Staff time will be required for implementation and training. Staff will present a budget option for streaming live audio from City Council meetings for fiscal year 2012.
- b. **Risks:** Overall risk is considered low. In the event of a total loss of capability, customer service impacts would be most prevalent. Data recovery would be possible (through locally stored data) but the presentation of data would not be the same. Transition to the new system poses transitive risks that can be addressed through training and communications.
- c. **Issues:** Currently, iPads do not support some Granicus audio streaming formats. The issue is being investigated.
- d. **Other Considerations:** With an increase dependence on audio recordings, Council should consider maximizing the use of cues, name pronouncements, and verbal descriptions. In addition, voice projection and proximity to microphones should be observed.
- e. **System Requirements:** Most computers and browsers can utilize audio streaming services but may require the installation of a web browser "plug-in". Computers would require basic Internet service and sound capability.

Conclusion: Park City would be providing an improved level of customer service and transparency to citizens. If Council desires to implement the Granicus system, the project would start in fiscal year 2012 to offset iPad purchases. Council should discuss the potential of switching to minimal written minutes and determine how much detail is

desired. Cost savings could be achieved by rearranging Recorder positions duties in the event a staff member leaves. Legal has previously advised of the necessity of compliance with the following state requirements:

UCA§ 52-4-203.

Written minutes of an open meeting shall include:

- (a) the date, time, and place of the meeting;
- (b) the names of members present and absent;
- (c) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;**
- (d) a record, by individual member, of each vote taken by the public body;
- (e) the name of each person who:
 - (i) is not a member of the public body; and
 - (ii) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;
- (f) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(e); and**
- (g) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

(3) A recording of an open meeting shall:

- (a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and
- (b) be properly labeled or identified with the date, time, and place of the meeting.

....

(6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

There is no black and white answer on how much detail is necessary to capture the “substance” of matters. Ivins City continues to publish very detailed written minutes integrated with the audio while on the other end of the spectrum Salt Lake City has reduced their written minutes to mirror the brief meeting summary that our Recorder currently Emails out at the conclusion of our meetings. Given the potential for technical problems with recording and the plain language of the statute, Legal recommends that detailed written minutes are still maintained. If the Council decides to mirror Salt Lake City’s summaries, then Legal recommends utilizing an implementation test period during which detailed written minutes are also maintained but phased out based upon proven success of the digital recordings and companion software.

Department Review:

Executive; Legal; Finance; IT

Alternatives:

A. Approve:

1. Apple iPads (1): iPads would be purchased (pending new developments), configured, and distributed to Council, the City Manager, and the City Attorney. iPad users would receive training. The Granicus project would be delayed until budget is normalized. Printing of Council Packets for iPad users would be phased out. IT would work with Council and Staff to make technical adjustments and workflows modifications.

Apple iPads (2): As an alternative, Council could consider a stipend toward the purchase of equipment that would facilitate the elimination of paper. This would simplify policy and administrative requirements. This is a solution that has been applied by others entities.

2. Granicus project would begin upon successful negotiation and agreement of contract. The project would be phased to accommodate implementation, processes changes, website modifications, testing, and training. Formal public announcement would be made once project objectives were met.

B. Deny:

1. Apple iPads: Paper processes and expenditures would remain unchanged. Future purchases of large capacity printer-copiers would be required.
2. Granicus: Council Packets, agendas, and archiving procedures would remain unchanged.

C. Modify:

1. Apple iPads: Modifications may require re-examination by staff.
2. Granicus: Modifications may require re-examination by staff.

D. Continue the Item:

1. Apple iPads: If continued, new hardware and software selections may change directives.
2. Granicus: If continued, no impact is anticipated.

E. Do Nothing:

Same as denying proposals.

Significant Impacts:

1. Apple iPads: Although the purchase of iPads would result in a savings for the city, there may be a misperception that the city is spending excessively.

2. Granicus: Public access to audio may result in improved community involvement. If written minutes must remain substantial, the tasks of indexing recordings, converting files may result in increased workload that will need to be considered.

A Granicus operating budget of \$8,000 was created within IT for Fiscal Year 2011. If iPads are purchased, using FY2011 funds, a minimal Granicus implementation would occur. The project would be delayed until monthly expenses and startup costs (\$3,688) are realigned. Once savings in printing costs are realized, a budget option could be proposed to fund ongoing replacement of equipment and service enhancements for Granicus.

Consequences of not taking the recommended action:

1. Apple iPads: Material cost savings in paper and equipment would not be realized.
2. Granicus: None identified.

Recommendation:

Staff recommends City Council consider the use of technology devices to provide paperless meeting packets and for the use of software services to manage, store and provide Internet accessible audio recordings.

City Council Staff Report



Author: Matt Twombly
Subject: Recreation Center Remodel Update
Date: February 17, 2011
Type of Item: Informational

Summary Recommendation:

This report is for informational purposes only.

Topic: Recreation Center Remodel Update

Background:

On May 27, 2010 Council authorized the City Manager to enter into a construction agreement with Okland Construction in the amount of Eight Million Three Hundred Thirty One Thousand Dollars (\$8,331,000) for the Recreation Center Remodel project. This included the base bid and alternates for the essential facility including added steel and the generator. At the same meeting Council also authorized the City Manager to execute a Lease with Wintzer-Wolfe Properties for 1255 Ironhorse Drive for the duration of the project.

After the award, staff proceeded to make necessary improvements to the lease space, make arrangements for an office trailer for the outdoor tennis operations, and prepare for moving the fitness programs, equipment and Recreation staff to 1255 Iron Horse Drive. Okland Construction mobilized (set up their trailer) on June 28, 2010. The move to Iron Horse for the Racquet Club was completed by June 30th and the Racquet Club at Iron Horse opened for business on July 1, 2010. Thanks to the hard work of the Recreation staff the operation of the Racquet Club was only down for a period of two days for the entire move.

Asbestos testing was done prior to the bid opening; however asbestos abatement was not part of the bid on the project because the scope of the abatement had not been finalized in time to get it into the bid specifications. The asbestos abatement for the tennis courts as a change order to Okland's contract was completed on July 20th.

Selective demolition (separating the gymnasium to remain, some utility work) of the tennis building began immediately following the asbestos abatement. The front desk for the pools, the tennis operations and Coach's restaurant were moved out by July 30th. The asbestos abatement of the restaurant began as soon as the restaurant was vacated. The large scale demolition began on August 2, where utilities and fire sprinklers to the restaurant could be shut off. The pools closed Sunday August 8th and all the remaining utilities were shut off on August 9th. The demolition was completed on August 26, 2010. The asbestos abatement, the inability to close the restaurant and

extended opening of the pools delayed the project by approximately 30 days and resulted in a cost of \$97,833.

Since the City elected to go with the Essential Facility alternates, and because the building was not designed and plans were not drawn to the Essential Facility requirements before bidding, the project was re-priced as a change order for these alternates. The Essential Facility changes to the drawings required additional costs in some areas and savings in others. The drawings were also modified to allow better access to the rear of the building. The net change was \$150,888 over the bid alternate of \$334,000 in the contract (see costs below). The essential facility did not however impact the schedule beyond that caused by the asbestos, restaurant and pools.

Schedule:

Original completion date of September 30, 2011. Change Order 1 moved the contract completion date to November 2, 2011. Despite the above average snowfall and below average temperatures so far this winter, the project is currently on schedule for completion on November 2, 2011. Below are some target dates for critical path items:

Critical Path dates met:

Demolition Complete: August 26, 2010
Footings & Foundations: November 22, 2010 Substantial completion
Concrete Slab @ Lockers: December 7, 2010
Begin Structural Steel Erection: December 13, 2010
Begin Concrete Block Walls @ Lockers: December 16, 2010
Complete Architectural Wall: January 18, 2011
Substantially Complete Mezzanine Structural Steel Erection: February 11, 2011
Substantially Complete Block @ Locker Rooms: February 11, 2011
Begin Mezzanine Steel Decking: February 14, 2011

Going Forward:

Begin Mezzanine Floor Concrete: February 18, 2011
Plumbing: Ongoing
Electrical: Ongoing
Mechanical: Ongoing
Complete Fitness Roof Structural Steel: March 1, 2011
Complete Tennis/Track Mezzanine Structural Steel: April 08, 2011
Complete Tennis/Track Roof Structural Steel: April 18, 2011
Dry In: June 08, 2011
Pour Tennis Slab: June 08, 2011
Interior and Exterior Finishes: Ongoing
Begin Site Utilities: April, 2011 Weather dependent
Site Grading: Jun 03, 2011
Walkways/Drive/Curb & Gutter: July 01, 2011
Asphalt Parking: July 26, 2011

There has been an issue with the steel erection sub-contractor quitting the job. The general contractor is working through this issue and the project team is optimistic that the project completion date will still be met.

Budget Cost Control:

Recreation Center Project	
Hard Costs	
Base Bid	\$7,997,000
Essential Facility (Steel)	\$267,000
Generator	\$67,000
Okland Contract	\$8,331,000
CO # 01 Asbestos Abatement	\$78,037
CO # 02 Restaurant/Delay/Fire watch	\$19,796
CO # 03 Sewer/Trailer/Fiber conduit	\$17,432
CO # 04 Essential Facility Additional Costs	\$150,888
CO # 05 Future Rest H2O/credit	\$1,708
CO # 06 Sundance Elec/Data	\$25,771
CO # 07 Electrical Tennis/Pools/Misc	\$43,355
CO # 08 Structural Fill Import	\$32,050
Credit Substitute 4 Ktech Panels	(\$54,560)
CO # 09 Flooring/Bouldering/Credits	\$20,461
Change Order Total to Date	\$334,938
Art	\$83,310
Total Hard Costs	\$8,749,248
Budgeted Soft Costs*	\$1,177,000
TOTAL	\$9,926,248
Original Budget including Contingency	\$10,007,860
Original Contingency (5% of Contract)	\$416,550

* There will be some increases and some savings on individually budgeted soft cost items.

The significant change orders are listed in the table and are briefly discussed above. As with all construction projects and especially with remodel projects certain unexpected costs will be incurred. The Contracting and Purchasing policy states: "The following items require City Council approval unless otherwise exempted in these following rules: d. Accumulated "Change Orders" which would overall increase a previously approved contract by: ii. more than 10% for contracts over \$200,000." The change orders to date are 4% of the previously approved contract. The design/construction team is optimistic that the vast majority of issues that would lead to change orders to the contract have

been identified at the time of this report. Staff anticipates possible changes due to unforeseen conditions with the site-work (storm drains, drain lines, asphalt paving) this summer due to conditions found during the building construction with unsuitable structural soils on the site. Staff will develop a plan to mitigate the impacts as these conditions may be substantiated in the spring.

During the FY 2011 budget process, Council asked staff to propose a cash payment plan rather than the staff-recommended debt financing option. Staff proposed a mix of funding coming from the CIP Fund reserves as well as cuts to other capital projects. As part of this option, staff argued that it would be wise to leave the contingency amount in fund balance until it was needed. In this fashion, only \$750,000 rather than \$1.25 M needed to be transferred from fund balance to the project budget. We could always go get the money from reserves if need be, but in the meantime, the balance sheet would be a little stronger. Now that contingency expense has materialized, staff recommends moving forward with transferring the necessary contingency amount from reserves to the project budget. If Council approves this direction, staff will return with the adjustment during the budget process in the spring and a smaller temporary facility.

Staff is also recommending that the recreation operating budget cover a portion the FF&E and a portion of the pool shutdown and startup costs. This is being recommended to help with the overall project budget. The exact amount has not been determined, but Recreation has not had to spend as much this year on staffing due to the construction of the project.

Other Considerations:

Questions have been raised regarding the mass, scale and height of the new building. As the foundations were constructed at the entry area of the project, the Building Department received an email from a member of the public questioning the height of the foundation. The Building inspector verified the height of the foundation wall with the contractor, the civil engineer and their surveyor. With the steel erection underway, questions have also been raised regarding the mass, scale and height. The civil engineer has sent a letter of verification on the height of the steel. All steel erection will be verified by the civil engineer and the surveyor. The Building Department has verified from the certificate of survey that the elevations of the footings/foundation and floor level are according to the approved drawings.

Lighting, particularly parking lot lighting, was raised as an issue by the neighbors at the Planning Commission hearings. The architects and engineers have developed a parking lot lighting plan as part of the construction documents. The plan developed by the engineers is in compliance with the Land Management Code (LMC). The light levels are under the maximum allowed by the LMC, but even though the plan meets the LMC or "Night Sky Ordinance" there will be more parking lot lamps than there were prior to the remodel. The design and construction must meet current Building Code required minimum lighting, which the previous parking lot lighting did not. Staff is proposing to mitigate the increase in lights with an operational plan. Through the use of timers, staff can turn off the parking lot lights within ½ hour after closing and ½ hour before opening

to meet safety standards during operation, and help meet the needs of the neighborhood during non-operational hours.

The contractor has been strictly adhering to the Conditions of Approval stipulated by Planning Commission in regards to the hours of construction under the Construction Mitigation Plan for the project. So far the only complaints the City has received have been in regards to trucks tracking mud onto the street from the project site during the fall months. During the spring thaw, the project team will continue to implement mitigation measures of using cobble rock to remove mud from tires, and sweeping up after exiting trucks.

Staff is coordinating with RAB and the Public Art Advisory Board on the integration/placement of art at the Recreation Center. Sustainability efforts continue on the project where the project team and contractor has been tracking all waste and recycling. 70% of all waste was recycled on the demolition, and 100% of all waste since. Staff is working on operation and maintenance budgets on all impacted departments for the facility. It is anticipated that the new building will provide cost savings, particularly in utilities.

Due to the construction the pools will likely not be open this summer or at the earliest some time in August. We looked at options to open the pools earlier in the summer, but it would be exceedingly expensive with significant operational challenges such as parking, and severe safety issues. Staff is trying to work with various private providers that have aquatic facilities and the School District to help provide pool access for Racquet Club patrons.

Department Review: This report has been reviewed by representatives of Sustainability, Building, Planning, Recreation, Budget, Legal Departments and the City Manager's Office and their comments have been integrated into this report.

Significant Impacts:

There is currently \$9.5 Million budgeted for the Recreation Center Remodel project. The remodel will have significant impacts to operation during the construction. In the long run the remodel will have a positive impact to the level of service for recreation. It is estimated that the remodel could save up to \$50,000/year in utility costs.

Staff Recommendations:

This report is for informational purposes.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 27, 2011**

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Heinrich Deters, Trails Coordinator; Jon Weidenhamer, Economic Development Manager; Heinrich Deters, Trails Coordinator; Bret Howser, Budget Manager; and Pace Erickson, Operations Manager

Michael Barille, PlanWorks consultant; and Charlie Sturgis, Mountain Trails Foundation

1. Council questions/comments. Liza Simpson thanked Sundance staff and volunteers, City staff and specifically the parking enforcement crew for another successful Film Festival. Joe Kernan agreed. Candace Erickson relayed that the Chamber Bureau is reporting an increase in TRT taxes and have a ten year agreement with the County to make sure those funds continue to go to the Chamber for marketing. Sundance lodging is up 12% over last year and the use of public transit is up 24%. She spoke about the great coverage Park City received through a number of publications. The Chamber is monitoring an alcohol bill and immigration discussions at the Legislature. Ms. Erickson stated that a citizen contacted her about conducting a watershed assessment in Round Valley in consideration of the number of users and dogs and the potential for negative impacts to the environment. She spoke about Summit County Health Director Rich Bullough setting priorities for 2011, including a complete community assessment.

Alex Butwinski agreed that Sundance was great and reported on a trip to the Legislature. He thanked Candace Erickson, Tom Bakaly and Mayor Williams for their work with MIDA. Cindy Matsumoto believed that users are doing a remarkable job at cleaning up after dogs at the trail heads in Round Valley. She believes the message is being heard and the condition of Round Valley is better than it has been in previous years. Heinrich Deters explained that the City is working with Mountain Trails Foundation on an educational program and people seem to be more responsible. The survey will be complete on January 31.

Ms. Matsumoto commented that the town seems to be running quite smoothly during Sundance. Liza Simpson attended the interagency task force meeting and reported that the new fire chief is being sworn in on February 18, 2011. The Summit County Council is planning a workshop on green initiatives for buildings. The City, School District, and Basin Recreation are looking at joint use agreements for needed adjustments. One of the policy discussions will focus on balancing local play with special events supporting economic development.

With regard to Sundance, Mayor Williams pointed out that our bus drivers are great ambassadors. He noted that the Ananberg Foundation of Southern California offered to donate a year's supply of bio-degradable corn fiber poop bags to the City. Pace Erickson explained that if bio-degradable bags are used, our storm water rating drops. The Mayor spoke about the Westboro demonstration during the week and how proud he is of our young citizens.

2. Legislative update. Tom Bakaly discussed a proposal changing the sales tax distribution formula to be more population based. It is expected that the ULCT will oppose this initiative. He indicated that a school equalization bill has not yet surfaced. Senator Madsen, who sponsored SB216 bringing MIDA to the area, is allegedly proposing another bill that would allow a movie studio at Quinns Junction which prompts serious concerns. Park City is urging the state legislature to adopt the Energy Code. The City has concerns about illegal immigration enforcement and supports the ULCT's argument regarding federal unfunded mandates. Candace Erickson discussed an e-waste bill which places responsibility on the manufacturer for the cost of recycling the product which is successful in other states. The City Manager indicated that staff will follow this bill. The Mayor stated that an immigration bill could be devastating to the fabric of our community. The City Manager interjected that the ULCT will take a position but Park City can make stronger statements as a city. Ms. Simpson suggested getting the Chamber on board and Mr. Bakaly agreed.

3. Lower Park Avenue Redevelopment Agency Plan. Jon Weidenhamer described the mechanics of a redevelopment agency where tax revenue increment is reinvested in the area. Park City has the Main Street RDA and the Lower Park Avenue RDA which essentially runs from the golf course south to Park City Mountain Resort and over to Deer Valley Drive. The Redevelopment Agencies have been used for grants in the Historic District and subsidized the cost of the development of the Snow Creek Cottages Project. RDAs have the ability to achieve housing and economic development goals and the new China Bridge Parking Structure was funded entirely with RDA monies. In January 2010, the City Council examined the role and the goals of the board of the RDA. The Lower Park Avenue RDA was created in 1989 and he described studies conducted. Council's ultimate decision was to focus on City-owned property and six goals were set including completing a master plan, maintaining existing green space, protecting historic fabric, exploring housing opportunities, providing an east west corridor, considering the senior center property as a community center, and meeting sustainable goals on all projects.

Mr. Weidenhamer urged members to provide direction on proceeding with Phase 1 and beginning part of Phase 2. Consultant Michael Barille commented on his professional interest in neighborhood planning and relayed that Park City staff and officials are planning ahead by looking at TDR ordinances and transportation master plans. The Lower Park Avenue RDA is another component of using public lands and funds in a way that is consistent with our community vision by improving quality of life which ought to be the focus. There are traditional RDA projects in Park City like creating affordable housing or contributing to economic redevelopment, but other qualified RDA projects

include improving streetscapes, services, infrastructure, and loaning money. With regard to City-owned parcels, Mr. Barille discussed a visual and functional pedestrian transportation corridor connecting Empire Avenue to Park Avenue and allowing movement from the resort to lower Main Street. Together with some transportation improvements over time, the tie between these two locations would be solidified. The land the City owns is already the home for community facilities like the senior center. Mr. Barille stated that this may be a good location for some employee or affordable housing or it could become more of a focal point in linking the resort neighborhood to downtown. Through illustration of a rendering he discussed the status of parcels and development patterns. He described small buildings surrounding a larger civic function and creating a community gathering area. Moving an historic home was discussed. Mr. Barille advised designing the same sized buildings as found in the surrounding neighborhood, taking advantage of the opportunity to meet some housing needs and beginning to establish a pedestrian link. Phase 1 includes the first three buildings and establishing the civic function and a community presence on the street. He again discussed the pedestrian link which is not included in Phase 1.

Mr. Barille expressed that this plan represents good RDA policy and he encouraged members to consider the goal of future RDA projects and partnerships. The City is able to establish uses on its own property and preserve links to neighborhoods. He recommended formulating design guidelines and advised not to view needs like housing, transit, and parking individually but together; they ought to have a synergy and planned in such a way to compliment each other. Redevelopment of City property creates benchmarks for other projects which is important. In the later phases of the plan, members could come up with ways of creating sources of funding to encourage private development appropriately conditioned, or leases of City property. Partner with the private sector to create facilities with the overall community neighborhood goals in mind.

Mr. Barille emphasized that this is an opportunity. He encouraged the Council to proceed with Phase 1 focusing on civic and community priorities and direct staff to create design guidelines described as a hybrid between planning and design guidelines. Cindy Matsumoto asked if Phase 1 should be funded with RDA tax increment. Jon Weidenhamer stated that the City can accomplish the projects described in Phases 1 and 2 with the existing tax increment revenue available. She felt that starting Phase 1 is a good idea but wanted to ensure that there is enough RDA funding for a grant program for home owners. Joe Kernan felt it makes sense to move slowly but agreed with first looking at the senior center and connectivity. The Mayor discussed the importance of protecting the neighborhood while improving the area and Candace Erickson interjected that as the land-owner, the City has control. She pointed out the importance of providing a general plan with flexibility as needs often change. The Mayor invited public input; there was none. Members agreed with the recommended implementation of the plan. Dana Williams clarified that the phase includes conceptual designs of preliminary cost estimates of both the community senior center and the remodel of the two historic homes. All members agreed.

Joe Kernan spoke about considering foregone tax increment to the City because of the creation of the RDAs when contemplating their future. Michael Barille pointed out that partners may come to the table enthusiastic about an integrated approach and Liza Simpson expressed her support of developing partnerships. The Mayor warned of duplicating projects like conference centers.

4. Memorial and Community Project Donations on Public Property. Heinrich Deters explained the need for a donations policy for the City, specifically for donations under \$5,000. Some examples include trees, benches and wildlife protection boards. Many residents would like to provide physical donations to the betterment of the community and the purpose of creating a policy is for clarity. It creates a point of contact, general criteria, timeline, parameters, implementation aspects, notification, easements considerations, as well as requiring a written proposal or a letter of intent. Applications are submitted to the Executive Department and complete applications will be reviewed by a committee consisting of representation from Executive, Public Works, Sustainability and Parks. Once approved, a project manager is assigned.

Mr. Deters explained that Ketchum maintains a wish list of unfunded items which may be a good tool to have in place. Dana Williams thanked staff for following up with this project. He felt that anytime a donation is proposed to be placed on public land there should be a public hearing regardless of value. He personally liked providing for an administrative application and review process but suggested holding a public hearing before Council. The City Manager suggested holding a public hearing before staff for donations under \$5,000 but the Mayor felt that Council should hear all applications. Joe Kernan agreed. Discussion ensued on public art donations. Candace Erickson stated that she would at least like to be informed of applications through a work session or manager's report. The Mayor stated that the elected Council is accountable for public lands and should make the decision and Alex Butwinski relayed that he has been persuaded to the Mayor's point of view. Liza Simpson believed that the policy will make it easier for the public and staff to process donations and holding a public hearing may provide an opportunity to recognize citizens or organizations. She suggested not limiting plaques to specific dimensions but providing a square inch limit. Pace Erickson noted that dimensions were provided as a matter of consistency but believed that a maximum size is doable.

Mark Harrington explained that a majority of Council has given direction to retain authority over decisions regarding public land so a resolution adopting a policy will return to Council and the policy draft will be amended to reflect today's discussion.

5. Budget impacts of requests for elevated levels of service for Holiday Ranch Loop snow plowing and Quinn's restroom winter use. Heinrich Deters explained that on January 13, 2011, Council requested that staff return with information on two requests for elevated services, specifically plowing the Holiday Ranch Loop pathway and winter use of the public restrooms at Quinns. He explained that the sidewalk was a WALC project but fell outside the criteria for existing resources to provide snow removal services. Extending contract services on Little Kate to provide plowing services on

Holiday Ranch Loop was considered but due to economic conditions and priorities that option was not funded. At the same time, a budget request is proposed for FY2012 for additional resources to provide services for Holiday Ranch Loop and the Comstock sidewalks, estimated at \$130,000 for the plow and \$35,000 for personnel. The estimate to provide service outside the budget is \$1,000 per month or \$2,500 for the rest of the season. Mr. Deters stated that winter use of Quinns restrooms was raised on December 16, 2010 and staff provided a manager's report with estimated costs but staff did not receive direction. Staff recommends not to fund services outside the current budget.

Bret Howser referred to the portion of the staff report for alternatives for funding in the event staff is directed to pursue enhanced levels of service. Four options are listed in the staff report. He explained the budgeting for outcomes prioritization approach involving evaluating programs with associated Council goals and considering which programs to cut.

The Quinns restrooms would fall under the facilities programs which relate to open and responsive government. Basically the janitorial and utilities programs were already at the bottom of the BFO list so staff recommends making cuts from within those existing programs. Mr. Howser pointed out that Holiday Ranch Loop relates to effective transportation, urban trails and walkability and staff is recommending to cut that program a little bit. The walkability program is supported by general obligation bond repayments but there is some operating money that can be used to clear the snow in the short and long terms. Other options include exiting the BFO framework and taking a line item approach and Mr. Howser discussed moving money from pavement management as a short term approach. The cost to produce *Play Magazine* could be scaled back and funds could be used for improvements to the restrooms. Staff recommends using policies in place, including RELS and the BFO concept and to analyze all elevated level of service requests at the same time as part of the budget process.

Alex Butwinski felt that the Holiday Ranch Loop sidewalk is a situation Council created. The width of the road has been dramatically decreased and he felt that plowing the sidewalk is a safety need. He disagreed with staff and also feels that there should be flexibility in budgeting. Snow removal has a contingency budget, the cost is low and the request fits the definition of open and responsive government. Members have received complaints from citizens and it is a situation which the City created. Common sense has to be put into the equation. Mr. Butwinski doesn't feel that any philosophical concepts are at risk by applying some surplus money for snow plowing. On the other hand, winter use of the Quinns restrooms is a perfect example of looking for money in the next budget cycle as it is an existing condition.

Liza Simpson agreed with Mr. Butwinski. She felt that the money it costs to plow the sidewalk was saved by accelerating the project and not ripping everything out twice. In her mind, the money is already there. She appreciated today's discussion and stated that she supports plowing the sidewalk but not upgrading the rest rooms. If there is a

need, she suggested installing porta-potties and pointed out that there are restrooms at the rink.

Cindy Matsumoto agreed that Holiday Ranch Loop is a lot narrower and felt that plowing the sidewalk is feasible this year. Bret Howser discussed an operational contingency account that could be accessed and he is in the process of formulating some parameters relating to accessing these funds. Finding \$3,000 is not a problem but ultimately as these types of decisions compound, they have an impact on the budget and an organized method of moving forward is needed which can be discussed further at the Visioning Session. The Mayor spoke about the importance of connectivity of the town and supported plowing the sidewalk. Candace Erickson stated that she has a tough time describing this as an elevated level of service because the Council elevated the level of service by installing the sidewalk. By building it and not plowing it degrades the level of service and there has been a lot of snow this year. Plowing the sidewalk is something the City needs to do and Holiday Ranch Loop is also a connector.

Cindy Matsumoto commented on the significant increase of users in Round Valley this year. She felt that the restrooms should be made available in the winter. Candace Erickson believed this should be addressed in next year's budget and emphasized the high cost of heating them as they currently exist. Capital costs will need to be considered in the long term.

Charlie Sturgis, Mountain Trails Foundation, believed that the restrooms are not much different than plowing the sidewalk. Round Valley was created by the City and Quinns Junction is the most used trail head in the community. The restrooms at the rink are a distance away and there may be a sanitation problem on the trails if this is not addressed. He didn't think heating the restrooms will cost \$1,000 a month if the doors are sealed and the room is heated to only 60°. He referred to the heated facilities at the Barn and felt that upgrading the restrooms at Quinns is driven by Round Valley's use.

Discussion ensued on the services provided at the Barn. Pace Erickson explained that the \$1,000 estimate for heating the restrooms is based on using electricity. If this is a Council program, he recommended insulating the restrooms and getting gas heat to the building. Electric heat is very inefficient. Ms. Matsumoto requested more information on heating the Barn restrooms. Joe Kernan agreed with plowing the sidewalk. He asked that staff explore insulating the restrooms in the near future. Liza Simpson again voiced her support of installing porta-potties. Alex Butwinski discussed the potential of freezing pipes and believed an interim solution is porta-potties. Joe Kernan concurred.

Tom Bakaly understood Council direction to be to have restrooms available in the winter at Quinns and to have staff do that in an economical way this year and look at possible capital improvements for the long term. Liza Simpson stated that counts will be available at the end of spring and actual needs should be better understood. Mr. Sturgis stated that he supports porta-potties as an interim solution. Heinrich Deters understood that the Holiday Ranch Loop sidewalk will be plowed immediately and staff will return in the budget process with options for additional equipment and labor. The

number of needed porta-potties at Quinns Junction will be determined and installed. Plowing the Holiday Ranch Loop sidewalk will be funded by extending the Little Kate plowing contract for Holiday Ranch Loop for the remainder of the season.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 27, 2011**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, January 27, 2011. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Rhoda Stauffer, Housing Specialist; Tommy Youngblood, Special Events Coordinator; Kirsten Whetstone, Planner; Sharon Bauman, Deputy City Recorder; Jonathan Weidenhamer, Economic Development Manager; and Bob Kollar, Joint Venture Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Sundance Film Festival - Liza Simpson relayed that *it takes a village to pull off Sundance* and she thanked everyone involved for its success from parking enforcement to licensing.

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

Co-Housing Program - Rhoda Stauffer invited the Council and the public to a co-housing seminar hosted by the Greenhouse Foundation at the Library on February 9, 2011 from 4:30 p.m. to 7:30 p.m. She explained the shared community concept typical of co-housing projects.

Thank you - Mike Sweeney thanked Max Paap for his help in solving a problem at the Caledonian.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JANUARY 6, 2010

Alex Butwinski, "I move approval of the minutes of January 6th". Joe Kernan seconded. Motion unanimously carried.

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

1. Consideration of an Ordinance - 508 Main Street – The Mayor opened the public hearing and there were no comments from the audience. Liza Simpson, "I move we continue consideration of the Ordinance for 508 Main Street to February 10th". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of Master Festival License for the Round Valley Round-Up – Tommy Youngblood explained that the applicant is Mountain Trails Foundation. This event is scheduled on February 19, 2011 and is a cross-country skate-skiing marathon from 5K to 50K including all abilities. MTF believes this event may grow and currently there are 400 entrants. All requirements have been met and staff recommends approval. He confirmed to Liza Simpson that the application was received on December 5, 2010 and porta-potties will be provided on site. The Mayor opened the public hearing and hearing no comments, closed the hearing. Promoting cross-country events was discussed and trails will be open to the public but monitored for use during the event. Liza Simpson, “I move to approve the master festival license for the Round Valley Round-Up”. Cindy Matsumoto seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the 2nd Amended Lots 2-4 and 3rd Amended Lot 1 Alta Vista Subdivision - 7905 Woodland View Drive – Kirsten Whetstone explained that the request is to reconfigure four lots into three lots. There is an existing house on Lots 1 and 4 and this application is a reduction in density. It was reviewed by the Planning Commission on January 12, 2011 and a positive recommendation has been forwarded to the City Council. Alex Butwinski asked if approving the lot reconfiguration will allow for a mega-house to be built. Ms. Whetstone explained that in subdivisions where lots are combined there is provision in the RD Zone that if there is a house size limitation and two lots are combined, a certain percentage of the additional lot is provided. In this case, there are building pad locations, increased setbacks, and limits of disturbance which will limit the size of the dwelling. The Mayor opened the public hearing and there were no comments from the audience. The public hearing was closed. Alex Butwinski, “I move we approve Item 3 under New Business”. Joe Kernan seconded. Motion unanimously carried.

