PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 11, 2008

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 11, 2008.

Closed Session
3:30 p.m. Property, personnel, and litigation

Work Session
5:00 p.m. Council questions and comments
5:10 p.m. Economic development grant updates: P. 4 - 7

- Park City Institute for Public Policy
- Spectrum DNA (Center for Applied Media)

5:50 p.m. Break

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Swearing-in of Police Officers Aric Barker and Nathan Cline

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 20, 2008
P. 8 - 25

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

1. Consideration of an Ordinance amending Title 5, Government Records Access and Management Act, of the Municipal Code of Park City, Utah to correlate with state code amendments

2. Consideration of a Resolution adopting classification and retention schedules for each record series maintained by Park City Municipal Corporation pursuant to the Utah Governmental Records Access and Management Act and rescinding Resolution No. 07-02 P. 26 - 51

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

1. Consideration of (1) the issuance and sale of the City's general obligation bonds, for the purpose of acquiring, improving and forever preserving park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, remove existing unneeded man-made improvements, and make limited improvements for public access,

parking and use and paying the costs incurred in connection with the issuance and sale of the general obligation bonds and (2) the potential economic impact that the facilities will have on the private sector P. 52 - 92

(a) Public hearing

(b) Approval of a Resolution confirming the sale and authorizing the issuance of $10,000,000 General Obligation Bonds, Series 2008 of the City; and providing for related matters

2. Consideration of authorization of the following insurance premium payments for public entity liability, workers compensation, property, and crime insurance covering a one-year period from January 1, 2009 through January 1, 2010: P. 93 - 96

(a) $105,622 to States Self-Insurers Risk Retention Group, Inc. ("States") for public entity broad form liability insurance;

(b) $158,234 to Workers Compensation Fund ("WCF") for workers compensation insurance;

(c) $66,993 to Lloyds of London for property insurance;

(d) $6,564 to Zurich American for boiler/machinery insurance;

(e) $5,757 to Hartford Insurance Company for property insurance covering Marsac-Swede Condominium Owners Association (460 Swede Alley, Units 1 and 2)

3. Consideration of an Ordinance approving a one year extension of the Jupiter View Estates Subdivision approval, located at 1376 Mellow Mountain Drive and One Eagle Way South, Section 8 Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, UT

(a) Public hearing P. 97 - 113

(b) Action

4. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to address revisions to Chapters 1, 2, 3, 4, 6, 10, 11, 12 and 15

(a) Public hearing P. 114 – 131

(b) Possible action (and separate cover)

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

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

Posted: 12/08/08
see www.parkcity.org

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

December 2008

18 Open meeting training (30 min) - work
McPolin Farm administrative policy - work
Event policy discussion - work
Quarterly goal update - 4th quarter - work
Membrane procurement - KL
2300 Meadows Drive subdivision plat – BR
LMC amendments – TE
PC Heights annexation

19 Special Joint meeting with Planning Commission – 4 – 6 p.m.

25 **Holidays**

January 2009

1 **Holidays**

8 Hillside Avenue reconstruction update – MC - work
Cost recovery policy for Recreation
118 and 124 Daly Ave – Plat Amendment [PL-08-00541] KC
161-187 Daly Ave, Four's Company – Plat Amendment [PL-07-00197] KC
1910 Prospector Avenue – Condo Conversion [PL-08-00543] JM

15 **No meeting – Sundance Opening**

22

29-30 **Visioning Session**

February 2009

5 PSSM – 2009 incentives for upper Main Street
Comprehensive transportation strategic plan

12

19 **No meeting**

26

March 2009

5

12

19

26

Pending Items:

Amendment to fee resolution - GRAMA
McPolin Farm Administrative Policy
Park City Foundation update – work
Economic development grant update - work
Water supply and demand
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues
No meeting – May 14 – Dana gone

City Council
Staff Report

Subject: Economic Development Grant Updates
Author: Jonathan Weidenhamer
Department: Economic Sustainability
Date: December 11, 2008
Type of Item: Informational

Summary Recommendations:
Affirm that each grant recipient has met the terms and services identified in their Economic Development Grant Contract.

Topic/Description:
1. Spectrum DNA – formerly known as Center for Applied Media
2. Park City Institute for Public Policy – formerly known as Oquirrh Institute

Background:
Park City allocates $20,000 each fiscal year to be used towards attracting and promoting new organizations that will fulfill key priority goals of the City's Economic Development Plan. Funding is available for relocation and new business start-up costs only (Exhibit A). Park City has awarded grant to the following entities, each of which agreed to provide progress updates to Council:

1. Spectrum DNA (Center for Applied Media) - In June 2006 an ED grant was awarded to the Center for Applied Media in the amount of $18,000. In exchange for the City's contribution, the Center agreed to:

- Set-up their main office headquarters within the City limits and remain for a minimum of three years
- Provide a minimum of (4) free educational forums and training seminars within the three year period for the local community that relates to the Center's mission of educating people on the use of applied media
- Program the majority of conferences, trainings, and meetings within the Park City limits.
- Provide up to 3 updates to the Park City Council each year.

2. Park City Institute for Public Policy – formerly known as Oquirrh Institute - In October 2006 an ED grant was awarded in the amount of $10,000. In exchange for the City's contribution, the Institute agreed to:

- Set-up its main office headquarters within the City limits and remain for a minimum of three years
- Program conferences and meetings that occur in Utah within the Park City limits.
- Develop an internship program with the local schools

- Provide the City with at least (4) complementary registrations for forums and conferences within the three year period for the use of the City's elected officials, staff, or local community
- Provide one update to the Park City Council each year for the term of the contract.

Analysis:
To Date, neither organization has provided an update to Council. Staff finds each group continues to meet the Terms and Services required as outlined in the contracts. Each group will give a verbal presentation during the meeting.

Recommendation:
Affirm that each grant recipient has met the terms and services identified in their Economic Development Grant Contract(s).

Exhibits
A – Economic Development Grant Criteria

ECONOMIC DEVELOPMENT GRANT POLICY **(adopted June 15, 2006)**

Annually, the City will allocate $20,000 to be used towards attracting and promoting new organizations that will fulfill key priority goals of the City's current Economic Development Plan. Funding will be available for relocation and new business start-up costs only.

ED Grant Distribution Criteria: Organizations must meet the following criteria in order to be eligible for an ED Grant:

Criteria #1 – The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.

Criteria #2 – The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.

Criteria #3 – The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.

Criteria #4 – The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.

Criteria #5 – Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.

Criteria #6 – Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

The City's Economic Development Program Committee will review all applications and submit a recommendation to City Council, who will have final authority in judging whether an applicant meets these criteria.

Economic Development Grant Fund Appropriations: The City currently allocates economic development funds through the operating budget of the Economic Development & Capital Projects department. Of these funds, no more than $20,000 per annum will be available for ED Grants.

Unspent fund balances at the end of a year will not be carried forward to future years.

ED Grant Categories: ED Grants will be placed in two potential categories:

<u>(1) Business Relocation Assistance</u> – This category of grants will be available for assisting an organization with relocation and new office set-up costs. Expenses that could be covered

through an ED Grant include moving costs, leased space costs, and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

(2) New Business Start-up Assistance - This category of grants will be available for assisting a new organization or business with new office set-up costs. Expenses that could be covered through an ED Grant include leased office space costs and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

Application Process: Application forms may be downloaded from the City's www.parkcity.org website or available for pick-up within the Economic Development Office of City Hall. Funds are available throughout the City's fiscal year on a budget available basis.

Award Process: The disbursement of the ED Grants shall be administered pursuant to applications and criteria established by the Economic Development Department, and awarded by the City Council consistent with this policy and upon the determination that the appropriation is necessary and appropriate to accomplish the economic goals of the City.

ED Grants funds will be appropriated through processes separate from the biennial Special Service Contract and ongoing Rent Contribution and Historic Preservation process.

The Economic Development Program Committee will review all applications and forward a recommendation to City Council for authorization. All potential awards of grants will be publicly noticed 14 days ahead of a City Council action.

Nothing in this policy shall create a binding contract or obligation of the City. Individual ED Grant Contracts may vary from contract to contract at the discretion of the City Council. Any award of a contract is valid only for the term specified therein and shall not constitute a promise of future award. The City reserves the right to reject any and all proposals, and to waive any technical deficiency at its sole discretion. Members of the City Council, the Economic Development Program Committee, and any advisory board, Task Force or special committee with the power to make recommendations regarding ED Contracts are ineligible to apply for such Contracts. City Departments are also ineligible to apply for ED Contracts. All submittals shall be public records in accordance with government records regulations ("GRAMA") unless otherwise designated by the applicant pursuant to UCA Section 63-2-308, as amended.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 20, 2008

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

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Kent Cashel, Deputy Public Works Director; Bret Howser, Budget Manager

Matt Ripken, Transportation Consultant

1. Council questions/comments. Liza Simpson relayed that she attended part of the Park City Policy Summit regarding alternative ways to fund infrastructure. Candace Erickson reported that Envision Utah is disbanding and will be merging with the Quality Growth Commission and other similar organizations. Friends of the Farm met on Wednesday morning and on Saturday, February 7, the full moon trek will be held at the Farm. She pointed out the number of yard sale signs attached to light poles throughout Park Meadows which should be removed. She mentioned the flock of Canadian geese living on the 18th hole of the Park City Golf Course and pointed out that it could become a problem if they flourish. Jim Hier discussed a public hearing conducted by the Uniform Building Code group on proposed amendments. The Peoples Health Clinic held an open house which was very well attended and he also participated in an HMBA meeting held during the week. Roger Harlan reported on Mountainlands Housing Trust and School District business. He proudly reported that he is the grandfather of twins born earlier this week. Mayor Williams noted that he, Tom Bakaly and Candace Erickson met with the UTCT this week on sustainability. He also attended and presented at the Uinta Headwaters Resource Conservation District meeting on renewable energy. This organization evolved from the former National Soil Conservation Service and assumes a more active role in the area which is very beneficial; they installed eleven anemometers in Summit County.

2. Transportation Strategic Plan Update. Kent Cashel explained that when the Strategic Plan was adopted in 2006, staff was directed to update Council on an annual basis to make sure it is consistent with current transit, pedestrian, bicycle, and vehicular policies. He acknowledged the scope of current traffic challenges and addressed the 12 elements outlined in the Strategic Plan:

1. <u>To pursue formal agreements to cooperate with regional entities on transportation issues</u>. He explained that this recognizes that issues are regional and partnering is critical to address problems. The cooperative agreement with UDOT to work on a corridor plan is significant. It is hoped that Wasatch County will elect to participate at some point because of its impacts on the SR248 corridor.

Candace Erickson referred to the staff report, specifically relating to the state, which she felt would not be supportive about mitigating resort area congestion because of the debate about year-round use of Guardsmans Pass. Mr. Cashel indicated that Ski Utah expressed that an integrated message from resort cities may be effective. Ms. Erickson emphasized her concern that Guardsman's Pass not be considered for winter use. Kent Cashel stated that this may require a broader discussion in terms of developing a strategy. Tom Bakaly interjected that he felt we could protect our interests; the intent was to work with the Governor on SR224 and the ski resorts and not alternative routes into town. Mr. Cashel assured Council that the language can be better clarified.

2. Develop and implement an ongoing traffic monitoring program. Mr. Cashel noted that the program has been stepped up greatly this year with contract staff and as a result, better traffic data gathering is being generated. There is a base line now which will help in making better decisions. UDOT has an enormous amount of information on its state highways which is available to the City. He spoke about integrating the state's information on the City's website.

3. Utilize travel demand management (TDM) strategies to mitigate peak hour travel volumes. Kent Cashel explained that TDM is finding ways to develop alternatives to single occupied vehicles like ride-sharing, moving travel out of the peak hour, improved public transit, alternative modes, etc. He detailed a current City managed van pool program for Salt Lake and Basin employees available through UTA, which has been very successful. Staff will continue to work with the ski areas with regard to transit needs.

4. Expand public transit where appropriate. He explained that an expanded transit facility at Ironhorse is being designed which will house additional buses and provide for an improved parking area. In response to a comment from the Mayor, Mr. Cashel expressed that there will probably be a future need for two facilities but felt it still necessary to maintain a facility in town. There could be a satellite facility in the County where there may not be maintenance services, for instance. Jim Hier recalled the decision to upgrade Ironhorse contemplating that it would continue to be the maintenance facility regardless of any expansion efforts. Staff will return to Council with an update on this project.

5. Facilitate development and promotion of park and ride, van pool, rideshare and alternative mode programs. Kent Cashel discussed completing the park and ride and reported that the County is close to accepting the road. The Mayor felt it important that the resorts urge their employees to use the park and ride.

6. Facilitate improved special event traffic planning, coordination and communication. Mr. Cashel spoke about forming a group with ski area representation, the peak resort day traffic management group, to mitigate peak hour congestion. There is a plan to implement a test program during Christmas Week involving the police to direct traffic at the intersection at Park Avenue and

Empire and also manning the crosswalk. The improvements to the round-about will assist moving Deer Valley traffic and there will be directional signs to different routes to assist visitors. He felt there is a commitment from the resorts to work together and he was hopeful that the trial would work. The operation of the park and ride will have a significant positive impact on event traffic management as well SR248.

7. Work with local business community to facilitate the development and implementation of a regional TMA – This is an effort to educate employers to work with their employees to establish programs and he hoped to acquire some state funding to develop a more formal program. Jim Hier suggested identifying someone at the Chamber to be the point person on this effort and Mr. Cashel felt this is a good suggestion. The Mayor added that the Chamber should be encouraging visitors not to rent cars. Liza Simpson felt that as the rental car base has grown, using public transportation is not a focus and Mr. Cashel stated that he will work with the Chamber on these points. A business Transportation Summit was held in 2007 but he acknowledged that momentum is diminishing. Staff feels that employee transportation is a critical issue and staff will continue to work with the Chamber.

8. Facilitate regional efforts to secure federal and state financial assistance to fund necessary transit and road projects. He explained that the City has been successful in obtaining UDOT funding. Potential funding from the Stimulus Program was discussed.

9. Develop processes and procedures to ensure the traffic impacts of all development and annexation proposals are carefully analyzed and understood and

10. Develop processes and procedures to ensure all MPD and annexation proposals are required to include a traffic impact analysis and a traffic mitigation plan sufficient to evidence that the development's or annexation's traffic impacts will not reduce current levels of service on the City's road network - Kent Cashel felt the current internal process of including affected departments and services is effective. Mr. Hier expressed that the statement about not changing the level of service is ambitious and suggested that a realistic level of service be identified. Mr. Cashel indicated that staff will prepare amended language.

11. Utilize financial instruments when appropriate to balance expenditures with revenue resources and cash flow timing. Staff continues to explore funding opportunities and he spoke about projecting costs for improving SR248 which may be shared on a local, state and federal level.

12. Develop and implement an ongoing multi-media communication plan to inform and educate the public on regional transportation issues, transportation management efforts and the role each individual plays in an effective

transportation program. Mr. Cashel discussed availability of the press and getting more useful information on-line. Liza Simpson discussed a user entering the starting location and ending location to plan a bus itinerary on-line, and Kent Cashel explained that this will require some added technology but there is grant money available to accomplish this project.

He emphasized the focus to incorporate all of the City's interdependent transportation elements into the Strategic Plan and will return in late January with a report and initial recommendations on the comprehensive strategic transportation plan. Jim Hier relayed that the staff report was very well done.

3. Update on SR248. Kent Cashel explained the goal tonight of receiving Council direction on alternatives acknowledging that the information is not detailed at this point. The strategic plan for our entry corridors was established in 2006. He emphasized that there are seven separate studies on SR248 and it made sense to incorporate them into one plan which represents Phase 1 of the study. Several alternatives were presented and Council provided staff with direction to look at the no build alternatives, directional lanes, dedicated bus/high occupancy (HOV) lanes and four lane widening. A steering committee was formed with a variety of departments and UDOT representatives, a stakeholders group was also organized with key employers, and a Transportation Summit was held on September 30 which was well attended. He spoke about estimates for alternatives and associated carbon footprints.

Consultant Matt Ripken referred to the table in the meeting packet regarding the alternatives and the importance of narrowing down preferences. Jim Hier asked if the four lane full widening option would require excavation of the hillside and Mr. Ripken understood that excavation is minimal but the engineering has not been done to know how much of the wetlands are affected. He continued to explain that there are also options based on the desire for bike lanes where the travel lanes could be shortened to 10 or 11 feet. The no build alternative results in increases to travel times by 30 minutes. The four lane option would involve some widening and would extend beyond the current footprint. If the raised median is removed and the width of the travel lanes decreased, a four lane section with no turn or bike lanes could be built.

Liza Simpson asked for clarification of the traffic issues at Quinns Junction and Mr. Ripken stated that it is anticipated that the signals will begin to fail resulting in delays during peak times. Use of the HOV lanes and park and ride lot will help alleviate some traffic problems for a period of time but these issues will have to be addressed again in the future. Kent Cashel emphasized that in order to blend traffic westward beyond the schools requires widening SR248. Matt Ripken explained using directional lanes for peak travel hours and in response to a question from the Mayor, he estimated traffic growth to be about 5% to 6% to 2014 and reducing to 3% to 4% to the year 2020. These estimates were based on the pending PC Heights annexation, other developments and the growth projections within Wasatch County. Jim Hier pointed out the 11,000 units proposed at the Jordanelle Reservoir. Candace Erickson felt that these residents may not be impactful because the majority of the 15,000 residents in the

Basin do not come into Park City on a regular basis. Jim Hier disagreed. Ms. Erickson expressed that all potential impacts should be carefully considered in light of the significant cost for improvements to essentially add two more lanes in front of the schools. Mr. Ripken admitted that it is difficult to project numbers but the trend is that traffic growth has been stronger than building growth which is unique to the rest of the state. Other studies were used in this analysis including development proposals and it is expected that growth will flatten out. Since it is impossible to predict the future, Roger Harlan asked if there are any interim fixes that may delay improvements. Mr. Ripken stated that the City has done a good job of implementing interim improvements and he again discussed removing the raised median. He believed that reversible lanes will become ineffective over time because of the projected growth in Wasatch County which is out of the control of the City. On the other hand, implementing HOV lanes, improved transit, and the park and ride are things that would be managed directly by the City and will buy some time. Roger Harlan spoke about the unintended consequences of trying to manage traffic and Matt Ripken agreed and acknowledged that when more capacity is provided, more people are encouraged to drive. He believed that Park City needs to focus on a management strategy and working with UDOT on future projects. Kent Cashel agreed that congestion can not be solved but can be mitigated.

The Mayor felt it premature to make assumptions about encroaching on the hill or wetlands and was uncertain if it is even feasible because of restrictions. Mr. Ripken responded that the group has explored it to the extent that it is feasible but the full trade-offs are unknown. Jim Hier pointed out that there is very little improvement of travel times with the four lane concept within the existing footprint compared to a full four lane expansion. Creating that additional cost at this stage seems inappropriate. The four lane and/or reversible lanes within the existing footprint are the two options that should be pursued in his mind. The location and distance of the reversible lane would have to be studied. Additional lanes in front of the school should be considered in conjunction with an underpass project and if the underpass proceeds, he suggested pursuing the full four lane expansion option.

Liza Simpson stated that she has not abandoned the *no build* option and discussed encouraging travel on off-peak times and pointed out that people are now traveling around SR248 to avoid a 12 minute wait. Ms. Simpson requested clarification about the negative recommendation about the use of reversible lanes and Matt Ripken stated that the option may be disappointing because of continued growth within Wasatch County. Trends show that as suburban areas grow, the directional split in flows begins to flatten out. Ms. Simpson stated that the one alternative she does not favor is the four lane full expansion and Ms. Erickson agreed, adding that she doesn't want to encroach on the hillside or wetlands. The raised median slows drivers down as they approach town and Ms. Erickson felt that one of the worst things the City has done was to widen SR224. Speeds and accidents have increased and an expansion doesn't seem like a great solution because it won't change people's driving habits. She hoped that promoting the park and ride and designating a HOV lane for public transportation will be effective. Roger Harlan favored using the reversible lane option at least on a trial basis which may buy the City some time to research other solutions.

The Mayor summarized that the group is not supportive of the fully expanded four lane project and Kent Cashel noted that the other alternatives will return to Council with a higher level of detail. Jim Hier also supported including a HOV lane in a four lane configuration.

4. Economic outlook and shortfall plan – Through illustration of a PowerPoint presentation, Bret Howser explained that the focus tonight will be on General Fund activities over the years. Revenues have grown faster than expenditures at 7.8% to 7.4%. Net revenues average $2 million a year but over the past five years have averaged $5 to $6 million and have been dedicated to one-time capital expenses. Property tax is a major revenue source which is steady but does not have an inflationary measure to meet expenditures but property values have increased significantly over time. Another significant revenue source is sales tax as well as building related revenue which are somewhat more unstable sources. Building numbers are coming in below the budgeted amount of revenue forecasted this year. He added that strong financial performance over the years tends to build strong reserves but state statute only allows the City to keep 18% reserves in the General Fund and he explained where reserves are dedicated.

Mr. Howser displayed a chart on the history of recessions in the early 1990s. He further explained that Park City has performed well during recessions and market research shows that skiers seek quality and favor better snow and more accessible resorts. Despite low consumer confidence, it appears that skiers are still willing to spend money on destination vacations. In order to forecast numbers, leading indicators including reservation activity, visitor nights, and disposable income per capita are considered to predict sales tax revenues. A downturn in sales tax is estimated at about $1.9 million which will be continually updated, and building revenue will be down about $1.5 million. This represents a 10% reduction in revenues in the General Fund. Reservations for future months compared to the same time last year are down 17% for the winter season. He added that December numbers are catching up and it may be that visitors are booking reservations later than in previous years. Bret Howser then displayed a chart on real disposable personal income plotted against visitor nights which shows a decrease this ski season.

He explained that the City's financial impact assessment report reveals a shortfall of about $2.7 million and if the City continues to operate at current expenditure levels in both capital and operating, there will be a deficit this year and using reserves may be necessary. The contribution to the General Fund to cover capital projects this year would be about $5.2 million this fiscal year. Mr. Howser displayed the project list expected to be funded in the next three years using General Fund surplus money and some projects have been spread out over time. The OTIS street reconstruction projects represent debt service paid with the General Fund surplus. He added that the use of reserves to the degree of 1% to 9% is defined in the City's shortfall policy as the *alert level* or the first stage of five levels. Both the alert and minor levels anticipate providing the same level of service on the operating side but recommends tighter budget monitoring and delaying expenditures wherever possible. Staff is already working on budget monitoring and additional tools for managers are being developed like monthly distribution information for better planning. The Budget Department will work with managers if they are over-budget at the end of the month. During the budget review, the capital improvement plan will be re-evaluated to determine what projects can be deferred as well as operating budget offsets. Departments have been directed to identify 5% operating reductions over the next six months while still maintaining the same level of service. Staff will also be exploring revenue enhancement by looking at fees to make sure costs are covered and internal sales tax distribution may be adjusted. Mr. Howser emphasized that the City has a history of good financial health and our strong reserves places the City in a good position heading into the recession.

Jim Hier supported looking at operating expenses in conjunction with a reduction in capital expenses. He suggested that with the re-evaluation of the capital improvement plan data, that productivity enhancements be prioritized.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 20, 2008

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, November 20, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Liza Simpson. Joe Kernan was excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Todd Touchard, Project Manager; Max Paap, Special Events Manager; and Jon Weidenhamer, Economic Development Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

<u>Resolution acknowledging the importance of supporting non-profit organizations in our community and declaring Friday, November 28, 2008 as Giving Day in Park City, Utah</u> – Mayor Williams read the Resolution into the record and presented it to Teri Orr, Executive Director of the Eccles Center, a non-profit organization in Park City.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF OCTOBER 30, 2008 AND NOVEMBER 6, 2008

Roger Harlan, "<u>I move that we approve the work session notes and minutes of the meetings of October 30 and November 6</u>". Jim Hier seconded. <u>Motion carried</u>.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

V RESIGNATIONS AND APPOINTMENTS

<u>Consideration of the appointment of two members to the Historic Preservation Board for terms expiring July 2011</u> – The Mayor requested a motion to continue to December 4. Liza Simpson, <u>I so move</u>". Jim Hier seconded. <u>Motion carried</u>.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye

Joe Kernan	Absent
Liza Simpson	Aye

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

Candace Erickson, "I move we approve Consent Agenda Items 1 through 4". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

1. Consideration of acceptance of the Comprehensive Annual Financial Report (CAFR) and Independent Auditor's Report for fiscal year ending June 30, 2008 for Park City, Utah – See staff report.

2. Consideration of a Community Engagement and Visioning Contract with czbLLC in the amount of $53,959 in a form approved by the City Attorney – See staff report.

3. Consideration of a Resolution acknowledging the importance of supporting non-profit organizations in our community and declaring Friday, November 28, 2008 as Giving Day in Park City, Utah – Staff recommends approval.

4. Consideration of a Resolution authorizing the issuance and sale of up to $10,000,000 aggregate principal amount of general obligation bonds of the City for property acquisition; fixing certain maximum terms for the Bonds; and providing for related matters – See staff report.

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

1. Consideration of a Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates for General Engineering Services for an amount of $252,560 – Todd Touchard explained that the addendum extends existing tasks and an adds projects like finishing the water line from the Quinns treatment plant. Also, the master plan will be updated to show the alternatives for treating raw water. Other services include designing the water line out of the treatment plant into the City, redesigning the Hillside Avenue water line project, finishing the Bonanza Avenue line along Deer Valley Drive to the existing pump station, and replacing a flume structure on McLeod Creek. He also explained other minor tasks and the purpose of a flume for the benefit of Liza Simpson. The Mayor invited public input; there was none. Jim Hier, "I

move we authorize the City Manager to execute the second addendum to the professional services agreement with Bowen Collins & Associates for general engineering services in the amount of $252,560 in a form approved by the City Attorney". Candace Erickson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

2. Consideration of a Letter of Intent in a form approved by the City Attorney between Summit County and the City related to joint property acquisition of approximately 107 of the estimated 112 acres of Parcel #SS-57-1, property owned by the Boyer Company located to the southeast of the UDOT facility - and

3. Consideration of a Purchase Agreement in a form approved by the City Attorney between Boyer Summit County and Park City (collectively Buyers) in the amount of $2,250,000 for the joint property acquisition of approximately 107 of the estimated 112 acres of Parcel #SS-57-1, property owned by the Boyer Company located to the southeast of the UDOT facility – City Manager Tom Bakaly emphasized that the 107 acres are not intended to be used for open space. He described the location of the property, east of US40 or the area used as the park and ride during the Olympics. Staff is recommending entering into a letter of intent with the County to purchase the property for $4.5 million or $2.25 million each. The funding source is the General Fund and/or funds in the five year CIP, not open space bonds. Some of the proceeds from the Shortline parcel may be used and it is likely the property will be the site for a future public works facility. The letter of intent outlines financial commitments for each party and references a joint master plan process for the City and Summit County. The first recommended action is approving the letter of intent and the second is approval of the purchase agreement. PRI is reserving five acres and the wording of the purchase agreement is somewhat confusing because it refers to 112 acres being purchased upfront but then speaks to how the five acres would be reserved for the church (PRI). He reiterated that the City is purchasing 107 acres and is scheduled to close this calendar year unless there are substantial changes or other conditions.