4. Consideration of the award of contract for Marsac Building public art and authorization for City Manager to enter into a service provider contract, in a form to be approved by the Legal Department, with Koryn Rolstad in the amount of \$60,000 – Sharon Bauman explained that the award to Koryn Rolstad is recommended by the Art Advisory Board and public art is funded by 1% of the capital improvement project budget. She explained the process for requests for proposals, evaluation of submittals and selection of the artwork. A subcommittee will work with the artist and the design will be finalized with all associated City departments. Final installation is anticipated by the end of September. Joe Kernan asked if the City has all rights to the artwork, including moving it, and Mark Harrington explained that it depends on the final contract but typically the City has control over the artwork after the purchase unless there are specific requirements. Liza Simpson added that there will be no LED lighting and the artist will work with the subcommittee on placement as the rendering is inaccurate. Candace Erickson pointed out that the City would not allow the use of reflective materials on windows, for instance, and asked if that is going to be a problem with the selection. Ms. Bauman indicated that the Board will work with the Planning Department and Cindy Matsumoto felt that art falls under different guidelines than buildings. The Mayor invited public input; there was none. Liza Simpson, “I move we award the contract for the Marsac Building public art and authorize the City Manager to enter a

service provider contract with Koryn Rolstad in the amount of \$60,000". Joe Kernan seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Nay
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

5. Consideration of an Ordinance amending the Land Management Code of Park City, Utah to provide clarification and consistency between Sections; streamlining of process and procedures for subdivision plats, conditional use permits, master planned developments, and plat amendments; clarification of new definitions; and consistency with the General Plan and City Council goals, and specifically amending Sections 15-1, 15-2.13, 15-2.16, 15-5, 15-6, 15-7.1, 15-7.3, 15-7.4, 15-11, 15-12 and 15-15 – Kirsten Whetstone distributed minor changes to the draft presented in the meeting packet. The recommended amendments are primarily the result of the bi-annual review of the document, specifically for consistency between chapters and state code. The Planning Commission reviewed these amendments in depth on December 15, 2010 and January 12, 2011 and forwarded a positive recommendation to the City Council. The Planning Commission focused on providing an amenities club as a hotel use and the extension of a conditional use permit. As written, the Planning Director can grant one year and the Planning Commission can grant an additional year for a total of three years from the date of the original approval. Alex Butwinski made a grammatical correction to a sentence. The Mayor opened the public hearing; there were no comments rendered and the public hearing was closed.

Liza Simpson questioned the clarity of new language regarding extension of plat approval dates, specifically as it relates to recordation within a year based on the date of approval of the ordinance. Ms. Simpson recommended that the language be made clearer. Mark Harrington suggested *The City Council may grant an extension to the expiration date* which distinguishes between the plat approval and the expiration date to record the plat.

Alex Butwinski found it difficult to track references regarding noticing and felt noticing requirements should be repeated in the associated Code section. Ms. Whetstone referred to the noticing matrix in Section 15 and Mr. Butwinski suggested language referring readers to the matrix. She stated that noticing has not changed, although state code has, and this is an issue that the Planning Commission will study. Joe Kernan felt referencing the matrix should be consistent throughout the document and perhaps this can be addressed in the next round of amendments.

Joe Kernan, "I move we approve New Business No. 5, as amended". Liza Simpson seconded. Motion unanimously carried.

6. Consideration of a Master Festival License – Avalanche Benz Cup – Jonathan Weidenhamer stated that the strategic plan for the Quinns Junction Sports Complex attempts to balance local play and outside events and of the \$6 million project budget about \$5.5 million was generated with sales tax revenue. The Avalanche Tournament is scheduled to be held on June 26, 2011 and is a U9 to U19 tournament, geared at a premiere level of play. It is a college showcase, including 200 teams. He emphasized that a condition of approval provides that at least 60% of the registered teams must be from out-of-state; fields will be approved accordingly. This event is scheduled during the off-season and there is an opportunity to attract overnight guests. Another condition specifies that the Avalanche invitational teams competing on Park City fields are limited to eight groups of 15 and older. Mr. Weidenhamer clarified that the tournament is designed to be a college showcase but the local clubs complained that the younger groups created conflicts and this condition was added.

Applicant Joanna Barney understood that introducing this tournament represents a change to the status quo but Avalanche believes this will be a good thing. The organization was created ten years ago as an elite female premiere soccer club with the goal of giving every premiere level female athlete in the state of Utah who had the ability to play at the college level, her best shot at getting there. Utah teams up to that point had never generated much success outside the state of Utah and that lack of success was making it impossible for Utah players to get attention. The club has no boundaries and girls are from a number of Utah towns and cities, including Park City. Players currently represent 33 different cities in the state and since its inception Avalanche has been a true Utah club and had to be in order to get Utah players to colleges.

She pointed out that Utah is a small market, there is snow on the ground six months out of the year and the level of financial backing is less than in other states and other clubs. Avalanche created an environment that was strong enough to pull Utah's talent together and finally began to showcase Utah athletes demonstrating that Utah has talent like any other state. Avalanche has earned the respect of clubs and colleges in every state and on every field in this country and will bring the top out-of-state teams and college coaches to Park City. There is respect for Avalanche's 32 state titles, for its teams that have won most of the top tournaments in the country and respect from college coaches who know the program well. She stated that 100% of their players have advanced to the collegiate level or 124 girls, representing \$7 million in scholarships. This is the only Utah club accepted as a member of the Elite Clubs National League, an organization comprised of the most competitive clubs and elite teams and an advocate for the longevity of the tournament. Avalanche's intention is to run an elite level tournament targeting out-of-state teams and premiere level local teams, and making this tournament the first of its kind in Park City and Utah. She spoke about national interest and commitments from 73 teams and adding 24 local teams, totaling 100 teams with four months to go. The primary goals for the tournament are in line with the mission for the club which is to garner exposure at the collegiate and national level for Utah's female athletes and to continue to elevate the stature of Utah's soccer nationally. Toward that end, Avalanche now has 60 college coaches who have registered to attend the event

and has obtained other verbal commitments. Park City was chosen to showcase Utah and its talent and the City represents the best that Utah has to offer.

Ms. Barney felt the event will have a positive impact on Park City's economy as well as community programs because of the large number of teams. Businesses should benefit from the many out-of-state teams and the club plans on spending money in the City on the many associated tournament events. She stated that the event will stimulate future tourism because of return visits. She discussed hosting Special Olympic athletes in a day-long event of clinics, games, and a barbecue prior to the tournament. All players will be involved to better understand the importance of community and to lead by example. Avalanche has a talented and dedicated group of professionals who will ensure that this tournament is a success. All of the tournament heads have direct experience and the United States Soccer Association has endorsed this tournament as well as the Park City Extreme Cup in August. She felt that these two tournaments will probably attract some of the same players but when put in perspective, 57% of the Extreme Tournament last year was made up of boys' teams. That equates to 145 teams that Avalanche will not affect. With regard to the make-up of the other 43% of the Extreme Tournament, less than 20% represent premiere teams so 92% of the teams from the Extreme Tournament last year are not Avalanche's target even among U9 to U19 players. There might be overlaps in teams but even if there are, youth teams attend multiple in-state tournaments in a year. Last year Utah teams from U9 to U14 on average attended more than one local tournament and most attended two or three. There is no evidence that shows the teams we each target won't attend both events if we both run quality tournaments. Joanna Barney noted that there is something to be said for free market and the spirit of competition. It is the very thing that drives our kids, our teams, our clubs and these events to be better. We teach our kids not to be afraid to step on the field and compete no matter the opponent because it drives them to be better. The application to host a tournament in Park City is no different because regardless of what is decided, she assured members that this year every tournament in Park City will try incredibly hard to be better than last year and everyone will put their best event on and Utah soccer will get better.

She urged Council members to approve the tournament for players from U9 to U19 without conditions or stipulation understanding that staff is recommending approving the event only at the older age groups because of some local concerns. She asked that she be given the opportunity to address any of those concerns. The ages deemed as college showcase are the most expensive group and the club is planning on holding a top notch tournament. The younger groups will help generate revenue to offset the expense of the college showcase and allow this event to take place. If the tournament is limited to the older age groups, Avalanche's ability is limited in producing a top quality event. Beyond revenues and expenses, allowing the younger girls to participate with the older girls sparks passion in our youth who watch and learn. Relegating the youth to the sidelines doesn't create a college showcase because the excitement for these events comes from our youth and allowing them to compete in a high level experience. Avalanche is not looking for special consideration but simply asking for the same rights, support, and access offered to every other tournament in this community. We want to

bring the country to Park City, benefit everyone involved and she urged members to give them that chance. Ms. Barney noted that a representative from Puma, the sponsor, has flown in from Boston to answer any questions and she mentioned a number of others who are interested in speaking.

For the benefit of Cindy Matsumoto, the Mayor explained the two conditions, only allowing players from U15 to U19 to participate and requiring that 60% of the teams be from out-of-state. In response to a question from Mr. Butwinski, Ms. Barney stated that the coaches are committed and registered and there are more verbal commitments. Most are D1. Currently all of the teams verbally committed are out-of-state and Avalanche's teams will be staying in Park City. Mr. Butwinski pointed out the three day difference in submitting applications for the two events and Mr. Weidenhamer believed it was coincidental. The Mayor opened the public hearing and encouraged the public not to read their emails or letters as City Council members have already received and read them.

Tom Judge, Puma representative, described a great relationship with Avalanche. Puma's focus is the women's game and it sponsors the Southern California Blues and Avalanche which are the two top two women clubs in the country. Puma is very excited to be a part of a national tournament and affiliated clubs will be invited. He commented on the special experience this event will bring.

Rusty Reed, resident, spoke about the purpose of the college showcase but the problem is girls committing at 15 and 16 years old. The younger age groups are needed because it takes three or four years for the college coaches to recognize the talent and to analyze the fit. He encouraged members to include the younger age groups so the coaches really have a chance to identify with the athletes.

LaVar Christensen, state representative, commented on Park City hosting the Sundance Film Festival and the 2002 Olympic Winter Games. He described athletic pursuits in his family and the talent in Utah. People are attracted to Utah and this event is one of the finest examples of municipal government at work. He applauded Avalanche for 100% of its players going to Division 1. This event is great for tourism and he encouraged the City Council to think big and to include all age groups.

Kevin Brooder read excerpts from a letter from President Bill Manning of Real Salt Lake supporting Avalanche's soccer tournament in Park City ages 9 to 18 June 3 – 5, 2011. He relayed that Bill Manning worked closely with Bill Malone in 2009 on the MLS All-Star Game and 1,000 room nights were booked in Park City. Mr. Manning writes that Utah still is not on the map nationally when it comes to soccer and it needs clubs, like Avalanche, to host high level tournaments as proposed to entice college recruiters. The letter concludes that Utah Avalanche will represent the state and community in an exceptional manner and he looks forward to working with them to make the tournament a success.

Ms. Barney interjected that when Avalanche travels, all age groups go together because important relationships are formed. Other clubs will want to bring all age groups and she does not want to turn away teams.

Bob Martin, Director of Coaching for the Park City Soccer Club and resident, explained that they learned about the tournament about the first week in December. He stated that Avalanche is a top notch club but the process impacts him as a stakeholder and he spoke about his 13 year history with the club. The other local club is Black Diamond who regularly competes with Avalanche. The goal of the local clubs is not necessarily to have all players receive a Division 1 scholarship but to provide a soccer experience to every kid. One of the best ways to raise funds for a club is to host a tournament and to be an elite club. He started the soccer camp 33 years ago. Mr. Martin felt that the Avalanche tournament will be successful but it will impact the Park City Soccer Club's tournament. He supports a college showcase for girls but also for boys. On behalf of the club, he urged Council members to deny the application and approve the Park City Soccer Club Showcase. In time, the club will have a great reputation. Avalanche can come in and reap the harvest of the work the local club has done to develop soccer in the community. Local stakeholders will be impacted if Avalanche's application is approved. A premiere soccer facility will be available in Salt Lake in one year and would be a perfect regional site for Avalanche. He complained about the process and lack of communication and repeated his concerns several times. What is the hurry?

Pete Dunmeyer, Park City Extreme Cup, commented on the growth of the Extreme Cup. Last year, there were 262 teams who used 23 fields which were maxed out. There is no way Avalanche can accommodate 200 teams on nine fields and no approvals have been granted for field use from the Snyderville Basin Special Recreation District. The most teams able to play would be somewhere between 120 to 140 which may seriously compromise the quality of the tournament because the games would have to be shortened. The size of the tournament is not doable in the proposed format making some of their claims suspect.

Lisa Effinger, Park Meadows resident and business owner, expressed her support of the *buy local* campaign and finds it ironic that the City would open the doors to this outside group. She spoke about the early years of soccer and the grass roots efforts. Both property and sales tax revenues were used to build the facility and now, behind their backs, the Council has opened the door for these people to come in and directly challenge what they have tried to build here.

Bob Derber, Park Meadows resident, stated that someone did not follow the notice matrix and they got ambushed. Not knowing about the application bothers him. We built this Park City tournament over a number of years but they need incubation. Push the Avalanche Tournament back a year. He was surprised that Avalanche is stonewalling the City on limiting the age groups.

Richie Reed stated that he is the Director of the Black Diamond Soccer Club, former Director of Park City Extreme and co-founder of the Park City Extreme Tournament. He

stated that the U9 through U14 groups do not typically travel in mass but commute to local events. The only Park City resident in favor of the tournament is Rusty Reed whose daughter plays for Avalanche. There are few kids who leave the Park City clubs. The younger teams will directly impact Park City and Avalanche has been showing off tonight with its speakers. He didn't realize that this community is all about the dollar. Keep it local.

Shelley Gillwald, Tournament Director, stated that this will be Park City's 8th Extreme Cup and she has been involved in the tournament for five years. She asked that members deny the Avalanche Tournament because it greatly impacts the success of her tournaments. 263 teams are signed up and approximately \$35,000 in proceeds to provide scholarship support for the kids has been raised. The first few tournaments had only 50 teams but this event has grown 450% and the Extreme Cup is now the largest tournament in the state and one of the larger tournaments in the Intermountain West. Last year over 50% of the teams were Division 1 and premiere teams. The Extreme Cup is also a nationally ranked tournament and is working on attracting more teams. Avalanche's marketing greatly impacts her ability to market out of state particularly at the U9 through U14 level. Out-of-state teams are typically within driving distance from surrounding states and those groups will not come here twice. She felt that the Extreme Cup has come a long way and they are ready to take this tournament to the next level.

The Mayor asked if the tournament is moved to Salt Lake City next year, as mentioned earlier, would people drive to only one event as suggested. Ms. Gillwald clarified that Park City is their drawing card and the problem is that Avalanche is asking for the same venue to draw patrons. Avalanche's tournament also competes with sponsors. The original application was for 250 teams with 70% out-of-town which is not realistic and now it has been adjusted to 100 to 200 teams with 60% out-of-state which is still a challenge. She is suspicious of the numbers promised. Ms. Gillwald feels the City has proceeded on some false assumptions. It took the Extreme Cup seven years to get 263 teams. Also they needed 16 fields for 178 teams over three days and Avalanche is considering seven fields with 200 teams. The numbers don't work. The Park City Soccer Club paid over \$38,000 in fees for fields, field house use, etc. and is making a significant contribution to the community and she would expect that the City provide support to them. It is ironic letting an outside entity into Park City to reap the benefits while the Chamber is launching a *keep it local campaign*. She understood the economic benefit of filling beds but feels the opportunity is there with the Park City Showcase and she asked to keep it local.

Bob Kollar, Joint Venture Manager, clarified that the 200 team tournament play will be accommodated on Snyderville Basin fields not just the fields within Park City.

Jan Hoblin stated that she has four kids in the Park City Soccer Club. She added that she was a collegiate soccer player. There is a passion for soccer in Park City but it is dwindling. Lacrosse is taking over as well as hockey programs. She urged support of the Park City Soccer Club and its future.

Brian Hotsen, resident, explained that the success of Black Diamond is critical to the local scholarship program; allowing kids to participate that otherwise could not do so. Potential negative impacts to local soccer should be studied and this application should be postponed until it is fully understood.

With no further comments from the audience, the public hearing was closed.

For the benefit of Ms. Simpson, it was explained that the majority of tournaments include the younger groups. She commented on how far in advance Avalanche submitted its application. Mr. Weidenhamer pointed out the planning involved with marketing, booking travel, etc. It was stated that both groups are marketing their tournaments.

Candace Erickson remarked on the comments from people upset about not knowing about this application. She explained that the City simply responds to applications and nothing has been hidden. She assumed the soccer community would be aware of this as a matter of interest. Shelley Gillwald interjected that Bob Kollar contacted her in October about the tournament but she questioned why she wasn't called when Avalanche applied. Ms. Erickson stated that she does not feel it is the City's job to inform people about master festival license applications. Council doesn't receive advance notice. The source for funding maintenance for fields is primarily derived from sales tax dollars and she acknowledged having no concept of the competition for local soccer dollars. The funding for fields was based on the larger proportion of play being offered to outside groups, referencing the Triple Crown Softball Tournament. Park City is a resort and recreation town, outside groups are invited, and the City survives on sales tax dollars. Ms. Erickson recognized the importance of property tax dollars, but the sales tax revenue source is essential in balancing the budget.

Joe Kernan asked for more clarity on age ranges and staff's recommendation. Jonathan Weidenhamer explained that Avalanche applied for ages 9 to 19 and after hearing the concerns expressed by the local clubs, a compromise of limiting participation to older groups was suggested by staff. Joanna Barney explained that Avalanche is a girls-only club and do not have the benefit of boy teams. The expense for the showcase is significant. They could hold a bare minimum event, but want to host the college coaches, VIP tents, etc. The money has to come from some place and the revenue from the younger age groups is needed. Mark Gibb, Avalanche, stated that they do not view this as an either or proposition between them and the local clubs but would like the chance to share Park City.

Mayor Williams expressed that no one doubts the Park City Soccer Club's commitment. It used to be that most of the better players went to Salt Lake clubs because Park City couldn't offer the same caliber experience. He spoke about building facilities with the hope of attracting events. The applications were made three days apart and the tournaments are two weeks apart which may be a disaster. He stated that he has no problem allowing Avalanche here; that's why we built these fields. The Mayor noted

that some of the emails sent to Council members were brutal. This town is based on inviting other people to spend their disposable income here.

Bob Martin reiterated his suggestion to postpone the tournament for a year. The Mayor again explained the relationship between sales tax generated dollars and special events. Avalanche's application was submitted earlier but he felt that holding two tournaments so close together will hurt somebody. Alex Butwinski asked about the number of fields needed. Bob Kollar explained that requests have been made for eight fields in Park City and ten fields in Snyderville Basin. Shelley Gillwald stated that they needed 23 fields to host 263 teams over three days. It was explained that Extreme is just girls as well. Mr. Butwinski disclosed that he has received positive feedback from residents about the Avalanche Tournament. He doesn't agree with the buy local argument because visitors shop here and it is important to support economic development. Cindy Matsumoto spoke about the popularity of soccer in Park City 20 years ago where play was unstructured and casual. It was explained that the local tournament in August is boys and girls and all age levels. Mr. Reed indicated that the Black Diamond Tournament is a brand new event for girls.

Mayor Williams did not view the Avalanche Tournament and the Park City local tournaments in direct competition. There are many areas that host national or regional tournaments more than once a year. He recognized that approval of the application may affect the Black Diamond Tournament slated a week later. Joe Kernan believed the tournament may have some short term negative impacts but may create more opportunities for kids, families and businesses in the future. Liza Simpson emphasized that this discussion is about play and hopes that the local soccer community will be watching Avalanche's games. The community is supportive of local clubs which will continue. The dates are close and she hopes that it doesn't affect the Extreme Cup in August. She stated that she is reluctant to change the age groups which may affect the success of the event. The Mayor expressed some concern about the 60% out-of-state criteria because it is a new event. Bob Kollar discussed viewing this event as a destination tournament of elite level out-of-state teams. Mark Gibb stated that Avalanche would prefer not to guarantee 60%. A report can be provided after the tournament and all of the teams so far are 100% out-of-state. Joe Kernan favored a carrot to a stick approach.

Bob Martin interjected that this event looks attractive because it is going to bring revenue into Park City. If there is no guarantee on the out-of-state attendance then what has the Council accomplished? Ms. Simpson felt that if Avalanche doesn't meet the 60%, a future MFL may not be granted. Mark Harrington suggested amending Condition No. 4 to reflect that the percentage of out-of-state teams shall be considered in meeting criteria for any future applications for renewal. Mr. Kernan recommended striking Condition No. 5 limiting the full age range. Joe Kernan, "I move we approve the Master Festival License for Utah Avalanche with the amendments of cutting out No. 5 on Page 101 and Mark's amendment to No. 4". Liza Simpson pointed out that the Findings of Fact may need to be adjusted as well. Alex Butwinski seconded. Motion unanimously carried.

Bob Martin approached the dais repeating his objections and complaints about the Avalanche Tournament at length. These are not on the record as the public hearing was closed.

7. Consideration of a Master Festival License - Park City Soccer Showcase – Jon Weidenhamer explained that the event is slated for June 10 – June 12, 2011. The Mayor asked if the date will change and Richie Reed stated that it won't; the event has already secured 64 teams. He explained that Greg Morales, the applicant, approached employee Karen Yocum in June 2010 when the event was placed on the calendar. Marketing began in January and the concept began three years ago. More than half of the teams are out-of-state and premiere regional teams are committed to this tournament rather than Avalanche's Tournament. The Mayor opened the public hearing.

Bob Martin stated that he is in favor of moving our soccer community forward with the Showcase. He supports approval of the application but again complained about Avalanche. The Mayor encouraged him to stay on topic. Mr. Martin continued to urge members to delay the Avalanche Tournament because of lack of notice to the soccer community.

Bob Kollar explained Avalanche was initially looking for field dates in July but he encouraged them to move to the shoulder season and they actually selected the Showcase date. He urged them to collaborate and benefit from a combined effort which did not occur.

Mr. Richie believed the event will grow well past 64 teams this year.

Shelley Gillwald stated that Park City Extreme Club endorses this event.

Brian Hotsen expressed his disappointment with the approval of Avalanche's application and is supportive of City Council approving the Park City Soccer Showcase.

With no further comments, the public hearing was closed. Discussion ensued on Mr. Morales' soccer camp. Candace Erickson, "I move we approve the Master Festival License for the Park City Soccer Showcase on June 10 through June 12". Cindy Matsumoto seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jason Christensen, Legal Intern, Diane Foster, Sustainability Manager; Joan Card, Legal Counsel, Jon Weidenhamer, Economic Development Manager; Thomas Eddington, Planning Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Liza Simpson, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

City Council Staff Report



DATE: February 17, 2011
DEPARTMENT: Finance Department
AUTHOR: Shelley Hatch, Business License Clerk
Kent Cashel, Transit-Transportation Manager
TITLE: For Hire Vehicle Licensing
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and consider adopting the amended ordinance.

Topic/Description: Park City Municipal Code, Title, 4, Chapter 15 For-Hire Vehicle Licensing.

Background

The City has devoted significant time and energy to addressing For-Hire transportation industry concerns since 1998 when the City's taxi ordinance was first adopted. It has been challenging to maintain robust industry involvement and even more challenging to gain industry consensus on regulatory needs and approaches.

This report will not revisit the history of the City's work on its For-Hire ordinance in detail. However, to ensure Council has ready access to the historical record and the dialogue between the Industry and the City over the last five years, attached as Exhibit B are the 2005 and 2009 task force memos, as well as City Council staff reports and minutes from 2005, 2009 and 2010.

On November 18, 2010 Staff returned to City Council with ordinance amendments that addressed the following seven (7) items:

- 1 – Council supports a “free market” approach to regulating For-Hire fares or the number of For-Hire licenses the City issues (no franchise, fare limits or other market based controls).
- 2 – An age limit of 10 years should be placed on For-Hire vehicles.
- 3 – Licensed firms should be required to have a “drug free workplace” policy.
- 4 - Operators should be subjected to background checks.
- 5 – Fines should be increased for failure to post fares.
- 6 – Educational efforts should be enhanced.
- 7 - Review whether a 90 day period is needed to process a For-Hire business license application

At the November 8, meeting Staff presented its report (attached), public comment was Provided (minutes attached) and Council discussed the ordinance amendments. After a lengthy discussion Council directed Staff to return to a future meeting with more information on the following items

- Ordinance language that contained a statement of Council's preferred "free market" approach to regulating the For-Hire industry.
- Exceptions to the 10 year vehicle age limit for ADA accessible and specialty vehicles.
- Background Checks for all For-Hire vehicle operators.
- Requirement for all For-Hire firms to adopt a drug free workplace policy
- Ensure the City has the ability to hold For-Hire firms accountable for the actions and behaviors of its operators (enforcement of code).

On December 2, 2010 businessman Gary Moss provided public input during Council's regular meeting requesting that the City amend the Park City Municipal Code to allow for "street legal" All Terrain Vehicles (ATV) to operate on streets within City limits.

This report and the attached amended code seek to address Council's items of interest and to respond to Mr. Moss's request to allow the additional allowance of operation of street legal ATV's on City streets.

Analysis

1. Preferred "Free Market" Approach.

City Council indicated it preferred a "Free Market" approach to For-Hire fares and any limits on the number of For-Hire business licenses issued. This approach relies on the open market to determine the appropriate number of For-Hire vehicle licenses and the appropriate fare for a given For-Hire service. Staff has integrated the following language into the preamble of the amended ordinance:

"WHEREAS, the City Council supports allowing the Free Market to determine appropriate For-Hire vehicle fares as well as the number of For-Hire business licenses issued."

This language will clearly codify and communicate City Council's preferred approach. This approach was supported by Council at the November 18, 2010 meeting.

2. Vehicle Age Limit

City Council directed Staff to explore placing an age limitation on For-Hire vehicles. Public comment during the September 30, 2010 meeting indicated that a 5 year limit would place financial hardships on some For-Hire firms but that a 10 year limit would be workable.

On November 18, 2010 Council indicated support for the 10 year age limit but requested that Staff explore exceptions to the vehicle age limit for the following types of vehicles:

- Vintage and Specialty Vehicles
- ADA accessible vehicles

Specialty Vehicles

Utah State Code 41-1a-102(57) enables the Utah State Division of Motor Vehicles to license vehicles of unique or historic value using a “Special Interest Vehicle Plate”

The State Code directs the Utah Division of Motor Vehicles to consider the following when determining whether to approve a “Special Interest Vehicle” license plate:

- Vehicle must be 20 years or older
- Make or models that are of unique interest or historic value
- Makes that are no longer manufactured
- Makes or models that were produced in limited or token quantities
- Experimental vehicles

Language has been included in the draft For-hire ordinance that would exempt any vehicle that has secured a state of Utah “Special Interest Vehicle” license plate from the City’s age based restrictions.

ADA Accessible Vehicles

Outfitting a For-Hire vehicle with an ADA compliant ramp or lift will involve significant financial investment for the owner. Staff recommends that the City allow these vehicles to operate a longer period of time so that owner may recoup their investment and to promote the availability of accessible For-hire vehicles. Language has been included in the draft ordinance that would allow licensing of For-Hire vehicles that are fully compliant with current ADA accessibility standards (set forth at 36 CFR Part 1192) providing those vehicles are 15 years or newer and able to meet all other for-hire licensing requirements.

3. Drug Free Workplace

City Council requested that Staff determine if the City could require For-Hire firms to adopt a drug free workplace policy prior to obtaining a business license from the City.

Staff recommends the City amend its For-Hire Vehicle Licensing Ordinance to require For-Hire licensees to certify that the licensee has adopted and implemented a drug free workplace policy prior to receiving a For-Hire vehicle business license from the City.

Staff recommends that the firm's drug free policy at a minimum meet the following requirements:

1. The licensee must publish and give a policy statement to all employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees who violate the policy.
2. The licensee must establish a drug-free awareness program to make employees aware of a) the dangers of drug and alcohol abuse in the workplace; b) the policy of maintaining a drug-free workplace; c) any available drug counseling, rehabilitation, and employee assistance programs; and d) the penalties that may be imposed upon employees for drug abuse violations.
3. The licensee must notify employees that as a condition of employment the employee must abide by the terms of the policy statement.
4. The licensee must notify the City within 10 days after receiving notice that an employee has been convicted of a criminal drug violation in the workplace.
5. The licensee must make an ongoing, good faith effort to maintain a drug-free workplace .

The above requirements were modeled after those set forth in the United States 1998 Drug-Free Workplace Act. On November 18, 2010 Council indicated its support for this amendment. Staff has included this amendment in the draft amended For-Hire Vehicle Ordinance attached to this report.

It is important to note that Staff's recommended amendment does not require For-Hire firm's to adopt a drug testing program as part of its policy. Utah State requirements for drug testing requirements are set forth in Utah Code Ann. 34-38-101. The City could adopt these requirements and the requirement for a drug testing program, however doing so would require significant Staff time to research and determine the following prior to implementation:

- What substances must be tested for.
- What testing frequencies should be required (e.g., pre-employ, annual, random, post accident).
- What testing thresholds are set for pass/fail.
- What type of testing is required (i.e., urine, blood, saliva, hair, sweat)
- What testing labs are acceptable.
- What actions must be taken upon a positive (fail) test.

In addition to the Staff time required to develop and implement a required drug testing program, a significant amount of Staff time would also be required for the ongoing administration and enforcement of such a requirement.

Should Council direct Staff to include a drug test requirement in the ordinance Staff would need additional time to accomplish this. Staff does not think this requirement could reasonably be implemented for the 2011 or 2012 business license renewal cycle.

Staff does not recommend inclusion of a drug-testing requirement in the ordinance.

4. Background Checks

Council indicated it was interested in requiring a background check on any person who operates a For-Hire vehicle for the welfare and safety of passengers.

The internal task force, with the support of the City Attorney's office, recommends that the City adopt an amendment that requires all drivers of For-Hire vehicles to complete the following prior to being permitted to operate a For-Hire vehicle (and every subsequent 3 years):

1. Obtain a fingerprint card and FBI application materials from the Park City Police Department (Mondays and Wednesdays)
2. Apply for and Obtain a U.S. Federal Bureau of Investigation (FBI) Identification Record from the FBI (FBI process time may take up to 12 weeks)
3. Submit the Identification Record to the Park City Police for review (Police will require 5 business days to review). Operators who have obtained a Vehicle Operator's Certificate from the Salt Lake City Ground Transportation Administration could submit proof of VOC to Police in lieu of the FBI identification record.
4. Submit to Police a valid Utah Drivers license with a "P" or "Z" endorsement.
5. If the For-Hire vehicle driver submits all required documentation and meets all of the requirements of the background check the Police will issue the driver a background check certificate that shows the applicant's name, drivers license number, date of issuance and statement that the person has met the requirements of the background check.
6. The Police Department may further investigate any information that is relevant to the background check in order to determine the accuracy of the information. Pursuant to the investigation, the Police Department may also ask the applicant to provide additional information.
7. Drivers must carry the Police issued background check certificate at all times when operating a For-Hire vehicle. Failure to possess the Police background check certificate when operating a For-Hire vehicle may result in the revocation of the vehicle owner's business license.

The FBI report will provide the Park City Police with a 50 state and international record of arrest and disposition of arrest record (court findings) of the operator. City Police shall review the record and identify any disqualifying offense. A disqualifying criminal offense includes if the driver has been convicted, or found not guilty by reason of insanity, of any of the crimes listed below, or of a conspiracy or attempt to commit any such crime,

in any jurisdiction during the five (5) years prior to the request for the certificate. Disqualifying offenses include:

- Murder
- Assault or aggravated assault
- Kidnapping or hostage taking
- Rape, aggravated sexual abuse or other sex crime, including, but not limited to, unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation of a minor, incest, lewdness or obscene acts, sex acts for hire, or solicitation of sex
- Stalking
- Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon
- Extortion
- Robbery, burglary, theft, bribery
- Distribution of, or intent to distribute, a controlled substance
- Felony arson
- Felony involving a threat
- Felony involving willful destruction of property
- Felony involving dishonest, fraud, or misrepresentation
- Possession or distribution of stolen property
- Felony involving importation or manufacture of a controlled substance
- Illegal possession of a controlled substance punishable by a maximum of imprisonment of more than one year
- Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving
- Felony involving a driving offense

If the Police Department finds that a driver's criminal record contains arrests for a disqualifying offense without indicating disposition, the Police Department would be required to investigate and make a further determination as to whether the arrest resulted in a disqualifying offense as to be denied a background check certificate.

Prior to making a final decision to deny a background check certificate, the Police Department would advise the driver that the Identification Record discloses a disqualifying offense, and the driver would be able to obtain a copy of his or her record after making a written request. If the driver believes that their Identification Record is inaccurate, the driver would then be able to correct the Information Record by contacting the local jurisdiction responsible for the information and the FBI within thirty (30) days following notice of the disqualifying information. The driver would be required to notify the Police Department and indicate his or her intent to correct any inaccurate information. The Police Department must then receive a copy of the FBI record or

certified true copy of the information from the appropriate court before granting a background check certificate. If no such notification is received by the Police Department within the thirty (30) day period, the Police Department would be required to make a final determination based on the information available to them.

Any individual engaged in any of the above disqualifying offenses within the last 5 years would be denied a background check certificate and prohibited from driving a For-Hire vehicle licensed in Park City.

Any person who is granted background check certificate requirements would have a continuing obligation to disclose to the Police Department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to comply with the provisions of the section, at any time while he or she possesses a background check certificate.

Staff recommends that Council consider authorizing a \$15 fee per background check review. The Police departments currently charges \$45.00 per hour for a reserve officer. The City's Police Chief estimates that each review will require 20 minutes to complete. If Council authorizes the fee Staff will incorporate this in the City's Fee Resolution for adoption during the FY 2012 budget process.

Estimated costs and time requirements impacts that the background check would place upon For-Hire operators are contained in the table below.

FBI Background Check (Applicant Time and Fees)

Background Check Task	Fees	Estimated Time Required
Obtain finger print card from Park City Police and submit Identification Report application to FBI	No Fee	Approx 1 week (5 working days).
Obtain Identification Report	\$18 fee paid to FBI	FBI requires <u>up to</u> 12 weeks to process request. (Current backlog is up to 6 months.)
Submit report to Police for review	\$15 Fee paid to City	Approx 1 week (5 working days).
Submit reviewed report to City business license clerk	No Additional Fee	No Additional Time Required.
	Estimated cost and time required to meet driver background check requirement	\$33 Up to 14 weeks

The proposed requirements for a background check are substantially the same requirements that Salt Lake City utilizes. At the November 18, 2010 meeting Council directed Staff to obtain more detail on Salt Lake City's background check process to determine if that process could be utilized in lieu of the FBI background check.

Staff has completed research of the Salt Lake City Ground Transportation Administration's Vehicle Operators Certificate (VOC) program. This research included detailed telephone discussions with VOC and SLC business license program managers, reviews of application documents and flowcharting of the background check process. Staff found that the SLC requirements are substantially the same as the FBI background check and that this program could be used in lieu of the FBI background check.

Staff recommends that any operator that has already obtained a Vehicle Operator's Certificate (VOC) from the Salt Lake City Ground Transportation Administration can submit their valid VOC badge in lieu of the above background check.

This would allow operators who desire an expedited background check process to use the Salt Lake City Ground Transportation Administration VOC process detailed in the table below to meet the City's background check requirement.

The Salt Lake City Ground Transportation Administration has advised City staff that this process will cost applicants \$124 per driver and take an estimated 5-18 days to complete. It is important to note that applicants with a criminal background, citizenship issues or work clearance problems may take longer to process.

SLC Ground Transportation Administration VOC Process (Applicant Time and Fees)

VOC Application Task	Fees	Estimated Time Required
Register business with SLC or provide proof of business registration in local jurisdiction.	None (if applicant possesses business license)	Variable
Complete and file Authorized Signer Form with SLC Ground Transportation Administration	None	1 day
Complete VOC application and pay fee	\$124 per driver	Included above
Schedule appointment and have fingerprints taken at SLC Airport Badging Office	None	1-3 days

VOC Application Task	Fees	Estimated Time Required
Background check completed	None	3-14 days
Obtain badge from SLC Airport Badging Office	None	Included above
	Estimated time required to complete SLC Ground Transportation Administration VOC Process (estimate)	5-18 days

Staff recommends that any operator that has obtained a Vehicle Operator's Certificate (VOC) from the Salt Lake City Ground Transportation Administration can submit their valid VOC badge in lieu of the above background check.

Staff has included an amendment requiring the FBI Identification Record or a valid SLC VOC badge for all For-Hire vehicle operators in the draft amended ordinance attached to this report.

5. Enforcement of City For-Hire Code

Council indicated its interest in ensuring that the City has the ability to suspend or revoke a For-Hire business license if a driver commits a crime while driving a for hire vehicle, (e.g., operating without proper license, use of a controlled substance and etc.). Under section 4-15-10 of the Municipal Code, "Every driver licensed under this Chapter shall comply with all city, state and federal laws. Failure to do so may result in the suspension or revocation of a business license by the City."

Additionally, if a For-Hire business has unpaid fines for violations (e.g., idling or double parking) at time of its business license renewal that renewal will not be granted until all fines are paid.

6. ATV operation on streets within City limits

Utah Code 41-6a-1509 allows for the use of "all terrain type 1" or utility type vehicles on highways or streets within a municipality of 7500 or less population. The U.S. Census Bureau estimated 2009 population for Park City to be 8,127. Given Park City's population State Code does not authorize the use of street legal all terrain vehicles on City streets.

Utah Code 41-22-10.5 prohibits off-highway vehicles from operating on Park City streets unless the City exercises its discretion in passing an ordinance designating its streets for such use. This same section of Code provides the City the ability to pass an ordinance designating certain streets or highways under its jurisdiction to be:

- Open for street legal all-terrain vehicle use, and/or;

- Open for general off-highway vehicle use, and/or;
- Open for limited off-highway vehicle use.

Mr. Gary Moss has requested that Council consider adopting an ordinance allowing the operation of “Street Legal” ATV’s on City Streets. Mr. Moss has communicated his intent to use an ATV as a For-Hire vehicle. Adoption of this ordinance would allow Mr. Moss and others to license “Street Legal” ATV’s as for-hire vehicles.

Although State Code provides the City the authority to adopt an ordinance that allows the use of “Street Legal” ATV’s Staff does not recommend Council exercise this authority. Staff’s recommendation is based upon the following:

- Allowing street legal Utility Vehicles to operate on Park City streets would allow for the use of any “street legal” ATV on those same streets. The Utah state code does not differentiate All Terrain Vehicles “ATV” from Utility Vehicles. Based upon this lack of differentiation it is probable that modifying the code to allow for ATV use on City streets will lead to widespread use of street legal ATV’s.
- ATV’s (including utility vehicles) are not equipped with safety equipment that are standard on other highway vehicles (e.g., passenger restraint systems, energy absorbing bumpers, frames and body’s).
- Staff finds that the use of Utility Vehicles as For-hire vehicles is inconsistent with the character of a world-class ski resort.

Department Review: City Manager, Finance, Legal, Police, Sustainability, Public Works, Building have reviewed and provided comment on this report. All comments received have been included or addressed in the report.

Alternatives:

A. Approve:

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and adopt the amended ordinance.

B. Deny Staff Recommendation:

Council could deny Staff’s request. This would have the same effect as Alternative C

C. Modify:

Council could direct Staff to modify or add amendments to the current ordinance. Any significant changes to the attached draft ordinance would require Staff to return at a future Council meeting with an amended ordinance incorporating Council directed changes.

D. Do Nothing:

Council could do nothing on this request. Staff does not recommend this alternative.

RECOMMENDATION

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and consider adopting the amended ordinance.

Attached: Draft Ordinance
 Resolution
 9/23/05 Taxi Industry Task Force Questions
 10/2/2005 Staff Report
 10/10/2005 Council Minutes
 5/11/2009 Industry Meeting Findings
 10/1/2009 Staff Report
 9/30/2010 Staff Report
 9/30/2010 Work Session Minutes
 11/18/2010 Staff Report
 11/18/2010 Council Minutes

Ordinance No. 11-

AN ORDINANCE AMENDING TITLE 4, CHAPTER 15 OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO INCLUDE A VEHICLE AGE LIMIT REQUIREMENT, A BACKGROUND CHECK REQUIREMENT, AND A DRUG FREE WORKPLACE POLICY REQUIREMENT IN FOR-HIRE VEHICLE LICENSING.

WHEREAS, the City Council supports allowing the Free Market to determine appropriate For-Hire vehicle fares as well as the number of For-Hire business licenses issued.

WHEREAS, the use of newer model For-Hire vehicles will encourage the reduction of greenhouse gas emission in Park City and reduce the community's carbon footprint.

WHEREAS, the use of newer model For-Hire vehicles will ensure modern safety improvements are rapidly integrated into Park City For-Hire vehicles.

WHEREAS, City Council seeks to protect the image of Park City as a world class resort town.

WHEREAS, requiring a drug free workplace will protect the safety and welfare of residents and guests of Park City.

WHEREAS, City Council has found that requiring a drug free workplace will promote the safety and welfare of For-Hire vehicle drivers and businesses.

WHEREAS, City Council seeks to ensure the safety and welfare of Park City residents and guests by imposing a criminal background check on all For-Hire vehicle drivers.

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

SECTION I. FINDINGS. The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Title 4, Chapter 15, of the Municipal Code is amended to read as outlined in Exhibit A.

SECTION III. EFFECTIVE DATE. This Ordinance shall become effective October 1, 2011.

PASSED AND ADOPTED this 17th day of February , 2011

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet Scott, City Recorder

Approved as to Form:

Mark D. Harrington, City Attorney

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CHAPTER 15 - FOR-HIRE VEHICLE LICENSING

4-15-1. DEFINITIONS.

All words and phrases used in this Chapter shall have the following meanings unless a different meaning clearly appears from the context:

- (A) **CERTIFICATE OF INSPECTION**. The form pursuant to Section 4-15-5 certifying the for-hire vehicle has passed all requirements established in the Park City vehicle inspection checklist. Park City will accept a current Salt Lake City Vehicle Inspection Checklist in lieu of a certificate of inspection.
- (B) **FARE**. The consideration or charge of a for-hire vehicle to provide service for a passenger within Park City. Consideration may include non-cash value such as participating in a commercial promotional activity such as viewing real estate or timeshare information, merchandise or art display, or display of movies, videos, or DVDs within or on a vehicle in exchange for the passenger delivery.
- (C) **FOR-HIRE VEHICLE**. A vehicle used to transport passengers for a fee. For-hire vehicles include shuttles, taxicabs, limousines, or similar vehicles used for the purposes outlined in this Chapter.
- (D) **FOR-HIRE VEHICLE BUSINESS LICENSE**. A Park City business license issued by Park City authorizing the licensee thereof to conduct a for-hire vehicle business.
- (E) **FOR-HIRE VEHICLE DRIVERS LICENSE**. The permission granted by the State through the issuance of a Z endorsement for a person to drive a for-hire vehicles having less than fifteen (15) passengers including the driver.
- (F) **FOR-HIRE VEHICLE STICKER**. A sticker issued by the City indicating that the owner of the vehicle has met all requirements to obtain a business license from the City to conduct a for-hire vehicle business.
- (G) **SHUTTLE**. A vehicle that travels between fixed locations for a set or predetermined fare.
- (H) **TAXICAB**. A vehicle used to transport passengers for a fare.
- (I) **BLACK CAR AND LIMOUSINE**. A vehicle that has pre-arranged fees set prior to services.
- (J) **BACKGROUND CHECK CERTIFICATE**. Certificate issued by Park City Police that includes the driver's name, Drivers License number, certificate date of issuance and date of expiration and a statement that the certificate holder has met the requirements of the background check.

4-15-2. REQUIREMENTS FOR FOR-HIRE VEHICLE OPERATION.

(A) No person shall operate or permit a for-hire vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a for-hire vehicle business license from the City in accordance with the procedures established in this Chapter.

(B) No person shall operate or permit a for-hire vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained commercial transportation insurance coverage for at least \$750,000 per vehicle if the vehicle provides taxicab service, has a seating capacity of eight (8) passengers or fewer, including the driver, and is not operated on a regular route, or \$1,500,000.00 per vehicle if the vehicle's seating capacity is fifteen (15) passengers or less including the driver. If the vehicle seats sixteen (16) or more passengers, including the driver, the owner is to provide proof of commercial transportation insurance coverage for at least \$5,000,000.00 per vehicle. Proof of this commercial insurance shall be required prior to the issuance of the for-hire vehicle permit.

(C) No person shall operate or permit a for-hire vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a certificate of inspection.

(D) All vehicles that have been licensed by the City shall be issued a for-hire vehicle sticker that shall be used as an identifying marking. The for-hire vehicle sticker must be placed on the bottom left corner of the rear window of the vehicle on the driver's side. The for-hire vehicle sticker shall be issued by the City and the numbers on the sticker shall correspond to the numbers on the business license.

(E) All for-hire vehicles shall have in the drivers possession a copy of the current certificate of inspection or Salt Lake City Corporation Vehicle Inspection Checklist, copy of the business license, proof of insurance as required in Section 4-15-2(B), and the driver shall have a 'Z' or 'P' endorsement on their Utah State drivers license and a background check certificate. Failure to produce any of this information may result in the issuance of a citation.

(F) For the purpose of this section, the term 'operate for hire upon the streets of Park City' shall not include the transporting, by a for-hire vehicle properly licensed in a jurisdiction outside the corporate limits of the City, of a passenger or passengers for hire where a trip shall originate with the passenger or passengers being picked up outside the corporate limits of the City and where the destination is either within or beyond the City corporate limits. The term 'operate for hire upon the streets of Park City' means and shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the City, whether the destination is within or outside of the corporate limits of the City.

(G) All office space must comply with Title 15, Park City Land Management Code.

4-15-3. DRUG FREE WORKPLACE REQUIREMENT

(A) Consistent with U.C.A. Sections 34-38-101 et. seq., as amended, all for-hire vehicle licensees shall adopt and implement a drug free workplace policy prior to obtaining a business license from the City. All for-hire licensees shall certify that the licensee has adopted such a policy prior to being issued a for-hire business license from the City.

(B) The for-hire licensee shall publish and provide a written policy statement to all employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees who violate the policy.

(C) The for-hire licensee shall notify all employees that as a condition to employment, the employee shall abide by the terms of the drug free workplace policy statement and shall notify the employer within five (5) calendar days if he or she is convicted or criminal drug or alcohol related violations.

(D) The drug-free workplace policy shall include the establishment of a drug-free awareness program to make employees aware of:

- 1) the dangers of drug and alcohol abuse in the workplace;
- 2) the licensee's policy of a drug free workplace;
- 3) any available drug counseling, rehabilitation and employee assistance programs; and
- 4) any penalties or disciplinary action that may be imposed upon an employee for violation of the drug free workplace policy.

(E) The for-hire licensee shall notify the City within ten (10) calendar days after receiving notice that an employee has been convicted of a criminal drug violation in the workplace.

(F) The licensee shall make an ongoing, good faith effort to maintain a drug free workplace.

4-15-3-4. FEES.

No for-hire vehicle business license shall be issued or continued in operation unless the licensee thereof has paid an annual business regulatory fee established by the Park City Fee Resolution. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the licensee of the vehicle or vehicles under the licensee's operation and control.

4-15-4-5. FOR-HIRE VEHICLE PERMITS FOR ALL VEHICLES AUTHORIZED UNDER BUSINESS LICENSE.

A licensee is required to have the total number of vehicles authorized under such licensee's

business license to obtain the for-hire vehicle sticker required by Section 4-15-2, or its successor, for each and every vehicle.

4-15-5 6. VEHICLE INSPECTION PRIOR TO LICENSING.

(A) Prior to the use and operation of any vehicle under the provisions of this Chapter, the vehicle shall be thoroughly examined by a State inspection certified mechanic and issued a certificate of inspection by the City's business license clerk.

(B) All for-hire vehicles shall pass an annual inspection by a State inspection certified mechanic to insure the cleanliness and safety of each vehicle issued a for-hire vehicle sticker.

(C) The inspection criteria shall be printed on the vehicle inspection checklist and shall be completed by a State inspection certified mechanic. The vehicle shall be thoroughly examined and upon successful completion of the inspection shall be issued a completed Certificate of Inspection by the City.

(D) A copy of a current Salt Lake City Corporation vehicle inspection checklist shall fulfill the City's requirements for a certificate of inspection.

4-15-7. VEHICLE AGE REQUIREMENT

- (A) All For-Hire vehicles except those noted in this section shall be no more than ten (10) model years in age from year of business license.
- (B) Any vehicle which meets the ADA accessibility requirements set forth in 36 CFR Part 1192 shall be no more than fifteen (15) model years in age from the year of business license.
- (C) Any vehicle licensed with a current State of Utah "Special Interest Plate" as defined at Utah State Code 41-1a-102(57) shall be exempt from this section.

4-15-6 8. LICENSE REQUIRED FOR OPERATORS.

(A) It is unlawful for any person to drive a for-hire vehicle without a valid Utah State driver's license as required under the provisions of this Chapter.

(B) It is unlawful for any person to operate a for-hire vehicle upon the streets of the City without having first obtained and having then in force a valid taxicab driver's license endorsement or CDL class C driver's license with a P endorsement issued by the state, under the provisions of this Chapter.

4-15-7 9. COMPLIANCE RESPONSIBILITY.

The licensee shall not be relieved of any responsibility for compliance with the provisions of this

Chapter, whether the licensee leases or rents for-hire vehicles to drivers, or whether the licensee pays salary, wages or any other form of compensation.

~~4-15-8. UNLICENSED OPERATOR UNLAWFUL.~~

~~It is unlawful for any person to drive a for-hire vehicle for a fee without a valid Utah State driver's license as required under the provisions of this Chapter.~~

4-15-10 BACKGROUND CHECK REQUIREMENT

(A) Prior to being permitted to operate a for-hire vehicle, all drivers shall obtain a Park City Police issued background check certificate. The background check certificate must be renewed every three years. Operating a vehicle without a background check certificate may result in the suspension or revocation of the For-Hire business license.

(B) All drivers shall obtain a fingerprint card and U.S. Federal Bureau of Investigation (FBI) application materials and submit the FBI Identification Record to the Park City Police Department for review. The City shall be permitted to further investigate any information that is relevant to such background check in order to determine the accuracy of the information. This investigation may include, but is not limited to, requiring the applicant driver to provide additional information. Drivers who possess a current Salt Lake City Vehicle Operator's Certificate (VOC) may submit their VOC in lieu of an FBI Identification Record.

(C) The Park City Police Department shall review the Identification Record of each driver and identify if the driver has engaged in a disqualifying criminal offenses, as set forth by this section. A driver is deemed to have engaged in a disqualifying criminal offense if the driver has been convicted, or found not guilty by reason of insanity, of any of the crimes listed in this section, or of a conspiracy or attempt to commit any such crime, in any jurisdiction during the five (5) years preceding the request for the certificate. Disqualifying offenses shall include:

- 1) Murder
- 2) Assault or aggravated assault
- 3) Kidnapping or hostage taking
- 4) Rape, aggravated sexual abuse or other sex crime, including, but not limited to, unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation of a minor, incest, lewdness or obscene acts, sex acts for hire, or solicitation of sex.
- 5) Stalking
- 6) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon
- 7) Extortion
- 8) Robbery, burglary, theft, bribery
- 9) Distribution of, or intent to distribute, a controlled substance

- 10) Felony arson
- 11) Felony involving a threat
- 12) Felony involving willful destruction of property
- 13) Felony involving dishonest, fraud, or misrepresentation
- 14) Possession or distribution of stolen property
- 15) Felony involving importation or manufacture of a controlled substance
- 16) Illegal possession of a controlled substance punishable by a maximum of imprisonment of more than one year
- 17) Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving
- 18) Felony involving a driving offense

(D) If a driver's criminal record discloses arrests for a disqualifying offense without indicating disposition, the Police Department must investigate and make a determination as to whether the arrest resulted in a disqualifying offense as provided under this section.

(E) Prior to making a final decision to deny a background check certificate, the Police Department shall advise the driver that the Identification Record discloses a disqualifying offense. If the driver's Identification Record inaccurately contains a disqualifying offense, the driver may seek to complete or correct the Information Record by contacting the local jurisdiction responsible for the information and the FBI within thirty (30) days following notice of the disqualifying information. The driver must also notify the Police Department and indicate their intent to correct any inaccurate information. The Police Department must then receive a copy of the FBI record or certified true copy of the information from the appropriate court before granting a background check certificate. If no such notification is received within the thirty (30) day period, the Police Department shall make a final determination based on available information.

(F) The Park City Police Department determines that there is no disqualifying criminal offense on a driver's record within five years of requesting the certificate or if the driver possesses a valid Salt Lake City Vehicle Operator's Certificate (VOC) and the driver has a valid P or Z endorsement on his or her Driver's License, it shall issue the driver a background check certificate

(G) The background check certificate shall include the driver's name, Drivers License number, certificate date of issuance and date of expiration and a statement that the certificate holder has met the requirements of the background check.

(H) Any person who complies with the background check certificate requirements shall have a continuing obligation to disclose to the Police Department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to comply with the provisions of this section, at any time while he or she possesses a background check certificate.

4-15-9 11. STATE MOTOR VEHICLE ENDORSEMENT OR COMMERCIAL DRIVERS LICENSE AND BACKGROUND CHECK CERTIFICATE REQUIRED FOR APPLICATION.

(A) Before any application is ~~finally passed upon~~ accepted by the Finance Manager, the applicant shall be required to show that such applicant has a current motor vehicle Z endorsement issued by the state authorizing the transportation of fifteen (15) or less passengers including the driver.

(B) A for-hire vehicle that seats sixteen (16) or more passengers shall require the driver to have a valid CDL license with a Class C or a P endorsement.

(C) Before any application is accepted by the Finance Manager, the applicant shall be required to show that such applicant has a valid background check certificate.

4-15-~~10~~ 12. COMPLIANCE WITH CITY, STATE AND FEDERAL LAWS.

Every driver licensed under this Chapter shall comply with all city, state and federal laws. Failure to do so may result in the suspension or revocation of a business license by the City.

4-15-~~11~~ 13. IDENTIFYING DESIGN.

(A) Each for-hire vehicle shall bear on the outside of each rear or front door, in painted letters not less than five-sixteenths inch (5/16") stroke and more than two and one quarter inches (2 ¼") in height, the name of the licensee and the company number, which number shall also be painted or placed on the rear of the for-hire vehicle.

(B) The identifying design shall be permanent. The use of magnetic or removable signs is prohibited.

(C) A City representative will inspect each vehicle at the tie of licensing or license renewal to ensure compliance with this section. The City representative will then witness the application of the for-hire vehicle sticker.

4-15-~~12~~ 14. DISPLAY OF ~~ADDITIONAL~~ CHARGES.

All rates to be charged for the use of a for-hire vehicle shall be posted on the inside of the vehicle in such a manner as to be plainly visible to all passengers.

4-15-~~13~~ 15. RECEIPTS FOR PAYMENT OF FARE.

The driver of any for-hire vehicle shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by specially prepared receipt, on which shall be the name of the owner, business license number, amount of

charges, and date of transaction.

~~4-15-14~~ 16. HIRING VEHICLE WITH INTENT TO DEFRAUD.

It is unlawful to any person to hire any vehicle defined in this Chapter with intent to defraud the person from whom it is hired of the value of such service.

~~4-15-15~~ 17. REFUSING TO PAY LEGAL FARE.

It is unlawful for any person to refuse to pay immediately the legal fare of any of the vehicles mentioned in this Chapter after having the same.

~~4-15-16~~ 18. DIRECT ROUTE REQUIRED.

Any for-hire vehicle driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his or her destination, unless otherwise directed by the passenger.

~~4-15-17~~ 19. PROHIBITED SOLICITATION PROCEDURES.

(A) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(B) The driver of any for-hire vehicle shall remain in the driver's compartment or immediately adjacent to their vehicle at all times when such vehicle is upon the public streets. The driver of a for-hire vehicle is permitted to leave the drivers compartment when actively aiding passengers in loading or unloading the vehicle.

~~4-15-18~~ 20. SOLICITATION OF HOTEL BUSINESS PROHIBITED.

It is a violation of this Chapter for any driver of a for-hire vehicle to solicit business for any hotel, motel or other nightly lodging business, or to attempt to divert patronage from one hotel, motel or other nightly lodging business to another.

~~4-15-19~~ 21. ENGAGING IN LIQUOR OR PROSTITUTION TRAFFIC PROHIBITED.

It is unlawful for any for-hire vehicle driver to sell intoxicating liquor or to knowingly transport persons for the purpose of buying liquor unlawfully, or to solicit business for any house of ill repute or prostitute. It is also unlawful for any for-hire vehicle driver to permit any person to occupy or use his or her vehicle for the purpose of prostitution, lewdness or assignation, with knowledge or reasonable cause to know that the same is or is to be used for such purposes, or to direct, take or transport, or offer or agree to direct, take or transport any person to any building or place, or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

MEMORANDUM

TO: Chief Lloyd Evans, Sr.

FROM: Polly Samuels McLean
Jennifer Hansen

DATE: September 23, 2005

SUBJECT: Taxi Industry Task Force Questions

CC: Mark Harrington

INTRODUCTION

The Taxi Industry Task Force consists of “For-Hire-Vehicle” companies that are licensed with the City. The Task Force met on May 18, 2005 to discuss new regulations with a goal to submit revisions of the current City Ordinance to City Council this fall. The Task Force asked the City Attorney’s Office to review a list of questions and give an analysis of the legality of each proposition. During the summer, Salt Lake City released a study analyzing their taxicab situation. Below are the questions, the answers and a short analysis of the directions the City can take in regulating the taxi industry.

Several of the questions fall under two Utah statutes. Under the first statute, the State grants power to municipalities to pass ordinances that are, “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.” Utah Code Ann. §10-8-84(1) (2000) (“General Welfare Clause”). This law grants a municipality broad power to pass ordinances so long as they are rationally related to providing for the safety, health, good order, or convenience of the city and its inhabitants.

Under the second statute, Utah law allows “the governing body of a municipality [to] license for the purpose of regulation and revenue any business within the limits of the municipality and may regulate that business by ordinance.” Utah Code Ann. §10-1-203(2) (2003) (“Licensing clause”). This statute, too, gives broad power to the municipality to regulate businesses within its jurisdiction.

QUESTIONS PRESENTED AND ANSWERS

Question Presented #1: Is it legal to restrict the number of Transportation Companies by requiring the company be located in a Summit County Business zoned address?

Answer #1: No. Utah Code Ann. § 10-8-4 (2) (a) states “Municipal legislative bodies may not discriminate between resident community businesses and nonresident community businesses in establishing license requirements.” Based upon this statutory mandate, Park City can not require that the company be located in a Summit County Business zoned address.

Question Presented #2: Is it legal to restrict the number of Transportation Companies by requiring a company be a year round service provider to the Park City area with a minimum of three vehicles?

Answer #2: Maybe. Under the General Welfare Clause and the Licensing Clause, regulations requiring a minimum number of vehicles and year round service must be construed as rationally related to safety and convenience. It could be argued that year round service would ensure that there are enough for hire vehicles available in the off season. However, such a regulation may create a glut of vehicles in the off season or too few vehicles during the winter. Requiring a minimum of three

vehicles would also cut both ways. Although having three vehicles would be some assurance of backup service to passengers should a vehicle breakdown, it would also exclude smaller taxi services from the market, which may reduce the number of taxis available to customers. Such a requirement should not be instituted without a customer demand study in relation to existing service providers.

Question Presented #3: Is it legal to require transportation companies to have a drug free work place policy?

Answer #3: Absolutely. Under the General Welfare Clause, having a drug free work place policy would be considered necessary to provide for the safety and welfare of the city and its inhabitants.

Question Presented #4: Is it legal to require all vehicles be registered or leased to the company?

Answer #4: Probably not. Under the General Welfare Clause, this requirement would need to be rationally related to the public safety or convenience. Requiring all vehicles to be registered to one company may ensure more consistency in the maintenance of the vehicles. However, it is not rational to assume that an individual driver/owner who works for a company would not maintain the vehicle to the company's standards. The insurance, registration and inspection requirements are the same for all cabs whether registered to the company or a driver. Although such a restriction may be allowed in other jurisdictions, it is usually under a system where there is limited number of companies allowed and therefore is enforced in conjunction with other regulations.

Question Presented #5: Is it legal to require all for hire vehicles to be registered in the State of Utah?

Answer #5: Probably not. Utah law exempts a “vehicle or combination of vehicles designed, used, or maintained for the transportation of persons for hire or for the transportation of property if the vehicle or combination of vehicles is registered in another state and is owned and operated by a nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight of 26,000 pounds or less,” from in-state registration. Utah Code Ann. § 41-1a-202(2)(g) (2003). However, out of state for hire vehicles would have limited use here since the operator would have to be a nonresident of Utah.

Question Presented #6: Is it legal to require an age limit on all vehicles 15 passengers and less?

Answer #6: Probably. Under the Licensing and General Welfare Clauses, the age of a vehicle could probably be shown to be rationally related to the convenience and good order of the city. It would also likely fall under the general regulation of a business. Older vehicles impact air pollution and take away from the general appearance of the taxi fleet available to customers. If imposing an age limit is to be considered, Council should direct staff to research this item further to obtain evidence to augment the record.

Question Presented #7: Is it legal to require all drivers to have a Z endorsement drivers’ license to drive a Taxi, Shuttle and Limousine?

Answer #7: Yes. Requiring drivers to have an endorsement drivers’ license is legal under both the Licensing and General Welfare Clauses. In fact, currently, under the Park City Municipal Code 4-15-2 (E), all drivers of for-hire vehicles (which includes by

definition shuttles, taxis and limousines (4-15-1(C)) shall have “Z” or “P” endorsement licenses. “P” endorsements apply to vehicles carrying more than 15 passengers.

Question Presented #8: Is it legal to cap taxi rates and require them to be posted in vehicles and advertised on PCMC letterhead with a complaint line to the City?

Answer #8: Probably. Under the Licensing and General Welfare Clauses, capping for-hire rates enables consistency in fares, prevents gauging and would benefit the public. However, in other States, capping taxi rates has drawn lawsuits under anti-trust laws. Capping rates should not be instituted without further research and a study to determine what the effect such regulation would have on the taxi industry and customer service.

Question Presented #9: Is it legal for the City to have an organized complaint system?

Answer #9: Yes. It would be within the City’s powers to have an organized complaint system.