The Mayor invited public input on the letter of intent; there was none. Jim Hier, "I move that we approve the letter of intent with Summit County and Park City Municipal for the acquisition of the property known as #SS-57-1 owned by the Boyer Company, as outlined in the staff report". Roger Harlan seconded. Motion carried.

The Mayor invited public input on the purchase agreement and there was none. Jim Hier, "I move approval of the purchase agreement with Boyer Company in conjunction with Summit County, conditioned upon the definitions of Paragraph #10 and #11 which are currently labeled as reserved being filled in with either appropriate verbiage or to be defined as not applicable in a form approved by the City Attorney as well as any potential refinements in the definition of the acreage to be reserved by the church and to approve the conditions in a form approved by the City Attorney, unless they are substantive enough where we would want to have it brought back to us". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

Excerpt from November 20, 2008 City Council Meeting:

4. Consideration of the Park Silly Sunday Market Master Festival License for 2009 – Jonathan Weidenhamer explained that staff is recommending approval for 15 Sundays from June 14 through September 27, except for the weekend of Arts Fest. The hours are proposed to be 10 a.m. to 4 p.m., not including loading times, which reflects the same terms as last year. Staff believes that the market was a great success from an operational standpoint and the extra measures the event organizers put into place to get patrons up the street, reduce parking impacts, and encouraging transit worked pretty well. Additional conditions of approval relate to the short term parking load and unload changes. The parking in front of the Kimball Art Center on Heber Avenue is currently two hours which is recommended to be reduced to 30 minutes and dedicated parking enforcement of the area is required. Volunteers will be used on a trial basis. Staff is recommending that an economic analysis be conducted; the first phase would be $10,000 to measure the direct fiscal impacts of the 2008 market on existing Main Street businesses. This will be conducted independently by the City who would contract with Wikstrom Economics. He warned that there is no *silver bullet* but any disproportionate impact to one type of business or blatant flaw should be identified. It is anticipated that Phase 1 would be completed by mid-January so that any operational changes could be made by February 1. Phase 2 is estimated at $15,000 and a long-term services agreement with PSSM would be anticipated at that point. He emphasized that Condition 18 specifies that the event organizers will have to fund the analysis but that will probably will be omitted because the City has typically been responsible for the costs of economic analyses in the past.

Mr. Weidenhamer stated that associated fees amount to about $22,000 and staff has the ability to waive up to $5,000. Additional fee waivers were denied in 2008; waivers are again requested this year and staff is again recommending denial because those types of fee waivers are usually associated with long-term service contracts like those held by Sundance and the Arts Festival. He reiterated that staff believes the event has been an operational success but there is a perception by some that the market presents competition with the Street, it is not a partner and additional compromises should be proposed. He referred to the staff report outlining operational changes to mitigate concerns, including addressing vendor mix, hours of operation, number of Sundays and venue location.

Since the meeting packet was distributed on Monday, Mr. Weidenhamer relayed that the HMBA rendered its formal position. Generally, the majority of the Board supports PSSM proceeding but would like a look at shorter hours and vendor mix to lessen potential competition with Main Street businesses. The HMBA also distributed a survey this morning and about 39 merchants responded and the event organizers have prepared a list of type and percentage of vendors. Since the staff report was published, the HMBA and PSSM have met and have made progress toward more compromise.

Jewels Harrison, event organizer, explained that eco-friendly elements of the festival were very successfully resulting in almost a zero waste event. She detailed recycling efforts and noted that only 7.5 bags of actual trash went to the landfill for the entire season. Kimberly Kuehn spoke about the rotation of a free booth to HMBA merchants which was a successful program and six businesses participated last year. Signs were added to direct people to the China Bridge Parking Structure and the trolley was rerouted. She stated that she negotiated a PSSM day of shopping on Sundays with bus carriers in Salt Lake and the passengers were dropped off on the top of Main Street. An average of five coaches for 11 out of the 15 Sundays were commissioned with 45 to 55 people on each bus, resulting in an additional 200 to 300 patrons on Main Street. Greyline Coaches offers five day tours and next year it will be offered for Park City so overnight visits are promoted. She suggested cooperative advertising with the HMBA and commented on the videos produced for the market on PCTV, KUTV, and Fox 13. A local live interview was broadcasted every Friday promoting historic Main Street. Ms. Kuehn stated that all of their advertising included historic Main Street and communication with merchants was enhanced. The hours were moved up to 10 a.m. to 4 p.m. in 2008 because of concerns expressed last year about the market taking away from breakfast business. Sidewalk sales could promote all of Main Street and she spoke about creating an inclusive street festival. The Mayor invited public input.

Jeff Ward, HMBA, stated that he doesn't have a lot to add to the information distributed to Council today. The majority of the Board supports PSSM and sees the potential for long term benefits to the Street. He felt that an on-going dialog can result in appropriate adjustments. There is not clear consensus from the membership or the Board about hours of operation and he is hopeful that the economic study will shed some light on this issue. The HMBA recognizes that the market can be a great addition and wants to be a partner. Mr. Ward referred to the staff report and asked for clarification on the wording *fatal flaw* and whether it would trigger a change in hours.

Mary Black, Hilda's, stated that she supports the growth of the PSSM which has been a great success. She felt that concerns about vendor mix can be worked out and strongly believed that the festival needs to be held every Sunday, even over the Fourth of July weekend in 2010. The hours should be extended into the evening and the scope should include the whole street. Her business was up 40%. Roger Harlan asked if the Salt Lake chartered passengers contributed to her sales and Ms. Black stated that she is unsure but most of her business seems to be local and second home owners. She saw more people that she recognized on Sundays than in the past and felt that having more people on the Street contributes to the ambiance of the market whether or not they are buying.

Monty Coates stated that he has three retail stores on Main Street which probably appeal more to the visitor than the resident customer and his experience is different than Hilda's. He relayed that he has been keeping close attention to Sunday sales over the past two years to better analyze the numbers and to create a history of sales. He stated that he has experienced a 78% drop in business on PSSM Sundays, but at the same time, sales on Mondays through Saturdays were flat. Sundays historically represented 20% of summer sales and now represent only 6%. He reserved judgment on this event last summer because he felt it added some needed *funk* to the Street and had hoped that sales would incrementally increase for Main Street businesses. However, he believes that the current configuration will never accomplish that. He felt that street events by nature are intended to enhance and bring awareness to the area, thereby increasing revenues to area businesses and should not cause greater impacts than benefits. Mr. Coates stated that he feels this was the intent of the PSSM, the event organizers have done an exceptional job, and he is impressed with their skills. He feels they have been acting in good faith to minimize impacts; however, there have been many businesses that have been harmed.

Mr. Coates stated that the market has some major flaws, duration and frequency, and the two combined creates a detrimental effect. Events attract people *like a moth to a flame*. Any event that has music, shopping, and entertainment will draw people but the problem is that PSSM holds patrons on lower Main Street all day long. It lasts the bulk of the day, it's every weekend all summer long, and replaces the natural flow of business rather than enhancing it. Any market on the Street should end no later than 1 p.m.; extended hours only benefit the market vendors in his view. This negates the opportunity to holding a street event by never releasing the visitors to shop and dine in the commercial district. The scale of the tenant mix looks like a two day festival and not a weekly market and Mr. Coates stated that the vendors compete directly with the majority of existing businesses. In many cases, the vendors are from outside the area increasingly the likelihood that revenues will leave the City. The tenant mix should enhance the business district, not replace it, and a weekly market should provide goods and services not commonly found on the Street. He reiterated that it should be limited to morning hours so it attracts people and releases them on Main Street. PSSM should not be allowed to continue in its current configuration and any event that has the power to affect the entire season over multiple years should be carefully analyzed to fully understand all of the ramifications. He understood the HMBA has tried to obtain meaningful economic data from other businesses and was shocked at the results of his own analysis. Mr. Coates felt that a decision should not be made until there is more information from the study to determine the scope of impacts.

Mayor Williams thanked Mr. Coates for his work and input. He asked if his businesses offered coupons or other incentives and Mr. Coates replied he didn't offer coupons but held sidewalk sales on several weekends which were not worthwhile.

Devon Stanfield stated that his gallery is located on lower Main Street and he definitely benefitted from the market. However, he operates another gallery in Aspen which holds weekly events like the PSSM throughout the summer but on Saturdays. In Aspen, the event is held on the opposite side of the commercial district so he is familiar with and understands both sides of the argument. He feels it is important to look at the overall picture. Summer is considered Aspen's high season now and part of the reason is that it host events all summer long. He feels that PSSM will end up helping merchants overall and is supportive of the hours. Mr. Stanfield pointed out that even if patrons aren't buying expensive art, they are creating an atmosphere.

Tim Helty, Silver Queen Gallery, stated that his business has been negatively affected by the market. He appreciated the event organizers meeting with him but urged Council not to approve 15 Sundays. The atmosphere the PSSM brings to town *cheapens* Park City. It doesn't attract the kind of clientele needed to support a business or that Main Street deserves.

With no further comments, the public hearing was closed.

The Mayor asked what Phase 1 will accomplish and Jon Weidenhamer explained that it will identify if any type or location of a business is onerously impacted. Phase 2 will analyze all of the indirect benefits of the event including surveying attendees of the market. Mr. Hier expressed that spending $10,000 on summarized data provided by the merchants this year and $15,000 to conduct independent surveys and a fiscal analysis later seems disproportionate. He felt that Council members could reach their own conclusions with the data provided by the HMBA and asked what the term *onerous* means. Mr. Weidenhamer acknowledged that it is a grey area. There was discussion about gathering information from other commercial areas in town.

Tom Bakaly pointed out the timing problem because it is going to be difficult to produce a meaningful analysis between now and the time PSSM needs to make decisions for the summer. He admitted that the study is a bifurcated approach pointing out problem areas in the short term and providing a more meaningful analysis to be completed through the year. Phase 1 is probably not going to provide the level of detail that would warrant conditioning the MFL. Mr. Hier felt it is not worth $10,000 if it is not detailed and Mr. Bakaly suggested a broader study that would be completed next year. Jim Hier agreed with not contracting with Wikstrom for Phase 1 but to conduct a comprehensive study including all of the data right now and continuing throughout the year. He also stated that he feels the retail stores on Main Street are very unique to the district. He questioned how much weight the Council could place on the findings of Phase 1 as proposed. The City Manager relayed that staff is leaning toward a comprehensive approach as well and asked if other specific conditions should be placed on the PSSM.

Roger Harlan noted that if the market sold more fruits and vegetables, it probably would not compete with the rest of the street. In response to a question from Liza Simpson Kim Kuehn described a list of ideas for the HMBA to promote Main Street in 2008 including greeters at the trolley stop, coupons, and sidewalk sales to make it more of a full street festival. Jeff Ward stated that he didn't recall a commitment from the HMBA to staff a person at the trolley but remembers discussions about integrating the street.

Mike Sweeney explained that the HMBA was going to try to help make upper Main Street more festive with the goal of having these merchants participate. The Board looked at conducting an independent analysis and found it was too expensive. He acknowledged the problem of motivating merchants, including lower Main Street. In today's economy, merchants need to do business differently and to be creative. Liza Simpson asked about programming music and Mr. Sweeney explained that the HMBA programmed Mountain Town Stages on a couple of occasions. He noted that some businesses on lower Main Street made financial contributions to the market to support its success. Mr. Sweeney expressed his support of the market, acknowledging that there are some impacts to some businesses.

Candace Erickson commented on how many locals she knows that attended the market and didn't buy anything. She agreed with Jim Hier about the wisdom of spending $10,000 on a study that probably will not provide the answers needed. She pointed out that the City has already provided tax-payers dollars to support the event by way of a grant. She didn't feel that the merchants on upper Main Street should have to work harder to recover from an event created for lower Main Street. She expressed that maybe the HMBA needs to create its own event on another day because the two are not co-existing well. It is unfair to ask merchants to expend more to remain status quo. Ms. Erickson referred to and asked for clarification of a statement in the staff report, *the event organizers may elect not to continue should the Council pursue certain regulatory options.*

Jewels Harrison responded that the assumption that the PSSM is causing the decline in business is not a fact, which is why a study would be helpful, and pointed out that the first year of the market was the first year the Redstone commercial area opened. People tend to create high expectations and forget that PSSM is only two years old and there are certain areas where they are experiencing growing pains. The demonstrated cooperation between everyone creates the real potential for positive things to happen. She asked for more opportunity to solve concerns and as an example, there will be an adjustment of vendor distribution of product. PSSM will lower the percentage of jewelry vendors to 15% and a jury process for selection will be formed. PSSM is willing to make changes without solid evidence and Ms. Harrison felt that the description of the PSSM patron is a gross misconception. The cost to advertise is much higher compared to manning a booth and creating a relationship with customers at the market and having them come back to the store.

Ms. Kuehn spoke about her experience launching product shows in a San Francisco mall and relayed solutions to balance the benefits to all tenants by programming locations throughout the mall. She emphasized that PSSM is only two years old and asked for an opportunity to work through issues together; the event will improve with time. Jewels Harrison pointed out that this year more farmers participated and increasing produce vendors is a priority. Candace Erickson stated that she has thought about closing Main Street over the weekends in the summer to host events like a street market, outdoor dining, etc. Ms. Kuehn expressed her enthusiasm about the idea. Ms. Erickson encouraged event organizers to continue to work with the merchants to promote upper Main Street.

Mayor Williams commented on the turn-over of businesses on lower Main Street over the years and the difference the market has made there. He suggested dropping Conditions #18 and #21 and encouraged the applicants to continue to work with all business owners. The scope of the economic analysis needs to be clearer and should not be a condition of the MFL. Spending $10,000 seems like a waste of money now because he didn't feel a fatal flaw will be identified.

Jim Hier suggested offering free parking in the Wasatch Brewpub on Sundays to encourage more foot traffic on upper Main Street. He observed a lot of folks cutting across to Swede Alley headed to the parking garage at about 4th Street rather than walking all the way up the street. He also felt that parking on the east side of Park Avenue from 7th Street to City Park should be barricaded to force patrons to park in the parking structure. Max Paap suggested that it be designated for the vendors. Jewels Harrison pointed out that this was implemented in 2008 and vendors parked in those spaces. Mayor Williams expressed doubts about the logic of offering free parking in the Wasatch Brewpub because there is already free parking available in Swede Alley and those spaces are closer to the event than the Brewpub.

Candace Erickson believed that the only thing that needs to be changed is the hours and Ms. Kuehn asked for an additional year of operation before a change in hours is considered. Ms. Harrison felt it beneficial to be able to study two years of operations under the same terms and Liza Simpson felt this is a valid point. She urged the applicants to work hard to encourage pedestrian traffic to upper Main Street adding that it is not solely their responsibility but they have experience and skills in marketing. Jewels Harrison expressed their willingness to help but the merchants have to make a commitment too. She hoped hours would not be shortened because of the time needed for set-up and dismantling the event. There are people who travel from the Valley that intend to spend a whole day on the Street. Jim Hier recommended that the City work with the HMBA to try to program something on the upper end of Main Street. He felt the Phase 2 date should be changed from July to August.

Ms. Harrison explained that vendor payments or sponsorship money can not be accepted until they have a MFL to move forward. She urged Council to please make a decision tonight so that they can begin to plan for 2009. Kimberly Kuehn stated that the HMBA seemed pleased with the commitment to change vendor mix and product. Jeff Ward indicated that they discussed a different percentage for mix but he was unsure what it actually meant. Tom Bakaly suggested continuing this item to December 4, have the HMBA and PSSM members clarify tasks and responsibilities, and reflect those in conditions of approval. Mayor Williams recommended approving the MFL with a condition to return in a month or two with a mitigation plan. He felt that in order for the economic study to be meaningful that another year of operation is necessary and again suggested that Conditions #18 and #21 be removed. He felt that Mr. Coates comments are valid about the market competing with similar products sold by Main Street businesses. Max Paap confirmed that 15 Sundays from 10 a.m. to 4 p.m. remains the same for 2009

Liza Simpson, "I move that we approve the Master Festival License application for the 2009 Park Silly Sunday Market with these amendments to the conditions of approval; drop #18 and #21, and add a condition of approval that the HMBA, staff and PSSM organizers return ~~before January 8th~~ **by February 5th** with an action plan to address the HMBA's concerns". The Mayor suggested changing the deadline to mid-February; the number of Sundays and hours remain the same. Jim Hier asked if the plan should be better defined, i.e., vendor mix, activities to generate pedestrian traffic on Main Street. Discussion ensued about the potential requirement for the HMBA to apply for a separate MFL. Liza Simpson accepted the modifications to her motion. Jim Hier seconded. The Mayor clarified that the terms are the same and Conditions #18 and #21 are removed, and by February 5, 2009, the HMBA, staff and the PSSM agree to return with a plan which identifies cooperatively working on product mix and programming the rest of Street to draw patrons. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Liza Simpson. Joe Kernan was absent and excused. Staff present was Tom Bakaly, City Manager; Wade Carpenter, Police Chief, Linda Tillson, Library Director; Max Paap, Special Events Manager; Jon Weidenhamer, Economic Development Manager; and Tom Daley, Deputy City Attorney. Jim Hier, "I move to close the meeting to discuss property, litigation and personnel". Candace Erickson seconded. Motion carried. The meeting opened at approximately 4 p.m. Jim Hier "I move to open the meeting". Liza Simpson seconded. Motion unanimously.

Candace Erickson	Aye
Roger Harlan	Aye

Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

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

Prepared by Janet M. Scott

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Janet M. Scott, City Recorder

City Council Staff Report

Subject:	**Government Records Access Management Act (GRAMA), Records Classification and Retention Schedules Update**
Author:	**Cindy LoPiccolo**
Department:	**Executive**
Date:	**December 11, 2008**
Type of Item:	**Administrative; Legislative**

Summary Recommendation:
Approval of Resolution adopting amended records classification and retention schedules for each record series maintained by Park City Municipal Corporation pursuant to the Utah Governmental Records Access Management Act (GRAMA) (UCA 63G-2)

Approval of Ordinance No. 08- Amending Title 5 Government Records Access and Management Act of the Municipal Code of Park City, Utah

Topic/Description:
Amendment of Park City Municipal Code and records classification and retention schedules pertaining to Government Records Access Management Act (GRAMA).

Background:
The Government Records Access and Management Act (GRAMA) went into effect in 1992. GRAMA sets forth guidelines for classifying information in government records based upon who has the right to access that information. The law also identifies the records management responsibilities of agencies, and the duties of State Archives and the State Records Committee.

The City established a government records access management program in 1992. In 1998 retention schedules identifying records commonly found in local government were adopted by Resolution for each record series pursuant to the Utah Municipal General Records Retention Schedule prepared by the Utah Department of Administrative Services, Division of Archives and Records Service, with record amendments, exclusions and additions as necessary and particular to Park City. Staff conducted a review and update of schedules in 2002 which were adopted by Resolution. This report documents the recent evaluation of records for designation in the classification and retention schedules as proposed and included in this Resolution for Council consideration and adoption.

Analysis:
The Government Records Access and Management Act's legislative intent recognizes two constitutional rights: the public's right of access to information concerning the conduct of the public's business, and the right of privacy in relation to personal data

gathered by governmental entities. The Utah State Legislature also recognizes a public policy interest in allowing a government to restrict access to certain records for the public good.

The intent of GRAMA is to (1) promote the public's right of easy and reasonable access to unrestricted public records; (2) specify those conditions under which the public interest in allowing restrictions on access to records may outweigh the public's interest in access; (3) prevent abuse of confidentiality by governmental entities by permitting confidential treatment of records; (4) provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing of the pertinent interests and which are consistent with nationwide standards of information practices; (5) favor public access when countervailing interests are of equal weight; and (6) establish fair and reasonable records management practices.

In doing these things, GRAMA categorizes information found in government records into four areas: public, private, controlled, and protected. Records for which another statute or federal regulation controls access are considered exempt or limited from disclosure through this law. The City's records have been categorized and classified into the City's Schedules (Exhibit A) which also list the time frame (retention) that records need to exist before they can be destroyed or should be transferred to the State Archives permanently.

Staff submitted the proposed schedules for retention and disposition of Park City records to the State Records Committee and has received the Committee's approval. Upon review and adoption of the proposed Resolution, the City shall maintain and destroy records in accordance with the retention schedules outlined in Exhibit A.

A record, record series or information within a record may be classified, reclassified or re-designated at any time, but the City is not required to classify a particular record, record series or information until access to the record is requested.

Staff conducts a comprehensive evaluation and update of the Records Classification and Retention Schedules approximately every five years, and this Resolution reflects the recent review and update. In addition to the update of Schedules, staff submits an Ordinance amending Title 5 of the Municipal Code to reflect renumbering and amendment of state code. City staff will be provided with GRAMA procedures and records management information.

Department Review:
All department reviewed schedules under their purview and a comprehensive review was conducted by the City Attorney and City Manager.

Alternatives:

A. **Approve:**

Approve the Resolution adopting the records classification and retention schedules for Park City and Ordinance amending Title 5 of the Municipal Code. This is staff's recommendation.

B. Deny:

City Council may deny the adoption of the proposed Resolution and/or Ordinance. This is not recommended as the Resolution adopts a listing of current City records and updated retention schedules and the Ordinance reflects the current renumbered and amended state code.

C. Modify:

City Council may amend the Resolution, schedules, or Ordinance; provide specific direction to staff.

D. Continue the Item:

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

E. Take No Action:

This is not recommended as the Resolution adopts a listing of current City records and updated retention schedules and the Ordinance reflects the current renumbered and amended state code.

Significant Impacts

An accurate listing of current Park City records would be unavailable for use by staff in response to GRAMA requests (requests to review or receive copies of City records) as required by state code.

Consequences of not taking the recommended action

The current records classification and retention schedules would remain in place to be followed by City departments. These schedules were reviewed and amended several years ago and may not accurately reflect current City records or updated retention schedules.

Recommendation:

Approval of this Resolution adopting amended records classification and retention schedules for each record series maintained by Park City Municipal Corporation pursuant to the Utah Governmental Records Access Management Act (GRAMA) (UCA 63G-2).

Approval of Ordinance Amending Title 5 Government Records Access and Management Act of the Municipal Code of Park City, Utah

Attachments:

GRAMA Ordinance
GRAMA Resolution

GRAMA Retention Schedules are available in the office of the City Recorder, 1354 Park Avenue 435-615-5007

Ordinance No. 08-

AN ORDINANCE AMENDING TITLE 5, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the Utah State Legislature enacted the Government Records Access and Management Act which became effective as of July 1, 1992; and

WHEREAS, this Act provides that each political subdivision may adopt an ordinance relating to the information practices and records retention, amendment, management, classification, designation, and access and denial of access, including an appeal procedure; and

WHEREAS, Park City adopted Ordinance No. 92-15 establishing a Government Records Access and Management Program and codifying said program as Title 5 of the Municipal Code of Park City, Utah, in addition to providing for future flexibility in amendment; and

WHEREAS, in 2008 the Utah State Legislature renumbered and amended the chapter known as the Government Records Access and Management Act. Accordingly, this Ordinance provides for amendments of Title 5 of the Park City Municipal Code in correlation with the state code amendments; and

WHEREAS, the City Council deems it in the best interest of Park City to amend Municipal Code Title 5 in order to be in compliance and consistent with the requirements of the state code.

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

SECTION 1. AMENDMENT TO TITLE 5 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY. Title 5 is hereby amended to read as outlined in attached Exhibit A.

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

EXHIBIT A

PARK CITY MUNICIPAL CODE
TITLE 5 - GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

CHAPTER 1 - IN GENERAL

5- 1- 1. SHORT TITLE.

This Title is known as the "Park City Government Records Access and Management Act".

5- 1- 2. PURPOSE AND INTENT.

In enacting this act, the City recognizes two fundamental constitutional rights: the right of privacy in relation to personal data gathered by the City; and
the public's right of access to information concerning the conduct of the public's business. The City also recognizes a public policy interest in restricting access to certain records, as specified in this Title for the public good.

It is the intent of the City to:

(A) Establish fair and efficient management practices for City records.

(B) Promote the public's right of easy and reasonable access to unrestricted public records.

(C) Permit confidential treatment of records only as provided in this Title.

(D) Provide guidelines for both disclosure and restrictions on access to City records, based on the equitable weighing of the pertinent interests and which are consistent with the nationwide standards.

(E) Favor public access when in the application of this Title countervailing interests are of equal weight.

5- 1- 3. DEFINITIONS.

(A) **AUDIT**. A systematic examination of financial and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws or regulations; or, a systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

(B) **CHRONOLOGICAL LOGS**. Regular and customary summary of records of law enforcement agencies and other public safety agencies that show the time and general nature of police, fire, and paramedic calls made to the agency and any arrests or jail bookings made by the agency.

(C) **CLASSIFICATION, CLASSIFY AND THEIR DERIVATIVE FORMS**. Determining whether a record series, record, or information within a record is public, private, controlled, or protected, or exempt from disclosure under U.C.A. Section 63G-2-201(3)(B).

(D) **COMPUTER PROGRAM**. A series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. Computer program does not mean the original data, including numbers, text, voice, graphics, and images; analysis, compilation, and other manipulated forms of the original data produced by the use of the program; or the mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were to be produced manually.

(E) **CONTRACTOR**. Any person who contracts with a governmental entity to provide goods or services directly to the City; or any private, nonprofit organization that receives funds from the City. Contractor does not mean a private provider.

(F) **CONTROLLED RECORD**. A record containing data on individuals that is controlled as provided in Section 5-3-5 of this Title.

(G) **DESIGNATION, DESIGNATE, AND THEIR DERIVATIVE FORMS**. Indicating, based on the City's familiarity with a record series or based on the City's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

(H) **GROSS COMPENSATION**. Every form of enumeration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

(I) **INDIVIDUAL**. A human being.

(J) **INITIAL CONTACT REPORT**. An initial written or recorded report, however titled, prepared by peace officers, engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the apparent discovery of an apparent violation of the law, which report may describe:

> (1) the date, time, location, and nature of the complaint, the incident or offense;

(2) names of victims;

(3) the nature or general scope of the agency's initial actions in response to the incident;

(4) the general nature of any injuries or estimate of any damages sustained in the incident;

(5) the name, address, and other identifying information about any person arrested or charged in connection with the incident;

(6) the identity of the public safety personnel (except undercover personnel) or prosecuting attorney involved in responding to the initial incident.

(K) **PERSON**. Any individual, nonprofit or profit corporation, partnership, sole proprietorship, or other type of business organization.

(L) **PRIVATE PROVIDER**. Any person who contracts with the City to provide services directly to the public.

(M) **PRIVATE RECORD**. A record containing data on individuals that is private as provided by Section 5-3-3 of this Title.

(N) **PROTECTED RECORD**. A record that is classified as protected as provided by Section 5-3-7 of this Title.

(O) **PUBLIC RECORD**. Any record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Section 5-3-1 of this Title.