Question Presented #10: Is it legal to create a transportation committee to review complaints?

Answer #10: Probably. If such a transportation committee was established in order to review the type of complaints and frequency of complaints with the goal of bettering the service of for-hire vehicles it would be allowable. However, such a committee could not be delegated any police power nor granted any special enforcement powers.

Question Presented #11: Is it legal for the City to deny or pull a company’s business license because of complaints?

Answer #11: It depends. Park City has the authority to deny, revoke or refuse to renew licenses because of ordinance violations or to protect the public health, safety or the general welfare. The City may control licenses only within its legal authority and in a manner that is not arbitrary or capricious. However, Park City may not revoke cab licenses upon complaints alone, the complaints would have to be substantiated and be found to be a violation of an ordinance or a risk to the general welfare.

Question Presented #12: Is it legal to restrict the number of Transportation Companies by requiring drivers pass a competency test of the Park City area?

Answer #12: Yes. Under the Licensing and General Welfare Clause, a competency test of the Park City area could be required for drivers of taxis. Of course resources would have to be allocated to create and administer the test. Additionally, the test criteria would have to reasonably related to the city's police power.

Question Presented #13: Is it legal to restrict the number of Transportation Companies by requiring a criminal background check on all drivers?

Answer #13: Yes. Under the general welfare clause, it is permissible to require a criminal background check on all drivers.

Question Presented #14: Is it legal to restrict the number of Transportation Companies by requiring a city issued driver's badge?

Answer #14: Yes. Under the licensing clause, the City could require drivers to have a city issued driver's badge.

Question Presented #15: Is it legal to restrict the number of Transportation Companies by setting a deadline for registration of new licenses?

Answer #15: Maybe. Assuming the question is asking if a deadline can be put in place so that after a certain date there can be no new applicants for taxi licenses and therefore would limit the total number of licenses allowed. Such a regulation would require a study to examine how limited the number of licenses would impact taxi service in Park City, especially during peak times.

Question Presented #17 (sic): Is it legal to have a discounted vehicle license rate for existing licensed companies during Sundance?

Answer #17 (sic): Probably not. The regulation needs to be rationally related to public safety and welfare or the cost of regulation. Licensing fees can be related to the amount of use. However, if a discounted licensing rate was allowed for a short term license, it would have to be offered equally to all applicants and not just existing companies who are licensed.

CONCLUSION

The questions presented fall into three main areas: regulation of drivers, regulation of for-hire companies, and regulation of the taxi industry. Park City can regulate drivers and for-hire companies so long as the regulations rationally relate to protecting the safety and welfare or convenience of the inhabitants of the City. Regulations may not be arbitrary or capricious.

Regulation of the taxi industry may be permissible legally but would require an entirely new regulatory scheme for the industry. If regulation of the industry is contemplated, it can not be done piecemeal. Regulating the number of licenses, for example, would have industry-wide implications. Any ordinances which would in effect

implement a taxi firm system, a franchise system or even a limited number of cabs need to be examined based on the effect on the entire system. Such schemes would require an overhaul of the system. Resources would have to be allocated to conduct a study to show a need for a new industry scheme and the scope of the change. Implementation of the new scheme would also require resources for enforcement. An examination of the need to change the entire industry seems premature where there are few consumer complaints and good existing service.

In conclusion, although Park City may have legal authority to further regulate the taxi industry, the City Council would have to carefully consider the cost and resources of additional studies needed to justify a comprehensive regulation of the industry.

Currently, little to no customer complaints has been made to the City about existing service. Additionally, as a policy matter, the Council has generally allowed more competition from businesses during festivals or special events, not less.

City Council Staff Report

Author: Chief Lloyd D. Evans, Sr.
Subject: FOR HIRE VEHICLE ORDINANCE
Date: November 2, 2005
Type of Item: Informational and Discussion



POLICE DEPARTMENT

Summary Recommendations:

Staff is recommending that City Council make no changes to the current For Hire Vehicle Ordinance.

Topic:

For Hire Vehicle Ordinance Update

Background:

In December 2004 City Council at the request of City Staff made adjustments to the Municipal Code governing the For Hire Vehicle Licensing, Title 4, Chapter 15, Section 2(B), adding a new minimum amount of commercial transportation insurance coverage of \$750,000.00 as requested by the Salt Lake City cab companies to place Park City in compliance with FMCA (Federal Motor Carrier Act) for vehicles carrying eight passengers or less (including the driver).

After this change in ordinance, the local For Hire Vehicle companies expressed concerns to City Staff and Council Members over the change in the ordinance and concerns that this change would bring and has brought a greater numbers of For Hire Vehicle companies to Park City causing a dilution of their businesses. City Council requested staff to hold meeting with the For Hire Vehicle companies to better understand their concerns and issues.

In May 2005 staff held two open house meetings with these companies and invited their input on concerns, issues and local ordinances affective their businesses. Along with the meetings the City business licensing department researched and provided statistics of the companies holding business licenses as For Hire Vehicle companies and found that only a very few companies had actually insured their vehicles with the lesser amount of insurance, \$750,000 accounting for only about a dozen vehicles out of the nearly 400 plus vehicles licensed. However an increase in the number of licensed For Hire Vehicle companies and number of vehicles had indeed increased. Staff attributes that increase to a greater number of contacts through the police department's Community Support Unit, Officer Kingery, with unlicensed companies found to be operating in the area and informing them of the local business license requirements.

Input meetings with the For Hire Vehicle companies were held on May 9th and 24th and City Council received a summary update in a Manager's Report in June outlining issues raised by the industry as follows:

INPUT LIST MAY 9, 2005

1. Too Many Taxi's (400+)	10. Certificate of Convenience
2. Cut back number of licenses issued	11. Sticker change

3. Establish complaint system – revise	12. Redefine “TAXI”
4. Decide what to do with violators	13. Vehicles registered under co. name
5. Higher level of enforcement	14. Temporary permits to add vehicles
6. “Z” endorsement not needed	15. Require taxi’s to have meters
7. Shuttle/Limo co.’s handled differently	16. Taxi stands???
8. Random drug testing for drivers	17. Use transit center staging??
9. Separation of “TYPES” of service/co.	18. No out of state plates or DL’s

INPUT LIST MAY 24, 2005

1. Separate types of service	11. Limit size of fleets
2. Limit number of taxi’s/licenses	12. est. minimum number of vehicles in fleet
3. Limit number of shuttles/licenses	13. What’s the image PC Council wants
4. Check violations of state law by PCMC	14. Not only a Sundance Event issue – Sundance Event is a big part of issue
5. Check violations of fed law by PCMC	15. Small companies want to grow – how to grow in PC
6. Companies, “shouldn’t under cut each other”	16. Certificate of Convince, is this the way to go?
7. Improved complaint system for user	17. eliminate \$750,000 insurance category – all agreed
8. Flat rate established for all	18. Don’t issue any more licensed until issues addressed
9. Limit age of vehicles licensed	19. Revoke licenses for abuse or violation
10. In state vehicle licenses only	20. Who is the right company?

The attendees of the first meeting, May 9th, formed an Industry Task Force to begin to discuss the many and varied concerns of each company. Donnie Novelle with Park City Transportation volunteered to be the point person for this group. The Industry Task Force held another meeting on May 18th, I attended as the staff representative to interact with the group. Much of the conversation centered around issues that had legal concerns relating to restricting commerce and it was suggested that a list of questions be submitted to the City’s Legal Department to help direct the discussions in a more productive direction through understanding the potential legal challenges. That list was submitted to the City Attorney for review and a response was provided to the Industry Task Force on October 17th, which is “Attachment A” of this staff report.

After distribution of “Attachment A” to members of the Task Force several e-mails concerning the next steps to be taken by the Industry Task Force were distributed amongst Task Force members and a Task Force meeting was scheduled and held on October 24th with few attendees and a second Task Force meeting was held on October 31st with a larger group of attendees who discussed the findings of the Legal Department. The Industry Task Force has written a letter outlining their desires and indicating their commitment to working on a long term solution for the benefit of all, see “Attachment B”.

Analysis:

The issues relating to taxi, shuttle, limo and general transportation for Park City are board sweeping and diverse. From the meetings held with the For Hire Vehicle businesses it appears to me that several issues rise to the top; limiting the number of licenses (vehicles), separating the types of companies to establish more defined regulations/rules for each and growing already established businesses within Park City. There is, without doubt, a great deal of transportation business experience within the Industry Task Force and there appears to be interest by the participants to interact within their industry to indentify solutions to the concerns.

The transportation companies are now interacting with each other as a group in an attempt to understand the issues amongst themselves and this will provide an opportunity to obtain tangible data surrounding the identified issues rather than relying upon anecdotal information which often creates a reaction rather than a solution.

It is unlikely the issues identified by the involved parties will not be easily or quickly resolved but the City Staff's Taxi Ordinance Enforcement group would like to continue to support and work with the Industry Task Force in developing acceptable guidelines/regulations for operation of a For Hire Vehicle business in Park City.

Department Review:

Business Licensing, Legal Department, City Manager and City Staff's Taxi Enforcement Task Force have reviewed this report.

Alternatives:

Approve the Request:

Approving staff's recommendation will allow for continued interactions with the Industry Task Force to develop solutions.

Deny the Request:

Denying staff's recommendation will likely cause issues and concerns of the For Hire Vehicle business to linger and perhaps multiply as Park City's resort destination population increases. This is not recommended by staff.

Continue the Item:

Continuing this item to a later date is not recommended by staff.

Do Nothing:

Taking no action on this matter will only cause it to resurface at a later time.

Significant Impacts:

The continued interaction by staff with the Industry Task Force will cause some impacts on staff time, however the most significant impact may be a positive outcome thus benefiting our transportation companies, visitors and guests.

Consequences of not taking the recommended action:

Past history shows us that if the issues/concerns surrounding the For Hire Vehicle businesses is not address it will return for discussion at a later time.

Recommendation:

City Staff recommends that City Council take no action to change or amend the current city ordinance regulating the For Hire Vehicle businesses in Park City and allow staff to continue to work with the Industry Task Force to develop potential solutions to concerns identified by the For Hire Vehicle Industry.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 10, 2005**

Present: Mayor Dana Williams; Council members Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier and Joe Kernan

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Lloyd Evans, Police Chief; Brian Andersen, Parking Services Analyst

1. Council questions/comments

Mayor Dana Williams offered congratulations to Jim Hier on his re-election.

Joe Kernan announced that he has been appointed Chair of ArtsKids. Chris Beere is the Director and Pat Drewy-Sanger is the Program Director.

Marianne Cone reported that the Public Art Advisory Board was developing new ideas and most of the bus shelters were complete.

Jim Hier stated that Cindy Hewson's funeral was one of the larger that he had ever attended and that reflected her importance in the community, and the importance of our bus drivers in the community. Candace Erickson added that one of our bus drivers was just elected to City Council and offered congratulations to Roger Harlan.

Dana Williams reported on meetings with Bureau of Reclamation to formulate and add comments prior to the final draft. He met with and received updates from the Executive Board of Mountainlands Community Housing. He announced that Jay Hamburger had been released from the hospital following his surgery, and was staying with family in Rochester, Minnesota.

2. For-hire vehicles

Mayor Williams stated that Council Members had received e-mail correspondence from Donnie Novelle.

Chief Lloyd Evans explained that in Dec 2004, Council directed staff to make adjustments to the For Hire Vehicle Ordinance adding a minimum coverage of \$750,000 as requested by legal representatives of Salt Lake cab companies. Following that, individuals from the transportation industry in Park City expressed concerns and Council directed Staff to hold open houses with the industry representatives to discuss those concerns. Two meetings were held in May and a recurring theme from each was the feeling there was a glut of companies offering taxi services. One result of the open houses was the creation of an industry task force comprised of company representatives.

Chief Evans clarified that the City's for-hire vehicle ordinance governed taxis, shuttles and limousines, and all companies in Park City were regulated under this ordinance.

The task force developed a list of questions they wished to have addressed. The Staff Report includes an analysis prepared by Polly Samuels McLean. This was presented to the task force whose response is detailed in the communication from Donnie Novelle. Chief Evans noted the task force needed additional time to discuss the recommendations, with the exception of their request for an ordinance requiring vehicles (15 passengers or less) to be no more than ten years of age. The task force will reconvene in March, 2006, to continue their discussions on other issues.

In response to a question from Joe Kernan, Public Works Director Gibbs explained that the City's fleet replacement schedule is ten years, but occasionally low mileage vehicles are retained longer. Federal requirements mandate bus replacement every twelve years. Mr. Kernan did not wish to preclude something unique, such as an old British cab, if it could be demonstrated that the vehicle was safe.

Mayor Williams commented only one or two companies carried the \$750,000 liability, and expressed concern about the City's requirement when it seemed that the industry standard is \$1.5 million. City Manager Tom Bakaly explained \$750,000 had been deemed sufficient by the Federal Motor Carrier Act, although many companies carry more than that. It could be increased, although the City may see lawsuits from Salt Lake City companies. Attorneys Mark Harrington and Tim Twardowski, at that time, felt it was of merit enough to recommend that change.

Chief Evans stressed that Park City governs all transportation companies under one ordinance. In Salt Lake City, as an example, taxi companies with standard sedans require the lower rate of \$750,000, while shuttles that operate as taxis and shuttles require \$1.5 million. However, to pick up at the airport, they must carry \$1.5 million. Manager Bakaly noted that 97% of the cabs coming to Park City carry \$1.5 million.

Council Members briefly discussed the feasibility of requiring \$1.5 million for cabs picking up in Park City, similar to the airport's requirement of \$1.5 million. They requested research into whether the City was restricted to Federal laws since it does not have a franchise agreement. Manager Bakaly stated the Staff's recommendation was to not change the ordinance, but to continue working with the task force. If Council wants to change the liability levels, Staff needs to receive that direction.

Jim Hier asked representatives of the industry how important it would be to increase the liability level to \$1.5 million.

Paul, Wandering Moose; Rob, 649-TAXI; Kevin, DayTrips; and Donnie Novelle with Park City Transportation were present. Ms. Novelle commented that 99% of the taxis currently comply with \$1.5 million. She believed everyone should comply with that for the safety and general welfare of guests. Mr. Hier requested another opinion from the

Legal Department as to the potential for lawsuits. Even though it could be considered discriminatory, it appears that for all practical purposes it is already the standard.

With regard to age limitations, Mr. Hier felt it was reasonable to place age limits on vehicles operating in Park City and it could be structured so that safety inspections requirements were extremely stringent for older vehicles, such as a double-decker bus, or some other unique older vehicle.

Joe Kernan asked how age restrictions might affect existing businesses. Ms. Novelle reported that the Task Force voted unanimously to have a ten-year age limit. They had asked the Finance Department to conduct an age study comparing their vehicles to Salt Lake vehicles. Eight vehicles out of fifty-five that are locally registered exceed the age limit, and it will prevent 18 from coming into town. Mr. Kernan asked whether this was a safety risk, or a way to prevent Salt Lake City vehicles from coming to Park City. Ms. Novelle stated it was a general safety issue and the newer the fleet, the better air quality will be.

Kay Calvert asked what standards were imposed on vehicles at the airport. Task force members responded that the airport imposes different standards than the Finance Department uses to certify that vehicles meet the standard. The City uses AVI (Salt Lake International Airport's standards) as one of its inspection standards, but the airport has a different standard for metered cabs. It also applies very stringent standards for fleet vehicles, including inspections for body damage. The Task Force members requested that the City require more stringent inspections in order to ensure that all vehicles are in top condition. Ms. Calvert requested that the Legal Department investigate what standards could be imposed.

Manager Bakaly suggested that Council could direct Staff to study the issue to determine whether we want to increase the requirements of our inspection.

Candace Erickson asked if it was legal to require companies to be year around, and just eliminate the minimum number of vehicles. Chief Evans cautioned that any restriction we devise that would limit the number of companies doing business in this area was based on an accepted standard and neither arbitrary nor capricious. Task force members suggested that they be allowed to set a number and adjust it if necessary. They stressed they did not want to exclude anyone, they just wanted a number.

Mayor Williams stated this would require additional discussions about increasing liability insurance to \$1.5 million, restricting the age of vehicles, and the legal ramifications of increasing inspection criteria. Donnie Novelle appreciated the discussion about methods to resolve the problem and assured Council that the Task Force would move forward. The one issue they wished to have addressed before Sundance was the age

restriction. Council members applauded the creation of this task force and suggested that a transportation association could evolve from their efforts.

3. New China Bridge regulations and special event parking

Brian Andersen addressed the two components of the parking management program discussed in the Staff Report: 1) day to day regulation of the expanded China Bridge garage during times outside of large events, and 2) Main Street parking regulation for special events.

Mr. Andersen stated Staff recommends continuing the four-hour time limit and the employee permit program in the new parking structure. This is an extension of the current program and was determined by weighing the following criteria: a) a customer first approach, b) accommodation of a wide variety of user groups, c) consistency, and d) break-even program. He stated the HMBA has expressed an interest in looking at possible changes, and Staff is not against considering their recommendations, but this would require data collection during the upcoming winter season to determine whether changes were warranted. Staff plans to collect the data and continue to work with the HMBA president, and return in November 2006 with an update.

Mr. Andersen explained there is a high degree of interest from Sundance to have sponsor parking. Restricting parking in China Bridge to event-permit holders would help to limit the number of circulating vehicles and encourage use of alternative modes of transportation. Staff is recommending a \$300 permit for guaranteed parking spaces during the ten-day event. Existing \$75 annual permit holders would be allowed to pay an additional \$225 for a premium event permit. In addition, Staff recommends increasing metered rates for the second and third hours on Main Street and at the Brew Pub Lot during the event.

Candace Erickson commented that some people feel it is easier to take the ticket because the fine does not cost enough to warrant moving their cars. She asked if the City actually recouped fines. Mr. Andersen responded they had experienced high payment rates from Sundance fines. He stated they were looking at increased rates for fines as well.

Mayor Williams asked for an estimate in terms of our regular contract and the additional service during Sundance. Gareth Jones site manager for AMPCO, stated there would be additional costs for managing the event parking area within the garage as well as additional enforcement on the street. The number of permits issued will determine how much staff is needed, but if permits were sold for the existing garage, they would probably require six officers and a supervisor.

May 28, 2009

For Hire Business owners,

On May 12, 2009 Park City Municipal Corporation and the For Hire Business owners met to discuss the concerns regarding the high flow of "For Hire Vehicles". In this meeting some of the topics were; current enforcement, current rules and regulations for SLC, requiring office space for business owners, franchise, payola, restricting the number of vehicles, black car service and requiring a sticker to drop off.

SUMMARY FINDINGS

Separate the Black Car Service.

- In 2002 the business owners for all taxis asked to be re-classed to "For Hire Vehicles".
- This would require lights on the top of all taxis.

Restrict the amount of For Hire Vehicles.

- To be able to restrict the number of taxis within the City limits, we would need to do a study on the number of vehicles that would be needed to service a city of our size.
- A lottery would be put in place to determine the number of vehicles that each company would be able to license.

Payola

- Have the laws changed to prevent payola.
- 100% unenforceable

Require taxi stickers for drop offs.

- The city is unable to require stickers for drop offs.

Office space must be in the city limits.

- The city is unable to require office space within the city Limits.

Set up a central phone system

- The central phone system would need to be set up through a private sector not through the city.

Staging area

- The city has provided a staging area in the past and have found that these areas were not used in the way that it was intended.

Extra enforcement

- Enforcement can only pull over taxis when a traffic violation has been made.
- City Council had concerns about the negative publicity for the City, the ski industry, and the Police department if a taxi was just pulled over for not having a sticker.
- Taxis, staff and taxi companies can fill out taxi complaint forms when a taxi does not have a sticker on their vehicle.

Franchise

- Franchising the For Hire Business could control the number of taxis, but could only be limited to a few businesses.

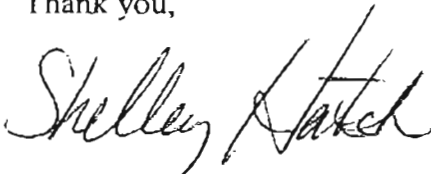
ATTENDANCE

JOHN DELONG	POWDER FOR THE PEOPLE
ROBERT OBRIEN	649-TAXI
CHUCK VERNSEY	PARK CITY DIRECT SHUTTLE
SPIKE	PREMIER
ZAFOD	MUSIC TAXI
ROB TAYLOR	P.C. PREMIER TRANS.
CHRIS ONEILL	P.C. PREMIER TRANS.
STUART ROSEN	ACE LIMO
RANDY CURTIS	EXPRESS SHUTTLE
VICTOR SOLIZ	A-LINE TRANS.
DONNIE NOVELLE	PC TRANSPORTATION
DIANIA TURNER	DEEP POWDER TRANS
RYAN APPEL	SKI TAXI
KYLE GERVOIS	PEAK TRANSPORTATION
ALAN POWELL	PEAK TRANSPORTATION
SPENCE PECHT	FREESTYLE TRANS
BOB GARCIA	CITIRIDE
GORDON CUMMINS	ALL RESORT
MIKE WILHUH	ALL RESORT
DAVE DAVIS	P.C.T.
RYAN PETTY	ELITE LIMOUSINE
MAE TERBURG	VIP LIMOUSINE

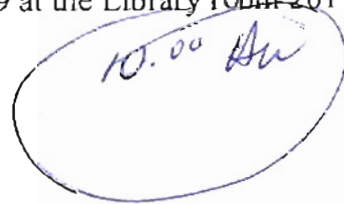
Conclusion

The City would like to meet on June 16, 2009 at the Library room 201 to discuss the issues that will be presented to Council.

Thank you,



Shelley Hatch
Business License Clerk
435-615-5225





City Council Staff Report

Subject: For Hire Vehicles
Author: Shelley Hatch, Analyst II
Department: Finance Department
Date: October 1, 2009
Type of Item: Informational

Summary Recommendations: This report is for information only. No action is required. Staff recommends that Council solicit input from the For Hire Vehicle industry, and the public. Staff recommends that Council concur with Staff plan to develop a proposal for an in-depth study of Park City's taxi/ground transportation service.

Topic/Description:

Discussion of how to address issues raised by licensed transportation companies and For-Hire Vehicles

Background:

In 1998, Park City Council adopted an ordinance regulating the Taxi and Shuttle industry in Park City. The ordinance largely mirrored Salt Lake City's For Hire Vehicle ordinance, but did contain some changes to reflect Park City's unique resort community. Franchising the Taxi Industry was discussed, but ultimately was decided against. The Taxi Industry did not support a franchise system at that time. The 1998 discussion led to an ordinance that required the use of identification stickers and vehicle inspections for For-Hire Vehicles.

In May of 2002 after receiving complaints from local transportation companies, City Council directed Staff to examine possible solutions to enforcement and administration concerns related to the City's taxi ordinance. In sum, the complaints generally concerned enforcement, identification stickers and licensing procedures. To address these concerns, in October 2002, City Council made the following policy decisions and corresponding revisions to the ordinance:

1. Require application of taxi stickers to the vehicle in the presence of the business license clerk. This would help the enforcement to identify the licensed taxis.
2. Inspect all vehicles for proper permanent identification.
3. For all new applications, verify all drivers have the proper Class Z endorsement.
4. Create an enforcement policy and strategy that did not negatively impact tourist and customers.
5. Limit police from pulling over and citing taxi cabs with passengers when there is only a sticker/for hire license violations.
6. Combine the three previous license categories: taxi, shuttle, and combined taxi/shuttle into a single license per the transportation company's request. This resulted in the present license structure which bunches all three types of service into the For-Hire License ("FHL") category and there will be one single fee.

On March 27, 2009, Donnie Novelle owner of Park City Transportation e-mailed the Mayor and Council with her concerns of the high number of "For Hire Vehicles" that conduct business in the City during the peak times. Ms. Novelle expressed concern for the welfare of citizens, guest, surrounding businesses, neighborhoods and wildlife. Ms. Novelle also expressed concern about unlicensed companies known as "gypsy cabs" that operate within the City and licensed companies that only operate during the peak/special event periods. Ms Novelle saw several gypsy cabs on Main Street during Sundance with handwritten signs in the window saying "Taxi" and no business license sticker in the rear window. Ms. Novelle's concerns include the reliability of the cabs, whether they carry the proper insurance, are paying taxes on their revenue, parking in residential zones and on the streets, and causing traffic congestion.

On May 12, 2009 staff held a meeting with the For Hire Vehicle Business owners to discuss their concerns and find a way to address those concerns. The following issues were discussed:

- Separate the Black Car Service from the Taxi service.
- Restrict the number of For Hire Vehicles
- Ban Payola: Payments to individuals such as doormen for calling a specific company.
- Require Taxi stickers for drop offs
- Require Office space to be in the city limits
- Set up a central phone system
- Setting up a Staging area
- Additional Enforcement
- Franchise the Taxi Industry
- Prohibit Idling

Attendance

JOHN DELONG	POWDER FOR THE PEOPLE
ROBERT OBRIEN	649-TAXI
CHUCK VERNSEY	PARK CITY DIRECT SHUTTLE
SPIKE	PREMIER
ZAFOD	MUSIC TAXI
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MIKE WILHUH
DAVE DAVIS
RYAN PETTY
MAE TERBURG

FREESTYLE TRANS
CITIRIDE
ALL RESORT
ALL RESORT
P.C.T.
ELITE LIMOUSINE
VIP LIMOUSINE

The For-Hire Industry was unable to reach a consensus as to which issues to pursue. The For-Hire Industry generally wants to protect their business from unlicensed transportation and licensed transportation that only operates during the busy time such as Sundance and the Ski Season.

The For-Hire Industry was informed that the City can not restrict competition. The City can only implement ordinances and licensing requirements that are for the health, safety and welfare of the citizens and visitors of Park City.

The For-Hire Industry contains a mix of differing interests. Increasing the license requirements was viewed by some as helpful and other as any increased burden on legitimate companies. Limiting the number of licensed companies by freezing the number of licensed taxi companies was discussed, but would prevent companies that aspire to expand from growing. A Franchise system would allow a company(ies) the exclusive right to the Park City market and would ease enforcement issues, but would not allow the large number of licensed companies that currently operate in the City to stay in business.

As Staff was unable to get a clear direction from the meeting, a follow up meeting was scheduled for June 16th, 2009. The industry was asked to see if a consensus or majority view could be reached concerning any of the proposed suggestions.

On June 16, 2009, an additional meeting with the For-Hire industry was held. At the end of the meeting Staff distributed a survey to asses whether there was a consensus as to which issue(s) to pursue. Staff presented a survey with five topics for the For-Hire Business. In this survey, For Hire business owners were asked to number their preferred action from one to five, one being the highest priority. Of the # of people at the meeting, # filled out the survey. The proposed alternatives were to separate Black Car Service, conduct a Franchise Study, Additional enforcement, restrict the number of For-Hire Vehicles, and finally other (write in).

1. Separate Black Car service
 - 3 was marked 1
2. Franchise Study
 - 2 was marked 1
3. Restrict the Amount of Vehicles
 - 3 was marked 1
4. Extra Enforcement
 - 1 was marked 1

5. Other

- 1 was marked 1 (comment) "At this point I would say leave it as is."

Staff was unable to find a clear direction from the For Hire Vehicle Industry. Staff and Council have attempted to address this further regulation of the industry in the past, but have been unable to develop a satisfactory regulatory scheme. Staff approached Dr. Ray Mundy for information on conducting a Transportation Study. Dr. Mundy is the Director of the Tennessee Transportation & Logistics Foundation. He has worked with Salt Lake City and the Salt Lake City Airport and many others in developing Transportation Studies to address customer service and taxi industry issues.

Dr. Ray Mundy met with the City. During that meeting Donnie Novelle's letter as well as information gathered from the two public meetings with the For Hire Vehicle Industry was discussed. Dr. Mundy has submitted a proposal to conduct a transportation study for the City based on these discussions. He identified four goals of such a study. These goals would be to (1) assist our year-round local transportation companies by providing greater stability to their ability to serve both peak and off peak demand; (2) Ensure that the supply of taxi and other ground transportation services are adequate to serve peak season demand including special occasions such as the Sundance Film Festival; (3) To develop a stronger local taxi/ground transportation ordinance that leads the industry toward the use of alternative fuels and greater services to the transportation disadvantaged; and finally (4) an appropriate fee structure that captures all city costs involved in the regulation of taxis and all public/private ground transportation services.

The proposed goals can be modified if Council desires. The estimated cost of a study, is roughly \$32,000. If staff intends to go forward with a transportation study and a request for proposal will be done.

Analysis:

Staff was unable to find a clear consensus from the For-Hire Industry on what modifications to the code they would like to have. The For-Hire Industry contains a variety of differing interests and no consensus as to a direction to take could be reached. Because of this, Staff recommends holding a public hearing to consider public input from the For-Hire Industry and the public. Below is a summary of different topics that were discussed at the meetings with Staff and transportation companies.

- 1) Separate Black Shuttle Service from Taxi Service: Presently, the Municipal Code groups together all shuttles, taxis, and transportation services. This change was made in 2002 to make enforcement easier. For example, presently if a drop off is made without a sticker that drop-off was likely a violation of the municipal code. If services are separated, it would be difficult to tell whether a drop off was done by a Black Shuttle Service or by a un-stickered Taxi Cab.
- 2) Conduct a market study and limit the number of cabs within the Park City limits: A market study will help determine the demand for the For Hire Vehicle industry in Park City. This information would help to determine if Park City

market is oversupplied, and also evaluation the level of service customers are receiving. This market study would also be a prerequisite to capping the number of FHV licensed or Franchising the Industry. Although this study is a prerequisite to Capping or franchising the system, conduction a study does not mean that the City will have to pursue either path. The study may also contain other suggestions that have not been considered. After a study provides information on the needs of Park City, the City may consider capping the number of Cabs at a level that meets those needs. Capping the number of For Hire Vehicles may have the unintended consequence of creating a system where the license to operate a For Hire Vehicle in Park City is bought and sold in the private marketplace.

- 3) Ban the Payment of Referral fee: Referral fees or Payola is paid by a For Hire Business to a hotel doorman or other individual for using that Company. If enacted this ordinance would be very difficult to enforce.
- 4) Change the Municipal Code to require stickers for Drop-Offs: Legal has reviewed this request. Such a requirement is prohibited by interstate commerce law. No Utah municipality has such a requirement.
- 5) Requiring a FHV business to have an office within Park City limits: Legal has reviewed this request. Park City unable to enact such a requirement as Utah Code prevents the City from favoring local businesses.
- 6) Central referral phone system: Only the FHV Industry can implement this option, the City can not set up a central referral phone system.
- 7) Set up staging areas: Staging areas have been investigated in the past and found that numerous taxi companies do not like the concept and would not voluntarily use it. Taxi operators generally feel it is important to be close to where their customers are (i.e. on Main Street). Staff does not think a taxi staging area, by itself, will be successful. Kent Cashel has been working with the Historic Main Street Business Alliance subcommittee since summer 2008 to determine:
 - If taxi, hotel shuttle and bus activity on Main Street was significantly impacting traffic circulation.
 - What mitigation factors, if any, should be implemented?

This committee was not clear on the level of impact taxis, shuttle buses and buses were having on Main Street Circulation. The committee recommended Staff gather data over the winter of 2008-09 to determine the location, nature and level of traffic impacts. Staff gathered this data and is in the process of analyzing this and determining what, if any Mitigation measures are appropriate. Once this is complete Staff will meet with the HMBA subcommittee and the taxi industry to discuss these findings and make recommendations. Staff expects that a staging area program will require the implementation of stricter taxi licensing requirements, code modifications, enhanced enforcement and most likely a consumer education program. These program elements will represent increased administrative and enforcement burden for the City and bring with it significant associated costs.