(P) **RECORD**. All books, letters, documents, papers, maps, plans, photographs, films, cards, tapes recording or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City. Record does not mean:

(1) temporary drafts or similar materials prepared for the originator's own use or for the use of an individual for whom the originator is working;

(2) materials that are legally owned by an individual in her or his private capacity;

(3) materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the City;

(4) proprietary software

(5) junk mail or other commercial publications received by the City or an official or an employee of the City;

(6) books and other materials that are catalogued, indexed, or inventoried and contained in the collections of libraries open to the public, regardless of physical form or characteristics of the material;

(7) daily calendars and other personal notes prepared for the personal use of the originator or for the personal use of an individual for whom she or he is working; or

(8) computer programs that are purchased or developed by the City for its own use;

(9) notes or internal memoranda prepared as part of the deliberative process by a member of the judiciary, an administrative law judge, a member of the Board of Pardons, or member of any other body charged with performing a quasi-judicial function.

(Q) **RECORD SERIES**. A group of records that may be treated as a unit for purposes of designation, description, management or disposition.

(R) **STATE ARCHIVES**. The Division of Archives and Records Service created in U.C.A. Section 63G-12-101.

(S) **SUMMARY DATA**. Statistical records and compilations that contain data derived from private, controlled, or protected information but do not disclose private, controlled, or protected information.

5- 1- 4. RECORDS CLASSIFICATION AND DESIGNATION.

The City shall evaluate all record series that it uses or creates and designate those record series as provided by this Title. The City shall report the designation of its record series to the State Archives. A record, record series or information within a record may be classified at any time, but the City is not required to classify a particular record, record series or information until access to the record is requested. A record, record series or information within a record series may be reclassified or redesignated at any time.

CHAPTER 2. PUBLIC RECORDS AND THEIR DISCLOSURE

5- 2- 1. RIGHT TO INSPECT AND COPY RECORDS.

Every person has the right to inspect a public record free of charge and the right to take a copy of a public record during normal working hours, subject to the payment of costs and pursuant to Chapter 8 of this Title. All records are public unless otherwise expressly provided by this Title or state or federal law or regulation.

5- 2 -2. PUBLIC RECORDS.

The list of public records in this section is not exhaustive and should not be used to limit access to records. The following records are public:

(A) Laws and ordinances;

(B) Names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, number of hours worked per pay period, dates of employment and relevant education, previous employment, and similar job qualification of the City's former and present employees and officers, excluding undercover law enforcement personnel or investigative personnel if disclosure could reasonably expected to impair the effectiveness of investigations or endanger any individual's safety;

(C) Final options, including concurring and dissenting opinions, and orders that are made by the City in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, protected, or controlled.

(D) Final interpretations of statutes or rules by the City unless classified as protected under this Title.

(E) Information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of the City as provided by U.C.A. Section 52-4, Open and Public Meetings, including the records of all votes of each member of the City Council;

(F) Judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this Title.

(G) Records filed with or maintained by City and County Recorders, clerks, treasurers, surveyors, zoning commissions, or other governmental entities that give public notice of:

(1) title or encumbrances to real property;

(2) restrictions on the use of real property;

(3) the capacity of persons to take or convey title to real property; or

(4) tax status for real or personal property.

(H) Data on individuals that would otherwise be private under this Title if the individual who is the subject of the record has given the City written permission to make the record available to the public;

(I) Documentation of the compensation the City pays to a contractor or private provider; and

(J) Summary data.

5 -2 -3. PUBLIC RECORDS UNLESS EXEMPTED.

The following records are normally public unless they are expressly exempt from disclosure under Subsection 5-3-1(B), or Section 5-3-3, 5-3-5, or 5-3-7:

(A) Administrative staff manuals, instructions to staff, and statements of policy;

(B) Records documenting a contractor's or private provider's compliance with the terms of a contract with the City;

(C) Records documenting the services provided by a contractor or private provider to the extent the records would be public if prepared by the City;

(D) Contracts entered into with the City;

(E) Any account, voucher, or contract that deals with the receipt or expenditure of funds by the City;

(F) Chronological logs and initial contact reports;

(G) Correspondence by and with the City in which the City determines or states and opinion upon the rights of the State, a political subdivision, the public, or any person;

(H) Empirical data contained in drafts if the empirical data is not reasonably available to the requester elsewhere in similar form and the City is given a reasonable opportunity to correct any errors or make non-substantive changes before release;

(I) Original data in a computer program if the City chooses not to disclose the program;

(J) Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;

(K) Search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;

(L) Records that would disclose information relating to formal charges or disciplinary actions against a past or present employee if the disciplinary action has been completed and all time periods for administrative appeal have expired and the formal charges were sustained;

(M) Final audit reports;

(N) Business licenses;

(O) A notice of violation or similar records used to initiate proceedings for discipline or sanctions against persons regulated by the City, but not including records that initiate employee discipline.

CHAPTER 3. NON-PUBLIC RECORDS AND THEIR DISCLOSURE

5- 3- 1. RECORDS THAT ARE NOT PUBLIC.

The following records are not public:

(A) Records that are appropriately classified private, controlled, or protected as allowed by Sections 5-3-3, 5-3-5 and 5-3-7 of this title.

(B) Records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds.

(C) Only those records specified in Sections 5-3-3, 5-3-5, and 5-3-7 may be classified private, controlled, or protected.

5- 3- 2. DISCLOSURE OF RECORDS THAT ARE NOT PUBLIC.

The City may not disclose a record that is private, controlled, or protected to any person except as provided below:

(A) Before releasing a private, controlled, or protected record, the City shall obtain evidence of the requester's identity.

(B) The City may disclose a private, controlled, or protected record to another governmental entity only as provided by U.C.A. Section 63G-2-206.

(C) The City shall disclose or authorize disclosure of private or controlled records for research purposes only as provided by U.C.A. Section 63G-2-202(8).

(D) Under Section 5-5-4, the City Council may require the disclosure of records that are private under Section 5-3-3, controlled under Section 5-3-5, or protected under Section 5-3-7 to persons other than those specified in this section.

(E) Under U.C.A. Sections 63G-2-404(8) and 63G-2-202(7), a court may require the disclosure of records that are private under Section 5-3-3, controlled under Section 5-3-5, or protected under Section 5-3-7 to persons other than those specified in this section.

(F) The City may, at its discretion, disclose records that are private under Section 5-3-3 or protected under Section 5-3-5 to persons other than those specified in this Title if the City Council or a designee determines that there is no interest in restricting access to the record, or that the interests favoring access outweigh the interest favoring restriction of access.

(G) The specific provisions of the statute, rule, or regulation govern the disclosure of records to which access is mandated pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is mandated or limited as a condition of participation in a state or federal program or for receiving state of federal funds.

5- 3- 3. PRIVATE RECORDS.

The following records are private:

(A) Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;

(B) Records containing data describing individuals' medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

(C) Records of publicly funded libraries that when examined alone or with other records identify a patron;

(D) Records concerning a current or former employee of, or applicant for employment with the City that would disclose the individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;

(E) Records concerning a current or former employee of, or applicant for employment with the City, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Section 5-2-2(B) or 5-2-3(A).

(F) Records describing an individual's finances, except that the following are public:

(1) Records described in Section 5-2-2;

(2) Information provided to the City for the purpose of complying with a financial assurance requirement; or

(3) Records that must be disclosed in accordance with another statute

(G) Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.

(H) Information obtained through a criminal background check under Utah Code Title 11, Chapter 40.

(I~~H~~) Records provided by the United States or a governmental entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

5- 3- 4. DISCLOSURE OF PRIVATE RECORDS.

Upon request the City shall disclose a private record to:

(A) the subject of the record;

(B) the parent or legal guardian of an unemancipated minor who is the subject of the record;

(C) the legal guardian of any legally incapacitated individual who is the subject of the record;

(D) any other individual who;

> (1) has a power of attorney from the subject of the record; or
>
> (2) submits a notarized release from the subject of the record or from her or his legal representative dated no later than ninety (90) days before the date the request is made; or
>
> (3) any person to whom the record must be provided pursuant to court order.

5- 3- 5. CONTROLLED RECORDS.

Records are classified as controlled by the City when the record contains medical, psychiatric, or psychological data about an individual and the City reasonably believes that:

(A) releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or the safety of any individual;

(B) releasing the information would constitute a violation of normal professional practice and medical ethics.

5- 3- 6. DISCLOSURE OF CONTROLLED RECORDS.

Upon request, the City shall disclose a controlled record to:

(A) a physician, psychologist, or certified social worker upon submission of a notarized release from the subject of the record that is dated no more than ninety (90) days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information as provided by Subsection (C).

(B) any person to whom the record must be disclosed pursuant to court order.

(C) a person who receives a record from the City in accordance with Subsection (A) above may not disclose the controlled information to any person, including the subject of the record. If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

5- 3- 7. PROTECTED RECORDS.

The following records are classified as protected by the City:

(A) Trade secrets, as defined in U.C.A. Section 13-24-2, if the person submitting the trade secret has provided the City with the information specified in U.C.A. Section 63G-2-309 for business confidentiality claims.

(B) Commercial information or non-individual financial information obtained from a person if:

> (1) Disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the City to obtain necessary information in the future;
>
> (2) The person submitting the information has a greater interest in prohibiting access than the public has in obtaining access; and
>
> (3) The person submitting the information has provided the City with the information specified in U.C.A. Section 63G-2-309.

(C) Commercial or financial information acquired or prepared by the City to the extent that a disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the City or cause substantial financial injury to the City or cause financial injury to the State economy;

(D) Test or interview questions and answers to be used in future license, certification, registration, employment or academic examinations;

(E) Records the disclosure of which would impair governmental procurement or give an unfair advantage to any person proposing to enter into a contract or agreement with the City, except that this subsection does not restrict the right of a person to see bids submitted to or by the City after bidding has closed;

(F) Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless;

(1) Public interest in obtaining the information outweighs the City's need to acquire the property on the best terms possible;

(2) The information has already been disclosed by persons not employed by or under a duty of confidentiality to the City; or

(3) In the case of records that would identify property described, potential sellers of the property have already learned of the City's plans to acquire the property;

(4) In the case of records that would identify the appraisal or estimated value of the property, the potential sellers have already learned of the City's estimated value of the property;

(G) Records prepared in contemplation of sale, lease, exchange, rental, or other contemplated transaction of real or personal property, including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property unless:

(1) The public interest in access outweighs the interest in restricting access, including the City's interest in maximizing the financial benefit of the transaction; or

(2) When prepared by or on behalf of the City, appraisals or estimates of the value of the subject property have been disclosed to persons not employed by or under a duty of confidentiality to the City;

(H) Records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification or registration purposes if release of the records:

(1) reasonably could be expected to interfere with investigations undertaken for discipline, licensing, certification, or registration purposes;

(2) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;

(3) would create a danger of depriving a person of a right to a fair trial or impartial hearing;

(4) reasonably could be expected to disclose the identity of a source who is not generally known outside of the government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if the disclosure would compromise the source; or

(5) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

(I) Records the disclosure of which would jeopardize the life or safety of an individual;

(J) Records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental record-keeping systems from damage, theft, or other appropriation or use contrary to law or public policy;

(K) Records the disclosure of which would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision or an offender's incarceration, treatment, probation, or parole;

(L) Records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;

(M) Records prepared by or on behalf of the City solely in anticipation of litigation that are not available under the rules of discovery;

(N) Records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the City concerning litigation;

(O) Records of communications between the City and an attorney representing, retained or employed by the City if the communications would be privileged as provided in U.C.A. Section 78B-1-137;

(P) Drafts, unless otherwise classified as public;

(Q) Records concerning the City's strategy concerning collective bargaining or pending litigation;

(R) Records of investigations of loss occurrences and analyses of loss occurrences;

(S) Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(T) Records that contain the location of historic, prehistoric, or biological resources that if known would jeopardize the security of those resources or the security of valuable cultural, historic, scientific, or educational information;

(U) Records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

(V) Records provided by the United States or a governmental entity outside the State that are given to the City with the requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

(W) Transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in U.C.A. Section 52-4-7 of the Open and Public Meetings Act;

(X) Records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

(Y) Memorandum prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons, or a member of any other body of law charged by law with performing a quasi-judicial function; and

(Z) Records that would reveal negotiations regarding assistance or incentives offered by or requested from the city for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the city at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract; and

(AA) Materials to which access must be limited for purposes of securing or maintaining the City's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets.

5- 3- 8. DISCLOSURE OF PROTECTED RECORDS.

Upon request the City shall disclose a protected record to:

(A) The person who submitted the record;

(B) Any other individual who:

(1) has a power of attorney from all persons and governmental entities whose interest were sought to be protected by the protected classification;

(2) submits a notarized release from all persons and governmental entities whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than ninety (90) days prior to the date the request was made; or

(C) Any other person to whom a record must be provided pursuant to a court order.

(D) The City shall provide a person with a copy of the record if the person:

(1) has a right to inspect it;

(2) identifies the record with reasonable specificity; and

(3) pays the lawful fees.

5-3- 9. CONFIDENTIAL TREATMENT OF RECORDS FOR WHICH NO EXEMPTION APPLIES.

A court may order the confidential treatment of records for which no exemption from disclosure applies if compelling interests, which favor restriction of access to the records clearly outweigh the interests favoring access. If the City requests a court to restrict access to a record under this section, the court shall require the City to pay the reasonable attorney's fees and court costs incurred by the leading party in opposing the City's request if the court denies confidential treatment under this section.

This section does not apply to records that are specifically required to be public under Chapter 2 of this Title or under U.C.A. Section 63G-2-301.

Access to drafts and empirical data may be limited under this section, but the courts may consider, in their evaluation of interests favoring restriction of access, only those interests that relate to the underlying information, and not to the deliberative nature of the record.

Access to original data in a computer program may be limited under this section, but the court may consider, in its evaluation of interests favoring restriction of access, only those interests that relate to the underlying information and not to the statues of that data as part of a computer program.

CHAPTER 4 - PROCEDURES FOR ACCESS

5- 4- 1. WRITTEN REQUESTS FOR RECORDS.

A person making a request for a record shall furnish the City with a written request containing their name, mailing address, daytime phone number if available, and a reasonably specific description of the records requested.

5- 4- 2. RESPONSE TO REQUEST.

As soon as reasonably possible, but no later than ten (10) business days after receiving a written request, or five business days after receiving a written request if the requester demonstrates that expedited response would primarily benefit the public, the City shall respond to the request by:

(A) approving the request and providing the record;

(B) denying the request;

(C) notifying the requester that it does not maintain the record and providing, if known, the name and address where the record can be found; or

(D) notifying the requester that because of one of the extraordinary circumstances listed in Section 5-4-4, below, it cannot immediately approve or deny the request. The notice shall describe the circumstances relied upon and shall specify the date when the record request will be approved or denied.

5- 4- 3. DUTY OF CITY TO RESPOND IS LIMITED.

The following limits shall apply to requests:

(A) The City is not required to create a record in response to a request.

(B) The City is not required to fulfill a record request if the request unreasonably duplicates prior record requests from that person.

(C) If a person requests copies of more than fifty (50) pages of records, and if the records are contained in files that do not contain records that are exempt from disclosure, the City may:

> (1) provide the requester with copying facilities and require the requester to make her or his own copies; or
>
> (2) allow the requester to provide her or his own copying facilities and personnel to make the copies at the City offices, and waive the fees for copying the records.
>
> (3) nothing in this Title shall be construed to limit or impair the rights or protection granted to the City under federal copyright or patent law as a result of its ownership of the intellectual property right.
>
> (4) the City may not use the physical form, electronic or otherwise, in which a record is stored to deny or unreasonably hinder the rights of persons to inspect

and receive copies of a record.

<u>(D) The City may provide access to an electronic copy of a record in lieu of providing access to its paper equivalent.</u>

5- 4- 4. CIRCUMSTANCES WHICH WOULD EXTEND RESPONSE TIME.

The following circumstances constitute "extraordinary circumstances" that allow the City to delay approval or denial for a reasonable period of time, but for no longer than fifteen (15) business days. If the City fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the records:

(A) The request is for a voluminous quantity of records;

(B) The City is currently processing a large number of record requests;

(C) The request requires the City to review a large number of records to locate the records requested;

(D) The decision to release a record involves legal issues that require analysis of statutes, rules, ordinances, regulations, or case law;

(E) Segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing or computer programming; or

(F) Another governmental entity is using the record, in which case the City shall promptly request that governmental entity currently in possession to return the record.

(G) Another governmental entity is using the record as part of an audit and returning the record before the completion of the audit would impair the conduct of the audit.

5- 4- 5. DENIALS OF REQUESTS FOR RECORDS.

If the City denies a request in whole or in part, it shall provide a denial notice to the requester either in person or by sending the notice to the requester's address. The denial notice shall contain the following information:

(A) A brief description of the record or portions of the record to which access was denied, provided that the description does not disclose private, controlled, or protected information or records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds;

(B) Citations to the authority that exempt the record or portions of the record from disclosure;

(C) A statement that the requester has the right to appeal the denial to the City Manager; and

(D) A brief summary of the appeals process and time limits for filing an appeal.

Unless otherwise required by a court or agency of competent jurisdiction, the City may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal.

CHAPTER 5. APPEALS

5- 5- 1. APPEALS IN GENERAL.

Any person aggrieved by the City's access determination under this Title, including a person not a party to the City's proceeding, may appeal the determination to the City Manager by filing a notice of appeal. The notice of appeal shall contain the following information:

(A) The petitioner's name, mailing address, and daytime telephone number; and

(B) The relief sought.

(C) A short statement of facts, reasons, and legal authority in support of the appeal.

5- 5- 2. APPEAL OF EXTRAORDINARY CIRCUMSTANCES DECISIONS.

If the City claims extraordinary circumstances and specifies the date when the records will be available and, if the requester believes the extraordinary circumstances do not exist or that the time specified is unreasonable, the requester may appeal the City's claim of extraordinary circumstances or date for compliance within thirty (30) days of notification of a claim of extraordinary circumstances by the City, despite the lack of a "determination" or its equivalent.

5- 5- 3. APPEAL OF BUSINESS CONFIDENTIALITY CLAIMS.

If the appeal involves a record that is the subject of a business confidentiality claim under U.C.A. Section **63G-2-309**, the City Recorder shall:

(A) Send notice of the requester's appeal to the business confidentiality claimant within three (3) business days after receiving notice, except that if notice under this section must be given to more than thirty-five (35) persons, it shall be given as soon as reasonably possible;

(B) Send notice of the business confidentiality claim and the schedule for the City Recorder's determination to the requester within three (3) business days after receiving notice of the requester's appeal.

(C) The requester shall have seven (7) business days after notice sent by the City Recorder to submit further support for the claim for business confidentiality.

5- 5- 4. DETERMINATION BY CITY MANAGER.

The City Manager shall make a determination on any appeal within five (5) business days of the City Manager's receipt of the notice of appeal or within twelve (12) business days after the City sends the requester's notice of appeal to a person who submitted a claim of business confidentiality. The City Manager may, upon consideration and weighing the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private under Section 5-3-3 or protected under Section 5-3-7 if the interests favoring access outweigh the interests favoring restriction of access.

The City Recorder shall send written notice of the Mayor's determination to all participants. If the City Manager affirms the denial in whole or in part, the denial shall include a statement that the requester has the right to appeal the denial to the City Council, and the time limits for filing an appeal.

The City Manager's duties under this section may be delegated.

If the City Manager fails to make a determination within the time specified in Subsection (A), the failure shall be considered the equivalent of an order denying the appeal.

5- 5- 5. APPEAL OF CITY MANAGER'S DECISION TO CITY COUNCIL.

A notice of appeal of the City Manager's decision must be filed with the City Recorder no later than thirty (30) days after the City Manager has denied the appeal or fails to make a determination within the time specified in Section 5-5-4. No later than three (3) days after receiving notice of appeal, the recorder shall schedule a hearing for the City Council to discuss the appeal which shall be held no sooner than fifteen (15) days and no later than thirty (30) days from the date of the filing of the appeal;
At the hearing, the City Council shall allow the parties to testify, present evidence and comment on the issues. The City Council may allow other interested persons to comment on the issues. No later than three (3) business days after the hearing, the City Council shall issue a signed order either granting the petition in whole or in part or upholding the determination of the City Manager in whole or in part.

The order of the City shall include:

(A) A statement of reasons for the decision, including citations to this Title or federal regulations that govern disclosure of the record, provided that the citations do not disclose private, controlled, or protected information;

(B) A description of the record or portions of the record to which access was ordered or denied, provided that the description does not disclose private, controlled, or protected information;

(C) A statement that any party to the appeal may appeal the City's decision to the District Court; and

(D) A brief summary of the appeal, and a notice that in order to protect its rights on appeal, the party may wish to seek advice from an attorney.

5- 5- 6. NON-REQUESTER APPEALS.

Any person aggrieved by the City's classification or designation determination under this Title, but who is not requesting access to the records, may appeal that determination using the procedures provided in this chapter. If a non-requester is the only appellant, the procedures provided in this section shall apply, except that the determination on the appeal shall be made within thirty (30) days after receiving the notice of appeal.

5- 5- 7. EXTENSION OF TIME PERIOD.

The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this Title.

5- 5- 8. JUDICIAL REVIEW.

Any party to the proceeding before the City Council may petition for judicial review by the District Court of the City Council's order. The petition shall be filed no later than thirty (30) days after the date of the City Council's order.

CHAPTER 6. RECORDS RETENTION SCHEDULES

5- 6- 1. ADOPTION OF RECORDS RETENTION SCHEDULES.

The City shall adopt by Resolution retention schedules for each record series pursuant to the Utah Municipal General Records Retention Schedule, prepared by the Utah Department of Administrative Services, Division of Archives and Records Service, with amendments and exclusions as necessary.

CHAPTER 7. RIGHTS OF INDIVIDUALS ON WHOM DATA IS MAINTAINED

5- 7- 1. REQUESTS FOR INFORMATION.

The City shall file with the State Archivist a statement explaining the purposes for which record series designated private or controlled are collected and used by the City. This statement shall be a public record. When individuals on whom data is maintained request it, the City shall explain the reasons the individual has been asked to furnish the City with information that could be classified private or controlled, the intended uses of the information, and the consequences for refusing to provide the information.

The City shall not use private or controlled records for purposes other than those given in the statement filed with the State Archivist under Subsection (1) or for purposes other than those for which another governmental entity could use the record under U.C.A. Section 63G-2-206.

5- 7- 2. SEGREGATION OF RECORDS.

Notwithstanding any other provision in this Title, if the City receives a request for access to a record that contains both information that the requester is entitled to inspect and information that the requester is not entitled to inspect under this Title, the City shall allow access to information in the record that the requester is entitled to inspect under this Title and deny access to information in the record if the information is exempt from disclosure to the requester, by issuing a written denial notice.

5- 7- 3. REQUEST TO AMEND A RECORD.

Any individual may contest the accuracy or completeness of any public, private, or protected record by requesting the City to amend the record. However, this section does not affect the right of access to any private or protected records concerning him or her. The request shall contain the requester's name, mailing address, and daytime phone number and a brief statement explaining why the City should amend the record. The City shall issue an order either approving or denying the request to amend no later than thirty days from the receipt of the request.

If the City approves the request, the City shall correct all of its records that contain the same incorrect information as soon as practical. The City shall not disclose the record until it has amended it, once the request has been approved.

If the City denies the request it shall inform the requester in writing and provide a brief written statement giving its reasons for denying the request.

If the requester disagrees with the City's decision not to amend a record, the requester may submit a written statement contesting the information in the record and the City shall file the requester's statement along with the disputed record or make the statement accessible if the record is not in a form such that the statement can accompany the record and disclose the requester's statement along with the information in the record whenever the City discloses the disputed information.

5- 7- 4. APPEAL OF DENIAL TO AMEND RECORD.

The requester may appeal the denial of the request to amend a record pursuant to

Chapter 5 of this Title governing appeals.

5- 7- 5. SECTION NOT APPLICABLE.

This section does not apply to records relating to title or real or personal property, medical records, judicial case files, or any other records that the City determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.

CHAPTER 8. FEES.

5- 8- 1. REASONABLE FEES TO BE SET BY RESOLUTION.

The City will set reasonable fees by Resolution to cover the City's actual cost of duplicating a record or compiling a record in a form other than that maintained by the City. The initial fee, until changed by resolution is as set forth in Appendix "A". The City may not charge a fee for reviewing a record to determine whether it is subject to disclosure or inspecting a record.

5- 8- 2. WAIVER OF FEES.

The City may fulfill a record request without charge when it determines that:

(A) releasing the record primarily benefits the public;

(B) the individual requesting the record is the subject of the record;

(C) the requester's legal rights are directly implicated by the information in the record; or

(E) the requester is impecunious.

CHAPTER 9. CRIMINAL PENALTIES

5- 9- 1. INTENTIONAL DISCLOSURE OF PRIVATE, CONTROLLED OR PROTECTED RECORDS OR NON-DISCLOSURE OF PUBLIC RECORDS BY EMPLOYEES OR OTHERS.

A public employee or other person who has lawful access to any private, controlled, or protected record under this Title, and who intentionally discloses or provides a copy of a private, controlled, or protected record to any person knowing that such disclosure is prohibited, is guilty of a class B misdemeanor. A public employee who intentionally refuses to release a record the disclosure of which the employee knows is required by law or by final unappealed order from the City, the Records Committee, or a court, is guilty of a class B misdemeanor.

It is a defense to prosecution under this subsection that the actor released private, protected, or controlled information in the reasonable belief that the disclosure of the information was necessary to expose a violation of the law involving government corruption, abuse of office or misappropriation of public funds or property. It is also a defense to prosecution under this subsection that the record could have been lawfully released to the recipient if it had been properly classified.

5- 9- 2. OBTAINING RECORDS ILLEGALLY.

A person who, by false pretense, bribery, or theft, gains access or obtains a copy of any private, controlled, or protected record to which she or he is not legally entitled is guilty of a class B misdemeanor. No person shall be guilty under this subsection who receives the record, information, or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery, or theft.

Resolution No.   - 08

A RESOLUTION ADOPTING CLASSIFICATION AND RETENTION SCHEDULES FOR EACH RECORD SERIES MAINTAINED BY PARK CITY MUNICIPAL CORPORATION PURSUANT TO THE UTAH GOVERNMENTAL RECORDS ACCESS AND MANAGEMENT ACT AND RESCINDING RESOLUTION 7-02

WHEREAS, in 1992, the Utah State Legislature enacted the Government Records Access and Management Act (GRAMA); and

WHEREAS, GRAMA governs the management of and public access to the government records of the State of Utah and all of its political subdivisions; and

WHEREAS, GRAMA is applicable to Park City Municipal Corporation as a political subdivision of Utah; and

WHEREAS, in 1998, City Council passed Resolution 21-98 which adopted the 1998 Utah Municipal General Records Retention Schedules with modifications consistent with the administrative needs of the City; and

WHEREAS, department heads and staff from each department periodically review the City's current classification and retention schedules and at this time have recommended certain amendments; and

WHEREAS, the City Council deems it important to promote the public's right of easy and reasonable access to unrestricted public records, and to provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing of the pertinent interests and consistent with nationwide standards of information practices; and

WHEREAS, the City Council finds it is it in the best interest of Park City Municipal Corporation to rescind Resolution 7-02 and adopt this new Resolution outlining classification and retention schedules for the City departments.

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

SECTION 1. RESOLUTION NO. 7-02 RESCINDED. Resolution No. 7-02 is hereby rescinded.

SECTION 2. RECORD CLASSIFICATION AND RETENTION SCHEDULE ADOPTED. Attached Schedules 1 through 25 as shown in Exhibit A are hereby adopted. These schedules incorporate the August, 2008 Utah Municipal General Records Retention Schedule, prepared by the Utah Department of Administrative Services, Division of Archives and Records Service, with amendments and new record classification and retention as recommended by City departments.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective upon adoption and shall remain in effect until amended or repealed by resolution.

PASSED, ADOPTED, AND APPROVED the 11TH day of December, 2008.

City Council Staff Report

Subject: Open Space GO Bond Final Bond Resolution
Author: Bret Howser
Department: Budget, Debt, & Grants
Date: December 11, 2008
Type of Item: Legislative

Summary Recommendations:
Staff recommends that Council hold a public hearing regarding the proposed issuance of General Obligation debt and approve the final bond resolution authorizing staff to issue a $10,000,000 General Obligation bond for the purchase of open space.

Topic/Description:
Open Space GO Bond Public Hearing and Final Bond Resolution

Background:
In November of 2006, Park City residents approved the issuance of $20 million of General Obligation bonds for the purchase and preservation of open space. The City has announced an agreement with Summit County to purchase a total of 727 acres of open space at Kimball Junction and Round Valley with roughly 330 acres being jointly owned by the City and Summit County. It is anticipated that the purchase of these parcels will be funded through the issuance of GO debt, as approved in 2006.

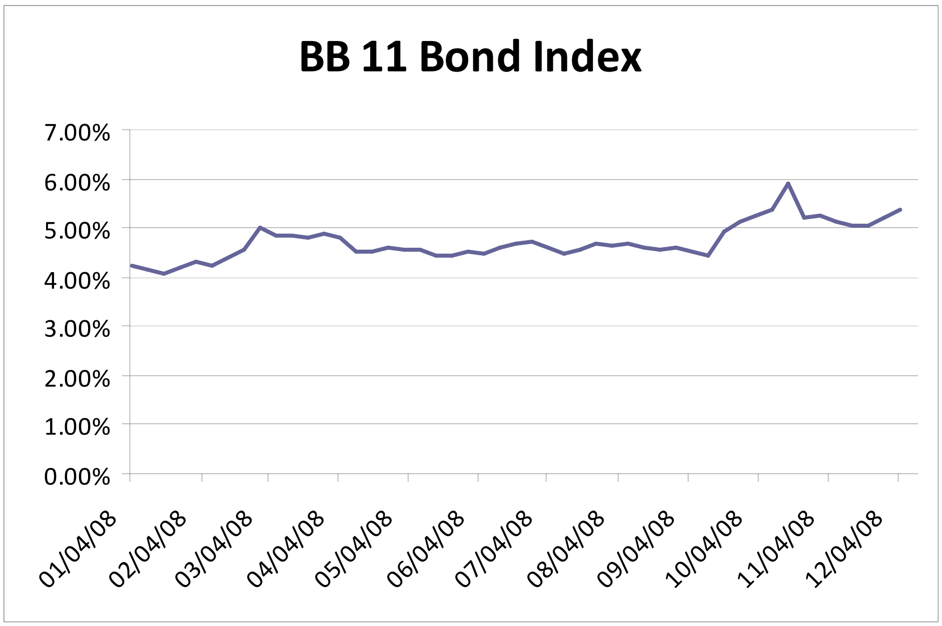
Council adopted a parameters resolution on November 20, 2008, which set forth a maximum issuance of $10 million, identified and described the project to be funded, and set parameters for terms of the debt (maximum 6.5% interest, 16 years, and 1% discount from par).

A public notice was published in the November 22 edition of the Park Record announcing a public hearing to be held on December 11, 2008, regarding the proposed bond issuance. This notice also initiated a 20 day period in which interested parties may contest the legality of the resolution or the bonds. The public hearing is necessary to receive input from the public with respect to the issuance and sale of the City’s general obligation bonds, for the purpose of acquiring, improving and forever preserving park and recreational land and the potential economic impact that the facilities will have on the private sector.

Analysis:
On the morning of December 11, 2008, the City will hold an online auction-style pricing of the proposed GO Bonds. The winning bid will be determined based on the lowest total cost to the City. Once the winning bidder is selected, the terms of that bid will be integrated into the Final Bond Resolution and prepared for Council

to review during Council Meeting on the evening of December 11. This is a practice that the City uses to provide Council with the most recent information by considering the resolution on the same day as the sale.

Currently, staff anticipates that the winning bid would have an average rate of about 4.4%, which would make the average debt service about $925,000. The tax impact would be $13 per $100,000 of assessed value (or $7.15 for $100,000 AV for primary residences). The historical rate chart below shows the recent volatility of the bond market. This volatility seems to have receded, though, and the anticipated rate of interest on these bonds is in line with previous bonds issued by the city.



The attached bond resolution will be updated with information concerning the bids received and the winning bid on December 11. The description of the project and other language is just as it will appear in the final bond resolution, but the terms have been left blank until bids are received on the morning of December 11.

The purpose or allowable expenditure of the bond proceeds is described as follows:

> *…acquiring, improving and forever preserving park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, remove existing unneeded man-made improvements, and make limited improvements for public access, parking and use (the "Project")…*
>
> *Purpose -*

(a) The Bonds are hereby authorized to be issued under authority of the Act for the purpose of

(i) acquiring, improving and forever preserving the Project, and

(ii) paying certain costs related to the issuance and sale of the Bonds.

(b) The acquisition, improvement and preservation of the Project is for one or more public purposes. In order to accomplish such purposes, all or a portion of the Project may not lie within the limits of the City, as permitted in Section 11-14-103(2) of the Utah Code.

Staff also sought and obtained a bond rating upgrade from Standard & Poor's. S&P had previously rated Park City GO debt at AA-, but rates this issuance at AA. Moody's also affirmed a AA rating. In the current municipal bond market, a high bonding rating is as important as ever. It is estimated that the upgrade from S&P and no longer having a "split rating" will result in a 15 basis point reduction in interest we need to pay a present value savings of $140,000 on the life of the bond. The following is an excerpt from S&P's rationale for the upgrade (the entire rating rationale is attached):

> The city's financial policies and practices are considered 'strong' under Standard & Poor's Financial Management Assessment (FMA). An FMA of 'strong' indicates that the city's practices are strong, well embedded, and likely sustainable. This is a change from an FMA of 'good' assigned at the time of the last rating. Changes include creation of a debt management policy, a clearly defined reserve policy, and a 10-year financial plan. Additional practices include active monitoring of annual budgets to actual revenue collections with monthly review by the city council and specific steps identified to guide cuts should revenues be less than anticipated during the course of a fiscal year.

Should Council approve the final bond resolution, staff will move forward with to close on the bond issuance on December 22, 2008.

Department Review:
Budget, Debt & Grants; City Manager; Legal

Alternatives:

A. Approve:
Staff recommends holding a public hearing and approving the final bond resolution related to the GO bond issuance for the purchase of open space.

B. Deny:
So doing would impact the timing of the anticipated purchase of identified open space parcels

C. Modify:

D. Continue the Item:
This may impact the timing of purchase.

E. Do Nothing:
This would have a similar impact as B.

Significant Impacts:
The final bond resolution is the final action necessary from Council to approve a bond issuance. This bond issuance was anticipated and voter-approved as the funding source for the purchase of open space. The funding would allow staff to continue with the current timing of the issuance.

Consequences of not taking the recommended action:
The purchase of identified open space parcels could be delayed until Council decides to move forward with the bond issuance or until alternate funding is identified. Also, the City could lose the opportunity to issue Bank Qualified bonds and thus forfeit any potential interest savings from this favorable status.

Recommendation:
Staff recommends that Council hold a public hearing regarding the proposed issuance of General Obligation debt and approve the final bond resolution authorizing staff to issue a $10,000,000 General Obligation bond for the purchase of open space.

Attachments:
A – Final Bond Resolution
B – Standard & Poor's Bond Rating Analysis

PARK CITY, UTAH

Resolution No. _______

Authorizing the Issuance and Sale of

**$10,000,000
General Obligation Bonds, Series 2008**

Adopted December 11, 2008

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EXHIBIT 3 — FORM OF FINAL OFFICIAL STATEMENT

RESOLUTION NO. __________

A RESOLUTION CONFIRMING THE SALE AND AUTHORIZING THE ISSUANCE OF $10,000,000 GENERAL OBLIGATION BONDS, SERIES 2008 OF PARK CITY, UTAH; FIXING THE INTEREST RATES TO BE BORNE THEREBY; PROVIDING FOR THE LEVY OF TAXES TO PAY PRINCIPAL OF AND INTEREST ON THE BONDS; PROVIDING FOR THE USE OF THE PROCEEDS THEREOF; MAKING CERTAIN FINDINGS AND COVENANTS IN CONNECTION THEREWITH; PROVIDING FOR A SYSTEM OF REGISTRATION THEREFOR; RATIFYING ACTIONS HERETOFORE TAKEN; MAKING CERTAIN REPRESENTATIONS AND COVENANTS CONCERNING MAINTENANCE OF THE TAX-EXEMPT STATUS OF INTEREST THEREON UNDER THE FEDERAL INCOME TAX LAWS; AUTHORIZING THE CIRCULATION OF AN OFFICIAL STATEMENT; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE UNDERTAKING AND PROVIDING FOR RELATED MATTERS.

***		***		***

WHEREAS, at the Bond Election, the issuance of $20,000,000 principal amount of general obligation bonds was authorized for the purpose of acquiring, improving and forever preserving park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, remove existing unneeded man-made improvements, and make limited improvements for public access, parking and use (the *"Project"*);

WHEREAS, the Project will remain undeveloped, except for minor access and use improvements, and will be dedicated to the public for continued non-motorized recreational use and visual protection;

WHEREAS, the Project will help define and enhance the natural, aesthetic and scenic qualities of the City;

WHEREAS, the Issuer has not heretofore issued and delivered any of the bonds voted at the Bond Election and the Issuer has determined to authorize the issuance and sale at this time of $10,000,000 principal amount of the bonds voted at the Bond Election;

WHEREAS, a notice inviting electronic bids for the purchase of the Bonds has been advertised by electronic dissemination through the PARITY® electronic bid submission system and brought to the attention of potential purchasers, and the __________ (_____) bids received pursuant to such notice have been tabulated as follows; and

WHEREAS, it has been found that the bid of ______________________________, of __________, __________, [and its associates,] conforms to the parameters, deadlines and procedures set forth in the notice of sale prepared in connection with the advertisement for sale of the Bonds and is the best bid received for the purchase of the Bonds, resulting in the sale of the Bonds at the lowest obtainable interest rate, said bid reading in full as follows:

[ATTACH COPIES OF WINNING BID AND LIST OF BIDS RECEIVED]

; and

WHEREAS, in the opinion of the Issuer, it is to the best interests of the Issuer that (a) the bid of the Purchaser be accepted and sale of the Bonds to the Purchaser be ratified and confirmed, and (b) the Mayor be authorized to execute the Final Official Statement with respect to the Bonds;

NOW, THEREFORE, Be It Resolved by the City Council of Park City, Utah, as follows:

ARTICLE I

DEFINITIONS

Section 101. Definitions. As used in this Bond Resolution (including the preambles hereto), unless the context shall otherwise require, the following terms shall have the following meanings:

"Act" means, collectively, the Local Government Bonding Act, Chapter 14 of Title 11 of the Utah Code, the Registered Public Obligations Act, Chapter 7 of Title 15 of the Utah Code, and the applicable provisions of Title 10 of the Utah Code.

"Bond Account" means the Bond Account established in Section 213 hereof.

"Bond Counsel" means Chapman and Cutler LLP or another attorney or a firm of attorneys of nationally recognized standing in matters pertaining to the tax-exempt status of interest on obligations issued by states and their political subdivisions, duly admitted to the practice of law before the highest court of any state of the United States.

"Bond Election" means the special bond election duly and lawfully called and held in the Issuer on November 7, 2006, at which the issuance and sale by the Issuer of $20,000,000 of general obligation bonds was authorized for the purpose of acquiring, improving and forever preserving park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, remove existing unneeded man-made improvements, and make limited improvements for public access, parking and use, the results of which election were declared by the City Council of the Issuer, sitting as a Board of Canvassers, on November 16, 2006.

"Bond Registrar" means each Person appointed by the Issuer as bond registrar and agent for the transfer, exchange and authentication of the Bonds. Pursuant to Section 206 hereof, the initial Bond Registrar is Zions First National Bank, of Salt Lake City, Utah.

"Bond Resolution" means, collectively, this Resolution of the Issuer adopted on December 11, 2008, and that certain resolution of the Issuer adopted on November 20, 2008, both authorizing the issuance and sale of the Bonds.

"Bondowner" or *"owner"* means the registered owner of any Bond as shown in the registration books of the Issuer kept by the Bond Registrar for such purpose.

"Bonds" means the Issuer's $10,000,000 General Obligation Bonds, Series 2008 authorized by the Bond Resolution.

"Cede" means Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds pursuant to Section 401 hereof.

"City Recorder" means the duly qualified and acting City Recorder of the Issuer or in the absence or disability of such person, such other official as shall be duly authorized to act in the City Recorder's stead.

"Closing Date" means the date of the initial issuance of the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended.

"Continuing Disclosure Undertaking" means the Continuing Disclosure Undertaking of the Issuer, in substantially the form attached hereto as *Exhibit 1,* dated the Closing Date, for the purpose of providing continuing disclosure information under Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as may be amended from time to time.

"Depository Account" means the Depository Account established in Section 213 hereof.

"Dissemination Agency Agreement" means the Dissemination Agency Agreement, dated the Closing Date, between the Issuer and the Dissemination Agent, in substantially the form attached hereto as *Exhibit 2*.

"Dissemination Agent" means each Person appointed by the Issuer as dissemination agent with respect to the Continuing Disclosure Undertaking and the Dissemination Agency Agreement. The initial Dissemination Agent is Zions First National Bank.

"DTC" means The Depository Trust Company, New York, New York, and its successors and assigns.

"Exchange Bond" means any Exchange Bond as defined in Section 209 hereof.

"Final Official Statement" means the final Official Statement with respect to the Bonds, in substantially the form attached hereto as *Exhibit 3*.

"Issuer" means Park City, Utah.

"Letter of Representations" means the Blanket Issuer Letter of Representations from the Issuer to DTC, dated August 26, 1999.

"Mayor" means the duly qualified and acting Mayor of the Issuer or in the absence or disability of such person, the duly qualified and acting Mayor Pro Tem of the Issuer.

"Moody's" means Moody's Investors Service, Inc., a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, "Moody's" shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer to the Paying Agent.

"Participants" means those broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository.

"Paying Agent" means each Person appointed by the Issuer as paying agent with respect to the Bonds. Pursuant to Section 206 hereof, the initial Paying Agent is Zions First National Bank, of Salt Lake City, Utah.

"Person" means natural persons, firms, partnerships, associations, corporations, trusts, public bodies and other entities.

"Preliminary Official Statement" means the Preliminary Official Statement with respect to the Bonds, dated December 2, 2008.

"Project Account" means the Project Account established in Section 213 hereof.

"Purchaser" means ______________________, of __________, __________, [and its associates,] as the initial purchaser[s] of the Bonds from the Issuer.

"Rating Agencies" means Moody's, if the Bonds are then rated by Moody's and S&P, if the Bonds are then rated by S&P.

"Record Date" means (a) in the case of each interest payment date, the day that is fifteen (15) days preceding such interest payment date, or if such day is not a business day for the Bond Registrar, the next preceding day that is a business day for the Bond Registrar, and (b) in the case of each redemption, such record date as shall be specified by the Bond Registrar in the notice of redemption required by Section 207 hereof, *provided* that such record date shall be not less than fifteen (15) calendar days before the mailing of such notice of redemption.

"Regulations" means United States Treasury Regulations dealing with the tax-exempt bond provisions of the Code.

"Standard & Poor's" or *"S&P"* means Standard & Poor's, a division of The McGraw-Hill Companies, Inc., a corporation organized and existing under the laws of the State of New York, its successors and their assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, "Standard & Poor's" or "S&P" shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer to the Paying Agent.

"Tax Certificate" means any agreement or certificate of the Issuer that the Issuer may execute in order to establish and maintain the excludability of interest on the Bonds from gross income of the owners thereof for federal income tax purposes.

"United States" means the government of the United States of America.

"Utah Code" means Utah Code Annotated 1953, as amended.

Section 102. Rules of Construction. Unless the context otherwise requires:

(a) references to Articles and Sections are to the Articles and Sections of this Bond Resolution;

(b) the singular form of any word, including the terms defined in Section 101, includes the plural, and vice versa, and a word of any gender includes all genders; and

(c) the terms *"hereby," "hereof," "hereto," "herein," "hereunder"* and any similar terms as used in this Bond Resolution refer to this Bond Resolution.

Section 103. Authority for Bond Resolution. This Bond Resolution is adopted pursuant to the provisions of the Act.

ARTICLE II

AUTHORIZATION, TERMS AND ISSUANCE OF BONDS

Section 201. Authorization of Bonds, Principal Amount, Designation and Series. In accordance with and subject to the terms, conditions and limitations established by the Act and in the Bond Resolution, a series of General Obligation Bonds of the Issuer is hereby authorized to be issued in the aggregate principal amount of Ten Million Dollars ($10,000,000). Such series of bonds shall be designated *"General Obligation Bonds, Series 2008."*

Section 202. Purpose. (a) The Bonds are hereby authorized to be issued under authority of the Act for the purpose of (i) acquiring, improving and forever preserving the Project, and (ii) paying certain costs related to the issuance and sale of the Bonds.

(b) The acquisition, improvement and preservation of the Project is for one or more public purposes. In order to accomplish such purposes, all or a portion of the Project may not lie within the limits of the City, as permitted in Section 11-14-103(2) of the Utah Code.

Section 203. Issue Date. The Bonds shall be dated as of the Closing Date.

Section 204. Bond Details. The Bonds shall mature May 1 of the years and in the principal amounts, and shall bear interest (calculated on the basis of a year of 360 days consisting of twelve 30-day months) from the Closing Date, payable semiannually on May 1 and

November 1 of each year, commencing May 1, 2009, and at the rates per annum, as shown below:

MAY 1 OF THE YEAR	AMOUNT MATURING	INTEREST RATE PER ANNUM
2010	$	%
2011		
2012		
2013		
2014		
2015		
2016		
2017		
2018		
2019		
2020		
2021		
2022		
2023		
2024		

Each Bond shall bear interest from the interest payment date next preceding the date of registration and authentication thereof unless (i) it is registered and authenticated as of an interest payment date, in which event it shall bear interest from the date thereof, or (ii) it is registered and authenticated prior to the first interest payment date, in which event it shall bear interest from its date, or (iii) as shown by the records of the Bond Registrar, interest on the Bonds shall be in default, in which event it shall bear interest from the date to which interest has been paid in full. The Bond Registrar shall insert the date of registration and authentication of each Bond in the place provided for such purpose in the form of Bond Registrar's certificate of authentication on each Bond. The Bonds shall bear interest on overdue principal at the aforesaid respective rates.

Section 205. Denominations and Numbers. The Bonds shall be issued as fully-registered bonds, without coupons, in the denomination of $5,000 or any whole multiple thereof, not exceeding the amount of each maturity. The Bonds shall be numbered with the letter prefix "R-" and from one (1) consecutively upwards in order of issuance.

Section 206. Paying Agent and Bond Registrar. Zions First National Bank, of Salt Lake City, Utah, is hereby appointed the initial Paying Agent and Bond Registrar for the Bonds. The Issuer may remove any Paying Agent and any Bond Registrar, and any successor thereto, and appoint a successor or successors thereto. Each Paying Agent and Bond Registrar shall signify its acceptance of the duties and obligations imposed upon it by the Bond Resolution by executing and delivering to the Issuer a written acceptance thereof. The principal of, and premium, if any, and interest on the Bonds shall be payable in any coin or currency of the United States of America that, at the respective dates of payment thereof, is legal tender for the payment of public and private debts. The principal of and premium, if any, on the Bonds shall be payable when due to the owner of each Bond upon presentation and surrender thereof at the principal corporate trust office of the Paying Agent. Payment of interest on each Bond shall be made to the Person that, as of the Record Date, is the owner of the Bond and shall be made by check or draft mailed to the Person that, as of the Record Date, is the owner of the Bond, at the address of such owner as it appears on the registration books of the Issuer kept by the Bond Registrar, or at such other address as is furnished to the Bond Registrar in writing by such owner on or prior to the Record Date.

Section 207. Redemption and Redemption Price; Notice of Redemption. (a) The Bonds maturing on or after May 1, 2019, are subject to redemption prior to maturity, at the election of the Issuer, on November 1, 2018, (the *"First Redemption Date"*), and on any date thereafter, in whole or in part, from such maturities or parts thereof as shall be selected by the Issuer, upon notice given as provided below, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed plus accrued interest thereon to the date fixed for redemption. Bonds maturing on or prior to the First Redemption Date are not subject to optional redemption.

(b) If less than all of the Bonds of any maturity are to be redeemed, the particular Bonds or portion of Bonds of such maturity to be redeemed shall be selected at random by the Bond Registrar in such manner as the Bond Registrar in its discretion may deem fair and appropriate. The portion of any registered Bond of a denomination of more than $5,000 to be redeemed will be in the principal amount of $5,000 or a whole multiple thereof, and in selecting portions of such Bonds for redemption, the Bond Registrar will treat each such Bond as representing that number of Bonds of $5,000 denomination that is obtained by dividing the principal amount of such Bond by $5,000.

(c) Notice of redemption shall be given by the Bond Registrar by registered or certified mail, not less than thirty (30) nor more than forty-five (45) days prior to the redemption date, to the owner, as of the Record Date, of each Bond that is subject to redemption, at the address of such owner as it appears in the registration books of the Issuer kept by the Bond Registrar, or at such other address as is furnished to the Bond Registrar in writing by such owner on or prior to the Record Date. Each notice of redemption shall state the Record Date, the principal amount, the redemption date, the place of redemption, the redemption price and, if less than all of the Bonds are to be redeemed, the distinctive numbers of the Bonds or portions of Bonds to be redeemed, and shall also state that the interest on the Bonds in such notice designated for redemption shall cease to accrue from and after such redemption date and that on the redemption date there will become due and payable on each of the Bonds to be redeemed the principal thereof and interest accrued thereon to the redemption date. Each notice of optional redemption may further state that such redemption shall be conditional upon the receipt by the Paying Agent, on or prior to the date fixed for such redemption, of moneys sufficient to pay the principal of and premium, if any, and interest on such Bonds to be redeemed and that if such moneys shall not have been so received said notice shall be of no force and effect and the Issuer shall not be required to redeem such Bonds. In the event that such notice of redemption contains such a condition and such moneys are not so received, the redemption shall not be made and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received. Any notice mailed as provided in this Section shall be conclusively presumed to have been duly given, whether or not the owner receives such notice. Failure to give such notice or any defect therein with respect to any Bond shall not affect the validity of the proceedings for redemption with respect to any other Bond.

(d) In addition to the foregoing notice under subsection (c) above, further notice of such redemption shall be given by the Bond Registrar as set out below, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner affect the validity of a call for redemption if notice thereof is given as prescribed above.

> (i) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed.
>
> (ii) Each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date to DTC in accordance with the operating procedures then in effect for DTC, and to all other registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds designated to the Bond Registrar by the Issuer, to the Rating Agencies and to any other nationally recognized information services as designated by the Issuer to the Bond Registrar.

(e) If notice of redemption shall have been given as described above and the condition described in Section 207(c) hereof, if any, shall have been met, the Bonds or portions thereof specified in said notice shall become due and payable at the applicable redemption price on the redemption date therein designated, and if, on the redemption date, moneys for the payment of the redemption price of all the bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such bonds shall cease to accrue and become payable.

(f) Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number or numbers identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

(g) The Bond Registrar shall also give any notice of the "defeasance" or redemption of the Bonds that may be required by the Continuing Disclosure Undertaking provided that the Issuer shall provide to the Bond Registrar any documents or other information that the Bond Registrar requests to provide such notice.

Section 208. Acceptance of Bid; Issuance, Sale and Delivery of Bonds. (a) The bid of the Purchaser for the purchase of the Bonds, which is set out in full in the preambles hereto, shall be and the same is hereby accepted, it being hereby found, determined and declared after public advertisement for bids for the purchase of the Bonds, that the Bonds bear interest at the lowest obtainable interest rate.

(b) Under authority of the Act, the Bonds shall be issued by the Issuer for the purpose set forth in Section 202 hereof. The sale of the Bonds to the Purchaser at the price of $__________ is hereby confirmed.

(c) The Bonds shall be delivered to the Purchaser and the proceeds of sale thereof applied as provided in Section 210 hereof.

Section 209. Execution of Bonds. The Bonds shall be executed on behalf of the Issuer by the Mayor and attested and countersigned by the City Recorder (the signatures of the Mayor and City Recorder being either manual or by facsimile) and the official seal of the Issuer or a facsimile thereof shall be impressed or printed thereon. The use of such manual or facsimile signatures of the Mayor and the City Recorder and such facsimile or impression of the official seal of the Issuer on the Bonds are hereby authorized, approved and adopted by the Issuer as the authorized and authentic execution, attestation, countersignature and sealing of the Bonds by said officials on behalf of the Issuer. The Bonds shall then be delivered to the Bond Registrar for manual authentication by it. Only such of the Bonds as shall bear thereon a certificate of authentication, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of the Bond Resolution, and such certificate of the Bond Registrar shall be conclusive evidence that the Bonds so authenticated have been duly authenticated and delivered under, and are entitled to the benefits of, this Bond Resolution and that the owner thereof is entitled to the benefits of this Bond Resolution. The certificate of authentication of the Bond Registrar on any Bond shall be deemed to have been executed by it if (i) such Bond is signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder or that all of the Bonds hereunder be authenticated by the same Bond Registrar, and (ii) the date of registration and authentication of the Bond is inserted in the place provided therefor on the certificate of authentication.

The Mayor and the City Recorder are authorized to execute, countersign, attest and seal from time to time, in the manner described above, Bonds (the *"Exchange Bonds"*) to be issued and delivered for the purpose of effecting transfers and exchanges of Bonds pursuant to Article III hereof. At the time of the execution, countersigning, attestation and sealing of the Exchange Bonds by the Issuer, the payee, principal amount, maturity and interest rate may be in blank. Upon any transfer or exchange of Bonds pursuant to Article III hereof, the Bond Registrar shall cause to be inserted in appropriate Exchange Bonds the appropriate payee, principal amount, maturity and interest rate. The Bond Registrar is hereby authorized and directed to hold the Exchange Bonds and to complete, authenticate and deliver the Exchange Bonds for the purpose of effecting transfers and exchanges of Bonds; *provided* that any Exchange Bonds authenticated and delivered by the Bond Registrar shall bear the same series, maturity and interest rate as Bonds delivered to the Bond Registrar for exchange or transfer and shall bear the name of such payee as the Bondowner requesting an exchange or transfer shall designate; and *provided further* that upon the delivery of any Exchange Bonds by the Bond Registrar a like principal amount of Bonds submitted for transfer or exchange, and of like series and having like maturity dates and interest rates, shall be cancelled. The execution, countersignature, attestation and sealing by the Issuer and delivery to the Bond Registrar of any Exchange Bond shall constitute full and due authorization of such Bond containing such payee, principal amount, maturity and interest rate as the Bond Registrar shall cause to be inserted, and the Bond Registrar shall thereby be authorized to authenticate and deliver such Exchange Bond in accordance with the provisions hereof.