- 8) Increased Enforcement: Presently, all licensed For-Hire Vehicles (FHV) are required to have a Park City Transportation Sicker. This sticker allows the

driver to pick up individuals with Park City limits. No sticker is required for dropping off individuals within City limits. Council has previously directed the Police not to stop vehicles that make a pick up without a sticker. This was done because of the negative impact stopping a FHV has on the innocent passengers who usually are tourists. The only time that the Police can stop an unlicensed For Hire Vehicles in the City for soliciting business is in between a stop and a pickup. Business licensing has a complaint form which the For Hire Vehicle industry can use to submit reports of unlicensed For Hire Vehicle activity. Code enforcement actively follows up on these complaints. Staff will continue to actively enforce the Municipal Code, but recognize the licensed FHV industries frustration that the lack of immediate consequences creates. The FHV industry requested increased enforcement. Staff explained the complaint procedure and the reason for the current system.

- 9) Franchise the Industry: After the study provides information on the needs to Park City, the Council may consider franchising the FHV industry. This would allow Park City to exercise greater control over the FHV industry. It would also allow FHV to earn a fair wage. It is likely, however, that any franchise agreement would be limited to a few companies. In all likelihood many of the existing licensed companies would not receive the franchise.
- 10) Prohibit Idling: The City wants to continually improve the efficient use of vehicle fuels in an effort to reduce operating costs and emissions. Park City has an internal staff directive that only applies to City Vehicles. The current City policy is as follows: When the City Vehicles are not in traffic lanes, idling is prohibited (except under the limited conditions listed below):
 - i. When the ambient temperature is below 32 degrees F, vehicles and equipment will not be idled more than 3-5 minutes. This applies to start and warm up, waiting on jobsites and at material suppliers and end of day cool down.
 - ii. For the health and safety of operators, there will be occurrences when vehicles may be left running. Examples include idling during traffic control operations when overhead lights are in operation for safety, additional idling at first startup to build safe operating air pressure and protection from the elements or for the use of the vehicle safety features (including the use of air conditioning in street sweepers to keep dust out of the cab).

In addition to prohibiting the idling of City vehicles, Park City restricts the idling of delivery vehicles on Main Street and/or Swede Alley (see ordinance 9-8-3). City Council has directed the Environmental Sustainability Staff to assess the resources needed for implementation and enforcement of a City-wide anti-idling ordinance and Staff is currently in the process of investigating these requirements.

- 11) Do nothing. No action would result in no changes to the problems expressed by the For Hire Vehicle Industry, and will perpetuate the continuing existence of gypsy taxis and licensed vehicles that only operate during peak season.
- 12) Do a Transportation Study: Staff discussed with the For Hire Vehicle Industry doing a transportation Study. Such a study would determine the severity of the problems expressed by the Industry. A Transportation Study can be tailored to meet different goals, but at present Staff and Dr. Mundy have identified the following goals for a Park City transportation Study: (1) Assist our year-round local transportation companies by providing greater stability to their ability to serve both peak and off peak demand: (2) Ensure that the supply of taxi and other ground transportation services are adequate to serve peak season demand including special occasions such as the Sundance Film Festival: (3) To develop a stronger local taxi/ground transportation ordinance that leads the industry toward the use of alternative fuels and greater services to the transportation disadvantaged: and finally (4) An appropriate fee structure that captures all city costs involved in the regulation of taxis and all public/private ground transportation services. The estimated cost of such a study is roughly \$32,000. Staff will explore the potential for funding of this study with existing budget allocations, but it's possible that staff will request an operating budget adjustment for this study in the spring. However, if council were to ultimately adopt one of the recommendations resulting from the study, the cost of the study would be built into the new pricing structure for the next renewal fees.

Department Review:

City Manager, Finance, Legal, Police, Sustainability, Public Works

Significant Impacts:

If directed to develop a proposal for a Transportation Study that Transportation Study will require an expenditure by the City. Currently a Study is estimated to cost roughly \$32,000. There are not funds budgeted for this Study. Once the request for proposal are received Staff will return with a discussion of funding alternatives and Staff impacts.

Consequences of not taking the recommended action:

This issue will remain unresolved.

Recommendation:

Staff recommends that Council solicit input from the FHV industry, and public. Staff recommends that Council direct Staff to develop a proposal for an in-depth study of Park City's taxi/ground transportation service.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UT
OCTOBER 1, 2009**

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Shelley Hatch, Analyst II; Wade Carpenter, Chief of Police; Heinrich Deters, Trails Coordinator; Jonathan Weidenhamer, Economic Development Manager; and Matt Cassel, City Engineer

Donnie Novelle, PC Transportation; Rob O'Brien, 649-TAXI; Kyle Jesson, Comstock Drive resident, Shirin Spangenberg, Prospector resident; and Mark Olson, Comstock Drive resident

Absent: Council member Liza Simpson

1. Council questions/comments. Jim Hier discussed promotions and business presented at the HMBA meeting, and a Chamber reception planned at Little America on October 20 for the state legislature. Roger Harlan spoke about the trend of promoting bicycling in communities and pledged to use alternative transportation once a month to Council meetings rather than driving. He felt it important for members to lead by example and proposed encouraging high school students to use the free bus rather than driving to school. Joe Kernan thanked Diane Foster and others for their participation in the successful Save Our Snow event last night. The Mayor agreed and commented on meetings on Gambel Oak, EPA, and the Air Force held in Washington DC last week and added that he was honored to speak to the National Academy of Science on sustainable communities while there.

2. For-hire vehicles licensing. Shelly Hatch explained that on March 27, 2009 the Council received an email from a provider describing problems during peak times, specifically the high number of for-hire vehicles operating in town. In May, staff met with business owners to address their concerns and some approaches discussed included separating black tie service from taxi service, restricting the number of provider vehicles, banning payola, requiring stickers for drop-off, setting up a central phone system, increasing enforcement, franchising the taxi industry and prohibiting idling. She emphasized, however, that there was no consensus as to which to pursue. In June 2009, another meeting was held to survey businesses to identify the preferred approach but staff was unable to garner clear direction. She proposed conducting a transportation study to reveal the needs of Park City and a way to cap the number of cabs at the appropriate level.

Ms. Hatch summarized the topics discussed at the meetings including (1) a separate black shuttle service from taxi service (enacted in 2002); (2) conduct a market study and limit the number of cabs within Park City; (3) ban payola (difficult to enforce); (4) change

the Municipal Code to require stickers for drop-offs (prohibited by interstate commerce law); (5) require providers to have an office in Park City (prohibited by interstate commerce law); (6) implement central phone system (only industry can do); (7) set up staging areas (not favored by operators); (8) increase enforcement; (9) franchise the industry (limited to a few companies); (10) prohibit idling; (11) do nothing; and (12) conduct a transportation study.

She reported that the estimated cost of a study is \$32,000, acknowledging the need to explore funding options and possibly requesting a budget adjustment for the study in the spring.

Candace Erickson suggested making applicants wait 90 days before receiving a license to avoid attracting renegade taxis during peak times like Sundance and it was pointed out that the Code has a ten day turn-around period once an application is complete. Mark Harrington interjected that the problem is that Sundance is in the winter but the idea can be explored. She felt the goals of the study outlined in the staff report fall under the role of the transportation companies not the City and she did not support enforcing stronger ordinances. Roger Harlan stated that he shares Ms. Erickson's reservations and discussion ensued on the sticker program and level of enforcement. Chief Wade Carpenter spoke about monitoring taxis and not confronting taxi drivers about violations until the passenger is dropped off. Unfortunately, business license information is not in a database officers can access on-site. Ms. Hatch explained the significant effort on behalf of the City to get all vehicles licensed as a matter of equity.

Donnie Novelle, Park City Transportation, emphasized that they have been in business for 30 years, 365 days of the year. As of 2003, there were 20 for-hire companies and six years later, there are 84 in Park City. She spoke about not requiring businesses to operate from an office and companies not contributing to Park City in the way of property taxes. The high number of licensed vehicles contributes to congested traffic conditions and pollution in town for the small price of a business license and the public would be better served with fewer vehicles operated by several companies. Ms. Novelle stated that she is very supportive of the study and feels the cost could be covered by increasing the business license fee for the 84 or more 2010 for-hire taxi companies.

Rob O'Brien, 649-TAXI, relayed that the City can't show favoritism toward businesses with offices in town but 84 companies seem like over-kill and he acknowledged that the issues have been on-going problems for 15 years. He admitted that he was surprised by the \$32,000 price for the study and wasn't sure if it is worth it. The City can continue to license businesses or the service can be franchised. He continues to be interested in learning about the criteria to qualify for a franchise.

Ms. Novelle again expressed her support for a study and having it done now, not waiting until the spring. Tom Bakaly interjected that action is not requested on the study tonight but pointed out the longevity of the issues. The amount is an estimate and the

City would solicit requests for proposals and if a study is greater than \$20,000, Council approval is required. He believes some expertise is needed that would allow the City to use its current system and perhaps benefit local companies more. Mr. Bakaly felt that proceeding with a RFP would be helpful. There was discussion about the goals of the study outlined in the staff report. Jim Hier didn't feel these issues are of interest to the general public. The problems are from the industry, of the industry and the City has tried to arrive at solutions in a void and for these reasons, it may be wise to hire a qualified consultant to provide options. Mr. Hier did not feel comfortable legislating an answer and collecting more data is probably prudent. He personally does not use the service and has not heard complaints about taxis from his constituency. The Mayor agreed. Joe Kernan expressed interest in regulating unreasonable fares and would like more information on problems the Council can solve.

The Mayor summarized that all members are supportive of proceeding with a RFP. In response to a question from Joe Kernan, the City Manager stated that if the study provides solutions, it will save a significant amount of staff time spent on these issues. It was pointed out that fares must be posted inside the cab. Jim Hier suggested that a task force be formed to analyze and recommend options from the study

3. Comstock Drive sidewalk project. Heinrich Deters explained that Comstock is bordered by residential and commercial zones and provides an important pedestrian corridor for the nearby schools. For the past several years, the neighborhood has been working with staff to find a balance with traffic calming and walkability measures and the culmination of these efforts lead to the passage of the walkability bond in November 2007. On February 21, 2008, members of WALC held a Prospector neighborhood meeting to better gauge needs and at WALC's meeting of February 25, public input was taken and possible walkability measures were presented. WALC recommended \$400,000 for traffic calming features and \$540,000 to recrown the roadway, narrow travel lanes and install a sidewalk. Mr. Deters stated that at Council's May 22, 2008 meeting, WALC presented its recommendations and members deferred the \$540,000 sidewalk project on the east side of Comstock Drive in favor of an incremental approach. Council directed staff to return in a year to evaluate the success of the five foot at-grade pedestrian lane adjacent to the bike lane.

He continued to explain that in February 2009, the City entered into a contract with Fehr & Peers to perform an evaluation of traffic calming measures associated with WALC recommendations and specifically evaluate the five foot at-grade pedestrian zone. He indicated that a lot of data was collected and based on technical information, Fehr & Peers recommended a sidewalk being installed on the east side of Comstock. On April 21, an open house was held by the consultants to assess public opinion of the different recommendations and on June 18, the consultants addressed Council seeking direction on traffic calming measures, including the sidewalk on the east side of Comstock, and members provided direction to proceed with the improvements.



City Council Staff Report

Subject: For Hire Vehicles
Author: Shelley Hatch
Department: Finance Department
Date: September 30, 2010
Type of Item: Informational

Summary Recommendations: Council should affirm staffs plan to release a revised request for proposal to conduct a study on for-hire vehicles. Funding for this study exists in the Transit Fund.

Topic/Description: Park City Municipal Code, title, 4, chapter 15 Business license for transportation companies.

Background: In 1998, Park City council adopted an ordinance regulating the taxi and shuttle industry in Park City. The Ordinance largely mirrored Salt Lake City's For Hire Vehicle ordinance, but did contain some changes to reflect Park City's unique resort community. Franchising the taxi industry was discussed, but ultimately was rejected. The discussion in 1998 led to the requirements of identification stickers and vehicle inspections for For-hire vehicles.

In May of 2002, after receiving complaints from local transportation companies City Council made the following policy decisions and corresponding revisions to the City's taxi ordinance:

1. Require application of taxi stickers to the vehicle in the presence of the business license clerk.
2. Inspect all vehicles for permanent business name decal for taxi identification.
3. Verify all drivers have a class z endorsement on a Utah driver license.
4. Implement an enforcement policy and strategy that did not negatively impact tourist and customers. This limited police from pulling over and citing taxi cabs with passengers when there was only a sticker/For-hire license violation.
5. Combine the three previous license categories: Taxi, shuttle and combined taxi/shuttle into a single license per the transportation company's request

On March 27, 2009 and May 12, 2009, staff held meetings with the For-hire Vehicle business owners to discuss their concerns. The For-hire industry requested that the City limit licenses to locals only which is not legally permissible. The For-hire Industry was unable to reach a consensus on what changes they would like to see in For Hire regulation and Staff was unable to get a clear direction from the meetings.

On October 1, 2009 staff went to Council to discuss modifications to the Code for the For-hire Industry based on the variety of suggestions made at the March and May meetings. See exhibit A- Staff report from October 1, 2009.
Discussion items were:

1. Separate Black Shuttle (limousine) service from taxi service (In May 2002 this was changed per the transportation company's request)
2. Conduct a market study to determine if limiting the number of cabs within the Park City limits would improve service. (Staff recommend this item)
3. Ban the payment of referral fees to hotel concierges. (Staff did not recommend this approach as it would be extremely difficult to enforce).
4. Change the Municipal code to require stickers for Drop offs. (Staff did not recommend this approach as it is not legally permissible)
5. Require a For-hire Vehicle business to have an office within Park City limits.(Staff did not recommend this approach as it is not legally permissible)
6. Create a central referral phone system (Staff did not recommend this approach).
7. Set up staging areas.(Staff did not recommend this approach)
8. Increase enforcement. (Staff did not recommend this approach)
9. Franchise the industry (Staff recommended this should be studied)
10. Prohibit Idling. (Staff recommended this prohibition)
11. Do nothing.(Staff did not recommend this approach)
12. Complete a Transportation Study. (Staff recommended this approach)

Council expressed that the problems appear to be from the industry not from the general public. Council felt that an internal task force should be formed to analyze and recommend options from the scope of the RFP study. Council directed Staff to develop a proposal for an in-depth RFP study of Park City's taxi/ground transportation (see Exhibit B- Minutes October 1, 2009).

Analysis:

Staff members from Code Enforcement, Special Events, Transportation, Police, Public Works, Economic Development and Business Licensing formed a task force to analyze and recommend options. This task force contacted three companies to submit a proposal to study the For Hire Industry in Park City, and reviewed the many suggestions made by the for-hire industry listed above. The task force also compared Park City's For-hire situation with other resort towns.

Three companies responded to the RFP proposal on a taxi regulatory and service model study, which would accomplish four objectives:

1. Assist the City's year-round local transportation companies, providing greater stability to their ability to serve both peak and off peak demand, through either a franchise requirement or amendments to the City's current ordinance.
2. Ensure that the supply of taxi and other ground transportation services are adequate to serve peak season demand including special occasions such as the Sundance Film Festival.
3. Develop a stronger local taxi/ground transportation ordinance that leads the industry toward the use of alternative fuels and idle free zones.
4. Develop an appropriate license fee structure that captures all city costs involved in the regulation of taxis and all public/private ground transportation services.

Proposals from Rosenthal & Associates Inc., Wikstrom Economic & Planning Consultants, and Dr. Ray Mundy were received. The three proposals Staff received included cost proposals ranging from \$8,000 to \$32,000. Two of the three proposals contained cost proposals in the \$31,000-\$32,000 range. Staff thinks a comprehensive and effective study, that will achieve the four objectives outlined above, will cost at or near the higher end of the range of \$32,000. The wide range of cost, and associated study approaches, indicates the need for Staff to more clearly define the required deliverables of the study.

No funds have been specifically budgeted to complete this study. However, sufficient funds exist in the Transit Fund to complete the project. Staff recommends re-issuing a refined request for proposal to complete this study to include specific information about road impact, taxi specifications, evaluating current operations, simulation of vehicles necessary to service demand, curb prioritization, fees, analysis of administrative regulatory options, and requirement for special events developments. Once this has been accomplished and a decision is made on the selection of a contractor, Staff will return with a discussion of funding alternatives, staffing impacts and request for authorization to enter into a contract with successful proposer.

The task force reviewed For-hire practices in the following towns: Aspen, CO., Jackson, WY, Ketchum, ID., Vail, CO. and Lake Tahoe, CA.

- Aspen, Co
Aspen employs a total of six taxi stands throughout the City. Shuttles and busses are employed on a reservation status only. This means that shuttles and busses must be called by a fare and have a reservation before picking up their client(s). They stated that they have worked out the taxi stands personally with the taxi companies. They also stated that taxis are regulated by Colorado State Statute. These statutes were very complicated and the county issues the licenses.
- Jackson, Wy.
The town of Jackson does not have an ordinance related to regulation the hiring of taxis (i.e. nothing regarding pick up and drop off locations). They only regulate vehicle markings, licensing, and fare rates. They stated that the Jackson airport has its own set of regulations in regards to picking up passengers.
- Ketchum, Id
Ketchum has taxi zones that exist on each side of Main St. These zones reserve two spots solely for Taxis. Taxis must also adhere to all regulations dictating vehicle regulations (i.e. time restriction for parking, handicap zones, double parking, etc.) They indicated that they have had the best success when they implemented stiff fines, had clear taxi stand signs, and stepped up enforcement.
- Vail, Co.
Vail regulates taxis during the day. They do not allow taxis into identified "pedestrian zones". However, they do allow taxis to pick up passengers at the edges of the pedestrian zones. These regulations become more lax during the night.
- South Lake Tahoe, Ca

Lake Tahoe has 86 licensed taxi drivers. (Park City has 127 For-hire business licenses, and each business license may have several vehicles within that license.) The Police Department regulates most of the taxi business licenses. The business license department regulates “owner’s permits.” The owner’s permit regulation requires taxi drivers to have 5 years livery experience in town, be up to date on all fees, and place permanent logos on taxis. Under the owner’s permit, an operator can not be convicted of any felony or crime involving driving under the influence of alcohol or other controlled substance; any crime involving the sale, use of, or transportation of narcotics; any crime involving reckless driving; any suspension of driver’s license; a criminal assault; and crime involving theft or embezzlement; or any child annoyance or sex-related crime. To obtain an Owner’s permit an applicant must provide South Lake Tahoe regulatory staff with the number of vehicles to be operated or controlled by the applicant, the description of each vehicle, giving the model, serial and license number, the seating capacity and the name of the manufacturer, and the location of proposed depots and terminals (if any). If independent taxi drivers want to drive a taxi within the City limits and do not have the 5 years of in town taxi experience, drivers can operate under someone else’s existing Owner’s Permit. Once drivers have the 5 year experience they can apply for an Owners permit themselves. No permit shall be issued for a term longer than 10 years.

The task force also examined Salt Lake City’s taxi situation. Salt Lake City conducted a study July 31, 2005. This study was to provide analyses to support revision of the licensing, administrative, operational and enforcement system for the taxi industry. Based on that study, Salt Lake City changed their operation of licensing. Despite those changes, Salt Lake is still experiencing significant problems with the present system. Salt Lake City’s left with no doubt that their present system is broken and in need of significant structural changes in order to stop the infighting between metered and non metered sedans and shuttles operating as taxicabs. (see Exhibit C- Salt Lake Tribune article on taxi complaints September 21, 2010).

The task force found that reviewing other City’s approaches was not particularly helpful in determining next steps. Each community has its own unique character, transportation network and transportation challenges that have defined the communities approach to the For-hire industry. These subtle differences make it risky to simply apply another communities approach to Park City’s For-hire industry.

In particular, Salt Lake City’s experience indicates that simply conducting a study and then tweaking the ordinances regulating the taxi industry does not guarantee that those actions will solve all the industry’s problems. However, the task force does think a study is required for the City to adequately understand it’s For hire industry and the outcomes and industry impacts that regulatory changes for the taxi industry are likely to deliver. Armed with this clearer understanding Staff can then develop a well reasoned action plan regarding the City’s taxi ordinances.

Sayre Brennan with Public Works studied taxi zones on Main Street and other location on three separate occasions:

- For each study, he drove either north (turning at 9th street) or south bound (turning at Swede Alley) along Main Street documenting the following details: travel times, areas of congestion, and other significant factors relating to traffic on Main Street.
 1. During peak traffic, the average time to travel south bound (up Hill) was 4-6 minutes and 5-7 minutes to travel north bound (downhill). During non- peak traffic, both north bound and south bound travel lanes averaged 2-3 minutes.
 2. The major areas on Main Street that caused congestion were: Wasatch Brew Pub, Harry O's, Side Car, 350 Main St., and DC Clothing. One of the major factors for congestion in these areas were:
 - a. Taxi cab companies illegally parking into the road, thereby obstructing the flow of traffic (violation of PCMC Parking Code 9-2-2 and 9-2-3).
 - b. Double Parking (violation of PCMC Code title 9-2-3 and 9-2-6).
 - c. Unloading of Passengers from larger taxis (i.e. mini vans, suv's).
 - d. The time for a vehicle's operator to parallel park on Main Street averaged anywhere from 10 to 40 seconds. The longer it took an operator to Parallel Park, the greater the increase in congestion.
 3. Although not directly related to traffic congestion, a number of taxi companies were idling their vehicles. A number of taxis were legally in parking spaces along Main Street but they were nonetheless idling with the operator inside the taxi cab waiting for customers to hire the cab.

On March 27, 2010 Deb Wilde from code enforcement and Jeremy Eaton from Police conducted a taxi enforcement shift. They worked from 9pm to 2am. During the shift they made contact with several taxis. During these contacts every taxi was in compliance with having a business license and the drivers having a Utah taxi endorsement. The main problems that were encountered included taxis blocking traffic while waiting for their turn for fares on the corner of 5th and Main St., and taxis sitting in red zones (No Parking areas). They also noted taxis double parking and blocking traffic as they waited for fares. There were 15 parking problems addressed and several others that were not logged during that shift.

The task force felt that the traffic circulation issues identified during the brief traffic study and enforcement shift should be more closely monitored over the winter of 2010-11. The City's Transportation division has agreed to conduct this monitoring and return to Council for further direction in the summer of 2011 if increased enforcement is warranted.

The Task Force has reviewed the following issues:

1. **A driver photo badge from Park City is not needed.** This Park City badge would need to be visual for the riders at all times. This badge would be an extra cost to the City of \$1.00 per badge, and staff's time to produce the badge. Jeremy Eaton from Police stated that anytime that a taxi is pulled over

they will ask to see their Utah Z endorsement drivers license anyway. Staff discussed that the ordinance for a Utah Z endorsed drivers license is all ready in place. The task force felt the photo ID card would just be an added expense. The task force does not recommend this approach.

2. **Set a limit on age of vehicle.** It was suggested for the safety and the well being of the community requires all vehicles to be no more than 6 years old, and require 4 wheel drives on all For-hire vehicles under a 10 passenger limit from December through April. However the task force was concerned that putting an age limit on the vehicles could have a financial hardship on the For-hire business, and was not addressing a known problem. The task force recommends this approach is reviewed as part of a study.
3. **Require drivers to provide us with a criminal background check.** This will have minimal costs but will provide increased safety for passengers. The task force recommends this approach.
4. **Have yearly meeting with the For-hire business community.** Discuss issues and educate them about our policies and procedures. We would be revisiting the ordinance rules with the For Hire Business owners we also felt that some of the complaints that we received could have been prevented with education. The task force team felt over all, the problems only exists during Sundance. The task force recommends this approach.
5. **Educate Taxis on No Idle resolution.** The City Council of Park City adopted an 'Idle-Free City' resolution in November, 2009. The resolution encourages fellow employees and community to turn off their vehicles when idling. In the educational meetings with the For-hire business we could give them a handout of the Cities Idle-Free policy. The task force recommends this approach.
6. **Educate Special Event visitors.** Have festival organizer's include an education piece in their flyers about what questions rider's need to ask before getting into a taxi. Require the For-hire businesses to have 24/7 service. Look at the policy and procedures to change our ordinance to require the 24/7 service. The task force recommends this approach.
7. **Institute Owners Permit.** Consider requiring businesses to have an Owner's Permit. The task force didn't talk about the owners permit in detail however Staff believes this option should be included in the study.
8. **Monitor For-hire industry impacts on Main Street traffic circulation over the winter of 2010-2011.** The task force recommends this approach.

9. **Conduct a study to determine the optimum regulatory framework to address the issues identified by the task force.**

ALTERNATIVES

- A. **Approve The Recommendation.** Council should direct Staff to release a revised RFP to conduct a study on for-hire vehicles. Funding for this study exists in the Transit Fund
- B. **Deny The Recommendation.** Council could deny Staff's request.
- C. **Defer the item to a later date.** Council could defer decision on this item to a later date. Staff does not recommend this alternative.
- D. **Do Nothing.** Council could do nothing on this request. Staff does not recommend this alternative.

Department Review:

City Manager, Finance, Legal, Police, Sustainability, Public Works, Building

Consequences of not taking the recommended action:

This issue will remain unresolved.

Recommendation:

Council should affirm staffs plan to release a revised request for proposal to conduct a study on for-hire vehicles. Funding for this study exists in the Transit Fund.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 30, 2010**

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer; Shelly Hatch, Finance Analyst; and Kent Cashel, Transportation Manager

Matt Ripken, InterPlan

1. Council questions/comments. Several members commented on the Summit Land Conservancy breakfast. Candace Erickson invited the public to the Scarecrow Festival now on display at the Farm. The Friends of the Farm will hold its annual retreat on Saturday morning. She discussed being liaison to Mountainlands Community Housing Trust and becoming familiar with related financing and tax credit methods which can be quite complicated. Alex Butwinski reported on attending the SLC breakfast and KAIST meetings. The Art Advisory Board met on the selection process for artwork for the Marsac Building entrance; the number of submittals was unprecedented. Cindy Matsumoto pointed out the quality of the SLC fund-raiser which gave her more confidence in the organization. Liza Simpson stated she attended the affordable housing committee meeting at the Park City Board of Realtors. She understood that a draft of the housing needs report will be distributed to Council in the next few weeks. Ms. Simpson encouraged staff to get the home owner meetings on the City's website.

Mayor Williams explained that KAIST stands for the Korean Institute of Technology who is a partner in the electric trolley demonstration project. He suggested exploring ways to offset the impacts of coal to generate electricity. There was a suggestion that Park City establish a sister-city relationship with our Korean counterpart, but the Mayor felt that a technological relationship would be more appropriate. Alex Butwinski felt this is a great opportunity for the community.

2. Traffic and Transportation Master Plan. Matt Cassel explained that the master plan project has been in the works for five months and staff wants to ensure it reflects Council's direction with regard to goals and objectives. He pointed that some numbers in the draft document have not been finalized. Consultant Matt Ripkin interjected the importance that goals are able to be measured. A public open house will be held Tuesday night at Eccles at 4:30 p.m. to 6:30 p.m. where staff is hoping to receive feedback on the goals, cross-sections, and alternatives. Liza Simpson referred to the street cross-section standards and asked that there be some detail on Old Town streets as built regardless of the right-of-way. Matt Cassel discussed creating a prioritization list and a list of improvements relating to the space available on the street.

Matt Ripken displayed a video and explained the zones in the model. The animation showed a bird's eye view of moving vehicles traveling to and from different zones in the City and Basin under existing conditions on a peak day. The model allows the viewer to sense what would happen if capacity, an HOV lane or more transit were added. Mr. Ripken acknowledged that more work can be done on the model so it is better calibrated but the prototype is close. Matt Cassel pointed out that the model does not show the impact of pedestrians which will be added. The model is based on the number of people, jobs, houses, and parking spaces at the ski resorts and identifying flows to destinations. Mr. Cassel pointed out that rather than interpreting a sheet of numbers, the model mimics the experience on the road without building improvements that may or may not work. Mr. Ripken referred to objectives, targeting levels of activities. Mayor Williams discussed the potential impact of the KAIST project and Mr. Ripken commented on recalibrating the model if there are more hybrid vehicles on the road or if other technology is in place. Mr. Cassel emphasized that this is a good starting point.

Joe Kernan requested information on the success of transit and a comparison of the time it takes to use a car or take the bus, be it in town or Salt Lake, and the percentage of trips using transit and how that changes over time. This would reveal if the use of transit is growing. Mr. Ripken noted that they have some measures and Matt Cassel relayed that people start using transit when it is more convenient than driving a car but this will be difficult to evaluate. Matt Ripken pointed out that this is the first time this has been presented to Council and these comments will be incorporated in the objectives to ensure that the information is meaningful.

In response to a comment from Alex Butwinski about adjusting the model, Mr. Ripken explained that a proposed development could be added to the model to decipher car trips, transit trips, walk trips and the flow of traffic. Mr. Butwinski asked how sophisticated the model is in terms of anticipating time of flows. Matt Ripken relayed that it is their hope that the model will be helpful in the planning process but over time, it may be good to update it every five years to refine and recalibrate. Mr. Kernan felt that this will be an exceptional tool for the Planning Commission in reviewing projects and their impacts on traffic. Matt Cassel addressed Mr. Butwinski's comment. The model reflects life style and spreads the trip patterns over the day with six different trip purposes which may change over time. Nightly rentals and second homes are considered and occupancies are estimated. The Mayor suggested modeling Treasure.

Matt Ripken pointed out that Salt Lake City spent \$1 million in 1993 on a model and invests \$200,000 annually to update it. Currently, SLC is looking at a \$2 million statewide survey to track travel patterns. Park City's project was built under \$100,000 and he cautioned that more funding is needed to collect additional data and to build the scripts but this is a great tool and Treasure can be modeled. In response to a question from Joe Kernan, Mr. Ripken explained that the model is driven by dynamic assignment or the fastest path, but there is a way to disable that function and replace it with traffic counts and InterPlan is working on this.

3. Direction on for-hire vehicle licensing. Shelley Hatch stated that Council reviewed modifications to the Code on for-hire vehicles on October 1, 2009. A task force was formed and a meeting was held with operators about separating black car shuttles and conducting a study to determine if there should be a limit of taxis in the City. She listed actions which are not recommended by staff including: payment of referral fees for hotel concierges, require stickers for drop-offs, require for-hire vehicles to have an office in Park City, create a central referral phone system, set-up staging areas, increase enforcement, and franchise the industry (unless studied). Recommendations include prohibiting idling and completing a study.

She explained that Council directed staff last year to form a task force to recommend options for requests for proposals for a study. The composition of the task force was explained. Three companies provided bids ranging from \$8,000 to \$32,000 and this has not been budgeted, although the Transportation Fund may be a possible source. The task force also looked at how other resort towns license taxis including Aspen, Jackson, Ketchum, Vail and Lake Tahoe. Ms. Hatch discussed her interest in Lake Tahoe's owner's permit. The task force examined Salt Lake City who conducted a study in July 2005 to provide analyses to support revisions in its licensing of the taxi industry. SLC is still experiencing significant problems after the changes have been made and feels its present system is broken. There is still in-fighting between the metered and the non-metered sedans and shuttles operating as taxis. She referred to an article in the Salt Lake Tribune made a part of her staff report. As demonstrated, conducting a study does not guarantee that problems will be solved. Ms. Hatch stated that Public Works studied the taxi zone, Main Street and other locations on several occasions and Building Enforcement and Police conducted a taxi enforcement shift. It was found that taxis double-parked and blocked traffic while waiting for fares.