In case any officer whose signature or a facsimile of whose signature shall appear on any Bond (including any Exchange Bond) shall cease to be such officer before the issuance or delivery of such Bond, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until such issuance or delivery, respectively.

Section 210. Delivery of the Bonds; Application of Proceeds. The City Manager, City Treasurer, Budget Officer or other officer of the Issuer is hereby authorized and instructed to make delivery of the Bonds to the Purchaser and to receive payment therefor in accordance with the terms of sale and to set the proceeds of sale of the Bonds aside for deposit into the Project Account to be used for the purpose for which the Bonds are herein authorized. The City Manager, City Treasurer, Budget Officer or other officer of the Issuer is authorized to cause to be transferred to the Paying Agent a portion of the proceeds of the Bonds to pay any costs of issuance of the Bonds authorized by the Business Administrator.

Section 211. Continuing Disclosure Undertaking. The Mayor is hereby authorized, empowered and directed to execute and deliver, and the City Recorder to seal, countersign, and attest, the Continuing Disclosure Undertaking and the related Dissemination Agency Agreement (collectively, the *"Continuing Disclosure Undertaking"*) in substantially the same forms as now before the City Council of the Issuer and attached hereto as *Exhibits 1* and *2*, respectively, or with such changes therein as the Mayor shall approve, his execution thereof to constitute conclusive evidence of his approval of such changes. When the Continuing Disclosure Undertaking is executed and delivered on behalf of the Issuer as herein provided, the Continuing Disclosure Undertaking will be binding on the Issuer and the officers, employees and agents of the Issuer, and the officers, employees and agents of the Issuer are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Continuing Disclosure Undertaking as executed. Notwithstanding any other provision of this Bond Resolution, the sole remedies for failure to comply with the Continuing Disclosure Undertaking shall be the ability of the beneficial owner of any Bond to seek mandamus or specific performance by court order, to cause the Issuer to comply with its obligations under the Continuing Disclosure Undertaking.

Section 212. Further Authority. The Mayor and the City Recorder and other officers of the Issuer are, and each of them is, hereby authorized to do or perform all such acts and to execute all such certificates, documents and other instruments as may be necessary or advisable to provide for the issuance, sale, registration and delivery of the Bonds and to fulfill the obligations of the Issuer hereunder and thereunder.

Section 213. Establishment of Accounts. (a) The following accounts on the accounting records of the Issuer are hereby created, which are to be held as follows:

(i) Bond Account, to be held by the Issuer;

(ii) Depository Account, to be held by the Paying Agent; and

(iii) Project Account, to be held by the Issuer.

(b) Pending application for the purposes contemplated hereby, moneys on deposit in the Bond Account, Depository Account and Project Account shall be invested as permitted by law in investments approved by the City Manager or other authorized officer of the Issuer. Following the earlier of April 1, 2009, or the date upon which all of the costs of issuance of the Bonds have been paid, any moneys remaining from the sale proceeds of the Bonds held by the Paying Agent at the direction of the City Manager, City Treasurer, Budget Officer or other officer of the Issuer pursuant to Section 210 hereof to pay the costs of issuance of behalf of the Issuer shall be transmitted to the Issuer for deposit into the Project Account.

ARTICLE III

TRANSFER AND EXCHANGE OF BONDS; BOND REGISTRAR

Section 301. Transfer of Bonds. (a) Any Bond may, in accordance with its terms, be transferred, upon the registration books kept by the Bond Registrar pursuant to Section 303 hereof, by the Person in whose name it is registered, in person or by such owner's duly authorized attorney, upon surrender of such Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Bond Registrar. No transfer shall be effective until entered on the registration books kept by the Bond Registrar. The Issuer, the Bond Registrar and the Paying Agent may treat and consider the Person in whose name each Bond is registered in the registration books kept by the Bond Registrar as the holder and absolute owner thereof for the purpose of receiving payment of, or on account of, the principal or redemption price thereof and interest due thereon and for all other purposes whatsoever.

(b) Whenever any Bond or Bonds shall be surrendered for transfer, the Bond Registrar shall authenticate and deliver a new fully-registered Bond or Bonds (which may be an Exchange Bond or Bonds pursuant to Section 209 hereof) of the same series, designation, maturity and interest rate and of authorized denominations duly executed by the Issuer, for a like aggregate principal amount. The Bond Registrar shall require the payment by the Bondowner requesting such transfer of any tax or other governmental charge required to be paid with respect to such transfer. With respect to each Bond, no such transfer shall be required to be made (i) after the Record Date with respect to any interest payment date to and including such interest payment date, or (ii) after the Record Date with respect to any redemption of such Bond.

(c) The Bond Registrar shall not be required to register the transfer of or exchange any Bond selected for redemption, in whole or in part, except the unredeemed portion of Bonds being redeemed in part. Upon surrender of any Bond redeemed in part only, the Issuer shall execute, and the Bond Registrar shall authenticate and deliver to the Bondowner at the expense of the Issuer, a new Bond or Bonds (which may be an Exchange Bond or Bonds pursuant to Section 209 hereof) of the same series, designation, maturity and interest rate and of authorized denominations equal in aggregate principal amount to the unredeemed portion of the Bond surrendered.

Section 302. Exchange of Bonds. Bonds may be exchanged at the principal corporate trust office of the Bond Registrar for a like aggregate principal amount of fully-registered Bonds (which may be an Exchange Bond or Bonds pursuant to Section 209 hereof) of the same series, designation, maturity and interest rate of other authorized denominations. The Bond Registrar shall require the payment by the Bondowner requesting such exchange of any tax or other governmental charge required to be paid with respect to such exchange. With respect to each Bond, no such exchange shall be required to be made (a) after the Record Date with respect to any interest payment date to and including such interest payment date, or (b) after the Record Date with respect to any redemption of such Bond.

Section 303. Bond Registration Books. This Bond Resolution shall constitute a system of registration within the meaning and for all purposes of the Registered Public Obligations Act, Chapter 7 of Title 15 of the Utah Code. The Bond Registrar shall keep or cause to be kept, at its principal corporate trust office, sufficient books for the registration and transfer of the Bonds, which shall at all times be open to inspection by the Issuer; and, upon presentation for such purpose, the Bond Registrar shall, under such reasonable regulations as it may prescribe, register or transfer, or cause Bonds to be registered or transferred on those books as herein provided.

Section 304. List of Bondowners. The Bond Registrar shall maintain a list of the names and addresses of the owners of all Bonds and upon any transfer shall add the name and address of the new Bondowner and eliminate the name and address of the transferor Bondowner.

Section 305. Duties of Bond Registrar. If requested by the Bond Registrar, the Mayor and the City Recorder are authorized to execute the Bond Registrar's standard form of agreement between the Issuer and the Bond Registrar with respect to the compensation, obligations and duties of the Bond Registrar hereunder, which may include the following:

(a) to act as bond registrar, authenticating agent, paying agent and transfer agent as provided herein;

(b) to maintain a list of Bondowners as set forth herein and to furnish such list to the Issuer upon request, but otherwise to keep such list confidential;

(c) to give notice of redemption of Bonds as provided herein;

(d) to cancel and/or destroy Bonds that have been paid at maturity or upon earlier redemption or submitted for exchange or transfer;

(e) to furnish the Issuer at least annually a certificate with respect to Bonds cancelled and/or destroyed;

(f) to furnish to the Issuer, at its request, at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds; and

(g) to comply with all applicable provisions of DTC's operational arrangements, as provided in Section 402 hereof.

ARTICLE IV

BOOK-ENTRY SYSTEM; LIMITED OBLIGATION OF ISSUER; LETTER OF REPRESENTATIONS

Section 401. Book-Entry System; Limited Obligation of Issuer. (a) The Bonds shall be initially issued in the form of a separate, single, certificated, fully-registered Bond for each of the maturities set forth in Section 204 hereof. Upon initial issuance, the ownership of each such Bond shall be registered in the registration books kept by the Bond Registrar in the name of Cede, as nominee of DTC. Except as provided in Section 403 hereof, all of the outstanding Bonds shall be registered in the registration books kept by the Bond Registrar in the name of Cede, as nominee of DTC.

(b) With respect to Bonds registered in the registration books kept by the Bond Registrar in the name of Cede, as nominee of DTC, the Issuer, the Bond Registrar and the Paying Agent shall have no responsibility or obligation to any such Participant or to any Person on behalf of which such a Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Issuer, the Bond Registrar and the Paying Agent shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other Person, other than a Bondowner, as shown in the registration books kept by the Bond Registrar, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other Person, other than a Bondowner, as shown in the registration books kept by the Bond Registrar, of any amount with respect to the principal of or premium, if any, or interest on the Bonds. The Issuer, the Bond Registrar and the Paying Agent may treat and consider the Person in whose name each Bond is registered in the registration books kept by the Bond Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, for the purpose of giving notices of redemption and for all other purposes whatsoever. The Paying Agent shall pay all principal of, and premium, if any, and interest on, the Bonds only to the respective Bondowners, as shown in the registration books kept by the Bond Registrar, or their respective attorneys duly authorized in writing, as provided in Section 206 hereof, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of principal of, and premium, if any, and interest on, the Bonds to the extent of the sum or sums so paid. No Person other than a Bondowner, as shown in the registration books kept by the Bond Registrar, shall receive a certificated Bond evidencing the obligation of the Issuer to make payments of principal, premium, if any, and interest pursuant to the Bond Resolution.

(c) Upon delivery by DTC to the Issuer of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede, and subject to the provisions herein with respect to Record Dates, the word *"Cede"* in this Bond Resolution shall refer to such new nominee of DTC; and upon receipt of such a notice the Issuer shall promptly deliver a copy of the same to the Bond Registrar and the Paying Agent.

Section 402. Letter of Representations. The Issuer's prior execution and delivery of the Letter of Representations shall not in any way limit the provisions of Section 401 hereof or in any other way impose upon the Issuer any obligation whatsoever with respect to Persons having interests in the Bonds other than the Bondowners, as shown on the registration books kept by the Bond Registrar. In the written acceptance of each Paying Agent and Bond Registrar referred to in Section 206 hereof, such Paying Agent and Bond Registrar, respectively, shall agree to take all action necessary for all of DTC's operational arrangements pertaining to the Paying Agent and Bond Registrar, respectively, to at all times be complied with.

Section 403. Transfers Outside Book-Entry System. At the option of the Issuer or upon receipt by the Issuer of written notice from DTC that DTC is unable or unwilling to discharge its responsibilities, and no substitute depository willing to undertake the functions of DTC hereunder can be found that is willing and able to undertake such functions upon reasonable and customary terms, the Bonds shall no longer be restricted to being registered in the registration books kept by the Bond Registrar in the name of Cede, as nominee of DTC, but may be registered in whatever name or names Bondowners transferring or exchanging Bonds shall designate, in accordance with the provisions of Article III hereof.

Section 404. Payments to Cede. Notwithstanding any other provision of this Bond Resolution to the contrary, so long as any Bond is registered in the name of Cede, as nominee of DTC, all payments with respect to principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Letter of Representations.

ARTICLE V

COVENANTS AND UNDERTAKINGS

Section 501. Covenants of Issuer. All covenants, statements, representations and agreements contained in the Bonds and all recitals and representations in the Bond Resolution are hereby considered and understood, and it is hereby confirmed that all such covenants, statements, representations and agreements are the covenants, statements, representations and agreements of the Issuer.

Section 502. Levy of Taxes; Bond Account The Issuer covenants and agrees that to pay the interest falling due on the Bonds as the same becomes due, and also to provide a sinking fund for the payment of the principal of the Bonds at maturity, there shall be levied on all taxable property in the City in addition to all other taxes, a direct annual tax sufficient to pay the interest on the Bonds and to pay and retire the same. These taxes when collected shall be applied solely for the purpose of the payment of the interest on and principal of the Bonds, respectively, and for no other purpose whatsoever until the indebtedness so contracted under the Bond Resolution, principal and interest, shall have been fully paid, satisfied and discharged, but nothing herein contained shall be so construed as to prevent the Issuer from applying any other funds that may be in the Issuer's treasury and available for that purpose to the payment of such interest and principal as the same respectively become due and mature. The levy or levies herein provided for may thereupon be diminished to that extent. The sums herein provided for to meet the interest on the Bonds and to discharge the principal thereof when due are hereby appropriated for that purpose, and the required amount for each year shall be included by the Issuer in its annual budget and its statement and estimate as certified to the Board of County Commissioners of Summit County, Utah and the Board of County Commissioners of Wasatch County, Utah, in each year. Principal or interest falling due at any time when there shall not be available from the proceeds of the levies described in this Section money sufficient for the payment thereof shall, to the extent of such deficiency, be paid from other funds of the Issuer available for such purpose, and such other funds shall be reimbursed when the proceeds of such levies become available.

On or prior to the second business day next preceding each date on which payment of principal of or interest on the Bonds is to be made, the Issuer shall deposit into the Bond Account an amount sufficient to pay principal of and interest on the Bonds on such payment date. Moneys remaining on deposit immediately after each such payment date, including any investment earnings thereon earned during the period of such deposit, shall be immediately withdrawn from the Bond Account by the Issuer and commingled with the general funds of the Issuer. The Issuer has established the Bond Account primarily to achieve a proper matching of revenues and debt service on the Bonds. The Bond Account shall be depleted at least once each year by the Issuer, except for a reasonable carryover amount not to exceed the greater of one year's earnings on the Bond Account or one-twelfth of the annual debt service on the Bonds.

Section 503. Arbitrage Covenant; Covenant to Maintain Tax-Exemption. (a) The Mayor, the City Recorder and other appropriate officials of the Issuer are hereby authorized and directed to execute such Tax Certificates as shall be necessary to establish that (i) the Bonds are not "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations, (ii) the Bonds are not and will not become "private activity bonds" within the meaning of Section 141 of the Code, (iii) all applicable requirements of Section 149 of the Code are and will be met, (iv) the covenants of the Issuer contained in this Section will be complied with and (v) interest on the Bonds is not and will not become includible in gross income of the owners thereof for federal income tax purposes under the Code and applicable Regulations.

(b) The Issuer covenants and certifies to and for the benefit of the owners from time to time of the Bonds that:

(i) it will at all times comply with the provisions of any Tax Certificates;

(ii) it will at all times comply with the rebate requirements contained in Section 148(f) of the Code and the Regulations, including, without limitation, the entering into any necessary rebate calculation agreement to provide for the calculations of amounts required to be rebated to the United States, the keeping of records necessary to enable such calculations to be made, the creation of any rebate fund to provide for the payment of any required rebate and the timely payment to the United States of all amounts, including any applicable penalties and interest, required to be rebated, except to the extent that the Bonds are not subject to such arbitrage rebate requirements;

(iii) no use will be made of the proceeds of the issue and sale of the Bonds, or any funds or accounts of the Issuer that may be deemed to be proceeds of the Bonds, pursuant to Section 148 of the Code and applicable Regulations, which use, if it had been reasonably expected on the date of issuance of the Bonds, would have caused the Bonds to be classified as "arbitrage bonds" within the meaning of Section 148 of the Code;

(iv) it will not use or permit the use of any of its facilities or properties in such manner that such use would cause the Bonds to be "private activity bonds" described in Section 141 of the Code;

(v) no bonds or other evidences of indebtedness of the Issuer (other than the Bonds) have been or will be issued, sold or delivered within a period beginning fifteen (15) days prior to the sale of the Bonds and ending fifteen (15) days following the delivery of the Bonds, other than the Bonds;

(vi) it will not take any action that would cause interest on the Bonds to be or to become ineligible for the exclusion from gross income of the owners of the Bonds as provided in Section 103 of the Code, nor will it omit to take or cause to be taken in timely manner any action, which omission would cause interest on the Bonds to be or to become ineligible for the exclusion from gross income of the owners of the Bonds as provided in Section 103 of the Code;

(vii) it recognizes that Section 149(a) of the Code requires the Bonds to be issued and to remain in fully registered form in order that interest thereon is excludable from gross income of the owners thereof for federal income tax purposes under laws in force at the time the Bonds are initially delivered and the Issuer agrees that it will not take any action to permit the Bonds to be issued in, or converted into, bearer or coupon form without an opinion of Bond Counsel to the effect that such action will not adversely affect the excludability of interest on the Bonds from the gross income of the owners thereof for federal income tax purposes; and

(viii) it acknowledges that, in the event of an examination by the Internal Revenue Service of the exemption from federal income taxation for interest paid on the Bonds, under present rules, the Issuer may be treated as a "taxpayer" in such examination and agrees that it will respond in a commercially reasonable manner to any inquiries from the Internal Revenue Service in connection with such an examination.

Pursuant to these covenants, the Issuer obligates itself to comply throughout the term of the issue of the Bonds with the requirements of Section 103 of the Code and the Regulations proposed or promulgated thereunder.

Section 504. Designation of the Bonds as "Qualified Tax-Exempt Obligations." The Issuer recognizes that Section 265(b)(3) of the Code provides that a "qualified tax-exempt obligation" (as therein defined) may be treated by certain financial institutions as if it were acquired on August 7, 1986, for certain purposes. The Issuer hereby designates each of the Bonds that is outstanding from time to time as a "qualified tax-exempt obligation" for the purposes and within the meaning of Section 265(b)(3) of the Code. In support of such designation, the Issuer certifies, represents, covenants, warrants and agrees that (a) none of the Bonds will be at any time a "private activity bond" (as defined in Section 141 of the Code), (b) as of the date of original issuance of the Bonds, the Issuer will not have issued any tax-exempt bonds in calendar year 2008 other than the Bonds, (c) the reasonably anticipated amount of tax-exempt bonds (other than "private activity bonds" that are not "qualified 501(c)(3) bonds," as such terms are defined in Section 141 of the Code) that will be issued by the Issuer and subordinate entities thereof during calendar year 2008 (including the Bonds) does not exceed $10,000,000 and (d) not more than $10,000,000 of obligations (including the Bonds) issued by the Issuer during calendar year 2008 will be designated by the Issuer for purposes of Section 265(b)(3) of the Code. As used in this Section 504, *"tax-exempt bonds"* means obligations of any kind the interest on which is not includible in the gross income of the owners thereof for purposes of federal income taxation. Terms used in this Section 504 that are not otherwise defined herein shall have the same meanings herein as in the provisions of the Code that relate to tax-exempt bonds.

ARTICLE VI

FORM OF BONDS

Section 601. Form of Bonds. Each fully-registered Bond shall be, respectively, in substantially the following form, with such insertions or variations as to any redemption or amortization provisions and such other insertions or omissions, endorsements and variations as may be required (including, but not limited to, such changes as may be necessary if the Bonds at any time are no longer held in book-entry form as permitted by Section 403 hereof):

[FORM OF BOND]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Registered   Registered

UNITED STATES OF AMERICA

STATE OF UTAH

PARK CITY

GENERAL OBLIGATION BOND, SERIES 2008

Number R-____ $___________

INTEREST RATE:	MATURITY DATE:	DATED DATE:	CUSIP:
________%	May 1, _____	_________, 2008	_______

REGISTERED OWNER:

PRINCIPAL AMOUNT: ---------------------------------- DOLLARS-------------------------------------

KNOW ALL MEN BY THESE PRESENTS that Park City, Utah (the *"Issuer"*), a duly organized and existing municipal corporation and a political subdivision of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay to the registered owner identified above, or registered assigns, on the maturity date identified above, upon presentation and surrender hereof, the principal amount identified above (the *"Principal Amount"*), and to pay the registered owner hereof interest on the balance of the Principal Amount from time to time remaining unpaid from the interest payment date next preceding the date of registration and authentication of this Bond, unless this Bond is registered and authenticated as of an interest payment date, in which event this Bond shall bear interest from such interest payment date, or unless this Bond is registered and authenticated prior to the first interest payment date, in which event this Bond shall bear interest from the dated date identified above (the *"Dated Date"*), or unless, as shown by the records of the hereinafter referred to Bond Registrar, interest on the hereinafter referred to Bonds shall be in default, in which event this Bond shall bear interest from the date to which interest has been paid in full, at the interest rate per annum (calculated on the basis of a year of 360 days consisting of twelve 30-day months) identified above (the *"Interest Rate"*), payable semiannually on May 1 and November 1 in each year, commencing May 1, 2009, until payment in full of the Principal Amount, except as the provisions set forth in the hereinafter defined Bond Resolution with respect to redemption prior to maturity may become applicable hereto. This Bond shall bear interest on overdue principal at the Interest Rate. Principal of and premium, if any, on this Bond shall be payable upon presentation and surrender hereof at the principal corporate trust office of Zions First National Bank, of Salt Lake City, Utah, as Paying Agent for the Bonds, or at the principal corporate trust office of any successor who is at the time the Paying Agent of the Issuer, in any coin or currency of the United States of America that at the time of payment is legal tender for the payment of public and private debts; and payment of the interest hereon shall be made to the registered owner hereof and shall be paid by check or draft mailed to the person who is the registered owner of record on the Record Date.

This Bond is one of the General Obligation Bonds, Series 2008 of the Issuer (the *"Bonds"*), limited to the aggregate principal amount of Ten Million Dollars ($10,000,000), dated as of the Dated Date, issued under and by virtue of the Local Government Bonding Act, Chapter 14 of Title 11, Utah Code Annotated 1953, as amended (the *"Utah Code"*), the Registered Public Obligations Act, Chapter 7 of Title 15 of the Utah Code, and the applicable provisions of Title 10 of the Utah Code (collectively, the *"Act"*), and under and pursuant to resolutions of the Issuer adopted on November 20, 2008 and December 11, 2008 (collectively, the *"Bond Resolution"*), after having been authorized at a special bond election held on November 7, 2006, in the Issuer by a vote of the qualified electors thereof, for the purpose of acquiring, improving and forever preserving park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, remove existing unneeded man-made improvements, and make limited improvements for public access, parking and use (the *"Project"*). The acquisition, improvement and preservation of the Project is for one or more public purposes. In order to accomplish such purposes, all or a portion of the Project may not lie within the limits of the City, as permitted in Section 11-14-103(2) of the Utah Code.

Zions First National Bank, of Salt Lake City, Utah, is the initial bond registrar and paying agent of the Issuer with respect to the Bonds. This bond registrar and paying agent, together with any successor bond registrar or paying agent, are referred to herein, respectively, as the *"Bond Registrar"* and the *"Paying Agent."*

The Issuer covenants and is by law required to levy annually a sufficient tax to pay interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof as the same falls due.

This Bond is transferable, as provided in the Bond Resolution, only upon the books of the Issuer kept for that purpose at the principal corporate trust office of the Bond Registrar, by the registered owner hereof in person or by such owner's attorney duly authorized in writing. Such transfer shall be made upon surrender of this Bond, together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or such duly authorized attorney and upon the payment of the charges prescribed in the Bond Resolution, and thereupon the Issuer shall issue in the name of the transferee a new registered Bond or Bonds of authorized denominations of the same aggregate principal amount, series, designation, maturity and interest rate as the surrendered Bond, all as provided in the Bond Resolution. No transfer of this Bond shall be effective until entered on the registration books kept by the Bond Registrar. The Issuer, the Bond Registrar and the Paying Agent may treat and consider the person in whose name this Bond is registered on the registration books kept by the Bond Registrar as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever, and neither the Issuer, the Bond Registrar nor the Paying Agent shall be affected by any notice to the contrary.

The Bonds are issuable solely in the form of registered Bonds in the denomination of $5,000 or any whole multiple thereof.

The Bonds maturing on or after May 1, 2019, are subject to redemption prior to maturity, at the election of the Issuer, on November 1, 2018 (the *"First Redemption Date"*) and on any date thereafter, in whole or in part, from such maturities or parts thereof as shall be selected by the Issuer, upon notice given as provided below, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed plus accrued interest thereon to the date fixed for redemption. Bonds maturing on or prior to the First Redemption Date are not subject to optional redemption.

Notice of redemption shall be given by the Bond Registrar by registered or certified mail not less than thirty (30) nor more than forty-five (45) days prior to the redemption date, to the registered owner of each Bond that is subject to redemption, at the address of such registered owner as it appears on the registration books kept by the Bond Registrar, or at such other address as is furnished in writing by such registered owner to the Bond Registrar, all as provided in the Bond Resolution.

If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in that notice shall become due and payable at the applicable redemption price on the redemption date therein designated. If on the redemption date, moneys for the payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on that date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable.

Less than all of a Bond in a denomination in excess of $5,000 may be so redeemed. In such case, upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such Bond, registered Bonds of any of the authorized denominations, at the option of such owner, all as more fully set forth in the Bond Resolution. In selecting portions of any registered Bond that is of a denomination of more than $5,000 for redemption, the Bond Registrar will treat each such Bond as representing that number of Bonds of $5,000 denomination that is obtained by dividing the principal amount of such Bond by $5,000.

Except as otherwise provided herein and unless the context clearly indicates otherwise, words and phrases used herein shall have the same meanings as such words and phrases in the Bond Resolution.

This Bond and the issue of Bonds of which it is a part are issued in conformity with and after full compliance with the Constitution of the State of Utah and pursuant to the provisions of the Act and all other laws applicable thereto. It is hereby certified and recited that all conditions, acts and things required by the Constitution or laws of the State of Utah and by the Act and the Bond Resolution to exist, to have happened or to have been performed precedent to or in connection with the issuance of this Bond exist, have happened and have been performed and that the issue of Bonds, together with all other indebtedness of the Issuer, is within every debt and other limit prescribed by the Constitution and laws referenced above, and that the full faith and credit of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on this Bond according to its terms.

The Issuer has designated the Bonds as “qualified tax-exempt obligations” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond shall not be valid until the Certificate of Authentication hereon shall have been manually signed by the Bond Registrar.

IN WITNESS WHEREOF, PARK CITY, UTAH, has caused this Bond to be signed in its name and on its behalf by its Mayor and countersigned and attested its the City Recorder, and has caused its official seal or a facsimile thereof to be impressed or imprinted hereon, all as of the Dated Date.

PARK CITY, UTAH

By ____(manual signature)____
Mayor

[SEAL]

COUNTERSIGN AND ATTEST:

By ____(manual signature)____
City Recorder

[FORM OF BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

This Bond is one of the Bonds described in the within-mentioned Bond Resolution and is one of the General Obligation Bonds, Series 2008 of Park City, Utah.

ZIONS FIRST NATIONAL BANK, as Bond Registrar

By ______________________________
Authorized Officer

Date of registration
and authentication: ________________, 2008.

Bond Registrar and Paying Agent:

Zions First National Bank
Corporate Trust Department
One South Main Street, 12th Floor
Salt Lake City, Utah 84133

[FORM OF ASSIGNMENT]

The following abbreviations, when used in the inscription on the face of the within Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM	—	as tenants in common	UNIF TRAN MIN ACT—
TEN ENT	—	as tenants by the entirety	_________ Custodian _________
JT TEN	—	as joint tenants with right of survivorship and not as tenants in common	(Cust) (Minor) under Uniform Transfers to Minors Act of ________________________________ (State)

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

Insert Social Security or Other Identifying Number of Assignee

____

(Please Print or Typewrite Name and Address of Assignee)

the within Bond of PARK CITY, UTAH, and hereby irrevocably constitutes and appoints _______ ____ attorney, to register the transfer of said Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: ______________________ SIGNATURE: ___________________________

SIGNATURE GUARANTEED:

____

NOTICE: Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar, which requirements include membership or participation in STAMP or such other "signature guarantee program" as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities and Exchange Act of 1934, as amended.

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

ARTICLE VII

MISCELLANEOUS

Section 701. Final Official Statement. The Final Official Statement of the Issuer in substantially the form presented at this meeting and in the form attached hereto as *Exhibit 3,* with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, is hereby authorized. The Mayor shall sign and deliver such Final Official Statement to the Purchaser for distribution to prospective purchasers of the Bonds and other interested persons. The approval of the Mayor of any such changes, omissions, insertions and revisions shall be conclusively established by the Mayor's execution of the Final Official Statement.

Section 702. Official Statement Deemed Final. The Issuer has previously deemed, and does hereby deem, final the Preliminary Official Statement within the meaning and for purposes of paragraph (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission, subject to completion thereof with the information established at the time of the sale of the Bonds. The Mayor and the City Recorder are, and each of them is, hereby authorized to do or perform all such acts and to execute all such certificates, documents and other instruments as may be necessary or advisable to provide for the issuance, sale and delivery of the Bonds, and any actions taken thereby for purposes of deeming the Official Statement to be final for purposes of Rule 15c2-12 of the Securities and Exchange Commission are hereby authorized, ratified and confirmed.

Section 703. Ratification. All proceedings, resolutions and actions of the Issuer and its officers taken in connection with the sale and issuance of the Bonds are hereby ratified, confirmed and approved, including, without limitation, the publication of the notice of sale for the Bonds as set out in the preambles hereto.

Section 704. Severability. It is hereby declared that all parts of this Bond Resolution are severable, and if any section, paragraph, clause or provision of this Bond Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Bond Resolution.

Section 705. Conflict. All resolutions, orders and regulations or parts thereof heretofore adopted or passed that are in conflict with any of the provisions of this Bond Resolution are, to the extent of such conflict, hereby repealed.

Section 706. Captions. The table of contents and captions or headings herein are for convenience of reference only and in no way define, limit or describe the scope or intent of any provisions or sections of this Bond Resolution.

Section 707. Effective Date. This Bond Resolution shall take effect immediately.

ADOPTED AND APPROVED this 11th day of December, 2008.

PARK CITY, UTAH

By ______________________________
Mayor

[SEAL]

ATTEST AND COUNTERSIGN:

By ______________________________
City Recorder

APPROVED AS TO FORM:

By ______________________________
City Attorney

EXHIBIT 1

[ATTACH FORM OF CONTINUING DISCLOSURE UNDERTAKING]

EXHIBIT 2

[ATTACH FORM OF DISSEMINATION AGENCY AGREEMENT]

EXHIBIT 3

[ATTACH FORM OF FINAL OFFICIAL STATEMENT]

STANDARD &POOR'S

RATINGSDIRECT®

December 2, 2008

Summary:

Park City, Utah; General Obligation

Primary Credit Analyst:
Misty Newland, San Francisco (1) 415-371-5073; misty_newland@standardandpoors.com

Secondary Credit Analyst:
Matthew Reining, San Francisco (1) 415-371-5044; matthew_reining@standardandpoors.com

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Rationale

Outlook

Summary:

Park City, Utah; General Obligation

Credit Profile		
US$10. mil GO bnds ser 2008 due 05/01/2024		
Long Term Rating	AA/Stable	New
Park City GO		
Long Term Rating	AA/Stable	Upgraded
Park City GO		
Unenhanced Rating	AA(SPUR)/Stable	Upgraded
Many issues are enhanced by bond insurance.		

Rationale

Standard & Poor's Ratings Services raised its long-term rating and underlying rating (SPUR) to 'AA' from 'AA-' on Park City, Utah's outstanding general obligation (GO) debt based on strong financial performance and strong financial management policies. In addition, Standard & Poor's assigned its 'AA' long-term rating to the city's series 2008 GO bonds.

The rating also reflects:

- The city's role as an affluent year-round resort destination, with access for full-time residents to the larger Salt Lake City economy;
- Very strong wealth levels of the city's full-time population;
- Extremely strong market value per capita and a large proportion of secondary residential property, which is taxed at the full market value; and
- Low overall net debt burden and rapid principal amortization of all of the city's outstanding debt.

The rating strengths are tempered by economic concentration in tourism, with reliance on sales taxes.

An unlimited ad valorem tax pledge of the city secures the bonds.

Park City is located 30 miles east of Salt Lake City in Summit County's Wasatch Mountains. The local economy is dependent on tourism and tourism-related retail services, with two ski facilities serving as major employers. Park City's proximity to the Salt Lake City metropolitan area, however, lends it economic strength by providing additional employment options to residents. The city has a permanent population of 8,030 and estimates its service population to be about 32,000, which includes primary and secondary home owners and average daily visitors. Median household effective buying income for 2007 was strong at 140% of the nation.

Strong property value growth trends continued through fiscal 2008 due to ongoing development and price appreciation. Total market value of property has experienced strong growth of 87% during the past four years to an estimated $8.3 billion for fiscal 2009. The 10 leading taxpayers account for just 4.5% of total property value, down from 8.6% in 2002. Primary residential property is assessed at 55% of market value. The city's taxable value for fiscal 2009 is $7.1 billion, also up 86% during the past four years, including 19% for fiscal 2009. Secondary residential property represents about 62% of the city's taxable assessed value, and about 65% of dwelling units, which contributes to the extremely strong per capita market value of $883,706. Although the city's total market value growth has been robust, some of which is attributable to new construction, available data indicates that there has not been a severe backlash in housing values, which have experienced modest declines. According to the Park City Board of Realtors, the median sales price of single-family homes in the greater Park City area slipped just 3% for the first nine months of 2008, compared to the same period in 2007. The city's primary total general revenues are made of property taxes (36%), sales and use taxes (13%), and resort tax (17%). During the previous five fiscal years, sales tax revenue grew each year, but is expected to decline for fiscal 2009. The city has anticipated a 10.5% reduction to governmental operating revenues, which it plans to offset with a 5% expenditure reduction and the delay of capital spending.

The city's financial performance has been strong, as evidenced by five successive general fund operating surpluses, before transfers out to a discretionary capital reserve fund, through fiscal 2008. The city ended fiscal 2008 with a strong ending general fund balance of $3.7 million or 15% of revenues. The state limits the amount of fund balance a municipality can retain in its general fund to 18% of budgeted revenues, unless the reserved is to be used to balance the subsequent fiscal year's budget. As a policy, the city maintains at least $5 million, or 24% of fiscal 2008 general fund expenditures, of unrestricted money in the capital improvement program fund for potential operating short-falls. The city has some revenue flexibility in that it could either levy a 1% transient room tax without voter approval or and raise the resort tax by 0.5%, which would require voter approval. Additionally, the city is levying (.001 mills) below its statutory maximum property tax levy of .007 mills, which it could raise after holding a public hearing.

The city's financial policies and practices are considered 'strong' under Standard & Poor's Financial Management Assessment (FMA). An FMA of 'strong' indicates that the city's practices are strong, well embedded, and likely sustainable. This is a change from an FMA of 'good' assigned at the time of the last rating. Changes include creation of a debt management policy, a clearly defined reserve policy, and a 10-year financial plan. Additional practices include active monitoring of annual budgets to actual revenue collections with monthly review by the city council and specific steps identified to guide cuts should revenues be less than anticipated during the course of a fiscal year. The city maintains a rolling five-year capital improvement plan with most funding sources identified, although some projects are to be funded only if surplus fund are available.

Total overall net debt is a low 1.2% of market value. Per capita debt is higher at $7,212, however, it is manageable given high strong permanent resident incomes and an estimated service population of 32,000, which contributes to funding the sales tax revenue bonds and represents about 31% of the city's direct debt. The city's direct debt is also made of $26 million of GO bonds (54%), including these bonds, $10 million of enterprise revenue bonds (21%), tax increment revenue bonds (7%), and lease revenue bonds (8%). The series 2008 bonds are the first issuance of $20 million GO bonds, approved by 82% of voters in November 2006, for park and recreation and land conservation. Bond proceeds will be used for open space preservation. The city currently anticipates issuing $7.5 million of GO bonds in 2009 and 2011 for urban trails. The city also anticipates needing to issue $10 million of GO bonds for open space, although the timing has yet to be determined. Also being considered is $30 million of sales tax revenue bonds, to be issued across 10 years, and $20 million to $30 million of water revenue bonds, to be issued over three years.

Outlook

The stable outlook reflects our expectation of strong financial performance led by strong financial management of declining revenue trends, and that further declines in revenue will not compromise the city's financial position. The stable outlook also reflects our expectation that rising debt levels will be supportable, given rising local income levels and property values.

Complete ratings information is available to subscribers of RatingsDirect, the real-time Web-based source for Standard & Poor's credit ratings, research, and risk analysis, at www.ratingsdirect.com. All ratings affected by this rating action can be found on Standard & Poor's public Web site at www.standardandpoors.com; under Credit Ratings in the left navigation bar, select Find a Rating, then Credit Ratings Search.

City Council
Staff Report

Subject: 2009 Annual Insurance Placement
Author: Cindy LoPiccolo
Department: Executive Department
Date: December 11, 2008
Type of Item: Administrative

Summary Recommendations:
Authorize the following Insurance premium payments for public entity liability, workers compensation, property, and crime insurance covering a one-year period from January 1, 2009 through January 1, 2010:

1. $ 105,622.00 to States Self-Insurers Risk Retention Group, Inc. ("States") for public entity broad form liability insurance;
2. $ 158,233.54 to Workers Compensation Fund ("WCF") for workers compensation insurance;
3. $ 66,993.00 to Lloyds of London for property insurance;
4. $ 6,564.00 to Zurich American for boiler/machinery insurance;
5. $ 5,757.00 to Hartford Insurance Company for property insurance covering Marsac-Swede Condominium Owners Association (460 Swede Alley, Units 1 and 2)

Topic:

2009 City Insurance Placement.

Background:

Park City exposures are unique due to its world-class mountain resort environment and extensive public services. City staff continues to promote and implement safety procedures and prevention methodologies, and provide regular training, so that risks are mitigated, the City's assets, facilities, and public property are protected, and employees, local residents and visitors are provided a safe and enjoyable place to work and play.

Funding for insurance coverage is budged within the Risk Management Fund which is managed by Executive Department staff.

Marsh USA is the City's insurance broker and has obtained and reviewed comparative insurance quotes on the City's behalf.

Analysis:

A. **Public Entity Broad Form Liability**. A renewal quote has been received for public entity liability coverage from States Risk Retention Group. Park City has been a member of States for six years. Upon review and evaluation, staff recommends insurance renewal with States Self-Insurance Risk Retention Group for $5 million occurrence / aggregate policy, $250,000 SIR, with a premium $105,622. TRIA Act Coverage (Terrorism) will be declined. The renewal proposal is basically flat in comparison with the expiring year.

States is a member-owned company with policy written by public entity risk managers and specifically crafted to address the unique exposures and operations of cities, counties, school districts and related public entities. Park City is a member-owner of States and has greatly benefited from the organization's public entity affiliation, long-term risk management components, and expertise of its risk management administrative affiliate Berkley Risk Administrators Co. who provides members with:

- comprehensive, consultative loss control reviews and services,
- proactive resource and information clearinghouse,
- on-site review and safety recommendations,
- public entity risk management education and training, and
- provision for comprehensive membership networking, communication and information sharing.

States is a well-established, highly regulated, financially sound, multi-state program, registered to do business in 44 states. Park City works closely with the Utah States Group which members include the cities and counties of St. George, Provo, Bountiful, Murray, South Salt Lake, Davis County, and Tooele County. This Utah network works closely to address current risk management issues and risks facing public entities.

States' reinsurance partners represent some of the largest reinsurers in the world and include ACE Re, Gen Re, Munich Re America, and Swiss Re America – all have substantial public entity experience and are committed to the States program and the public entity sector. States files both quarterly and annual financial statements, undergoes intense audit of its financial records, underwriting and claims records at least every three years by the State of Vermont, and is additionally audited on an annual basis by reinsurance partners and outside auditors and actuaries.

Marsh USA, the City's broker, evaluated pricing indications from liability carriers and found States to be competitive with the traditional carrier market.

B. **Property**.

Property. The Lloyds of London Property Insurance renewal quote for 2009 is $66,993.00. Lloyds of London is a conglomerate of A+ carriers that developed a property program tailored to public entities. The property insurance policy for 2009 includes policy limit total of $75,105,396 for each occurrence. The sublimit of insurance for earthquake and flood is also at policy limit, which is excellent coverage. Transit buses are covered under both liability and property policies while parked or stored on City property i.e. the bus barn.

Boiler and Machinery. Zurich American Boiler and Machinery Insurance renewal quote for 2009 is $6,564.00. This insurance covers city equipment such as water system equipment (pumps, motors), air conditioning and heating equipment, electrical wiring, breakers, transformers, switches, telephone switchboard, compressors, and generators.

460 Swede Alley, Marsac-Swede Condominium Owners Association

460 Swede Alley, Units 1 and 2, Marsac-Swede Condominium Owners Association, will be covered under a separate property insurance policy. Marsh submitted two quotes from Hartford Insurance for property insurance covering both Unit 1 and 2 during 2009. Staff recommends acceptance of the proposal that includes earthquake coverage for a premium of $5,757.00.

1255 Ironhorse, Lease Property

A policy covering 1255 Iron Horse during the City's lease term during the Marsac Building reconstruction was purchased independently from Hartford Insurance Company and will remain in place until the end of lease.

C. **Public Officials Employee Dishonesty (Crime)**. Last year Marsh obtained a renewal quote for the City's Public Officials Employee Dishonesty (Crime) coverage from Travelers for a three year term. Staff recommends approval of the 2nd annual installment payment of $3,657.00.

D. **Workers Compensation**. Workers Compensation Fund (WCF) has submitted a proposal of $158,122.54. WCF provided the City with workers compensation insurance from 2000 through 2004, 2007 and 2008. WCF reports Park City remains in their Preferred Rating tier.

Staff recommends approval of workers compensation insurance for 2009 with WCF for the following reasons:

1. WCF reports to NCII (National Council of Compensation Insurance) for receipt of national Experience Modification Factor for their policyholders.
2. WCF provides a dividend program to its policyholders from which Park City has benefited each year with WCF. Dividends have been received as follows: 2004 $11,499; 2007 $6498; and 2008 $9,295.
3. WCF provides free training and is an excellent training resource. WCF has agreed to work with and assist the City in efforts necessary to reduce the impact and level of claims.
4. Human Resources reports WCF's level of service is excellent, administration of the program is thorough, efficient, administrators are

helpful, react quickly to the City's employees, and keep in close connection with HR throughout each injury process.

Insurance Market Indications:

The experts differ widely on their predictions of when the insurance market will turn from the "soft" market we have been experiencing to a "hard" market. Recently, however, there is more heard about the market turning sooner rather than later, some saying possibly as early as the first half of 2009.

Department Review:

Staff and Marsh representatives reviewed the City's exposures and options to insure the City in a responsible and appropriate manner. Risk Management consulted with City departments to obtain the most current comprehensive City data (financial statement, payroll, fleet, transit, water, recreation, and safety programs), and worked with Human Resources to review workers compensation insurance administrative requirements and performance.

Alternatives:

A. Approve the insurance recommendations as presented.
B. Deny the recommendations and approve an alternative insurance quote presented.
C. Continue the item and provide direction to staff. This alternative is not recommended.

Consequences of not taking the recommended action/significant impacts:
There would be a lapse in insurance coverage.

Recommendation:
Authorize the following Insurance premium payments for public entity liability, workers compensation, property, and crime insurance covering a one-year period from January 1, 2009 through January 1, 2010:

1. $ 105,622.00 to States Self-Insurers Risk Retention Group, Inc. ("States") for public entity broad form liability insurance;
2. $ 158,233.54 to Workers Compensation Fund ("WCF") for workers compensation insurance;
3. $ 66,993.00 to Lloyds of London for property insurance;
4. $ 6,564.00 to Zurich American for boiler/machinery insurance;
5. $ 5,757.00 to Hartford Insurance Company for property insurance covering Marsac-Swede Condominium Owners Association (460 Swede Alley, Units 1 and 2)

City Council Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject: Jupiter View Estates Subdivision
Author: Kirsten A. Whetstone, AICP
Date: December 11, 2008
Type of Item: One year extension of plat approval

Summary Recommendations

Staff recommends that the City Council conduct a public hearing, consider input, and considering the request for a one year extension for the approved Jupiter View Estates Subdivision. Findings of fact, conclusions of law, and conditions of approval are outlined in the attached ordinance for your consideration.

Topic

Applicant:	Taber Trust (Owner)
Location:	1376 Mellow Mountain Road
Zoning:	Estate (E) and Sensitive Lands Overlay (SLO)
Adjacent Land Uses:	Single family residential, large rural parcels, open space.
Reasons for Review:	Extensions of Subdivision plats require City Council approval.

Background

On May 2, 2007, the applicant submitted an application for a two-lot subdivision of the 6.63 acre metes and bounds described property, known as the Taber parcel (Exhibit A). The application includes a request to amend Lot 11 of the First Amendment to Hearthstone Subdivision plat to include driveway and utility easements on Lot 11 for the benefit of Lots 1 and 2 of the proposed Jupiter View Estates Subdivision.

The Taber parcel is currently vacant. An overhead power line traverses the northern portion of the property. Lot 11 of Hearthstone is improved with a 10,000 sf single family house, contains approximately 3.196 acres, and gains access from Mellow Mountain Road midway between the Aerie and April Mountain Subdivisions.

The property is predominantly covered with a mix of sagebrush and grasses with additional areas of Gambel Oak (scrub oak). The property is zoned Estate and is within the Sensitive Lands Overlay district. Approximately 60% of the site has a slope of between 15 and 30 percent and 16% of the site has a relatively gradual slope of between 0 and 15 percent.

On November 14, 2007, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to City Council to approve the two-lot Jupiter View Estates Subdivision. The City Council approved the subdivision plat on November 29, 2007. As part of that approval, a utility plan had to be approved by the Snyderville Sewer District and the City Engineer prior to plat recordation.

On October 27, 2008, the applicant submitted a request for a one year extension of the approval, as the plat had not yet been recorded (Exhibit B).

Analysis

The applicant is seeking a one year extension of plat approval in order to complete utility plans and record the final plat. Originally approved by the City Council on November 29, 2007, the plat was approved with a condition of approval requiring recordation within one year of approval. Prior to expiration, the applicant submitted a complete application requesting a one year extension for plat recordation. City Policy has been to approve such extensions if the applicant demonstrates good cause and that no change in circumstance has occurred since the previous approval. No changes in circumstance or zoning of the property have occurred since the time of the original approval. No applicable changes to the LMC have occurred in the time since the application was initially approved. The applicant is requesting that the City Council extend the 2007 approval to November 29, 2009, with the original conditions of approval, as reflected in the current Ordinance.

Department Review

This project was reviewed by the Planning, Building, Engineering, and Legal Departments.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and posted in three public locations as required by Section 15-1.12.

Public Input

At the time of writing this report, no comments had been received by the public.

Alternatives

- The City Council may approve the one year extension for the Jupiter View Estates Subdivision as conditioned or amended; or
- The City Council may deny the request and direct staff to make Findings for this decision; or
- The City Council may continue the discussion and provide specific direction.

Significant Impacts

A significant fiscal impact is that construction of two single- family houses could occur if the lots are created with this subdivision. The plat was approved with conditions related to mitigation of health, safety, environmental, and aesthetic impacts.

Consequences of not taking the Recommended Action

The subdivision plat would expire.

Recommendation

Staff recommends the City Council conduct a public hearing, consider any input and consider approving a one year extension of approval for the Jupiter View Estates Subdivision based on the findings of fact, conclusions of law, and conditions of approval as stated in the attached ordinance.

Exhibits

Ordinance
Exhibit A- Proposed plat
Exhibit B- Applicant's letter
Exhibit C- Action letter from November 29, 2007 approval
Exhibit D- Minutes from November 29, 2007 approval
Exhibit E- Photo from Lowell Avenue

Ordinance No. 08-

AN ORDINANCE APPROVING A ONE YEAR EXTENSION OF THE JUPITER VIEW ESTATES SUBDIVISION APPROVAL LOCATED AT 1376 MELLOW MOUNTAIN DRIVE AND ONE EAGLE WAY SOUTH, SECTION 8 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, UTAH

WHEREAS, the owner of the properties known as Lot 11 Hearthstone Subdivision and the Taber Parcel petitioned the City Council for approval of a two lot subdivision plat to be known as Jupiter View Estates; and

WHEREAS, the property includes the 6.63 acre Taber parcel and Lot 11 amended Hearthstone Subdivision and is generally located at 1376 Mellow Mountain Road and 1 Eagle Way South, north of the April Mountain Subdivision, south of the Aerie Subdivision, and east of the Hearthstone Subdivision; and

WHEREAS, the property is located in the E (Estate) zoning district and is also located within the SLO (Sensitive Lands Overlay); and

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

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

WHEREAS, the Planning Commission, on November 14, 2007, forwarded a positive recommendation on the subdivision plat to the City Council; and

WHEREAS, on November 29, 2007, the City Council held a public hearing to receive input on the proposed subdivision and approved the Jupiter View Estates Subdivision plat; and

WHEREAS, on October 27, 2008, the Applicant submitted an application and request for a one year extension of approval to allow additional time to complete the utility plans and record the plat; and

WHEREAS, on December 11, 2008, the City Council held a public hearing to receive input on the proposed plat approval extension;

WHEREAS, it is in the best interest of Park City, Utah to approve the request for a one year extension of approval for the Jupiter View Estates Subdivision plat as no person will be materially harmed and the health, safety, and general welfare of the public is not adversely affected by the subdivision.

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

SECTION 1. APPROVAL. A one year extension of approval of the Jupiter View Estates Subdivision is hereby approved as shown on the plat (Exhibit A) and according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated below.

Findings of Fact

1. The property is located in the E, Estate, zoning district and is within the SLO, Sensitive Lands Overlay.
2. The property consists of the 6.63 acre Taber parcel and Lot 11 amended Hearthstone Subdivision and the owner is requesting a subdivision of the Taber parcel to create two single family lots and to provide access, utility and trail easements across Lot 11 of the amended Hearthstone Subdivision. There is an existing single family house on Lot 11 and no subdivision of Lot 11 is requested.
3. Lot One is proposed to contain 3.57 acres and Lot Two is proposed to contain 3.06 acres.
4. Access from Mellow Mountain Road to Lots One and Two is provided via a private access easement across Lot 11 of the Hearthstone Subdivision.
5. At the time of the subdivision plat review the Planning Commission reviewed a Sensitive Lands Analysis for the property that included an analysis of steep slope areas, wetlands, stream corridors, vegetation identification, wildlife habitat, ridgeline areas, entry corridors, and visual analysis from LMC vantage points.
6. The building pad for Lot 1 is located in the southern portion of the lot. The building pad for Lot 2 is located in the southern portion of the lot. Approximate location of the building pads are identified on the plat and limited to 8,000 sf in area per lot. A maximum Limits of Disturbance area of 16,000 sf per lot is stipulated by the SLO requirements. The entire house, foundation, construction disturbance, landscaping, and accessory structures shall be located within this disturbance area.
7. The property consists of slopes ranging from 0% to over 40% slope.
8. There are areas of 40% or greater slopes along Mellow Mountain Road. However, these areas do not meet the LMC requirement of Section 15-2.21-4 (A) that they cover a topographic area of at least 25’ vertically and 50’ horizontally. Therefore, they do not meet the definition of a Very Steep Slope and are not subject to the prohibitions identified in the Section. The proposed driveway crosses this area of 40% slope.
9. The proposed density of 2 single family dwellings for the 6.63 acre Taber parcel is consistent with and complies with requirements of the Estate zoning district.
10. The applicant submitted a preliminary visual analysis of the property from LMC designated vantage points. The property is visible from the PCMR bus stop vantage point. To ensure compliance with the intent of the SLO to minimize visual impacts of development within the SLO area, a site and house specific visual analysis will be necessary at the time of the building permit submittal to review the proposed building design for compliance with the SLO in terms of colors, materials, building and roof form, height, stepping, and orientation on the lot.
11. The proposed driveway is approximately 500’ in length. Limiting the width

and grading of this driveway to the minimums necessary for a safe and functional driveway will mitigate the visibility of the disturbance area.

12. The applicant submitted a fire protection plan to address fire and emergency access given the length of the driveway and location of the lots within the Wildland interface zone. Plat notes regarding specifics of this plan are necessary to ensure compliance with the plan.
13. A public trail easement is identified on the plat within the 50' non-exclusive power line easement and within Lot 11 amended Hearthstone Subdivision.
14. All existing and proposed utilities, access drives, trails, public and circulation areas for emergency vehicles will be located within approved easements to be reviewed and approved by the City Engineer prior to plat recordation.
15. Mellow Mountain Road is not a dedicated street in this area.
16. A construction mitigation plan will be necessary to address construction issues before any building permits are issued.
17. Areas of Steep Slopes and Very Steep Slopes have been identified on the property. The proposed building pads are located 50' away from Very Steep Slopes.
18. The property is located outside the City's Soils Ordinance District. A geotechnical report was submitted with the subdivision plat application and makes recommendations regarding placement of foundations with respect to an existing mine tunnel.
19. The subdivision plat identifies the driveway location, limits of disturbance areas, building pads, and appropriate setbacks from property lines consistent with the Land Management Code in terms of the Estate zoning district and the SLO regulations. The driveway location and proposed easements are consistent with conditions of approval of the Hearthstone Subdivision.

Conclusions of Law:

1. There is good cause for an extension of approval.
2. The subdivision plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the approved subdivision plat and the one year extension approval.
4. Approval of the subdivision plat and one year extension, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

Conditions of Approval

1. City Attorney and City Engineer review and approval of the final form and content of the final subdivision plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to recording the plat. The name of the subdivision has been identified as the Jupiter View Estates Subdivision.
2. No remnant lots will be created as a result of this subdivision.
3. The applicant will record the final subdivision plat at Summit County by November 29, 2009.
4. City approval of a construction mitigation plan is a condition precedent to

the issuance of any building permits for the Jupiter View Estates Subdivision. The construction mitigation plan shall include a re-vegetation plan for re-vegetation of all disturbed areas that remain after utility, road, house, and trail construction. All sensitive areas and significant vegetation shall be identified on the CMP and protected during construction. The method for protecting these areas shall be included on the CMP.