Ms. Hatch relayed that the task force also reviewed a driver's photo badge but felt it would just be an added expense since driver's licenses are already examined when operators check in for taxi stickers. The committee looked at age limits for vehicles but it was feared that it would place a financial hardship on businesses. Criminal background checks also added to the cost of processing licenses. She recommended holding yearly meetings with the for-hire businesses to educate operators about the City's rules and regulations, including no idling. Educating special event visitors about taxis and what to be aware of is another suggestion. She expressed her interest in exploring Lake Tahoe's owner's permit which requires five years of experience and operators must agree to a background check and drug test. The task force suggests monitoring for-hire impacts on Main Street over the winter and conducting the study.

In response to a question from Liza Simpson, Kent Cashel indicated that he wasn't sure if courtesy vans were observed with regard to traffic circulation. The HPCA has been involved in discussions but he pointed out that staff needs to take a closer look because private vehicles also double-park and contribute to circulation problems on Main Street.

Candace Erickson believed the main objective is to preserve the passengers for the long-term taxi companies in town who are over-run by temporary operations during peak times. She does not support a study because she doesn't feel it has the answers. Shelley Hatch relayed that it appears that each company has its own needs and ideas and she understands their problems but on the other hand, the City must operate legally. Ms. Erickson questioned whether a study would provide anything more than additional restrictions. Ms. Hatch referred to SLC's experience but noted that the study may reveal a concept that hasn't been looked at. The owner's permit is a process originating in California monitored by the state and not cities. She felt it may solve some of Park City's issues, if the City has a problem.

Alex Butwinski expressed he is not convinced that a study is needed because the ordinance can be amended to address some issues. He is more interested in the Ketchum ordinance because of its simplicity. Kent Cashel stated that traffic circulation will be studied in-house since it is really a separate issue. Ensuring quality service and a local healthy industry seems to be the goal and a study would provide information about the level of efficiency of our current process, regulatory options, and the impacts of implementation. If members feel that the City is there, Mr. Cashel agreed that it does not make sense to conduct a study.

Mark Harrington interjected that regulations must have a reasonable basis as it relates to health, safety or welfare. Some of the answers may be increased regulation and/or limitations on licenses and having additional facts in the record may justify a business license amendment. The same is true with fees where studies are needed. Principle areas for taxi regulation include public necessity, passenger protection, fares, safety of vehicles, and the economic element of the General Plan which factors in the fairness and equity of providing a level playing field for local businesses. In weighing cost benefits, many small cities choose a free market system. In summation, the City Attorney advised that if it is desired that the ordinance be more aggressive from a regulatory aspect, a study is required. Discussion ensued among members about preferring a free market. Joe Kernan didn't feel that a study will provide an answer about a franchise or free market system. He felt a background check or drug test could be added requirements without spending money on a study. Mark Harrington explained that if Council is not interested in limiting licenses or fares, there isn't a reason to do a study.

Liza Simpson felt it important to separate the problem operators from the regulatory process because they will always be around. She referred to the education option for businesses and suggested that meetings be held quarterly. Education may result in better drivers and service and distributing special events information to visitors is a good idea. Being aggressive in these two areas may make a difference. Cindy Matsumoto brought up the fare issue and Ms. Hatch personally felt that an ordinance would not deter some people from abusing the system. Passengers should take personal responsibility and ask what the fare is if not posted. The information sheet proposed for special event visitors does not require a study to implement. The Mayor commented on

complaints he has received about inflated fares and felt that fares should be posted in the taxi. He invited public input.

Donnie Novelle, Park City Transportation, supported placing age limitations on vehicles which would reduce Park City's carbon footprint and keep the Yellow Cabs and City Cabs out of Park City. She referred to a related drug fatality last year and strongly suggested a drug free policy because it is a public safety issue. A drug free policy was the only thing everyone could agree on. She felt that the industry could help pay for a study.

Rob O'Brien, 649-TAXI, stated that he has been in business in Park City for 18 years. Every taxi should have fares posted in the cab to discourage gouging which he hears about a lot. Prices should be consistent throughout the year regardless of Sundance. He has attended almost all of the meetings and agrees with members that \$30,000 is too much for a study which is probably not needed. He understood that Park City is a free market but hoped that a number could be capped as a matter of safety. Last year 90 companies were licensed. A franchise may include three or four companies and understandably he doesn't want to support anything that may put him out of business. Do not mirror SLC's ordinance. He's not worried about the busy season but the other 265 days a year. The number of taxis continues to grow every year. The Mayor asked if age limitation on vehicles, drug testing, and posting fares would deter outside operators. Mr. O'Brien responded that prices should be posted which is required by the ordinance. He is not supportive of age limitations on vehicles because it would place a significant financial burden on his business. Ten years would be okay but five years would be a problem. His vehicles must also pass inspection by the Salt Lake Airport where requirements are strict with regard to condition of the vehicle.

Ms. Simpson asked if a study is needed to support conducting background checks as a fatality has already occurred. Mark Harington did not believe a study was necessary. Cindy Matsumoto felt that informational hand-outs for visitors on using local taxi services would be very helpful. She pointed out how well Sundance gets information out and a list of phone numbers for taxi cabs and approximate prices may make a difference.

Donnie Novelle stated that Park City Transportation thoroughly educates its drivers and a mandatory education session would create double duty for drivers and payroll for the company.

Kinsey Colson, Patron Transportation for Sundance Festival, stated that she works with Ampco in monitoring parking lots and has personally had many interactions with belligerent taxi drivers blocking people from leaving the lot. Sundance has an interest in seeing repercussions for bad behavior. It publishes the names and numbers of local taxi companies on its transit maps and provides volunteers on the street with that information.

The Mayor pointed out that if there are complaints made about a particular taxi company, the City can do something about the situation. There should be fines associated with not posting prices. Ms. Colson clarified that issues may relate to bad behavior, prices or safety issues and the problems lie on the street.

Tom Bakaly stated that a study may answer many questions. During the fifteen years he has been here, the taxi issue has been raised about every two years. In his mind, the problem is the free market system about 25 days out of the year which adversely impacts local businesses. A definitive statement of the City's position regarding the free market system in the preamble might be appropriate. The study was intended to answer questions and alleviate staff time. Alex Butwinski felt that background checks should be added to the ordinance. Joe Kernan recommended that the Council hold another work session on finalizing elements of the ordinance before it goes to public hearing.

Liza Simpson referred to the October 1, 2009 work session notes where a 90 day waiting period for a license was suggested by Candace Erickson. She asked the status of that suggestion. Mark Harrington explained that the Legal Department explored this and that information will be shared with members for the next meeting.

Prepared by Janet M. Scott, City Recorder

City Council Staff Report



DATE: November 18, 2010
DEPARTMENT: Finance Department
AUTHOR: Shelley Hatch, Business License Analyst II
Kent Cashel, Transit & Transportation Manager
TITLE: For-Hire Vehicle Licensing
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and consider adopting the amended ordinance.

Topic/Description: Park City Municipal Code, Title, 4, Chapter 15 For-Hire Vehicle Licensing.

A. Background

The City has devoted significant time and energy to addressing For-Hire transportation industry concerns since 1998 when the City's taxi ordinance was first adopted. It has been challenging to maintain robust industry involvement and even more challenging to gain industry consensus on regulatory needs and approaches.

To provide for a simplified review of all the changes that have been requested over this time period, by both the transportation industry and City Council, a table containing these requests is attached to the back of this report. This table includes an analysis of the following for each requested regulatory change:

- An assessment of legal permissibility
- An assessment if further study is required
- An assessment of the staff time required to implement
- An assessment of enforcement challenge

To ensure Council has ready access to the record of the dialogue between the Industry and the City over the last five years, attached as Exhibit B are the 2005 and 2009 task force memos, as well as City Council staff reports and minutes from 2005, 2009 and 2010 .

In May 2002, responding to industry concerns, Council made the following revisions to For-Hire licensing:

- Taxi stickers must be applied to vehicle in presence of business license clerk.
- Permitted vehicles must display company name on vehicle.
- Process must verify all drivers have a Utah Drivers License with "Z" or "P"

endorsement. The “Z” endorsement (15 or less passengers) “P” endorsement (Commercial Drivers License for 16 or more passengers). These endorsements require applicant to pass an additional written test that requires an understanding of safe passenger vehicle operations.

- Enforcement strategy must not negatively impact visitors\customers.
- Three individual license categories (taxi, taxi\shuttle and shuttle) combined into one license per industry request.

In 2005, an industry task force was formed, in response to industry concerns over changes in insurance requirements (change from \$750,000 to \$1,500,000) and the large number of taxi companies licensed with the City. Current insurance requirements are \$750,000. Staff conducted several meetings with this group to determine what industry concerns existed and if consensus could be reached on regulatory approaches. Staff presented its findings from these meetings to City Council on November 10th, 2005. No consensus on regulatory approaches was achieved by the industry task force, Staff recommended no ordinance revisions, and Council took no formal action.

In 2009, Staff again met with an industry task force several times in response to industry requests to limit For-Hire licenses to locally owned transportation companies. The industry group offered numerous regulatory approaches but no clear consensus could be reached amongst the group. Staff presented its findings to Council on October 1st, 2009 and recommended the City secure a consultant to conduct a For-Hire transportation study to research and recommend regulatory approaches. Council directed Staff to form an internal task force to determine appropriate elements for a transportation study and to return to Council with a recommendation.

On September 30, 2010, Staff returned to Council with a recommendation to issue a Request for Proposal (RFP) to conduct a For-Hire transportation study. Council did not support Staff's recommendation (to conduct a For-Hire transportation study) and directed Staff to return with ordinance amendments, where appropriate, that addressed the following seven items:

- 1 – Council supports a “free market” approach to regulating For-Hire fares or the number of For-Hire licenses the City issues (no franchise, fare limits or other market based controls).
- 2 – An age limit of 10 years should be placed on For-Hire vehicles.
- 3 – Licensed firms should be required to have a “drug free workplace” policy.
- 4 - Operators should be subjected to background checks.
- 5 – Fines should be increased for failure to post fares.
- 6 – Educational efforts should be enhanced.
- 7 - Review whether a 90 day period is needed to process a For-Hire business license application

B. Analysis

An Internal task force with staff members from Code Enforcement, Special Events, Transportation, Police, Public Works, Economic Development and Business Licensing met to review the requested amendments. The City Attorney's office provided legal support to the internal task force.

1. Preferred "Free Market" Approach.

City Council indicated it preferred a "Free Market" approach to For-Hire fares and any limits on the number of For-Hire business licenses issued. This approach relies on the open market to determine the appropriate number of For-Hire vehicle licenses and the appropriate fare for a given For-Hire service. Staff has integrated the following language into the preamble of the amended ordinance:

"WHEREAS, the City Council supports allowing the Free Market to determine appropriate For-Hire vehicle fares as well as the number of For-Hire business licenses issued."

This language will clearly codify and communicate City Council's preferred approach.

2. Vehicle Age Limit

City Council directed Staff to explore placing an age limitation on For-Hire vehicles. Public comment during the September meeting indicated that a 5 year limit would place financial hardships on some For-Hire firms but that a 10 year limit would be workable.

Implementing an age limit on vehicles would accomplish the following objectives:

- o Require the For-Hire industry to contribute to the reduction of the community's carbon footprint
- o Help protect Park City's image as a world class resort town
- o Help protect the safety of Park City's residents and guests.

With each passing year the United States Environmental Protection Agency's (EPA) emission standards and National Highway Safety Traffic Administration's (NHSTA) fuel economy standards become more and more stringent. The effect of these regulations is a reduction of carbon emissions from the tailpipes of newer vehicles. An age limit on For-Hire vehicles would require the For-Hire industry to assist the community in reducing its overall carbon footprint.

For-Hire vehicles older than ten years are more likely to suffer from cosmetic degradation of interior upholstery, body panels, paint, glass, and lighting than newer model years. Placing an age limit on For-Hire vehicles would help protect Park City's image as a world class resort town.

With each passing year the National Highway Safety Traffic Administration (NHSTA) institutes stricter vehicle safety standards. Crash absorbing frames, passenger restraint systems, air bags, and vehicle lighting systems continue to improve. Adopting an age

limit on For-Hire vehicles would help ensure these safety improvements are more rapidly integrated into Park City's For-Hire fleet.

3. Drug Free Workplace

City Council requested that Staff determine if the City could require For-Hire firms to adopt a drug free workplace policy prior to obtaining a business license from the City.

The internal task force recommends the City amend its For-Hire Vehicle Licensing Ordinance to require For-Hire licensees to certify that the licensee has adopted and implemented a drug free workplace policy prior to receiving a For-Hire vehicle business license from the City.

Staff recommends that the firm's drug free policy at a minimum meet the following requirements:

1. The licensee must publish and give a policy statement to all employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees who violate the policy.
2. The licensee must establish a drug-free awareness program to make employees aware of a) the dangers of drug and alcohol abuse in the workplace; b) the policy of maintaining a drug-free workplace; c) any available drug counseling, rehabilitation, and employee assistance programs; and d) the penalties that may be imposed upon employees for drug abuse violations.
3. The licensee must notify employees that as a condition of employment the employee must abide by the terms of the policy statement;
4. The licensee must notify the City within 10 days after receiving notice that an employee has been convicted of a criminal drug violation in the workplace.
5. The licensee must make an ongoing, good faith effort to maintain a drug-free workplace .

The above requirements were modeled after those set forth in the United States 1998 Drug-Free Workplace Act. Staff has included this amendment in the draft amended For-Hire Vehicle Ordinance attached to this report.

It is important to note that Staff's recommended amendment does not require For-Hire firm's to adopt a drug testing program as part of its policy. Utah State requirements for drug testing requirements are set forth in Utah Code Ann. 34-38-101. The City could adopt these requirements and the requirement for a drug testing program, however doing so would require significant Staff time to research and determine the following prior to implementation:

- What substances must be tested for.

- What testing frequencies should be required (e.g., pre-employ, annual, random, post accident).
- What testing thresholds are set for pass/fail.
- What type of testing is required (i.e., urine, blood, saliva, hair, sweat)
- What testing labs are acceptable.
- What actions must be taken upon a positive (fail) test.

In addition to the Staff time required to develop and implement a required drug testing program, a significant amount of Staff time would also be required for the ongoing administration and enforcement of such a requirement.

Should Council direct Staff to include a drug test requirement in the ordinance Staff would need additional time to accomplish this. Staff does not think this requirement could reasonably be implemented for the 2011 or 2012 business license renewal cycle.

Staff does not recommend inclusion of a drug-testing requirement in the ordinance.

4. Background Checks

Council indicated it was interested in requiring a background check on any person who operates a For-Hire vehicle for the welfare and safety of passengers.

The internal task force, with the support of the City Attorney's office, recommends that the City adopt an amendment that requires all drivers of For-Hire vehicles to complete the following prior to being permitted to operate a For-Hire vehicle (and every subsequent 3 years):

- Obtain a fingerprint card and FBI application materials from the Park City Police Department (Mondays and Wednesdays)
- Apply for and Obtain a U.S. Federal Bureau of Investigation (FBI) Identification Record from the FBI (FBI process time may take up to 12 weeks)
- Submit the Identification Record to the Park City Police for review (Police will require 5 business days to review).
- Submit to Police a valid Utah Drivers license with a "P" or "Z" endorsement.
- If the For-Hire vehicle driver submits all required documentation and meets all of the requirements of the background check the Police will issue the driver a background check certificate that shows the applicant's name, drivers license number, date of issuance and statement that the person has met the requirements of the background check.
- The Police Department may further investigate any information that is relevant to the background check in order to determine the accuracy of the information. Pursuant to the investigation, the Police Department may also ask the applicant driver to provide additional information.
- Drivers must carry the Police issued background check certificate at all times when operating a For-Hire vehicle. Failure to possess the Police background check certificate when operating a For-Hire vehicle may result in the revocation of the vehicle owner's business license.

The FBI report will provide the Park City Police with a 50 state and international record of arrest and disposition of arrest record (court findings) of the operator. City Police shall review the record and identify any disqualifying offense. A disqualifying criminal offense includes if the driver has been convicted, or found not guilty by reason of insanity, of any of the crimes listed below, or of a conspiracy or attempt to commit any such crime, in any jurisdiction during the five (5) years prior to the request for the certificate.

Disqualifying offenses include:

- Murder
- Assault or aggravated assault
- Kidnapping or hostage taking
- Rape, aggravated sexual abuse or other sex crime, including, but not limited to, unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation of a minor, incest, lewdness or obscene acts, sex acts for hire, or solicitation of sex
- Stalking
- Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon
- Extortion
- Robbery, burglary, theft, bribery
- Distribution of, or intent to distribute, a controlled substance
- Felony arson
- Felony involving a threat
- Felony involving willful destruction of property
- Felony involving dishonest, fraud, or misrepresentation
- Possession or distribution of stolen property
- Felony involving importation or manufacture of a controlled substance
- Illegal possession of a controlled substance punishable by a maximum of imprisonment of more than one year
- Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving
- Felony involving a driving offense

If the Police Department finds that a driver's criminal record contains arrests for a disqualifying offense without indicating disposition, the Police Department would be required to investigate and make a further determination as to whether the arrest resulted in a disqualifying offense as to be denied a background check certificate

Prior to making a final decision to deny a background check certificate, the Police Department would advise the driver that the Identification Record discloses a disqualifying offense, and the driver would be able to obtain a copy of his or her record after making a written request. If the driver believes that their Identification Record is inaccurate, the driver would then be able to correct the Information Record by contacting the local jurisdiction responsible for the information and the FBI within thirty

(30) days following notice of the disqualifying information. The driver would be required to notify the Police Department and indicate his or her intent to correct any inaccurate information. The Police Department must then receive a copy of the FBI record or certified true copy of the information from the appropriate court before granting a background check certificate. If no such notification is received by the Police Department within the thirty (30) day period, the Police Department would be required to make a final determination based on the information available to them.

Any individual engaged in any of the above disqualifying offenses within the last 5 years would be denied a background check certificate and prohibited from driving a For-Hire vehicle licensed in Park City.

Any person who is granted background check certificate requirements would have a continuing obligation to disclose to the Police Department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to comply with the provisions of the section, at any time while he or she possesses a background check certificate

The proposed requirements for a background check are almost the same requirements Salt Lake City. Therefore, any drivers who have been licensed for the Salt Lake Airport or within the City will already have this information readily available.

Estimated costs and time requirements impacts that the background check would place upon For-Hire operators are contained in the table below.

Background Check (Applicant Time and Fees)

Background Check Task	Fees	Estimated Time Required
Obtain finger print card from Park City Police and submit Identification Report application to FBI	No Fee	Approx 1 week (5 working days).
Obtain Identification Report	\$18 fee paid to FBI	FBI requires <u>up to</u> 12 weeks to process request. (Current backlog is up to 6 months.)
Submit report to Police for review	No Fee	Approx 1 week (5 working days).
Submit reviewed report to City business license clerk	No Additional Fee	No Additional Time Required.
	Total time required to meet driver background check requirement (estimate)	Up to 14 weeks

Staff has included an amendment requiring the FBI Identification Record for all For-Hire vehicle operators in the draft amended ordinance attached to this report.

5. Increased Fines for failure to post rates

Park City Municipal Code 4-15-12 reads *“All rates to be charged for the use of a for-hire vehicle shall be posted on the inside of the vehicle in such a manner as to be plainly visible to all passengers.”* This language clearly requires posting of the rates on the inside of the vehicle and this requirement does not need amendment.

The City currently uses the Administrative Code Enforcement (ACE) program to enforce business license ordinances as well as building code and various other code violations. Some of the advantages of utilizing this civil law program over a criminal law approach are as follows:

- Provides ability to provide notice of violation or citation
- Provides for a simplified and quicker appeals process
- Fines go to City and not district court
- Facilitates more rapid compliance (reduced appeal process time)

Staff believes the ACE program has been very successful and beneficial to the City's enforcement efforts. The ACE program uses fees and not fines to gain compliance.

Currently the City's Administrative Code Fees (ACE) are as follows:

Daily Violation Fee	\$25
Minimum Fee for Noncompliance	\$50
Maximum Fee for Daily Violations	\$2,000
Re-inspection Fee	\$75
Reoccurrence Fee	\$250
Hearing Request Fee	\$100
Late Payment Fee	\$100

Council reviewed and approved the above fees as part of the 2010 budget process. The internal task force thinks that the current fee schedule which provides for a daily fee of \$25, a minimum fee of \$50 for a violation and a maximum fee for non-compliance of \$2,000 is adequate to obtain compliance with the City' fare posting requirements.

Staff has previously accepted the possession of a laminated fare card (for customer viewing if requested) as meeting the code's fare posting requirement. Staff will now only accept a fare card permanently affixed inside the vehicle in a position readily visible by passengers as meeting the posting requirement. This requirement will have to be met as part of the vehicle inspection process. Additionally, the city's code enforcement officers have the capacity to conduct a minimal amount of proactive enforcement of this requirement (spot checks). Aggressive enforcement will require additional staff resources.

Staff does not recommend any amendment to the City's For-Hire ordinance or the City's fee schedule concerning posting fares. Should Council desire to increase fees Staff

would need to analyze what level of increased fee could be justified and then return to Council for amendment of the City's fee schedule.

6. Educational Effort

City Council indicated an interest in exploring an increase in City provided educational programs for both the For-Hire industry and consumers.

The internal task force felt that the most effective way to address complaints of fare gouging (which appears to primarily be a problem during Sundance) would be to provide education to consumers. The task force recommends that City staff work with Sundance staff to include taxi information in event information distributed by Sundance. This information would educate event participants on what is required of For-Hire operators (posting of fares, most direct route, stickers, and etc). This information would provide For-Hire customers with the information they need to avoid and report non-compliant providers.

To implement Staff's recommended education program requires no ordinance amendment. Should Council desire to implement a broader educational effort this direction should be provided to Staff and Staff will implement the expanded educational program.

7. Requirement of a 90 day period to process For-Hire business license applications

City Council indicated an interest in exploring a 90 day period to process applications for For-Hire business licenses. The internal task force, with the support of the City Attorney's office, determined that any "waiting period" must be reasonably required for the City to process an application. Staff believes the current 10-day process period for all business licenses is adequate to process the City's For-Hire license applications..

It is important to note that should Council choose to amend the City's For-Hire Business License ordinance to require FBI background checks for all operators, and each business license requires at least one completed driver background check, the process to have the necessary documents to apply for a For-Hire Business License could take up to 16 weeks for a first time applicant to complete as depicted in the table below. For-Hire vehicle drivers will have to obtain an updated background check every three years.

For-Hire Business License Process

Action Required	
1. Complete background check & obtain Police issued card	Up to 14 weeks (see Background Check table above).
2. Submit complete business license application including background check, Police background check certificate, other required documentation and fee payment to the City business license clerk.	No additional time required
3. Business license application process time	Up to 10 days
Estimated time to obtain initial For-Hire Business license	Up to 16 weeks

Staff has attached a draft amended For-Hire Vehicle Licensing Ordinance (Title 4 – Chapter 15). This draft amended ordinance includes preamble language and amended ordinance language required to implement the following items:

1. Free Market approach (contained in prelude)
2. Age limitations on For-Hire vehicles
3. Drug Free Workplace
4. Operator Background Checks
5. Description of Limousine-Black Car Service added to ordinance. This minor technical addition provides a clarifying definition of this For-Hire vehicle group.
6. Consolidation of some of the provisions for easier reading.

Staff recommendations on the following items do not require ordinance amendment.

1. Increased fines for failure to post rates
2. Educational efforts
3. 90 day application period

New for-hire applications (as allowed by City Code for the balance of 2010 and 2011 license years) began to be filed and processed on October 1st, and approximately five applications have been approved and issued to date. Staff recommends all proposed ordinance amendments be made effective October 1, 2011 (when new applications are permitted for business license year 2012). This time frame will allow licensees to have enough notice so that they can reasonably make changes necessary to be in compliance for 2012.

Though it is not Staff's recommendation, Council could choose to make some or all of the recommended changes effective immediately for all unissued 2011 licenses.

In particular, Staff thinks that implementing the vehicle age limit and the background check for the 2011 will place the following hardships on Park City's For-Hire companies.

- **Financial hardship:** For-Hire Businesses that currently operate vehicles over the 10 year age limit would have little time to make necessary adjustments.

- **Time hardship:** Implementing a drug free work place policy in six weeks would present a time hardship.
- **Employee hardship:** If For-Hire drivers were required to submit the recommended background checks for 2011 many drivers would not be able to meet this requirement until late February 2011.

If Council desires to implement some of the recommended changes immediately, while mitigating the worst of the impacts to for-hire companies, they could amend the attached ordinance to implement all the recommended changes immediately with the exception of the background checks and vehicle age limit which could then be implemented for the 2012 license year.

Department Review: City Manager, Finance, Legal, Police, Sustainability, Public Works, Building have reviewed and provided comment on this report. All comments received have been included or addressed in the report.

Alternatives:

A. Approve:

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and adopt the amended ordinance.

B. Deny Staff Recommendation:

Council could deny Staff's request. This would have the same effect as Alternative C

C. Modify:

Council could direct Staff to modify or add amendments to the current ordinance. Any significant changes to the attached draft ordinance would require Staff to return at a future Council meeting with an amended ordinance incorporating Council directed changes.

D. Implement Changes for 2011:

Council could amend the attached ordinance to make all changes effective for 2011 licenses. Staff does not recommend this alternative due to the hardship this could have on the For-Hire businesses.

E. Implement all Changes Except Vehicle Age-Limit and Background Checks for 2011:

Council could amend the attached ordinance to implement all recommended changes (with the exception of the background check and vehicle age limit) for 2011 For-Hire licenses. The ordinance would also be amended to require the recommended background checks and vehicle age limits for all 2012 For-Hire licenses.

F. Do Nothing:

Council could do nothing on this request. Staff does not recommend this alternative.

RECOMMENDATION

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and consider adopting the amended ordinance.

the comments have been favorable and he believes City Park residents are used to activity. It is anticipated that operational strategies will mitigate impacts.

Last year *drop and load* began on the west side of Main Street Tuesday morning before the Festival. On Thursday, the east side also became drop and load for the remainder of the Festival and not open for parking. HPCA wants some of the parking back for businesses and the compromise recommendation is Tuesday to Thursday, the pay and display until 5 p.m. and change-out to drop and load in the evening. He acknowledged that Sundance feels this will be extremely confusing to the public and would prefer to leave it pay and display Tuesday, Wednesday and Thursday. See regular meeting minutes.

5. Taxi licensing ordinance. Kent Cashel stated that Council discussed recommended changes to the for-hire vehicle licensing provisions on September 22 and members directed staff to explore seven items: (1) Include a statement in the preamble of the ordinance that the City Council supports a free market approach in regulating for-hire fares. This is included in the draft. (2) A vehicle age limit was addressed and a 10 year limit is recommended. An age limit would help the City in its effort to reduce its carbon footprint. It would also help protect Park City's image as a world-class resort and keep vehicles compliant with current national safety standards. (3) Drug testing was reviewed and staff is recommending not conducting drug testing which can become very complicated to administer. It is recommended that each business have an adopted drug-free workplace policy. When a drug-related accident occurs in a licensed vehicle, it must be reported to the City. (4) Mr. Cashel noted that conducting more stringent background checks was reviewed and staff recommends using the FBI database which may take up to 14 weeks to process. Chief Wade Carpenter explained the importance of taking a 50 state look for drug or alcohol violations or crimes of violence. Kent Cashel stated that the background check certificate would be issued by the Police Department and each driver would be required to carry it while operating a taxi and when applying for a license. (5) Increasing fines for failure to post taxi rates was another suggestion. Mr. Cashel explained that violations for failing to post rates would be handled through an administrative process, not a court, which is much quicker and the fines are remitted directly to the City. The fine is \$25 per day per violation per vehicle and a business can be fined up to a maximum of \$2,000. Staff is not recommending increasing this fee which is an average amount. (6) The education effort is something the City can accomplish quite easily and the focus should be on the Sundance Film Festival. (7) He relayed that the last request from Council was to consider a 90 day waiting period for licensing but the duration needs to be reasonably tied to the process. There is time involved in FBI background checks but a blanket 90 day waiting period is problematic and staff is not recommending this.

Shelley Hatch stated that a significant amount of time and effort has been expended on this effort over many years. Staff and the industry are anxious to get this resolved and there will never be total consensus on decisions. Joe Kernan and the Mayor expressed interest in the background check turn-around and how companies have reacted. Alex

Butwinski stated that he supports the 10 year age limit and asked how the background check process will impact the Police Department. Chief Carpenter explained that time is already set aside each week for fingerprinting drivers and the background check could be processed during the same visit. Kent Cashel understood that the 14 week waiting period is being driven by demands on the FBI for this type of information. Chief Carpenter explained that background checks used to be conducted at the Police Department but now every request has to go through the FBI.

Mr. Butwinski stated that Council member Simpson relayed to him that she wants everything implemented this year with the exception of the background checks. Shelley Hatch noted that the Finance Department has already started issuing business licenses and she cautioned against a piece-meal approach to the licensing process. She is also concerned about the 10 year old vehicle limit which may create a hardship on some operators. Mr. Butwinski suggested implementing the Ordinance in 2011 and grandfathering licenses that have been issued. See regular meeting minutes.

Public Art Advisory interviews – Council interviewed Linda McCausland and Kathy Kahn for a vacancy on the board.

Prepared by Janet M. Scott, City Recorder

In response to questions from Alex Butwinski, Mr. Kovacs clarified that there is no City match relating to Summit County or the CDBG program. As the primary recipient, Park City will have to check in with SLCC to make sure it is compliant with the grant. He acknowledged that if there are any issues with the grant, HUD will look to the City. Tom Bakaly clarified that it is anticipated that SLCC will be applying to the City for an economic development grant; there is a \$15,000 balance in this fund. The Mayor opened the public hearing; there were no comments from the audience and the public hearing was closed.

The Mayor repeated his comment from work session that he understands from the chair of the grant review committee that the business resource center application will not be supported. At yesterday's meeting, the Summit County Council expressed that the \$25,000 grant request did not meet its application deadline but was willing to discuss it. He likes the idea of a business resource center but is concerned about the potential amount of City time and effort spent on a concept that may not be supported. Tom Bakaly interjected that Park City has difficulty obtaining CDBG grants because of median income numbers and it has been a long time since the City received one. However, a lot of preparation work has been done on this project and he felt it is worth pursuing.

Joe Kernan, "I move we direct staff to go ahead and apply for the CDBG grant". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

3. Consideration of an Ordinance amending Title 4, Chapter 15 of the Municipal Code of Park City, Utah to include a vehicle age limit requirement, a background check requirement, and a drug free workplace policy requirement in for-hire licensing – See work session notes. Kent Cashel referred to seven items Council directed staff to explore at its September 30 meeting. (1) Council asked that a free-market statement be included in the recitals of the Ordinance; (2) A ten year vehicle age limit is recommended as it would help reduce the City's carbon footprint, help protect Park City's image as a world-class resort town, and ensure the safety of patrons. (3) Council suggested drug testing and staff is recommending a requirement for a drug-free workplace policy for all licensed for-hire businesses and not to conduct drug testing.