5. All existing mine tunnels and shafts on the Taber parcel shall be reviewed by the City at the time of building permit issuance and all required mitigation/reclamations shall occur prior to permit issuance.
6. A financial guarantee for any and all public improvements, including trails, in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer shall be in place as a condition precedent to plat recordation and issuance of building permits.
7. Utility and access easements in a form approved by the City Engineer and City Attorney shall be dedicated on the plat, or by separate document and simultaneously recorded with the plat.
8. The City does not provide snow removal from the private driveway to Lots 1 and 2.
9. As a condition precedent to plat recordation the City Engineer shall have approved the final utility plans, including storm water detention plans and grading plans for the driveway, including retaining walls. No building permits shall be issued until the plat is recorded and any public improvements are substantially complete or otherwise financially secured.
10. As a condition precedent to issuance of any building permits, the Chief Building Official shall conduct a final assessment and grant approval of the fire protection plan for construction of single family houses on Lots 1 and 2. A note shall be added to the plat stating that modified 13-D fire residential fire sprinklers are required for all new construction and no wood roofs are allowed.
11. As a condition precedent to plat recordation, the Snyderville Basin Water Reclamation District shall have approved the utility plan and signed the subdivision plat.
12. As a condition precedent to building permit issuance, a site-specific visual analysis shall be conducted by the lot owner and presented to the Planning Department with the building permit plans. The site-specific visual analysis shall demonstrate that the house, any accessory buildings, and driveway construction are in compliance with the Sensitive Lands Ordinance and visual impacts, in terms of building height, building and roof form, stepping, orientation on the lot, colors, and materials, have been mitigated. The allowable building height may be reduced to 28’ pending results of the house specific SLO visual analysis. The intent of the final visual analysis is to ensure that the house is not visually obtrusive from LMC Vantage points, including the PCMR bus stop.
13. As shown on the plat, public trail easements on Lots 1 and 2 as well as on Lot 11 amended Hearthstone Subdivision, are dedicated to the public by recordation of the plat.
14. A note shall be added to the plat indicating that a landscape plan for Lots 1 and 2 shall be submitted for review and approval by the Planning Department prior to issuance of a building permit. The plan shall address

water conservation in both plantings and irrigation methods and no landscaping shall extend beyond the limits of disturbance areas (LOD).

15. A note shall be placed on the plat indicating that the maximum building envelope, for each house on Lots 1 and 2 is 8,000 sf. In addition, all disturbances for the house, any accessory structures, and landscaping shall be contained by a 16,000 sf LOD area to be delineated on the site plan at the time of building permit issuance. Driveways and utility disturbance are addressed in a separate condition below.
16. A plat note shall indicate that a min. of 15’ is required between a foundation and the LOD fence.
17. A note shall be placed on the plat indicating that the limits of disturbance for the driveways and utilities shall be restricted to only the area necessary for construction of functional and safe driveways and in order to minimize disturbance. In no case shall the total disturbance area (including all construction disturbances) for the two houses, landscaping, driveways, and utilities exceed 25% of the Steep Slope areas as depicted on the Slope Analysis Sheet C101. This total area is approximately 78,700 sf. Landscaping along the driveways is included within this total disturbance area figure.
18. All standard project conditions shall apply to this development.
19. At the time of building permit issuance for the two houses and all related construction and landscaping, the applicant must demonstrate that 75% of the steep slope areas (15-40% slope) will remain open and undisturbed.
20. All conditions of approval of the amended Hearthstone Subdivision, as they relate to Lot 11, continue in full force and effect.
21. Landscaping of the retaining walls for the driveway shall be approved by the City Arborist and shall provide materials appropriate to screen and soften the walls.

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

PASSED AND ADOPTED this 11th day of December, 2008.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

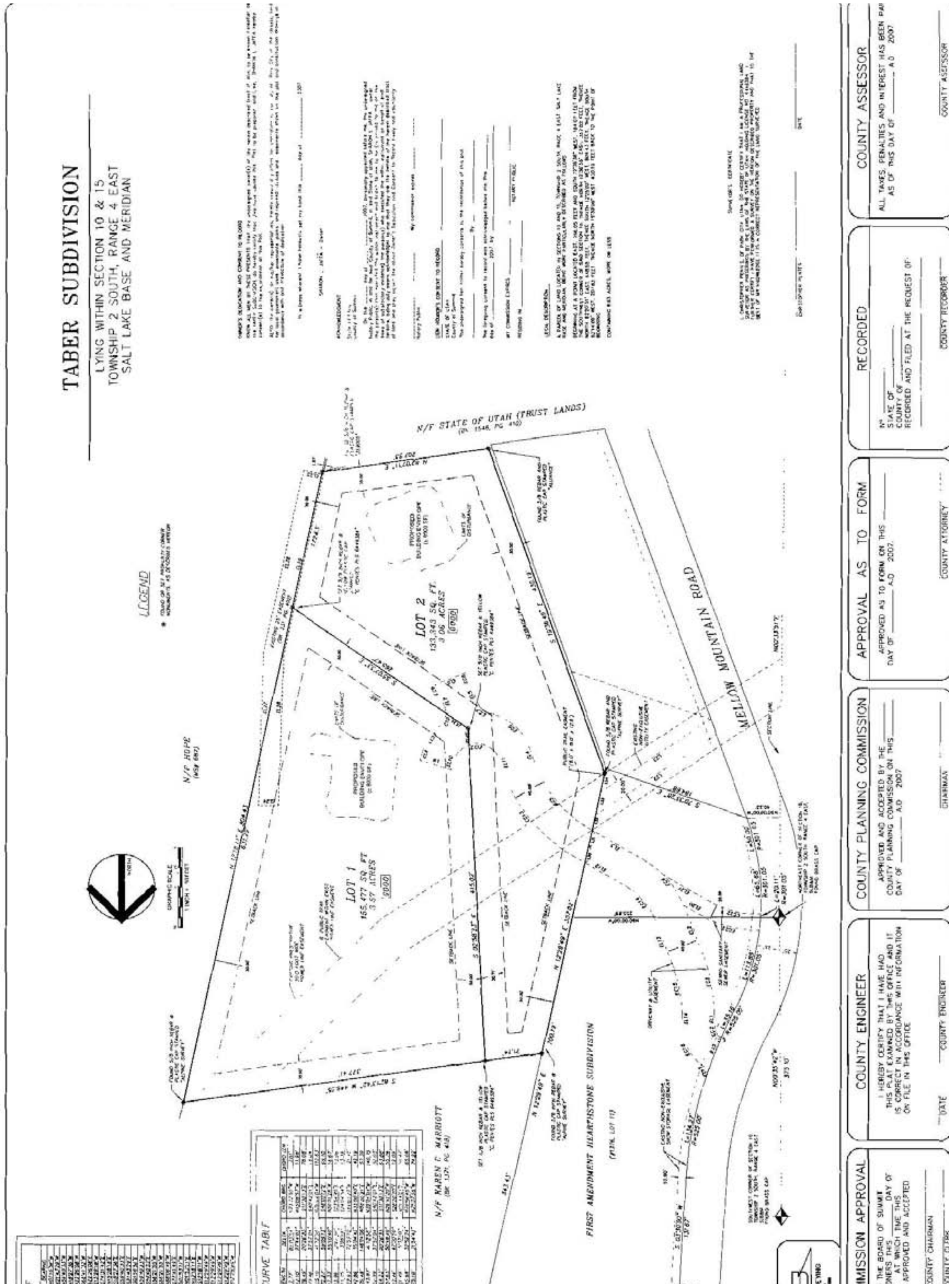
ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

EXHIBIT A



TABER SUBDIVISION
LYING WITHIN SECTION 10 & 15
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
LEGEND
N/F STATE OF UTAH (TRUST LANDS)
N/F HOPE
LOT 1
155,477 SQ. FT.
3.57 ACRES
LOT 2
133,343 SQ. FT.
3.06 ACRES
MELLOW MOUNTAIN ROAD
N/F KAREN C. MARRIOTT
FIRST AMENDMENT HEARTHSTONE SUBDIVISION
LINE TABLE
CURVE TABLE
PARK CITY SURVEYING
COUNTY COMMISSION APPROVAL
COUNTY ENGINEER
COUNTY PLANNING COMMISSION
APPROVAL AS TO FORM
RECORDED
COUNTY ASSESSOR

EXHIBIT B

JACK JOHNSON

MEMORANDUM

TO: Kirsten Wetstone

FROM: James Willis

DATE: August 28, 2008

RE: Extension for Jupiter View Estates Subdivision council approval

Kirsten,

We would like to request a 12 month extension on the Jupiter View Estates Subdivision council approval that was granted on November 29, 2007 and is set to expire in November 2008. We are currently still working on the utilities for the projects and require additional time to complete the design and receive the approval from the required governmental agencies.

Respectfully

James W. Willis

James Willis

EXHIBIT C

November 30, 2007

Jaffa Group
1960 Sidewinder Drive, Suite 101
Park City, UT 84060

NOTICE OF CITY COUNCIL ACTION

Project Name:	Jupiter View Subdivision
Project Description:	Two lot subdivision
Date of Action:	November 29, 2007

Action Taken by City Council: The City Council APPROVED the 2 lot Jupiter View Subdivision located at 1376 Mellow Mountain Road, based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The property is located in the E, Estate, zoning district and is within the SLO, Sensitive Lands Overlay.
2. The property consists of the 6.63 acre Taber parcel and Lot 11 amended Hearthstone Subdivision and the owner is requesting a subdivision of the Taber parcel to create two single family lots and to provide access, utility and trail easements across Lot 11 of the amended Hearthstone Subdivision. There is an existing single family house on Lot 11 and no subdivision of Lot 11 is requested.
3. Lot One is proposed to contain 3.57 acres and Lot Two is proposed to contain 3.06 acres.
4. Access from Mellow Mountain Road to Lots One and Two is provided via a private access easement across Lot 11 of the Hearthstone Subdivision.
5. At the time of the subdivision plat review the Planning Commission reviewed a Sensitive Lands Analysis for the property that included an analysis of steep slope areas, wetlands, stream corridors, vegetation identification, wildlife habitat, ridgeline areas, entry corridors, and visual analysis from LMC vantage points.
6. The building pad for Lot 1 is located in the southern portion of the lot. The building pad for Lot 2 is located in the southern portion of the lot. Approximate location of the building pads are identified on the plat and limited to 8,000 sf in area per lot. A maximum Limits of Disturbance area of 16,000 sf per lot is stipulated by the SLO requirements. The entire house, foundation, construction disturbance, landscaping, and accessory structures shall be located within this disturbance area.
7. The property consists of slopes ranging from 0% to over 40% slope.
8. There are areas of 40% or greater slopes along Mellow Mountain Road. However, these areas do not meet the LMC requirement of Section 15-2.21-4 (A) that they cover a topographic area of at least 25' vertically and 50' horizontally. Therefore, they do not meet the definition of a Very Steep Slope and are not subject to the prohibitions identified in the Section. The proposed driveway crosses this area of 40% slope.
9. The proposed density of 2 single family dwellings for the 6.63 acre Taber parcel is consistent with and complies with requirements of the Estate zoning district.
10. The applicant submitted a preliminary visual analysis of the property from LMC designated vantage points. The property is visible from the PCMR bus stop vantage point. To ensure compliance with the intent of the SLO to minimize visual

impacts of development within the SLO area, a site and house specific visual analysis will be necessary at the time of the building permit submittal to review the proposed building design for compliance with the SLO in terms of colors, materials, building and roof form, height, stepping, and orientation on the lot.

11. The proposed driveway is approximately 500' in length. Limiting the width and grading of this driveway to the minimums necessary for a safe and functional driveway will mitigate the visibility of the disturbance area.
12. The applicant submitted a fire protection plan to address fire and emergency access given the length of the driveway and location of the lots within the Wildland interface zone. Plat notes regarding specifics of this plan are necessary to ensure compliance with the plan.
13. A public trail easement is identified on the plat within the 50' non-exclusive power line easement and within Lot 11 amended Hearthstone Subdivision.
14. All existing and proposed utilities, access drives, trails, public and circulation areas for emergency vehicles will be located within approved easements to be reviewed and approved by the City Engineer prior to plat recordation.
15. Mellow Mountain Road is not a dedicated street in this area.
16. A construction mitigation plan will be necessary to address construction issues before any building permits are issued.
17. Areas of Steep Slopes and Very Steep Slopes have been identified on the property. The proposed building pads are located 50' away from Very Steep Slopes.
18. The property is located outside the City's Soils Ordinance District. A geotechnical report was submitted with the subdivision plat application and makes recommendations regarding placement of foundations with respect to an existing mine tunnel.
19. The subdivision plat identifies the driveway location, limits of disturbance areas, building pads, and appropriate setbacks from property lines consistent with the Land Management Code in terms of the Estate zoning district and the SLO regulations. The driveway location and proposed easements are consistent with conditions of approval of the Hearthstone Subdivision.

<u>Conclusions of Law</u>

1. There is good cause for this subdivision plat.
2. The subdivision plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by approval of the subdivision plat.
4. Approval of this final subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety, and welfare of the citizens of Park City.

<u>Conditions of Approval</u>

1. City Attorney and City Engineer review and approval of the final form and content of the final subdivision plat for compliance with State law, the Land Management Code and conditions of approval is a condition precedent to recording the plat. The name of the subdivision has been identified as the Jupiter View Estates Subdivision.
2. No remnant lots will be created as a result of this subdivision.
3. The applicant will record the final subdivision plat at Summit County within one year of the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits for the Jupiter View Estates Subdivision. The construction mitigation plan shall include a re-vegetation plan for re-vegetation of

all disturbed areas that remain after utility, road, house, and trail construction. All sensitive areas and significant vegetation shall be identified on the CMP and protected during construction. The method for protecting these areas shall be included on the CMP.

5. All existing mine tunnels and shafts on the Taber parcel shall be reviewed by the City at the time of building permit issuance and all required mitigation/reclamations shall occur prior to permit issuance.
6. A financial guarantee for any and all public improvements, including trails, in a form acceptable to the City Attorney and in an amount acceptable to the City Engineer shall be in place as a condition precedent to plat recordation and issuance of building permits.
7. Utility and access easements in a form approved by the City Engineer and City Attorney shall be dedicated on the plat, or by separate document and simultaneously recorded with the plat.
8. The City does not provide snow removal from the private driveway to Lots 1 and 2.
9. As a condition precedent to plat recordation the City Engineer shall have approved the final utility plans, including storm water detention plans and grading plans for the driveway, including retaining walls. No building permits shall be issued until the plat is recorded and any public improvements are substantially complete or otherwise financially secured.
10. As a condition precedent to issuance of any building permits, the Chief Building Official shall conduct a final assessment and grant approval of the fire protection plan for construction of single family houses on Lots 1 and 2. A note shall be added to the plat stating that modified 13-D fire residential fire sprinklers are required for all new construction and no wood roofs are allowed.
11. As a condition precedent to plat recordation, the Snyderville Basin Water Reclamation District shall have approved the utility plan and signed the subdivision plat.
12. As a condition precedent to building permit issuance, a site-specific visual analysis shall be conducted by the lot owner and presented to the Planning Department with the building permit plans. The site-specific visual analysis shall demonstrate that the house, any accessory buildings, and driveway construction are in compliance with the Sensitive Lands Ordinance and visual impacts, in terms of building height, building and roof form, stepping, orientation on the lot, colors, and materials, have been mitigated. The allowable building height may be reduced to 28’ pending results of the house specific SLO visual analysis. The intent of the final visual analysis is to ensure that the house is not visually obtrusive from LMC Vantage points, including the PCMR bus stop.
13. As shown on the plat, public trail easements on Lots 1 and 2 as well as on Lot 11 amended Hearthstone Subdivision, are dedicated to the public by recordation of the plat.
14. A note shall be added to the plat indicating that a landscape plan for Lots 1 and 2 shall be submitted for review and approval by the Planning Department prior to issuance of a building permit. The plan shall address water conservation in both plantings and irrigation methods and no landscaping shall extend beyond the limits of disturbance areas (LOD).
15. A note shall be placed on the plat indicating that the maximum building envelope, for each house on Lots 1 and 2 is 8,000 sf. In addition, all disturbances for the house, any accessory structures, and landscaping shall be contained by a 16,000 sf LOD area to be delineated on the site plan at the time of building permit issuance. Driveways and utility disturbance are addressed in a separate condition below.
16. A plat note shall indicate that a min. of 15’ is required between a foundation and the LOD fence.

17. A note shall be placed on the plat indicating that the limits of disturbance for the driveways and utilities shall be restricted to only the area necessary for construction of functional and safe driveways and in order to minimize disturbance. In no case shall the total disturbance area (including all construction disturbances) for the two houses, landscaping, driveways, and utilities exceed 25% of the Steep Slope areas as depicted on the Slope Analysis Sheet C101. This total area is approximately 78,700 sf. Landscaping along the driveways is included within this total disturbance area figure.
18. All standard project conditions shall apply to this development.
19. At the time of building permit issuance for the two houses and all related construction and landscaping, the applicant must demonstrate that 75% of the steep slope areas (15-40% slope) will remain open and undisturbed.
20. All conditions of approval of the amended Hearthstone Subdivision, as they relate to Lot 11, continue in full force and effect.
21. Landscaping of the retaining walls for the driveway shall be approved by the City Arborist and shall provide materials appropriate to screen and soften the walls.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or e-mail me at Kirsten@ parkcity.org.

Sincerely,

Kirsten A. Whetstone, AICP
Senior Planner

EXHIBIT D

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

1. Consideration of an Ordinance approving a plat amendment at 416 Park Avenue, Park City, Utah – Brooks Robinson explained that Items 1, 2, and 8 were advertised with a Planning Commission and a City Council hearing date. These items have been continued by the Commission. The Mayor opened the public hearing and with no public input, requested a motion to continue to December 6, 2007. Roger Harlan, "I so move". Jim Hier seconded. Motion unanimously approved.

2. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to reflect revisions to prevent repetition between the processes of the Building Department and Planning Department, to create a more cohesive and comprehensive code, to update referenced codes and organizations and to reflect the new SB183 of the Utah Code, and to address substantive amendments for Chapter 2.21 Sensitive Lands Ordinance Zoning District – The Mayor opened the public hearing and with no comments, closed the public hearing. He then requested a motion to continue to December 6, 2007. Candace Erickson, "I so move". Marianne Cone seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the Jupiter View Estates Subdivision, located at 1376 Mellow Mountain Drive, Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah – Planner Kirsten Whetstone explained that the application is a request to subdivide the Tabor Parcel which is estate zoned and located in sensitive lands. The plat amendment will also include Lot 11 of Hearthstone in order to dedicate access and for utilities and trails. The parcel is 6.63 acres and two lots are proposed for two single family dwellings. The Planning Commission forwarded a positive recommendation on November 14, 2007 as conditioned in the ordinance. She described requirements of and compliance with the Sensitive Lands Ordinance regarding development of slope areas where nothing over 40% can be disturbed. She displayed a visual analysis of the project from a variety of vantage points throughout town. The view from the 11th Street Stairs at Lowell Avenue was discussed because it breaks a ridge line, but it was emphasized that it is not a vantage point in the LMC. Conditions relate to acceptance of a construction mitigation, landscaping for the retaining wall, revegetation and fire protection plans. Ms. Whetstone emphasized the trail connection provided as part of the project and discussed an analysis on remaining estate sized parcels in Park City conducted at the request of the Planning Commission. The Mayor opened the public hearing and with no public input, closed the hearing.

Jim Hier, "I move we adopt the Jupiter View Estates Subdivision based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance". Candace Erickson seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving the Christopher Homes at Empire Pass Condominiums, amended record of survey plat located at Lot 1 of the Silver Strike Subdivision, Park City, Utah – Planner Brooks Robinson explained that Silver Strike (Pod A) was approved and the application requests the creation of four condominium units for Christopher Homes. The Planning Commission forwarded a positive recommendation on November 14. Jim Hier, "I move we approve the amended record of survey based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance for the Empire Pass Condominiums". Joe Kernan seconded. Motion unanimously carried.

5. Consideration to authorize the Mayor to execute a contract with Johnson Controls, in a form approved by the City Attorney, to perform an energy audit of City facilities in an amount not to exceed $49,783 – Alison Butz referred to the work session discussion last week on criteria for this contact, including return on investment, energy and carbon impact and the cost benefit; the leadership element will be applied as a note. The dollar value will be based on something similar to white tags. She asked for clarification from Council if return on investment is represented by years or percentage and Jim Hier didn't feel there is a difference since 15 years is the target. He asked if there will be a present value analysis to arrive at real annual costs and Matt Bruce from Johnson Controls explained that the matrix that will be generated. Joe Kernan, "I move we authorize the City Manager to execute a contract with Johnson Controls, in a form approved by the City Attorney". Marianne Cone seconded. Motion unanimously carried.

6. Consideration to authorize the City Manager to execute the Phase I – Design Contract for the Snow Creek Workforce Housing Development, in a form approved by the City Attorney, to Elliott Work Group, in the amount of $40,000 – Phyllis Robinson explained that the site was first considered for work force housing after the review of the 2006 Strategic Plan for City-owned parcels. This site is 7.834 acres and zoned residential density-medium which permits five units per acre and up to eight units per acre with a conditional use permit. In May 2007, the issue of wetlands on the site was identified as an issue and staff arranged to have an independent contractor delineate the wetlands before proceeding with a request for proposals. The wetlands analysis reveals that 1.5 acres of the site are considered jurisdictional wetlands by the Army Corps of Engineers. In consideration of the existing wetlands and required setbacks, staff identified a buildable site of about 1.8 acres on the 7.834 acre site.

Exhibit E- Photo of site from Lowell and 11th Avenue

PARK CITY 1884

City Council Staff Report

Planning Department

Subject:	**Land Management Code Amendments**
Author:	**Kirsten Whetstone, MS, AICP**
Date:	**December 11, 2008**
Type of Item:	**LMC Amendments**

<u>Summary Recommendations</u>

Staff recommends that the City Council conduct a public hearing and discuss proposed amendments to the Land Management Code for Chapters 1, 2, 3, 4, 6, 10, 11, 12, and 15 as described in this report. Staff recommends the City Council approve these amendments based on the findings of fact and conclusions of law found in the draft ordinance.

<u>Topic</u>

Project Name:	LMC Amendments
Applicant:	Planning Department
Proposal:	Revisions to the Land Management Code

<u>Background</u>

The Planning Department is preparing annual amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year and to address specific LMC issues raised by Staff and the Planning Commission and to address changes to State Code. The amendments are both administrative and substantive as outlined below.

Staff will follow-up at future meetings with LMC amendments related to the Historic District Design Guidelines, Steep Slope CUP review, Chapter 5- Architectural, Chapter 8- Annexation, and additional amendments addressing and implementing City Council sustainability goals.

These current amendments include items discussed during review of the revised Historic District Design Guidelines, pertaining to process, appeals, and review; however they do not include specific items related to Building Height, Footprint calculation, Steep Slope CUP, etc.

On October 22, 2008, the Planning Commission discussed amendments to the LMC at the work session and conducted a public hearing (see minutes- Exhibit J). The Commission requested the following changes: 1) commercial uses not allowed to count towards landscaped open space in Section 15-6-5 (D)(2), 2) FPZ exception uses in Section 15-2.20-4 (C) should be “at grade”, 3) Nightly Rental changed to be a conditional use in the CT district (Section 15-2.23-2), 4) clarify process for removing an item from the consent agenda in Section 15-12-15(B)(7), and 5) correct typo regarding UE calculation example in Section 15-6-8. These changes have been incorporated into the proposed LMC amendments (see Exhibits A- I).

On November 12, 2008, the Planning Commission conducted a public hearing, discussed the amendments (see minutes- Exhibit K), and voted to forward a positive recommendation to the City Council with minor changes regarding nightly rental in the CT zone to be a Conditional Use as opposed to an Allowed Use, a change from “Developer” to “Applicant” and “tabled” to “continued” in Section 15-12-15(B) (7) Consent Agenda Items. These changes have been incorporated into the proposed LMC amendments.

Analysis and Discussion

Amendments to Chapter 1- General Provisions and Procedures
Staff recommends the Commission review amendments to the following Sections of Chapter One:

Section 15-1-8. Review Procedures under the Code.
Table amended to include Review and Decision for Conditional Use Permit (CUP) appeal, Annexation, Zoning, and Rezoning applications to clarify these procedures.

Section 15-1-11. Special Applications.
Add (D) Administrative Conditional Use Permit and Administrative Permit review procedures to clarify these procedures.

Section 15-1-12. Notice.
Correct reference to Notice Matrix is Section 15-1-21 (not 15-1-20).

Section 15-1-14. Termination of Projects for Inaction.
Add a reference to Section 15-12-15 (A) (10) to further clarify items the Planning Commission reviews.

Section 15-1-18 (A). Appeals of Staff.
Replace “Historic District Commission” with “Historic Preservation Board”. Clarify appeals of Planning Director decision include Planning Staff decisions. Clarify and include a reference to Section 15-11-11 for appeals of decisions regarding the Historic District Design Guidelines.

Section 15-1-18(C). Appeals of Planning Commission.
Substantive Change. Add language stating that final action by the Planning Commission on Conditional Use permits and Master Planned Developments involving City Funded Development may be appealed to the Board of Adjustment. All other final action by the Commission concerning Conditional Use Permits and Master Planned Developments may be appealed to the City Council. This amendment came about due to feedback from staff and citizens appealing City owned projects. The BOA would have less of a perceived conflict and could review appeals in an expedient and fair manner. This change may create conflict between City Council and the Board of Adjustment; however City Legal Staff believe that appeals to the BOA are appropriate in these cases.

Section 15-1-18 (F). Form of Appeals.
Include appeals to Historic Preservation Board in the requirements of appeal applications and change “Applicant” to “Appellant” as the party responsible for fees and notice envelopes.

Section 15-1-18(J). Council Call-up.
Minor typo (replace “call for…. up” with “call-up”.

Section 15-1-18(K). Notice.
Include requirement that City Recorder is responsible for the courtesy mailed notice, including providing envelopes to affected property owners on a Council call-up.
Section 15-1-21. Notice Matrix.
Substantive Change. Amend table to include Notice information for Administrative Conditional Use Permits, Administrative permits, and revise noticing requirements for Historic District Design Review to state that only the property is posted and legal notices are not posted. Make format changes.

Amendments to Chapter 2- Zoning Districts
Staff recommends the Commission review amendments to the following Sections of Chapter Two:
HRL
Section 15-2.1-3 (C). Building Pad.
Substantive Change. Clarify language regarding exceptions to the Building Pad. Staff recommends that the exception language regarding bay windows be revised to clearly include bay windows in the footprint calculations.
Section 15-2.1-3 (D). Building Footprint.
Correct reference to Table 15-2.1.
Section 15-2.1-3 (H) (2). Side Yards.
Clarify that on corner lots the minimum Side Yard that faces a side street or platted ROW is five feet (5'). Correct the reference to Table 15-2.1 (a).
Section 15-2.1-3 (I) (6). Side Yard Exceptions.
Substantive Change. Revise setback exceptions for patios, decks, pathways, steps and similar Structures to delete requirement to be 1' from property line. The current LMC does not permit International Building Code (IBC) compliant egress to 3' side yards, as stairs, pathways, and landings need to be a minimum of 3' wide.
Section 15-2.1-5 (A) (3). Building Height Exceptions.
Add reference to the Height Exception Criteria in Section 15-2.1- 6 (B) (10), Steep Slope Height Exception, for Planning Director review of height exceptions of no more than 20% of the roof ridgeline.
Section 15-2.1-7. Parking Regulations.
Add reference to Section 15-3 Off- Street Parking for additional parking requirements.