(4) With regard to background checks, staff is recommending a 50 state international look through the FBI. The Salt Lake International Airport and Salt Lake City impose a similar requirement. He emphasized that during discussions with operators after work session, it was recommended that the City accept a TSA badge in lieu of conducting another background check. Amendment language has already been drafted if Council is supportive. In response to questions from Joe Kernan, Assistant City Attorney Polly Samuels McLean stated that she spoke at length with an attorney from Salt Lake City and learned that TSA badges are required in order for a for-hire vehicle to pull into the curb area closest to the airport. Associated background checks are extensive and include checking the no-fly list, certain crimes, etc. Salt Lake City amended its for-hire licensing last night which has been a 10 year process. The amendment addresses background checks so that all cabs licensed in Salt Lake City have to be

able to go to the airport and everyone needs to have a TSA badge. She suggested that Park City have its own background check process but accept a TSA badge in lieu of a background check.

(5) Kent Cashel discussed the suggestion of increasing fines on violations for not posting rates and staff is recommending that they remain the same. The fine is set at \$25 per violation per day per vehicle up to a maximum of \$2,000. (6) He addressed the education effort with the taxi industry which will focus on Sundance and information for visitors. (7) Council requested a review of a 90 day waiting period for obtaining a for-hire business license but staff could not justify the regulation.

Joe Kernan asked the source of the 12 week waiting period for a FBI background check and Kent Cashel advised that staff found the information on its website. Alex Butwinski asked about ramifications to a licensed operator arrested for driving under the influence. Ms. McLean pointed out that the Code currently includes a section requiring compliance with city, state and federal laws. Another section provides that the licensee is responsible for its drivers. Shelley Hatch interjected that the state regulates DUI convictions by revoking the driver's license. Mr. Butwinski noted that there is no punitive action against the company and Ms. McLean indicated that its business license could be revoked by the City and language can be stronger.

Shelley Hatch addressed the Mayor's concern about idling and stated that renewals include a flyer about the anti-idling resolution. The Mayor opened the public hearing.

Amir Adabkhah, Yellow Cab, described the time and expense involved in obtaining a TSA badge and felt that another background check by Park City is unnecessary. The Mayor clarified that this issue was just discussed. The airport inspection of vehicles is extensive and the inspection sticker from the airport should suffice for the City. There needs to be more parking on Main Street for cabs during Sundance.

Robert Lopez, resident and owner of Avalanche Transportation, spoke about the concept of people helping each other out and stated that not one lodge in Park City has given him a referral. He asked for City support of local businesses and complained about how poorly he was treated in Salt Lake City.

Randy Curtis, General Manager for Express Shuttle, pointed out that the City has been trying to address for-hire vehicles for 12 years and what is being suggested are things that are already being done. Vehicle inspections are conducted at the airport and if a vehicle has an airport tag, Park City should not duplicate the effort. The City should take advantage of other agencies doing the work. Salt Lake City initiated background checks in 2004 but disbanded them because of the same problems that Park City will have with the prospect of waiting 14 weeks for a background check. It doesn't work for new employees. He discussed Midvale's ordinance which includes language that any taxi licensed through another jurisdiction shall be recognized as properly licensed. Rather than duplicating tasks, the focus should be on unlicensed for-hire vehicles. He questioned if the Council is getting accurate information as there is no such thing as a TSA badge and believes references are to the Salt Lake City Drivers Certificate. If it has an "A" on it, the vehicle can enter the airport and when applying to be allowed to service the airport, a TSA check is conducted which is not a background check but a threat assessment. A threat assessment takes one day. The FBI check is the background check that Salt Lake City

requires for the badge and it only takes one day because the airport has access to the FBI database.

Cindy Matsumoto understood that staff is suggesting that if a driver has a badge or certificate that a background check by Park City is not needed. Any new employees could get licensed at the airport and show the City the paperwork. Mr. Curtis complained about this which Ms. Matsumoto could not understand. Mr. Curtis continued to object stating that it is a burden and it doesn't accomplish anything. Ms. Erickson responded it is reasonable to require a business license for someone conducting business in town. Mr. Curtis claimed that an operator has to have a Salt Lake business license to take advantage of the licensing services at the airport. He emphasized that problems arise from taxis not shuttles or limousines. He urged Council to focus its attention on the unlicensed and uninsured taxis. He explained the Z endorsement on the license which is needed for taxis but not needed for shuttles in the state of Utah but is still requested by the City. The reason there has been no consensus is because everyone has their own agenda which is to kill competition. Mr. Curtis again urged members to focus on unlicensed taxi services.

Don Barron, Yellow Cab, stated that this week Salt Lake City passed an ordinance which limits the age of taxi cabs to six years or 350,000 miles and seven years is the maximum limit.

Robert Lopez explained that the TSA badge can not be obtained in one day as his took almost four months to receive.

Rob O'Brien, 649-TAXI, stated that his Park City business is 18 years old and operates every day of the year. A free market will naturally attract high and low end operators and many of the provisions in the draft ordinance are redundant. Waiting months for background check results and getting new employees on line will disrupt operations. He is staffed now for this winter and understood that amendments would not become effective until the spring. Increasing educational efforts is a good step and marketing local businesses is helpful. However, the horse is already out of the barn with 95 companies registered in town and Mr. O'Brien requested a higher level of local enforcement understanding the importance of the visitor experience. In response to a question from the Mayor, he indicated that 90% of his drivers are licensed at the airport. He is okay with the 10 year age limit and discussed the high standards of the airport inspection. It will be interesting to evaluate the impacts of Salt Lake's recent ordinance.

Rhonda Carroll suggested using mileage rather than age of vehicles in setting a limit. Many for-hire vehicles look the same from year to year. Companies invest a lot in their stock and must make a profit; it is a balancing act. In response to a question from the Mayor, she stated that one out of three of her vehicles is more than ten years old.

Randy Curtis stated that Express Shuttle has a 12 year old van which is still used because it is ADA compliant and has a wheelchair lift. He hoped there will be exceptions and he pointed out the attraction for specialty or vintage vehicles.

Grant Collram, ASAP Transportation Limousine Service, thanked Council for opening up Main Street during Sundance which helps accommodate limousines. He stated that he has a 1999 Lincoln Town Car with low mileage and in excellent condition and hoped the City would consider waiving the ten year limit on an individual basis. Similarly, he owns a 1998 stretch limousine

which has been completely refurbished and passes airport inspection as does all of his nine vehicles.

Donnie Novelle, Park City Transportation, thanked the Mayor, City Council and staff for taking a serious look at the industry's problems and exploring solutions.

With no further input from the audience, the Mayor closed the public hearing. The Mayor discussed legitimate arguments made about allowing vintage cars and suggested special exemptions for these types of vehicles and Kent Cashel stated that the Utah Code defines vintage and classic vehicles. The Mayor commented on the TSA background check option at the airport avoiding the eight to twelve week wait for a background check through the City. In response to a question from Alex Butwinski, Mr. Cashel explained the distinctions between P and Z endorsements and noted that all for-hire vehicles types are included in one ordinance. The Z endorsement could just be applied to taxis and not shuttles. Mr. Butwinski did not feel it is the City's role to give preference to local businesses. Chief Wade Carpenter added that enforcement is primarily handled on a complaint basis.

Cindy Matsumoto expressed concerns about up to a 14 week wait on background checks. The Mayor suggested a grace period so that an applicant can operate while the background check is being processed. Polly McLean stated that she understood that the FBI checks at the airport take about a week and a Salt Lake City business license is not a prerequisite. Any vehicle that uses the airport curb must have a TSA badge. Mark Harrington advised that a grace period is not recommended because a driver could potentially operate for the season without producing a background check. Honoring the TSA badge is an effort to reduce duplicity. Joe Kernan discussed the difficulty in hiring qualified drivers during the season. Tom Bakaly acknowledged that age of the vehicle, drug testing and background checks seem to be areas of interest and another issue is renewals however, Council can adopt the language on the free-market approach tonight. Council member Liza Simpson arrived at the meeting.

Joe Kernan, "I move we continue New Business Item 3 concerning transportation vehicles to a date uncertain". Candace Erickson seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Abstention

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a closed session convened.

MEMORANDUM OF CLOSED SESSIONS

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto.

City Council Staff Report



DATE: November 18, 2010
DEPARTMENT: Finance Department
AUTHOR: Shelley Hatch, Business License Analyst II
Kent Cashel, Transit & Transportation Manager
TITLE: For-Hire Vehicle Licensing
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and consider adopting the amended ordinance.

Topic/Description: Park City Municipal Code, Title, 4, Chapter 15 For-Hire Vehicle Licensing.

A. Background

The City has devoted significant time and energy to addressing For-Hire transportation industry concerns since 1998 when the City's taxi ordinance was first adopted. It has been challenging to maintain robust industry involvement and even more challenging to gain industry consensus on regulatory needs and approaches.

To provide for a simplified review of all the changes that have been requested over this time period, by both the transportation industry and City Council, a table containing these requests is attached to the back of this report. This table includes an analysis of the following for each requested regulatory change:

- An assessment of legal permissibility
- An assessment if further study is required
- An assessment of the staff time required to implement
- An assessment of enforcement challenge

To ensure Council has ready access to the record of the dialogue between the Industry and the City over the last five years, attached as Exhibit B are the 2005 and 2009 task force memos, as well as City Council staff reports and minutes from 2005, 2009 and 2010 .

In May 2002, responding to industry concerns, Council made the following revisions to For-Hire licensing:

- Taxi stickers must be applied to vehicle in presence of business license clerk.
- Permitted vehicles must display company name on vehicle.
- Process must verify all drivers have a Utah Drivers License with "Z" or "P"

endorsement. The “Z” endorsement (15 or less passengers) “P” endorsement (Commercial Drivers License for 16 or more passengers). These endorsements require applicant to pass an additional written test that requires an understanding of safe passenger vehicle operations.

- Enforcement strategy must not negatively impact visitors\customers.
- Three individual license categories (taxi, taxi\shuttle and shuttle) combined into one license per industry request.

In 2005, an industry task force was formed, in response to industry concerns over changes in insurance requirements (change from \$750,000 to \$1,500,000) and the large number of taxi companies licensed with the City. Current insurance requirements are \$750,000. Staff conducted several meetings with this group to determine what industry concerns existed and if consensus could be reached on regulatory approaches. Staff presented its findings from these meetings to City Council on November 10th, 2005. No consensus on regulatory approaches was achieved by the industry task force, Staff recommended no ordinance revisions, and Council took no formal action.

In 2009, Staff again met with an industry task force several times in response to industry requests to limit For-Hire licenses to locally owned transportation companies. The industry group offered numerous regulatory approaches but no clear consensus could be reached amongst the group. Staff presented its findings to Council on October 1st, 2009 and recommended the City secure a consultant to conduct a For-Hire transportation study to research and recommend regulatory approaches. Council directed Staff to form an internal task force to determine appropriate elements for a transportation study and to return to Council with a recommendation.

On September 30, 2010, Staff returned to Council with a recommendation to issue a Request for Proposal (RFP) to conduct a For-Hire transportation study. Council did not support Staff's recommendation (to conduct a For-Hire transportation study) and directed Staff to return with ordinance amendments, where appropriate, that addressed the following seven items:

- 1 – Council supports a “free market” approach to regulating For-Hire fares or the number of For-Hire licenses the City issues (no franchise, fare limits or other market based controls).
- 2 – An age limit of 10 years should be placed on For-Hire vehicles.
- 3 – Licensed firms should be required to have a “drug free workplace” policy.
- 4 - Operators should be subjected to background checks.
- 5 – Fines should be increased for failure to post fares.
- 6 – Educational efforts should be enhanced.
- 7 - Review whether a 90 day period is needed to process a For-Hire business license application

B. Analysis

An Internal task force with staff members from Code Enforcement, Special Events, Transportation, Police, Public Works, Economic Development and Business Licensing met to review the requested amendments. The City Attorney's office provided legal support to the internal task force.

1. Preferred "Free Market" Approach.

City Council indicated it preferred a "Free Market" approach to For-Hire fares and any limits on the number of For-Hire business licenses issued. This approach relies on the open market to determine the appropriate number of For-Hire vehicle licenses and the appropriate fare for a given For-Hire service. Staff has integrated the following language into the preamble of the amended ordinance:

"WHEREAS, the City Council supports allowing the Free Market to determine appropriate For-Hire vehicle fares as well as the number of For-Hire business licenses issued."

This language will clearly codify and communicate City Council's preferred approach.

2. Vehicle Age Limit

City Council directed Staff to explore placing an age limitation on For-Hire vehicles. Public comment during the September meeting indicated that a 5 year limit would place financial hardships on some For-Hire firms but that a 10 year limit would be workable.

Implementing an age limit on vehicles would accomplish the following objectives:

- o Require the For-Hire industry to contribute to the reduction of the community's carbon footprint
- o Help protect Park City's image as a world class resort town
- o Help protect the safety of Park City's residents and guests.

With each passing year the United States Environmental Protection Agency's (EPA) emission standards and National Highway Safety Traffic Administration's (NHSTA) fuel economy standards become more and more stringent. The effect of these regulations is a reduction of carbon emissions from the tailpipes of newer vehicles. An age limit on For-Hire vehicles would require the For-Hire industry to assist the community in reducing its overall carbon footprint.

For-Hire vehicles older than ten years are more likely to suffer from cosmetic degradation of interior upholstery, body panels, paint, glass, and lighting than newer model years. Placing an age limit on For-Hire vehicles would help protect Park City's image as a world class resort town.

With each passing year the National Highway Safety Traffic Administration (NHSTA) institutes stricter vehicle safety standards. Crash absorbing frames, passenger restraint systems, air bags, and vehicle lighting systems continue to improve. Adopting an age

limit on For-Hire vehicles would help ensure these safety improvements are more rapidly integrated into Park City's For-Hire fleet.

3. Drug Free Workplace

City Council requested that Staff determine if the City could require For-Hire firms to adopt a drug free workplace policy prior to obtaining a business license from the City.

The internal task force recommends the City amend its For-Hire Vehicle Licensing Ordinance to require For-Hire licensees to certify that the licensee has adopted and implemented a drug free workplace policy prior to receiving a For-Hire vehicle business license from the City.

Staff recommends that the firm's drug free policy at a minimum meet the following requirements:

1. The licensee must publish and give a policy statement to all employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees who violate the policy.
2. The licensee must establish a drug-free awareness program to make employees aware of a) the dangers of drug and alcohol abuse in the workplace; b) the policy of maintaining a drug-free workplace; c) any available drug counseling, rehabilitation, and employee assistance programs; and d) the penalties that may be imposed upon employees for drug abuse violations.
3. The licensee must notify employees that as a condition of employment the employee must abide by the terms of the policy statement;
4. The licensee must notify the City within 10 days after receiving notice that an employee has been convicted of a criminal drug violation in the workplace.
5. The licensee must make an ongoing, good faith effort to maintain a drug-free workplace .

The above requirements were modeled after those set forth in the United States 1998 Drug-Free Workplace Act. Staff has included this amendment in the draft amended For-Hire Vehicle Ordinance attached to this report.

It is important to note that Staff's recommended amendment does not require For-Hire firm's to adopt a drug testing program as part of its policy. Utah State requirements for drug testing requirements are set forth in Utah Code Ann. 34-38-101. The City could adopt these requirements and the requirement for a drug testing program, however doing so would require significant Staff time to research and determine the following prior to implementation:

- What substances must be tested for.

- What testing frequencies should be required (e.g., pre-employ, annual, random, post accident).
- What testing thresholds are set for pass/fail.
- What type of testing is required (i.e., urine, blood, saliva, hair, sweat)
- What testing labs are acceptable.
- What actions must be taken upon a positive (fail) test.

In addition to the Staff time required to develop and implement a required drug testing program, a significant amount of Staff time would also be required for the ongoing administration and enforcement of such a requirement.

Should Council direct Staff to include a drug test requirement in the ordinance Staff would need additional time to accomplish this. Staff does not think this requirement could reasonably be implemented for the 2011 or 2012 business license renewal cycle.

Staff does not recommend inclusion of a drug-testing requirement in the ordinance.

4. Background Checks

Council indicated it was interested in requiring a background check on any person who operates a For-Hire vehicle for the welfare and safety of passengers.

The internal task force, with the support of the City Attorney's office, recommends that the City adopt an amendment that requires all drivers of For-Hire vehicles to complete the following prior to being permitted to operate a For-Hire vehicle (and every subsequent 3 years):

- Obtain a fingerprint card and FBI application materials from the Park City Police Department (Mondays and Wednesdays)
- Apply for and Obtain a U.S. Federal Bureau of Investigation (FBI) Identification Record from the FBI (FBI process time may take up to 12 weeks)
- Submit the Identification Record to the Park City Police for review (Police will require 5 business days to review).
- Submit to Police a valid Utah Drivers license with a "P" or "Z" endorsement.
- If the For-Hire vehicle driver submits all required documentation and meets all of the requirements of the background check the Police will issue the driver a background check certificate that shows the applicant's name, drivers license number, date of issuance and statement that the person has met the requirements of the background check.
- The Police Department may further investigate any information that is relevant to the background check in order to determine the accuracy of the information. Pursuant to the investigation, the Police Department may also ask the applicant driver to provide additional information.
- Drivers must carry the Police issued background check certificate at all times when operating a For-Hire vehicle. Failure to possess the Police background check certificate when operating a For-Hire vehicle may result in the revocation of the vehicle owner's business license.

The FBI report will provide the Park City Police with a 50 state and international record of arrest and disposition of arrest record (court findings) of the operator. City Police shall review the record and identify any disqualifying offense. A disqualifying criminal offense includes if the driver has been convicted, or found not guilty by reason of insanity, of any of the crimes listed below, or of a conspiracy or attempt to commit any such crime, in any jurisdiction during the five (5) years prior to the request for the certificate.

Disqualifying offenses include:

- Murder
- Assault or aggravated assault
- Kidnapping or hostage taking
- Rape, aggravated sexual abuse or other sex crime, including, but not limited to, unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation of a minor, incest, lewdness or obscene acts, sex acts for hire, or solicitation of sex
- Stalking
- Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon
- Extortion
- Robbery, burglary, theft, bribery
- Distribution of, or intent to distribute, a controlled substance
- Felony arson
- Felony involving a threat
- Felony involving willful destruction of property
- Felony involving dishonest, fraud, or misrepresentation
- Possession or distribution of stolen property
- Felony involving importation or manufacture of a controlled substance
- Illegal possession of a controlled substance punishable by a maximum of imprisonment of more than one year
- Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving
- Felony involving a driving offense

If the Police Department finds that a driver's criminal record contains arrests for a disqualifying offense without indicating disposition, the Police Department would be required to investigate and make a further determination as to whether the arrest resulted in a disqualifying offense as to be denied a background check certificate

Prior to making a final decision to deny a background check certificate, the Police Department would advise the driver that the Identification Record discloses a disqualifying offense, and the driver would be able to obtain a copy of his or her record after making a written request. If the driver believes that their Identification Record is inaccurate, the driver would then be able to correct the Information Record by contacting the local jurisdiction responsible for the information and the FBI within thirty

(30) days following notice of the disqualifying information. The driver would be required to notify the Police Department and indicate his or her intent to correct any inaccurate information. The Police Department must then receive a copy of the FBI record or certified true copy of the information from the appropriate court before granting a background check certificate. If no such notification is received by the Police Department within the thirty (30) day period, the Police Department would be required to make a final determination based on the information available to them.

Any individual engaged in any of the above disqualifying offenses within the last 5 years would be denied a background check certificate and prohibited from driving a For-Hire vehicle licensed in Park City.

Any person who is granted background check certificate requirements would have a continuing obligation to disclose to the Police Department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to comply with the provisions of the section, at any time while he or she possesses a background check certificate

The proposed requirements for a background check are almost the same requirements Salt Lake City. Therefore, any drivers who have been licensed for the Salt Lake Airport or within the City will already have this information readily available.

Estimated costs and time requirements impacts that the background check would place upon For-Hire operators are contained in the table below.

Background Check (Applicant Time and Fees)

Background Check Task	Fees	Estimated Time Required
Obtain finger print card from Park City Police and submit Identification Report application to FBI	No Fee	Approx 1 week (5 working days).
Obtain Identification Report	\$18 fee paid to FBI	FBI requires <u>up to</u> 12 weeks to process request. (Current backlog is up to 6 months.)
Submit report to Police for review	No Fee	Approx 1 week (5 working days).
Submit reviewed report to City business license clerk	No Additional Fee	No Additional Time Required.
	Total time required to meet driver background check requirement (estimate)	Up to 14 weeks

Staff has included an amendment requiring the FBI Identification Record for all For-Hire vehicle operators in the draft amended ordinance attached to this report.

5. Increased Fines for failure to post rates

Park City Municipal Code 4-15-12 reads *“All rates to be charged for the use of a for-hire vehicle shall be posted on the inside of the vehicle in such a manner as to be plainly visible to all passengers.”* This language clearly requires posting of the rates on the inside of the vehicle and this requirement does not need amendment.

The City currently uses the Administrative Code Enforcement (ACE) program to enforce business license ordinances as well as building code and various other code violations. Some of the advantages of utilizing this civil law program over a criminal law approach are as follows:

- Provides ability to provide notice of violation or citation
- Provides for a simplified and quicker appeals process
- Fines go to City and not district court
- Facilitates more rapid compliance (reduced appeal process time)

Staff believes the ACE program has been very successful and beneficial to the City's enforcement efforts. The ACE program uses fees and not fines to gain compliance.

Currently the City's Administrative Code Fees (ACE) are as follows:

Daily Violation Fee	\$25
Minimum Fee for Noncompliance	\$50
Maximum Fee for Daily Violations	\$2,000
Re-inspection Fee	\$75
Reoccurrence Fee	\$250
Hearing Request Fee	\$100
Late Payment Fee	\$100

Council reviewed and approved the above fees as part of the 2010 budget process. The internal task force thinks that the current fee schedule which provides for a daily fee of \$25, a minimum fee of \$50 for a violation and a maximum fee for non-compliance of \$2,000 is adequate to obtain compliance with the City' fare posting requirements.

Staff has previously accepted the possession of a laminated fare card (for customer viewing if requested) as meeting the code's fare posting requirement. Staff will now only accept a fare card permanently affixed inside the vehicle in a position readily visible by passengers as meeting the posting requirement. This requirement will have to be met as part of the vehicle inspection process. Additionally, the city's code enforcement officers have the capacity to conduct a minimal amount of proactive enforcement of this requirement (spot checks). Aggressive enforcement will require additional staff resources.

Staff does not recommend any amendment to the City's For-Hire ordinance or the City's fee schedule concerning posting fares. Should Council desire to increase fees Staff

would need to analyze what level of increased fee could be justified and then return to Council for amendment of the City's fee schedule.

6. Educational Effort

City Council indicated an interest in exploring an increase in City provided educational programs for both the For-Hire industry and consumers.

The internal task force felt that the most effective way to address complaints of fare gouging (which appears to primarily be a problem during Sundance) would be to provide education to consumers. The task force recommends that City staff work with Sundance staff to include taxi information in event information distributed by Sundance. This information would educate event participants on what is required of For-Hire operators (posting of fares, most direct route, stickers, and etc). This information would provide For-Hire customers with the information they need to avoid and report non-compliant providers.

To implement Staff's recommended education program requires no ordinance amendment. Should Council desire to implement a broader educational effort this direction should be provided to Staff and Staff will implement the expanded educational program.

7. Requirement of a 90 day period to process For-Hire business license applications

City Council indicated an interest in exploring a 90 day period to process applications for For-Hire business licenses. The internal task force, with the support of the City Attorney's office, determined that any "waiting period" must be reasonably required for the City to process an application. Staff believes the current 10-day process period for all business licenses is adequate to process the City's For-Hire license applications..

It is important to note that should Council choose to amend the City's For-Hire Business License ordinance to require FBI background checks for all operators, and each business license requires at least one completed driver background check, the process to have the necessary documents to apply for a For-Hire Business License could take up to 16 weeks for a first time applicant to complete as depicted in the table below. For-Hire vehicle drivers will have to obtain an updated background check every three years.

For-Hire Business License Process

Action Required	
1. Complete background check & obtain Police issued card	Up to 14 weeks (see Background Check table above).
2. Submit complete business license application including background check, Police background check certificate, other required documentation and fee payment to the City business license clerk.	No additional time required
3. Business license application process time	Up to 10 days
Estimated time to obtain initial For-Hire Business license	Up to 16 weeks

Staff has attached a draft amended For-Hire Vehicle Licensing Ordinance (Title 4 – Chapter 15). This draft amended ordinance includes preamble language and amended ordinance language required to implement the following items:

1. Free Market approach (contained in prelude)
2. Age limitations on For-Hire vehicles
3. Drug Free Workplace
4. Operator Background Checks
5. Description of Limousine-Black Car Service added to ordinance. This minor technical addition provides a clarifying definition of this For-Hire vehicle group.
6. Consolidation of some of the provisions for easier reading.

Staff recommendations on the following items do not require ordinance amendment.

1. Increased fines for failure to post rates
2. Educational efforts
3. 90 day application period

New for-hire applications (as allowed by City Code for the balance of 2010 and 2011 license years) began to be filed and processed on October 1st, and approximately five applications have been approved and issued to date. Staff recommends all proposed ordinance amendments be made effective October 1, 2011 (when new applications are permitted for business license year 2012). This time frame will allow licensees to have enough notice so that they can reasonably make changes necessary to be in compliance for 2012.

Though it is not Staff's recommendation, Council could choose to make some or all of the recommended changes effective immediately for all unissued 2011 licenses.

In particular, Staff thinks that implementing the vehicle age limit and the background check for the 2011 will place the following hardships on Park City's For-Hire companies.

- **Financial hardship:** For-Hire Businesses that currently operate vehicles over the 10 year age limit would have little time to make necessary adjustments.

- **Time hardship:** Implementing a drug free work place policy in six weeks would present a time hardship.
- **Employee hardship:** If For-Hire drivers were required to submit the recommended background checks for 2011 many drivers would not be able to meet this requirement until late February 2011.

If Council desires to implement some of the recommended changes immediately, while mitigating the worst of the impacts to for-hire companies, they could amend the attached ordinance to implement all the recommended changes immediately with the exception of the background checks and vehicle age limit which could then be implemented for the 2012 license year.

Department Review: City Manager, Finance, Legal, Police, Sustainability, Public Works, Building have reviewed and provided comment on this report. All comments received have been included or addressed in the report.

Alternatives:

A. Approve:

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and adopt the amended ordinance.

B. Deny Staff Recommendation:

Council could deny Staff's request. This would have the same effect as Alternative C

C. Modify:

Council could direct Staff to modify or add amendments to the current ordinance. Any significant changes to the attached draft ordinance would require Staff to return at a future Council meeting with an amended ordinance incorporating Council directed changes.

D. Implement Changes for 2011:

Council could amend the attached ordinance to make all changes effective for 2011 licenses. Staff does not recommend this alternative due to the hardship this could have on the For-Hire businesses.

E. Implement all Changes Except Vehicle Age-Limit and Background Checks for 2011:

Council could amend the attached ordinance to implement all recommended changes (with the exception of the background check and vehicle age limit) for 2011 For-Hire licenses. The ordinance would also be amended to require the recommended background checks and vehicle age limits for all 2012 For-Hire licenses.

F. Do Nothing:

Council could do nothing on this request. Staff does not recommend this alternative.

RECOMMENDATION

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and consider adopting the amended ordinance.

For-Hire Restrictions Proposed 2005 - 2010

Restrictions Proposed	Regulation Target	Legal Permissibility	Requires Study	Staffing Impact*	Enforcement Challenge	Comments
Require For-Hire company to be based in Summit County or Park City	Company	Not Legal	NA	NA	NA	State Code Prohibits
Require drug free policy	Company	Legal	No	Minor	Moderate	
Require all vehicles to be licensed or leased to company	Company	Likely Not Legal	Yes	Minor	Minor	
Place age limit on vehicles	Company	Likely Legal	No	Minor	Minor	Appears to have industry support
Pull For-Hire license based upon complaints	Company	Situational – based on individual circumstances	No	Moderate	Significant	Currently have process in Code
Prohibit “payola” to lodging properties	Company	Legal	No	Moderate	Significant	Enforcement extremely difficult
Require inspection criteria to match SLC airport	Company	Legal	Possibly	Moderate	Moderate	Legal would need to review specific Airport requirements
Restrict number of For-Hire vehicles	Company	Legal if Study Supports	Yes	Minor	Minor	
Require a Park City knowledge competency test	Driver	Legal	No	Moderate	Minor	
Require criminal background check	Driver	Legal	No	Moderate	Minor	
Require Z endorsement for For-Hire operators	Driver	Legal	No	Currently Required	Currently Required	
Require City issued ID badge for For-Hire drivers	Driver	Legal	No	Moderate	Minor	Per 9/30/10 staff report, not recommended
Operator drug testing	Driver	Legal	No	Significant	Significant	
Restrict number of For-Hire companies by requiring minimum number of vehicles and years of service	Industry	Likely Legal if Study Supports	Yes	Minor	Minor	
Require posting of fares	Industry	Legal	No	Currently Required	Moderate	
Require all vehicles to be licensed in Utah	Industry	Likely Not Legal	Yes	Minor	Minor	
Place cap on For-Hire fares	Industry	Likely Legal	Yes	Minor	Moderate	Would require Study to determine amount

Restrictions Proposed	Regulation Target	Legal Permissibility	Requires Study	Staffing Impact*	Enforcement Challenge	Comments
Centralized For-Hire complaint process	Industry	Legal	Process In Place	Process In-Place	Process In-Place	
Deadline for issuance of taxi licenses	Industry	Likely Not Legal	Yes	Moderate	Minor	
Separate rate for license issued during special events	Industry	Likely Not Legal	Yes	Moderate	Significant	
Separate Black Car service from other For-Hire regulations	Industry	Legal	No	Minor	Minor	All For-Hire vehicles merged at Industry request in 2002
Require PC taxi license/sticker for drop-offs	Industry	Not Legal	NA	NA	NA	
Set up central taxi dispatch	Industry	Legal	Yes	Significant	Significant	
Set-up taxi staging areas	Industry	Legal	No	Significant	Significant	
Flat rate set for all taxi's	Industry	Legal	Yes	Minor	Minor	
Require taxi's to use fare meters	Industry	Legal	Yes	Minor	Minor	
More enforcement of existing ordinances	Industry	Legal	No	Moderate	Moderate	
Franchise	Industry	Legal if Study Supports	Yes	Minor	Minor	
Prohibiting idling	Industry	Legal	No	Minor	Moderate	
Annual meeting between City/For-Hire industry	Industry	Legal	No	Moderate	Minor	
Educate special event visitors	Industry	Legal	No	Minor	Minor	
Owners permit	Industry	Likely Legal	Yes	Minor	Minor	
Monitor For-Hire impacts on Main Street	Industry	Legal	Internal study	Moderate	NA	
90 day waiting period for initial licensure	Industry	Likely Legal if Study Supports	Yes	Minor	Minor	Study would need to determine that 90 days are needed for City to process license application. Likely would change all business licenses.

Staffing Impact: Minor = 0 to 20 staff hrs annually, Moderate = 20 to 100 staff hrs annually, Significant = more than 100 staff hours annually.

the comments have been favorable and he believes City Park residents are used to activity. It is anticipated that operational strategies will mitigate impacts.

Last year *drop and load* began on the west side of Main Street Tuesday morning before the Festival. On Thursday, the east side also became drop and load for the remainder of the Festival and not open for parking. HPCA wants some of the parking back for businesses and the compromise recommendation is Tuesday to Thursday, the pay and display until 5 p.m. and change-out to drop and load in the evening. He acknowledged that Sundance feels this will be extremely confusing to the public and would prefer to leave it pay and display Tuesday, Wednesday and Thursday. See regular meeting minutes.

5. Taxi licensing ordinance. Kent Cashel stated that Council discussed recommended changes to the for-hire vehicle licensing provisions on September 22 and members directed staff to explore seven items: (1) Include a statement in the preamble of the ordinance that the City Council supports a free market approach in regulating for-hire fares. This is included in the draft. (2) A vehicle age limit was addressed and a 10 year limit is recommended. An age limit would help the City in its effort to reduce its carbon footprint. It would also help protect Park City's image as a world-class resort and keep vehicles compliant with current national safety standards. (3) Drug testing was reviewed and staff is recommending not conducting drug testing which can become very complicated to administer. It is recommended that each business have an adopted drug-free workplace policy. When a drug-related accident occurs in a licensed vehicle, it must be reported to the City. (4) Mr. Cashel noted that conducting more stringent background checks was reviewed and staff recommends using the FBI database which may take up to 14 weeks to process. Chief Wade Carpenter explained the importance of taking a 50 state look for drug or alcohol violations or crimes of violence. Kent Cashel stated that the background check certificate would be issued by the Police Department and each driver would be required to carry it while operating a taxi and when applying for a license. (5) Increasing fines for failure to post taxi rates was another suggestion. Mr. Cashel explained that violations for failing to post rates would be handled through an administrative process, not a court, which is much quicker and the fines are remitted directly to the City. The fine is \$25 per day per violation per vehicle and a business can be fined up to a maximum of \$2,000. Staff is not recommending increasing this fee which is an average amount. (6) The education effort is something the City can accomplish quite easily and the focus should be on the Sundance Film Festival. (7) He relayed that the last request from Council was to consider a 90 day waiting period for licensing but the duration needs to be reasonably tied to the process. There is time involved in FBI background checks but a blanket 90 day waiting period is problematic and staff is not recommending this.

Shelley Hatch stated that a significant amount of time and effort has been expended on this effort over many years. Staff and the industry are anxious to get this resolved and there will never be total consensus on decisions. Joe Kernan and the Mayor expressed interest in the background check turn-around and how companies have reacted. Alex

Butwinski stated that he supports the 10 year age limit and asked how the background check process will impact the Police Department. Chief Carpenter explained that time is already set aside each week for fingerprinting drivers and the background check could be processed during the same visit. Kent Cashel understood that the 14 week waiting period is being driven by demands on the FBI for this type of information. Chief Carpenter explained that background checks used to be conducted at the Police Department but now every request has to go through the FBI.

Mr. Butwinski stated that Council member Simpson relayed to him that she wants everything implemented this year with the exception of the background checks. Shelley Hatch noted that the Finance Department has already started issuing business licenses and she cautioned against a piece-meal approach to the licensing process. She is also concerned about the 10 year old vehicle limit which may create a hardship on some operators. Mr. Butwinski suggested implementing the Ordinance in 2011 and grandfathering licenses that have been issued. See regular meeting minutes.

Public Art Advisory interviews – Council interviewed Linda McCausland and Kathy Kahn for a vacancy on the board.

Prepared by Janet M. Scott, City Recorder

In response to questions from Alex Butwinski, Mr. Kovacs clarified that there is no City match relating to Summit County or the CDBG program. As the primary recipient, Park City will have to check in with SLCC to make sure it is compliant with the grant. He acknowledged that if there are any issues with the grant, HUD will look to the City. Tom Bakaly clarified that it is anticipated that SLCC will be applying to the City for an economic development grant; there is a \$15,000 balance in this fund. The Mayor opened the public hearing; there were no comments from the audience and the public hearing was closed.

The Mayor repeated his comment from work session that he understands from the chair of the grant review committee that the business resource center application will not be supported. At yesterday's meeting, the Summit County Council expressed that the \$25,000 grant request did not meet its application deadline but was willing to discuss it. He likes the idea of a business resource center but is concerned about the potential amount of City time and effort spent on a concept that may not be supported. Tom Bakaly interjected that Park City has difficulty obtaining CDBG grants because of median income numbers and it has been a long time since the City received one. However, a lot of preparation work has been done on this project and he felt it is worth pursuing.

Joe Kernan, "I move we direct staff to go ahead and apply for the CDBG grant". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

3. Consideration of an Ordinance amending Title 4, Chapter 15 of the Municipal Code of Park City, Utah to include a vehicle age limit requirement, a background check requirement, and a drug free workplace policy requirement in for-hire licensing – See work session notes. Kent Cashel referred to seven items Council directed staff to explore at its September 30 meeting. (1) Council asked that a free-market statement be included in the recitals of the Ordinance; (2) A ten year vehicle age limit is recommended as it would help reduce the City's carbon footprint, help protect Park City's image as a world-class resort town, and ensure the safety of patrons. (3) Council suggested drug testing and staff is recommending a requirement for a drug-free workplace policy for all licensed for-hire businesses and not to conduct drug testing.

(4) With regard to background checks, staff is recommending a 50 state international look through the FBI. The Salt Lake International Airport and Salt Lake City impose a similar requirement. He emphasized that during discussions with operators after work session, it was recommended that the City accept a TSA badge in lieu of conducting another background check. Amendment language has already been drafted if Council is supportive. In response to questions from Joe Kernan, Assistant City Attorney Polly Samuels McLean stated that she spoke at length with an attorney from Salt Lake City and learned that TSA badges are required in order for a for-hire vehicle to pull into the curb area closest to the airport. Associated background checks are extensive and include checking the no-fly list, certain crimes, etc. Salt Lake City amended its for-hire licensing last night which has been a 10 year process. The amendment addresses background checks so that all cabs licensed in Salt Lake City have to be

able to go to the airport and everyone needs to have a TSA badge. She suggested that Park City have its own background check process but accept a TSA badge in lieu of a background check.

(5) Kent Cashel discussed the suggestion of increasing fines on violations for not posting rates and staff is recommending that they remain the same. The fine is set at \$25 per violation per day per vehicle up to a maximum of \$2,000. (6) He addressed the education effort with the taxi industry which will focus on Sundance and information for visitors. (7) Council requested a review of a 90 day waiting period for obtaining a for-hire business license but staff could not justify the regulation.

Joe Kernan asked the source of the 12 week waiting period for a FBI background check and Kent Cashel advised that staff found the information on its website. Alex Butwinski asked about ramifications to a licensed operator arrested for driving under the influence. Ms. McLean pointed out that the Code currently includes a section requiring compliance with city, state and federal laws. Another section provides that the licensee is responsible for its drivers. Shelley Hatch interjected that the state regulates DUI convictions by revoking the driver's license. Mr. Butwinski noted that there is no punitive action against the company and Ms. McLean indicated that its business license could be revoked by the City and language can be stronger.

Shelley Hatch addressed the Mayor's concern about idling and stated that renewals include a flyer about the anti-idling resolution. The Mayor opened the public hearing.

Amir Adabkhah, Yellow Cab, described the time and expense involved in obtaining a TSA badge and felt that another background check by Park City is unnecessary. The Mayor clarified that this issue was just discussed. The airport inspection of vehicles is extensive and the inspection sticker from the airport should suffice for the City. There needs to be more parking on Main Street for cabs during Sundance.

Robert Lopez, resident and owner of Avalanche Transportation, spoke about the concept of people helping each other out and stated that not one lodge in Park City has given him a referral. He asked for City support of local businesses and complained about how poorly he was treated in Salt Lake City.

Randy Curtis, General Manager for Express Shuttle, pointed out that the City has been trying to address for-hire vehicles for 12 years and what is being suggested are things that are already being done. Vehicle inspections are conducted at the airport and if a vehicle has an airport tag, Park City should not duplicate the effort. The City should take advantage of other agencies doing the work. Salt Lake City initiated background checks in 2004 but disbanded them because of the same problems that Park City will have with the prospect of waiting 14 weeks for a background check. It doesn't work for new employees. He discussed Midvale's ordinance which includes language that any taxi licensed through another jurisdiction shall be recognized as properly licensed. Rather than duplicating tasks, the focus should be on unlicensed for-hire vehicles. He questioned if the Council is getting accurate information as there is no such thing as a TSA badge and believes references are to the Salt Lake City Drivers Certificate. If it has an "A" on it, the vehicle can enter the airport and when applying to be allowed to service the airport, a TSA check is conducted which is not a background check but a threat assessment. A threat assessment takes one day. The FBI check is the background check that Salt Lake City

requires for the badge and it only takes one day because the airport has access to the FBI database.

Cindy Matsumoto understood that staff is suggesting that if a driver has a badge or certificate that a background check by Park City is not needed. Any new employees could get licensed at the airport and show the City the paperwork. Mr. Curtis complained about this which Ms. Matsumoto could not understand. Mr. Curtis continued to object stating that it is a burden and it doesn't accomplish anything. Ms. Erickson responded it is reasonable to require a business license for someone conducting business in town. Mr. Curtis claimed that an operator has to have a Salt Lake business license to take advantage of the licensing services at the airport. He emphasized that problems arise from taxis not shuttles or limousines. He urged Council to focus its attention on the unlicensed and uninsured taxis. He explained the Z endorsement on the license which is needed for taxis but not needed for shuttles in the state of Utah but is still requested by the City. The reason there has been no consensus is because everyone has their own agenda which is to kill competition. Mr. Curtis again urged members to focus on unlicensed taxi services.

Don Barron, Yellow Cab, stated that this week Salt Lake City passed an ordinance which limits the age of taxi cabs to six years or 350,000 miles and seven years is the maximum limit.

Robert Lopez explained that the TSA badge can not be obtained in one day as his took almost four months to receive.

Rob O'Brien, 649-TAXI, stated that his Park City business is 18 years old and operates every day of the year. A free market will naturally attract high and low end operators and many of the provisions in the draft ordinance are redundant. Waiting months for background check results and getting new employees on line will disrupt operations. He is staffed now for this winter and understood that amendments would not become effective until the spring. Increasing educational efforts is a good step and marketing local businesses is helpful. However, the horse is already out of the barn with 95 companies registered in town and Mr. O'Brien requested a higher level of local enforcement understanding the importance of the visitor experience. In response to a question from the Mayor, he indicated that 90% of his drivers are licensed at the airport. He is okay with the 10 year age limit and discussed the high standards of the airport inspection. It will be interesting to evaluate the impacts of Salt Lake's recent ordinance.

Rhonda Carroll suggested using mileage rather than age of vehicles in setting a limit. Many for-hire vehicles look the same from year to year. Companies invest a lot in their stock and must make a profit; it is a balancing act. In response to a question from the Mayor, she stated that one out of three of her vehicles is more than ten years old.

Randy Curtis stated that Express Shuttle has a 12 year old van which is still used because it is ADA compliant and has a wheelchair lift. He hoped there will be exceptions and he pointed out the attraction for specialty or vintage vehicles.

Grant Collram, ASAP Transportation Limousine Service, thanked Council for opening up Main Street during Sundance which helps accommodate limousines. He stated that he has a 1999 Lincoln Town Car with low mileage and in excellent condition and hoped the City would consider waiving the ten year limit on an individual basis. Similarly, he owns a 1998 stretch limousine

which has been completely refurbished and passes airport inspection as does all of his nine vehicles.

Donnie Novelle, Park City Transportation, thanked the Mayor, City Council and staff for taking a serious look at the industry's problems and exploring solutions.

With no further input from the audience, the Mayor closed the public hearing. The Mayor discussed legitimate arguments made about allowing vintage cars and suggested special exemptions for these types of vehicles and Kent Cashel stated that the Utah Code defines vintage and classic vehicles. The Mayor commented on the TSA background check option at the airport avoiding the eight to twelve week wait for a background check through the City. In response to a question from Alex Butwinski, Mr. Cashel explained the distinctions between P and Z endorsements and noted that all for-hire vehicles types are included in one ordinance. The Z endorsement could just be applied to taxis and not shuttles. Mr. Butwinski did not feel it is the City's role to give preference to local businesses. Chief Wade Carpenter added that enforcement is primarily handled on a complaint basis.

Cindy Matsumoto expressed concerns about up to a 14 week wait on background checks. The Mayor suggested a grace period so that an applicant can operate while the background check is being processed. Polly McLean stated that she understood that the FBI checks at the airport take about a week and a Salt Lake City business license is not a prerequisite. Any vehicle that uses the airport curb must have a TSA badge. Mark Harrington advised that a grace period is not recommended because a driver could potentially operate for the season without producing a background check. Honoring the TSA badge is an effort to reduce duplicity. Joe Kernan discussed the difficulty in hiring qualified drivers during the season. Tom Bakaly acknowledged that age of the vehicle, drug testing and background checks seem to be areas of interest and another issue is renewals however, Council can adopt the language on the free-market approach tonight. Council member Liza Simpson arrived at the meeting.

Joe Kernan, "I move we continue New Business Item 3 concerning transportation vehicles to a date uncertain". Candace Erickson seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Abstention

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a closed session convened.

MEMORANDUM OF CLOSED SESSIONS

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto.

Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Joan Card, Legal Counsel, Diane Foster, Sustainability Manager; Jason Christensen, Legal Intern; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Candace Erickson, "I move to open the meeting". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

The City Council met again in closed session at approximately 8:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto and Liza Simpson. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property and personnel". Cindy Matsumoto seconded. Motion carried unanimously.

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

Prepared by Janet M. Scott, City Recorder



he does not have a clear recollection of what he voted on and discussion. Tom Bakaly read an excerpt from the minutes on the motion to approve the pay plan as proposed with a 5% capped six month circuit breaker. Ms. Simpson recalled that merit bonuses were not as much of a concern as people moving too quickly through grades. Joe Kernan emphasized that he and Ms. Matsumoto believed the pay plan discussion would occur before January and believed that it would affect the January raises. This interpretation is not going to be reflected in the minutes and now it will be two years before a new pay plan is implemented. Cindy Matsumoto expressed her interest in clearing up misunderstandings. Discussion ensued on the amount of money involved with raises and the City Manager indicated that \$100,000 remains for the next six months. Knowing this, Joe Kernan suggested that the Council put off the pay plan discussion for the next elected Council. There doesn't need to be a rush because Council is not going to change anything and he withdrew his request. All other members disagreed and felt a meeting on the pay plan is important. Candace Erickson expressed her disappointment that this discussion did not happen in August or September; it is December, and there has only been one work session and the presentation on the history of the plan. Ms. Matsumoto felt that it is good that Mr. Kernan brought this up. The Mayor recalled that Council would look at the pay plan right before the budget. Liza Simpson agreed with Ms. Erickson's comments and hoped that a meeting can be scheduled reasonably soon so that there is a good discussion and staff receives some direction. The City Manager stated that January raises will be given for the past six months.

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

1. Terminated lease at Prospector Lodge - Michelle Aimone, resident, stated that she has lived at Prospector Lodge for five years, before Talisker purchased her unit. She feels she has been a good tenant. She is disabled but Talisker is trying to kick her out for no legitimate reason and on November 15 she received a letter terminating her lease. There is no affordable place for her to live this time in the season and she felt it is a matter of discrimination.

Michael Kovacs indicated that he spoke with Ms. Aimone's attorney about contacting the City's housing specialist who will assist as necessary.

2. All Terrain and/or Utility Vehicle shuttles in Park City – Gary Moss referred to a packet of information he distributed to members on his proposal. He submitted an application for a taxi license using ATVs and it was denied based on a traffic code stipulating that street legal UVs could not be used in municipalities of a population greater than 7,500. He is in compliance with regard to insurance and endorsements. He distributed photos of businesses using UVs in the City and the County on public streets without licenses. He argued that the original intent of the restriction was focused on recreational ATVs not UVs. The traffic code has been ignored in Park City until he applied for a license.

Joe Kernan explained that enforcement is often based on a trigger like applying for a business license or building permit. Mr. Moss emphasized that these UVs are operating illegally and suggested that the ordinance be changed to allow companies to apply for permits to operate these vehicles on City streets. If vehicles are not licensed, they are probably not insured and not being inspected. He is not asking for special treatment but for attention to all companies using UVs.

Joe Kernan expressed his willingness to hold a work session on this request. Candace Erickson noted that a serious discussion on ATVs was conducted at the ULCT where she did not support loosening restrictions. In response to a question from Liza Simpson about passing a law in conflict with state code, Mark Harrington explained that the Traffic Code enables a municipality to adopt a law allowing certain ATVs on public roads. Chief Wade Carpenter stated that he has spoken with Mr. Moss on several occasions and pointed out that the photos he has distributed are vehicles located on private property which is entirely different than operating on public streets. ATVs can be operated on private property and state law does not differentiate between ATVs and UVs. The primary reason the Traffic Code allows a municipality to adopt an ordinance allowing the use of secondary streets or highways is to enable small cities to access ATV trails throughout the state of Utah. He felt that SR224 is problematic because there are 10,660,000 cars traveling this road annually and this is a much different than a rural community. Chief Carpenter stated that Park City definitely exceeds the 7,500 population trigger and allowing use directly creates a problem with trying to determine what an ATV or UV is.

The Mayor asked members their preference. Liza Simpson stated that she is generally happy to schedule anything on work session, but feels this idea is incredibly dangerous, especially in the winter. Cindy Matsumoto agreed with her comments. Candace Erickson again relayed that she voted against this at the ULCT's meeting. Mr. Moss felt there are misperceptions about the safety of ATVs and Ms. Matsumoto pointed out that there are no crash ratings. Alex Butwinski stated that he is inclined to say no but there probably should be a work session on this and Ms. Matsumoto indicated that she could be swayed. Joe Kernan suggested that Mr. Moss individually lobby members to obtain three votes to hold a work session. Mr. Moss indicated that just because it has never been done here before means that it is dangerous. Park City accepts risks for many activities like the skate park, bike park and free bus system. He has complied with insurance and state requirements. Ms. Erickson stated that she feels ATVs are *Disneyland-looking*, tacky and offensive to the community.

The Mayor indicated that the majority of the Council is not interested in scheduling this request on an agenda. Alex Butwinski encouraged Mr. Moss to call him because he can easily change his mind. Joe Kernan stated that he is open to the idea.

Mary Cook, Homestake Condominiums, felt that a lot of education needs to take place before this is allowed.

With no further comments, the public input session was closed.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 11, 2010

Joe Kernan, "I move to approve the Notes and Minutes of November 11, as corrected". Alex Butwinski seconded. Motion unanimously carried.

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

1. Consideration of an Ordinance approving the Little Belle Condominiums Fifth Amended Plat, Unit 3, to expand the private ownership area of Unit 3, located at 7175 Little Belle Court, Park City, Summit County, Utah – The Mayor opened the public hearing; there were no comments from the audience. He closed the hearing and requested a motion to continue to

City Council Staff Report



Author: Heinrich Deters, Trails Coordinator
Subject: Administrative Policy: Memorial and Community Project Donations
Date: February 10, 2011
Type of Item: Administrative

Recommendation: City Council should review the attached Resolution and take action if deemed appropriate.

Topic: A policy which facilitates, coordinates, and governs formal City acceptance of memorials, community projects or personal property donations (other than Art) on City owned property or facilities.

Background

For many years, residents of Park City have made and inquired about making donations on City property. Examples of these inquiries include memorial items, such as benches and trees, and community project items associated with programs. While these items can have a clear benefit by augmenting the provision of City services and creating a vested connection to place by contributing residents, no specific policy has been set forth to help provide a process and guidelines to those interested.

Council previously adopted policies pertaining specifically to 'Art' donations, name dedication, and a Volunteer Policy, which applies to community service projects by organizations like Rotary or Eagle Scouts.

This matter was discussed on January 27, 2011, in which staff recommended an administrative policy that would be managed at the staff level. Council however determined that formal public action at Council meetings would result in higher Council accountability and provide opportunity for public input. Therefore, Council directed staff to amend the policy to require City Council approval of all donations and return with a Resolution that could be adopted by Council.

Analysis

By creating a donation policy, (Exhibit A) staff can provide a process, point of contact and a timeline for requesting residents. Furthermore, staff may be able to help facilitate infrastructure that is not currently budgeted through the "Donations List" (to be established following adoption of the proposed policy).

General Criteria

All requests will consider the following: Any existing property agreements, regulations or deed restrictions, scope, donor and proposal, easements, utilities, existing structures, quality and/or quantity of an object(s), size, future or ongoing maintenance, public safety/risk management, estimated value, relationship to the natural environment, users

of the proposed site, future development plans, landscape design, existing infrastructure, environmental concerns, visibility and accessibility and if the item is identified on the PCMC “Donations List.” All requests will need to provide a written proposal detailing the offer of donation, in addition to a letter of intent finalizing approved details, design and installation upon acceptance by the City.

Point of Contact

Prior to this policy, requests were often times made through various departments and staff on an ad hoc basis without city-wide communication. This created issues not only for staff but for applicants. As the policy is written, the Executive Department will provide applicants with a single point of contact and a clarifying policy document. Once an application is completed in its entirety, a review committee, consisting of the Parks Department, Executive Department, Sustainability Department and Public Works, will oversee the remainder of the process.

Prior to installation, all proposals will require a public hearing and City Council approval at a regular meeting. *Council should provide direction per the desired level of public notice of the hearing.*

- a. Minimal: item noticed on the City Council meeting agenda.*
- b. Moderate: item noticed on the City Council meeting agenda and legal notice in the local newspaper.*
- c. Advanced: item noticed on the City Council meeting agenda and legal notice in the local newspaper, as well as, mailer to adjacent property owners.*

Installation and Maintenance

The Parks Department will oversee all installations to ensure materials and construction meets City specifications. Routine maintenance for items will be provided at the City’s expense. Any “special” maintenance may be requested by the applicant, at their expense. Special maintenance shall be defined as exceeding routine maintenance provided by the Parks Department.

Local Stakeholder Input

Staff has been approached by a local non-profit entity about providing a program that would promote donations, benches in Round Valley, which would be auctioned off to provide valuable funding for aspects consistent with the areas conservation values. Specifically, Open Space and Trails. Furthermore, the program would identify and set the number of allowable benches within the Round Valley Open Space.

Emergency Donations

Donations made during times of Emergency are exempt from this policy.

Alternatives:

- A. Approve: Council may approve the attached Resolution adopting a policy for memorial and community project donations on City owned property.**
- B. Modify the request: Council could choose to modify the donations policy as presented in the Resolution. Instead of taking formal action for each donation,

Council could direct staff to hold a staff public hearing and then do a Manager's Report before implementing. Thus, Council can see each donation first and if any issues arise, ask for the item to return as a work session item. This is consistent with art located in public places.

- C. Deny the request: Council could not approve the policy at this time.
- D. Continue the Item: Council may feel there is not enough information to make a decision, and have staff return with more information.
- E. Do Nothing: Same effect as continuance.

Significant Impacts

A donations policy and guidelines will help clarify expectations for citizens and staff and help reduce possible conflicts. Furthermore, a cost savings to the City may be achieved through memorial and community project donations that are obtained through the "PCMC Donations List." Finally, rather than providing a staff report for each donation, staff will likely just place each donation on the agenda in order to conserve staff resources.

Departmental Review

This report has been reviewed by the Sustainability Team, Public Works Departments, Parks Department, Executive Department and City Manager.

Staff Recommendations:

City Council adopt a donations policy by resolution.

Attachments:

Attachment A: Resolution

Exhibit A to Resolution: Donation Policy for memorial and community projects.

Exhibit B to Donation Policy: Written Proposal

Exhibit C to Donation Policy: Letter of Intent

Attachment A

Resolution No. -11

**A RESOLUTION ADOPTING A POLICY FOR
MEMORIAL AND COMMUNITY PROJECT DONATIONS
ON PUBLIC PROPERTY IN PARK CITY, UTAH**

WHEREAS, creating community character is a top priority for City Council; and

WHEREAS, providing customer service consistent with open and responsive government is a top priority for City Council; and

WHEREAS, protecting the integrity of City property is paramount for the residents in Park City; and

WHEREAS, the City Council discussed the policy on January 27, 2011, and finds the attached policy to be in the best interests of the residents of Park City.

NOW THEREFORE, be it resolved by the City Council of Park City as follows:

SECTION 1. POLICY ADOPTED. The Park City Memorial and Community Project Donation Policy is hereby adopted and attached as Exhibit A.

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

PASSED AND ADOPTED this 17th day of February, 2011.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

(Exhibit A)

PARK CITY DONATION POLICY

I. Purpose

To establish a policy for non-artistic donations proposed in public parks, facilities, open space and trails on City property or on public easements.

II. Authorization

The City Council shall retain final authority for accepting donations and/or authorizing any use of City owned property.

III. Objectives

- Insure uniformity and a timeline for requests
- Facilitate and encourage contributions to the City
- Protect the integrity of City property
- Provide opportunities for residents to augment the provision of City services and create a vested connection to place and community
- Provide customer service consistent with open and responsive government

IV. Qualifying Donations

- Community project enhancements and/or services, such as eagle scout and youth program projects
- Memorial items, such as benches or trees
- Artistic donations **will not be considered**. PCMC has a specific donation policy for art, which is reviewed by the Art Board.
- Third party consideration prohibited. Unless specifically approved by the City Council, third parties, including non-profit organizations, may not market or include donations to the City as part of a donation or additional consideration to that party or organization. The City Council may only approve such arrangements where the consideration is used to offset costs or enhance existing services or donations directly provided by that organization to the City (such as Adopt a Trail programs).

V. PCMC 'Donation List'

PCMC has created a list of projects that benefit the community but are not currently funded within the budget. It is recommended that all proposals review this list of

approved projects. Projects identified on this list have a very high probability of being approved.

VI. Process

The purpose of this policy is to establish a uniform process for donations in public parks, facilities, open space and trails on City property or public easements.

The following guidelines will be used when donating items:

A. Written Proposal and Letter of Intent

A written proposal (Exhibit B) must be submitted to the Executive Office at Park City Municipal Corporation for review. The proposal submitted should include: an explanation or scope of the proposed donation; specifications, including type, dimensions, material and proposed location; estimated value of the donation; and any other pertinent information. Additionally, a draft Letter of Intent (Exhibit C), detailing the general criteria and obligations for a donation needs to accompany the proposal.

B. General Criteria

In general, the following criteria will be considered: Any existing agreements, regulations or deeds, donor and proposal, scope, easements, utilities, existing structures, quality and/or quantity of an object(s), size, future or ongoing maintenance, public safety, estimated value, relationship to the natural environment, users of the proposed site, future development plans, landscape design, existing infrastructure, environmental concerns, visibility and accessibility and if the item is identified on the PCMC "donations list."

All applications may be reviewed by such city agencies as Engineering, Finance, Parks, Public Works, Sustainability, Water, Recreation or Planning before making a recommendation. Should the donation be proposed for a historic building, site or district, PCMC will consult with the Planning staff and the appropriate Historic Commission. Finally, donations made on property with a conservation easement or deed restriction shall require approval from the easement holder if required per the applicable easement or deed.

The City Council shall retain final authority for all use of City owned property.

C. Timeline

Once an application is considered complete, (verified in writing) staff will process and respond to each application within 60 days of submittal. One of the following responses will be provided:

1. Application acceptance and prepare for Council approval..

2. Application denial due to the applicant not meeting the terms of agreement of general criteria.
3. Application modification request which may include a general modification to the scope of the project
4. All approved applications will require City Council approval. No timeframe shall be set for Council approval.

D. Implementation

The following guidelines are provided for the installation, construction or placement of any donation:

1. Project and Process

This donation agreement shall be appurtenant to the following location and project: _____

2. Funding

All costs including initial installation, labor and materials are the responsibility of the donor. All donations with an estimated value over \$5000 need to be reported to the Finance Department.

3. Installation

Park City Parks Department will oversee and provide for the installation of all donations. Donations requiring installation services outside of the Parks Department's regular duties may require an outside contractor at the applicant's expense. Furthermore, the Parks Department shall approve final locations and the installation timeline for all donations.

4. Location

PCMC reserves the right to amend and/or reject any location provided by the applicant, based on any existing agreements, regulations or deeds, scope, donor or proposal, easements, utilities, existing structures, quality and/or quantity of an object(s), size, maintenance, public safety, relationship to the natural environment, users of the proposed site, future development plans, landscape design, existing infrastructure, proximity to other donations, environmental concerns, visibility and accessibility and if the item is identified on the PCMC "Donations List." Unless specifically agreed to in writing, the City may, at any future date, elect in its sole discretion to remove or relocate the donation. No permanent right, title, or interest of any kind shall vest in the Donor's behalf by virtue of this agreement.

5. Vandalism & Maintenance

All normal maintenance costs are at the City's expense, however, no special maintenance and/or replacement will be undertaken. Special maintenance shall be defined as exceeding normal maintenance as

determined and provided by the Parks Department. Payment will be made by check payable to Park City Municipal Parks Department. The Parks Department will replace a tree within one year of the planting of the tree but will not be responsible after two years. The City reserves the right to relocate any donation.

6. Plaques

No upright, free standing signs or plaque donations are allowed without City Council approval. The City will allow at specified sites an engraved 96 square inch or smaller engraved flat stone that can be placed at the foot of a donation. Other items may have a plaque placed or engraved. These Plaques/engravings will be sixteen square inches in size. Other details such as materials and wording must be approved by the City as part of the written proposal.

7. Materials

All donated benches and species of trees must be approved by the Parks Department. Materials or items not specified within this document will be reviewed and approved by the City Engineer. Trees may only be planted between May 15th to October 1st; weather permitting approved and coordinated with the Parks Department.

8. Liability

In no event shall the City be liable for value or tax assertions/claims by the Donor. The Donor(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from any person, entity or corporation, resulting from the Donor's use of the City property or right-of-way for installation purposes, or arising from the Donor's performance or improvement/item donated pursuant to this policy.

9. Other

This agreement shall be in effect for the life of the donated item in accordance with generally applicable standards administered by the Finance Department.

(Exhibit B)
Written Proposal

Date: _____

Applicant: _____

Address: _____

Phone: _____

Email: _____

Scope of donation(s) *(Why and what are you submitting for this request?)*

Location *(Where are you proposing to donate the item(s)? maps, photos are encouraged. Please be specific)*

Type of Donation *(Please provide size, shape, materials, quantity of donation.)*

Approximate Cost of Donation

(Exhibit C)

Donation Letter of Intent

The following guidelines are provided for the installation, construction or placement of any donation:

1. Project and Process

This donation agreement shall be appurtenant to the following location and project: _____

2. Funding

All costs including initial installation, labor and materials are the responsibility of the donor. All donations with an estimated value over \$5000 need to be reported to the Finance Department.

3. Installation

Park City Parks Department will oversee and provide for the installation of all donations. Donations requiring installation services outside of the Parks Department's regular duties may require an outside contractor at the applicant's expense. Furthermore, the Parks Department shall approve final locations and the installation timeline for all donations.

4. Location

PCMC reserves the right to amend and/or reject any location provided by the applicant, based on Any existing agreements, regulations or deeds, scope, donor or proposal, easements, utilities, existing structures, quality and/or quantity of an object(s), size, maintenance, public safety, relationship to the natural environment, users of the proposed site, future development plans, landscape design, existing infrastructure, proximity to other donations, environmental concerns, visibility and accessibility and if the item is identified on the PCMC "Donations List." Unless specifically agreed to in writing, the City may, at any future date, elect in its sole discretion to remove or relocate the donation. No permanent right, title, or interest of any kind shall vest in the Donor's behalf by virtue of this agreement.

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9. Other

This agreement shall be in effect for the life of the donated item in accordance with generally applicable standards administered by the Finance Department.

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and _____ (Donor(s)) to set forth the terms and conditions under which the City will permit the applicant to donate certain improvements on City property at _____ (location), Park City, Utah. Subject to the following terms and conditions of this agreement.

DATED this _____ day of _____, 20____

PCMC Owned Property