HR-1
Section 15-2.2-3 (B) (1). Building Pad.
Revise Section to be consistent with Section 15-2.1-3 (C) in the HR-L zone by moving Section 15-2.2-3 (B) (1) to Section 15-2.2-3 (C) to correct scrivener error.
Substantive Change. Clarify language regarding exceptions to the Building Pad. Staff recommends that the exception language regarding Bay windows be revised to clearly include Bay windows in the footprint calculations.
Section 15-2.2-3 (H) (2). Side Yard.
Clarify that on corner lots the minimum Side Yard that faces a side street or platted ROW is five feet (5'). Correct the reference to Table 15-2.2 (a).
Section 15-2.2-3 (I) (6). Side Yard Setback exceptions.

Substantive Change. Revise setback exceptions for patios, decks, pathways, steps and similar Structures to delete requirement to be 1' from property line. The current LMC does not permit IBC compliant egress to 3' side yards, as stairs, pathways, and landings need to be a minimum of 3' wide.

Section 15-2.2-5 (A) (3). Height Exception.

Add reference to the Height Exception Criteria in Section 15-2.2- 6 (B) (10), Steep Slope Height Exception, for Planning Director review of height exceptions of no more than 20% of the roof ridgeline.

Section 15-2.2-7. Parking Regulations.

Add reference to Section 15-3 Off- Street Parking for additional parking requirements.

HR-2

Section 15-2.3-4 (C). Building Pad.

Substantive Change. Clarify language regarding exceptions to the Building Pad. Staff recommends that the exception language regarding bay windows be revised to clearly include bay windows in the footprint calculations.

Section 15-2.3-4 (H) (2). Side Yard.

Clarify that on corner lots the minimum Side Yard that faces a side street or platted ROW is five feet (5').

Section 15-2.3-4 (I) (6). Side Yard Exceptions.

Substantive Change. Revise setback exceptions for patios, decks, pathways, steps and similar Structures to delete requirement to be 1' from property line. The current LMC does not permit IBC compliant egress to 3' side yards, as stairs, pathways, and landings need to be a minimum of 3' wide.

Section 15-2.3-6 (A) (3). Height Exceptions.

Add reference to the Height Exception Criteria in Section 15-2.3- 7 (B) (10), Steep Slope Height Exception, for Planning Director review of height exceptions of no more than 20% of the roof ridgeline.

Section 15-2.3-10. Parking Regulations.

Add reference to Section 15-3 Off- Street Parking for additional parking requirements.

HRM

Section 15-2.4-4 (H) (6). Setback Exceptions.

Substantive Change. Revise setback exceptions for patios, decks, pathways, steps and similar Structures to delete requirement to be 1' from property line. The current LMC does not permit IBC compliant egress to 3' side yards, as stairs, pathways, and landings need to be a minimum of 3' wide.

Section 15-2.4-5 (D). Open Space.

Delete last sentence referencing TDR Open Space and leave reference to Open Space as defined in Section 15-15- Definitions for clarity and consistency with other Sections.

Section 15-2.4-7 (4). Height Exceptions.

Add reference to the Height Exception Criteria as found in Section 15-2.2-6 (B) (10), Steep Slope Height Exception, for Planning Director review of height exceptions of no more than 20% of the roof ridge line. This provides additional clarity as to what the Planning Director shall base the decision on.

Section 15-2.4-8. Parking Regulations.
Add reference to Section 15-3, Off- Street Parking for additional parking requirements.

<u>HRC</u>
Section 15-2.5-2 (A) and (B). Allowed Uses and Conditional Uses.
Revise to clarify uses that require Administrative Permits or Administrative Conditional Use Permits as described in 15-2.5-13.
Section 15-2.5-5 (A) (6). Height Exceptions.
Add language consistent with HR-1, HRL, HR-2, and HRM for Planning Director to allow Height Exception of up to 20% of the roof ridgeline when plans comply with the Height Exception Criteria in Section 15-2.2-6 (B) (10).
Section 15-2.5-10. Heber Avenue Subzone.
<u>Substantive Change.</u> Redefine the Heber Avenue Subzone as those properties fronting on the north side of Heber Avenue and east of Park Avenue (as opposed to east of Main Street) for a depth of 150 feet from the Street ROW. This removes the FAR limitation on non-residential uses from the properties fronting on Heber Avenue located east of Park Avenue and west of Main Street and allows HCB uses, as discussed at a special work session with the Planning Commission on July 9, 2008. Site and development requirements remain consistent with the current HRC zoning. This applies to the Kimball Art Center property.
Section 15-2.5-11. Parking Regulations.
Add reference to Section 15-3 Off- Street Parking for additional parking requirements.
Section 15-2.5-13 Goods and Uses within Enclosed Building.
Clarify that these uses require Administrative Permits.
Section 15-2.5-13 (B) (1) (g). Outdoor Dining.
Revise and clarify this section to include a review of the restaurant's seating capacity to determine appropriate parking mitigation measures in the event of increased parking demand. Revise to require Administrative Permits for Outdoor events and music, consistent with language in HCB district.

<u>HCB</u>
Section 15-2.6-2 (A) and (B). Allowed Uses and Conditional Uses.
Revise to clarify uses that require Administrative Permits or Administrative Conditional Use Permits as described in 15-2.6-12.
Section 15-2.6-9. Parking Regulations.
Add reference to Section 15-3, Off- Street Parking for additional parking requirements.
Section 15-2.6-12. Goods and Uses within Enclosed Building.
Clarify that these uses require Administrative Permits.
Section 15-2.6-12 (B) (1) (g). Outdoor Dining.
Revise and clarify this section to include a review of the restaurant's seating capacity to determine appropriate parking mitigation measures in the event of increased parking demand.

ROS

Section 15-2.7 (all sections).
Remove references to Community Development Department and Community Development Director, replace with Planning Department and Planning Director respectively.

Section 15-2.7-1. Purpose.
Add the following purpose statement: (E) encourage sustainability, conservation, and alternative energy activities.

Section 15-2.7 -2 (C). Uses.
Substantive Change. Include anemometers and anemometer towers as Conditional Uses.

Section 15-2.7-3. Lot and Site Requirements.
Substantive Change. Add Front, Side, and Rear Yard Exceptions to allow fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved parking areas, and screened mechanical and utility equipment in the Front, Side and Rear Yard areas.

Section 15-2.7-4. Building Height.
Substantive Change. Revise language to be consistent with other zones. Allow anemometers and anemometer towers to extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission.

POS

Section 15-2.8-3. Lot and Site Requirements. *Substantive Change.* Consistent with the ROS and Estate zone, add Front, Side, and Rear Yard Exceptions to allow fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved parking areas, and screened mechanical and utility equipment in the Front, Side and Rear Yard areas.

RC

Section 15-2.16-5 (B). Building Envelope. Section 15-2.16-5 (C). Building Pad.
Correct the reference to Section 2-16 (C) regarding Building Pad.
Substantive Change. Clarify language regarding exceptions to the Building Pad. Staff recommends that the exception language regarding bay windows be revised to clearly include bay windows in the footprint calculations.

Section 15-2.16-5 (H) (3). Side Yard.
Clarify that on corner lots the minimum Side Yard that faces a side street or platted ROW is five feet (5').

Section 15-2.16-5 (I) (6). Side Yard Setback exceptions.
Substantive Change. Revise setback exceptions for patios, decks, pathways, steps and similar Structures to delete requirement to be 1' from property line. The current LMC does not permit IBC compliant egress to 3' side yards, as stairs, pathways, and landings need to be a minimum of 3' wide.

Section 15-2.16-5 (L). Height Exception.

Add reference to the Height Exception Criteria in Section 15-2.2- 6 (B) (10), Steep Slope Height Exception, for Planning Director review of height exceptions of no more than 20% of the roof ridgeline.

Section 15-2.16-8. Parking Regulations.

Add reference to Section 15-3, Off- Street Parking, for additional parking requirements.

FPZ

Section 15-2.20-4 (B). Construction Activity within FPZ.

Substantive Change. Allow an exception for at grade sidewalks, trails, patios, and plaza areas in the Setback Area between 30' and 100' to be Allowed Uses as further regulated in Section (F). Include Permanent signs as a Conditional Use in the FPZ.

Section 15-2.20-4 (C). Minor remodels within FPZ as Administrative CUP.

Substantive Change. Allow minor changes or upgrades to permanent signs within the FPZ with Administrative CUP approval.

CT

Section 15-2.23- 1. Purpose.

Add the following purpose statement: (M) Encourage sustainability, conservation, and alternative energy activities.

Section 15-2.23- 2. Uses.

Substantive Change. Include the following as Allowed Uses: 1) Home Occupation, 2) In-home Babysitting, 3) Family Child Care, 4) Secondary Living Quarters, and 5) Agricultural Uses.

Substantive Change. Include the following as Conditional Uses: 1) Anemometers and Anemometer towers, 2) Telecommunication antenna, 3) Transit facilities, 4) Parking Areas, Lots, and Structures with more than 5 spaces, 5) Raising and Grazing horses, 6) Childcare Center, 7) Commercial Riding Stables and 8) Nightly Rental.

Substantive Change. Include the following uses as Administrative Conditional Uses: 1) Trails and Trailhead Improvements; 2) Outdoor Recreation Equipment; 3) Essential Municipal Public Utility Use, Service or Structure, less than 600 sf; 4) Accessory Buildings less than 600 sf; 5) Parking Areas for less than 4 cars; 6) Outdoor Events and Outdoor Music, 7) Temporary Improvement, and 8) Outdoor Dining associated with Support Uses within an MPD.

Section 15-2.23- 3. Lot and Site Requirements.

Substantive Change. Add Front, Side, and Rear Yard Exceptions to allow fences, walls, stairs, paths, trails, sidewalks, patios, driveways, Ancillary Structures, approved parking areas, screened mechanical and utility equipment in the Front, Side and Rear Yard areas. Add Front, Side and Rear Yard Exceptions for development subject to a Master Planned Development as per the Estate Zone (Section 15-2.10-3 (D)).

Section 15-2.23- 4 (A) (7). Sensitive Lands Overlay Standards.

Clarify that Master Planned Developments shall comply with the Development Standards set forth in Section 15-2.21 Sensitive Lands Overlay. For purposes of Density Determination for Master Planned Developments, "underlying zone" shall mean 1 unit per acre for residential MPDs and 3 units per acre for non-residential MPDs.

Section 15-2.23- 4 (B) Density Bonus. Three (3) Units/Acre.

Include the Footnote language from Section 15-2.23-2 in the body of the Code clarifying that this Bonus is only for Non-residential Uses.

Section 15-2.23- 4 (B) (5).

Correct reference to Section 15-2.23-4 (A) (8).

Section 15-2.23- 5. Maximum Building Height Exceptions.

Substantive Change. Revise language to be consistent with other zones, regarding exceptions. Allow anemometers and anemometer towers to extend above the maximum Zone Height subject to a visual analysis and Conditional Use approval by the Planning Commission.

Section 15-2.23- 6. Architectural Review.

Correct the reference to Chapter 15-9.3. The correct reference to Architectural Chapter is Chapter 5.

Section 15-2.23-8. Mechanical Service.

Correct the numbering of this Section.

Amendments to Chapter 3- Off-Street Parking

Staff recommends the Commission review amendments to the following Sections of Chapter Three:

Section 15-3-3 (A) (1). Grading and Drainage.

Include the following language regarding surface water diverted "to an approved specified area to" keep the Parking Area free of accumulated water and ice.

Section 15-3-3 (C) (2). Parking Area Lighting.

Delete the duplicate word "Height"

Section 15-3-3 (D) (3). Parking Lot landscaping.

Substantive Change. Include Community Transition (CT) zoning district in list of districts with parking lot landscaping requirements.

Substantive Change. Include the following: In the design of large Parking Areas, bays or stalls shall generally be separated approximately every 12-15 stalls, by landscaping islands to break up the mass of Hard-surface paving. The Parking Area must be designed to provide adequate snow storage in winter.

Section 15-3-3 (D) (4). Interior Landscaping.

Include the language, "In other zones." And "approximately every 10-12 stalls".

Section 15-3-3 (F) (1) (2). Parking Space Dimensions.

Change reference to Uniform Building Code (UBC) to current adopted International Building Code (IBC). Include language that Parking Space must be "at least" nine feet wide.

Section 15-3-4 (A). Specific Parking Area and Driveway Standards.

Reorganize this Section including a separate section for the Parking Restrictions on vehicles, boats, RVs, etc.

Section 15-3-4 (B). Parking Areas with Five (5) or more Spaces. *Substantive Change.* Require a geotechnical report providing recommendations on parking lot design and construction parameters.

Section 15-3-4 C) (1) (a). Parking Garages and Structures.

Correct typo; change 90B to 90.

<u>Amendments to Chapter 4- Supplemental Regulations</u>
Staff recommends the Commission review amendments to the following Sections of Chapter Four:

Section 15-4-2. Fences and Walls.
<u>Substantive Change.</u> Revise regulations and include noticing for administrative review of fences and walls greater than 6' in height, as an Administrative Permit with posting of property and notification and consent of the affected adjacent property owner.

Section 15-4-3. Home Occupation.
<u>Substantive Change.</u> Allow Home Occupation uses in an Accessory Structure on the same property as the dwelling, such as a garage or shed.

Section 15-4-9 (E). Child Care Center.
<u>Substantive Change.</u> Include CT zone as a District that requires a Conditional Use for a Child Care Center, unless approved as part of an MPD.

Section 15-4-14. Telecommunication Facilities.
<u>Substantive Change.</u> Include Conditional Use Permits and public hearing required for Free standing, Roof Mounted, and Wall Mounted antenna. Consent agenda permitted for CUP review of enclosed antenna.

Section 15-4-16. Temporary structures, tents, and vendors.
<u>Substantive Change.</u> Include language stating that a building permit is required for all temporary structures, tents, and vendors greater than 200 square feet in area, or as determined by the Chief Building Official depending on size, material, location, weather, and proposed use.

Section 15-4-20. Special Events Overcrowding Administrative CUP.
<u>Substantive Change.</u> Clarify that these Permits are for temporary overcrowding permits associated with Special Events Permits, not individual garden parties, block parties, or other private or public gatherings that are not required to have a Special Event Permit. Revise regulations to include notice requirements. Provide notice requirements for Administrative Permit review of temporary overcrowding events that are not associated with Special Events Permits.

<u>Amendments to Chapter 6- Master Planned Developments</u>
Staff recommends the Commission review amendments to the following Sections of Chapter Six:

Section 15-6-4 (E). Public Hearing.
Correct the reference to the Notice Matrix; it should be 15-1-21.

Section 15-6-4 (F). Planning Commission Action.
Clarify language by deleting "heard by City Council" in reference to appeals of Planning Commission action. Revise to read, "Appeals of PC action will be conducted in accordance with Section 15-1-18".

Section 15-6-5 (D). Open Space.
<u>Substantive Change.</u> Insert language from 15-6-7 (G), regarding open space. Open space may be utilized for project amenities, recreation facilities, pathways, plazas, etc. Open space may not be utilized for Streets, roads, driveways, Parking Areas, swimming pools, or Buildings requiring a building permit.

Section 15-6- 5 (F) (4).

Delete the language “and MPDs which include:” scrivener error that has been in the LMC for eight years.

Section 15-6-7 (E). Affordable Housing Density Bonus.

Clarify that the density bonus allows up to a maximum of twenty (20) Unit Equivalents per acre. The current language is unclear whether the increase is up to 20 dwellings or 20 unit equivalents or whether the Density may increase by twenty units or unit equivalents.

Section 15-6-8. Unit Equivalent.

Clarify that One Unit Equivalent equates to one single family lot, with maximum Building Footprint or maximum Floor Area to be determined at the time of a Master Planned Development or Subdivision. One Unit Equivalent also equates to 2,000 square feet of multi-family residential floor area and 1,000 square feet of commercial or office floor area. Portions of UE can be used for additional square feet, i.e. 1,500 sf of commercial equates to 1.5 UE commercial. A duplex equates to two Unit Equivalents and a tri-plex equates to three Unit Equivalents. Clarify that support commercial uses and accessory/support meeting uses do not require the use of Unit Equivalents, consistent with existing language in Sections 15-6-8 (C) and (D).

<u>Amendments to Chapter 10- Board of Adjustment</u>

Staff recommends the Commission review amendments to the following Sections of Chapter Ten:

Section 15-10-2 Term of Office. Add expiration date of June 1.

Section 15-10-5 (A). Chairman.

<u>Substantive Change.</u> Change references to “Chairman” to “Chair” in entire Chapter. A date for election of a Chair added. Add language to describe the election of a Chair and state the term of Chair is one year in duration, consistent with Planning Commission and Historic Preservation Board.

Section 15-10-7. Appeals.

<u>Substantive Change.</u> Revise to clarify that review on appeals is a review of factual matters for correctness and scope is limited to issues brought to the land use authority.

Section 15-10-13. Judicial Review of Board Decision.

Delete the last sentence of this section that refers to the requirement to file appeals with the City Recorder. This is not a requirement of the State Code.

<u>Amendments to Chapter 11- Historic Preservation Board</u>

Staff recommends the Commission review amendments to the following Sections of Chapter Eleven:

Section 15-11-3. Organization.

<u>Substantive Change.</u> Change references to “Chairman” to “Chair” in entire Chapter. Revise the date that a Chair shall be elected by the Board.

Section 15-11-11 (B). Notice. (D) Appeals.

Revise reference to Notice Matrix. Notice Matrix is Section 15-1-21, not in 15-1-20. Revise to include appeals of Planning Department or “Planning Director” decisions on Historic District Design Review to the Historic Preservation Board.

Note- Additional revisions to this Section will be forth coming as discussed by the Planning Commission during review of the revised Historic District Design Guidelines.
Section 15-11-12. Determination of Historical Significance. And Section 15-11-14.
Correct reference to standards of review; should be 15-11-12 (A).
Section 15-11-16. CAD Hearing.
Correct reference to economic hardship criteria; should be 15-11-16 (A).

Amendments to Chapter 12- Planning Commission
Staff recommends the Commission discuss amendments to the following Sections of Chapter Twelve:
Section 15-12-6. Chairman.
Substantive Change. Change references to "Chairman" to "Chair" in entire Chapter. Revise the date that a Chair shall be elected by the Board.
Section 15-12-15. Review by the Planning Commission.
Substantive Change. Add to list of items reviewed by Planning Commission the following: 1) Extension of Conditional Use Permit approvals and 2) Extension of Master Planned Development approvals. Include word "formal" in termination of inactive applications language. Include zoning and rezoning requests with recommendation to Council.
Section 15-12-15 (B) (7) (b). Consent Agenda.
Substantive Change. Add plat amendments to items that the Planning Commission may consider on the consent agenda per the criteria described in the section. Clarify process for removing an item from the consent agenda.
Section 15-12-15 (B) (10). Termination of Inactive Applications.
Correct reference to Chapter One; should be Section 15-1-14.

Amendments to Chapter 15- Definitions
Amendments to the Chapter Fifteen revising and/or adding definitions for the following as *Substantive Changes* (re-number Section accordingly):

Ancillary Structure. One-story, attached or detached structure, 250 square feet in area or smaller, that is subordinate to and located on the same lot as the principal use and does not include dwelling area, such as sheds, green houses, play ground equipment, utility structures, and similar structures

City Funded Development. Any Conditional Use Permit or Master Planned Development in which Park City Municipal Corporation or corporations controlled by Park City Municipal Corporation provide more than 50% of the estimated construction costs of the proposed project.

Final Action. The final vote adopting findings. In circumstances without a final vote by a Board or Commission, Final Action is a written decision. A written decision includes an action letter or permit issuance.

Heliport. Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Helipad. A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

Helistop. Any landing area used for the taking off or landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. This facility is not open to use by any helicopter without prior permission having been obtained.

Recreation Facilities, Private. Include the following language: Including recreation facilities typically associated with a Homeowner or Condominium Associations, such as pools, tennis courts, playgrounds, spas, picnic areas and similar facilities for the use of the owners and guests.

Residential Uses and Projects. Uses and projects that consist primarily of activities that are residential in nature that may include other support uses, such as support commercial, but the primary use is for human habitation and associate activities.

Vantage Points. Revise (8) - replace “Utah Highway 248” with “State Road 248”. Revise (9) - replace “Utah Highway 224” with “State Road 224”. Add (10) Intersection of Thaynes Canyon Drive and State Road 224.

Department Review

These amendments have been reviewed by the Planning, Engineering, Building and Legal Department.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public hearings, conducted by the Planning Commission and City Council, are required prior to adoption of Land Management Code amendments. The public were properly and legally noticed as required by the Land Management Code.

On October 22 and November 12 the Planning Commission conducted public hearings (see Exhibits J and K) on the proposed amendments. On October 22 there was public comment from a representative of the Town Lift Condo (TLC) Homeowners Association regarding the proposed rezoning of the Kimball Art Center (KAC). The KAC met with the TLC HOA to clarify that if the amendment to the HRC zone regarding the definition of the Heber Avenue Subzone is approved, then the application for a rezone (from HRC to HCB) would be withdrawn. The proposed LMC Amendment to the HRC zone does not change the KAC zoning from HRC, but places the KAC within the Heber Avenue subzone. This allows for an expansion of Kimball Art Center uses, such as classrooms, office, gallery, storage, and retail space, i.e. non-residential uses. In the Heber Avenue Subzone the restriction on non-residential floor area does not apply. Development parameters for setbacks and heights remain the same. No plans or permits for the KAC expansion have been submitted to the City for review at this time. Staff provided the specific code language to the TLC representatives for review.

On November 12 public comment was primarily related to the pending Steep Slope LMC Amendments. There were comments requesting clarification of parking for Outdoor Dining, requirements for a geotechnical report for parking lot construction and design, and clarification that commercial unit equivalents includes net leasable space.

Alternatives

- Conduct a public hearing on the LMC amendments describe herein and approve the amendments as presented, or as amended at the hearing.
- Conduct a public hearing, deny the amendments and direct staff to provide findings for this action.
- Continue action on the LMC amendments to a date certain.

Significant Impacts

There are no significant fiscal impacts on the City as a result of these amendments. The amendments provide clarifications of processes and procedures, definitions, LMC section references, and interpretations of the Code for streamlined review and consistency of application between Sections. Amendments to allow anemometers and anemometer towers in the CT and ROS zone are consistent with City Council goals to begin to explore alternative energy production methods, by allowing wind speed to be measured in these areas.

Consequences of not taking the Suggested Recommendation

Not taking the suggested recommendation will leave the LMC unchanged and may result in lack of clarity or consistency regarding processes and procedures, definitions, LMC section references, and specific interpretation of Sections of the Code.

Recommendation

Staff recommends the City Council conduct a public hearing, discuss the proposed amendments to the Land Management Code as described in this report and as redlined in the Exhibits A - I, and consider approving the amendments based on the findings of fact and conclusions of law found in the draft ordinance.

Exhibits (Exhibits are posted on the City Website with the City Council packet. Hard copies are available upon request at the Planning Department.)

Ordinance
Exhibit A- LMC Chapter One- General Provisions and Procedures
Exhibit B- LMC Chapter Two- Zoning Districts
Exhibit C- LMC Chapter Three- Off-Street Parking
Exhibit D- LMC Chapter Four- Supplemental Regulations
Exhibit E- LMC Chapter Six- Master Planned Development
Exhibit F- LMC Chapter Ten- Board of Adjustment
Exhibit G- LMC Chapter Eleven-Historic Preservation
Exhibit H- LMC Chapter Twelve- Planning Commission
Exhibit I- LMC Chapter Fifteen- Definitions
Exhibit J- Minutes of October 22, 2008 Planning Commission meeting
Exhibit K- Minutes of November 11, 2008 Planning Commission meeting

Ordinance - 08

AN ORDINANCE APPROVING AMENDMENTS TO THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, TO ADDRESS REVISIONS TO CHAPTERS 1, 2, 3, 4, 6, 10, 11, 12, and 15.

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, the City reviews the General Plan and Land Management Code on an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year and to address specific LMC issues raised by Staff and the Commission and to address changes to State Code;

WHEREAS, the City Council goals include creating a sustainable community by encouraging conservation and renewable alternative energy use and production; and

WHEREAS, Chapter 1- General Provisions and Procedures, provides a description of general provisions and procedures of the LMC and the City desires to clarify these provisions and procedures as outlined in the staff report;

WHEREAS, Chapter 2- Zoning Districts, provides a description of requirements, provisions and procedures specific to the various Zoning Districts and the City desires to clarify and revise these requirements, provisions and procedures as outlined in the staff report, including the following: revise side setback exceptions for patios, decks, pathway; revise building pad and footprint exceptions; revise Heber Avenue Subzone boundary; include anemometers and anemometer towers as a conditional use in the ROS and CT zones and allow height exceptions subject to a visual analysis; include sidewalks, trails, patios, and plazas in the FPZ area between 30' and 100' as a regulated Allowed Use; allow minor changes or upgrades to existing signs in the FPZ with an Administrative conditional use permit; and include additional residential Allowed uses, Conditional Uses, and Administrative Conditional Uses within the CT zone.

WHEREAS, Chapter 3- Off-Street Parking, provides regulations regarding off-street parking and the City desires to clarify and revise these regulations to include additional landscaping areas within Large Parking Lots, to include the CT zone as a district subject to commercial parking lot requirements, and to clarify these regulations as outlined in the staff report;

WHEREAS, Chapter 4- Supplemental Regulations, provides supplemental regulations regarding fences, walls, telecommunication facilities, home occupation, child care, temporary structures and tents, special events and overcrowding, and the City desires to clarify and revise these regulations as outlined in the staff report;

WHEREAS, Chapter 6- Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures as outlined in the staff report;

WHEREAS, Chapter 10- Board of Adjustment, provides regulations and procedural requirements for the Board of Adjustment, and the City desires to clarify and revise these regulations as outlined in the staff report;

WHEREAS, Chapter 11- Historic Preservation, provides regulations and procedural requirements for the Historic Preservation Board and regarding Historic Preservation in Park City and the City desires to clarify and revise these regulations as outlined in the staff report;

WHEREAS, Chapter 12- Planning Commission, provides regulations and procedural requirements for the Planning Commission and the City desires to clarify and revise these regulations as outlined in the staff report;

WHEREAS, Chapter 15- Definitions, provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms that appear on recorded plats and other documents that are not currently defined in the Code. The City desires to clarify these terms by including and/or revising definitions in the Land Management Code;

WHEREAS, these amendments are changes identified during the 2008 annual review of the Land Management Code that provide clarifications of processes and procedures, definitions, LMC section references, and interpretations of the Code for streamlined review and consistency of application between Sections. Amendments to allow anemometers and anemometer towers in the CT and ROS zone are consistent with City Council goals to begin to explore alternative energy production methods, by allowing wind speed to be measured in these areas.

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meetings on October 22 and November 12, 2008, and forwarded a positive recommendation to City Council;

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on December 11, 2008; and

WHEREAS it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENT TO CHAPTER 1 OF THE LAND MANAGEMENT CODE. Chapter 15-1 is hereby amended as attached hereto as Exhibit A. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15-1.

SECTION 2. AMENDMENTS TO CHAPTER 2 OF THE LAND MANAGEMENT CODE. Chapter 15-2 is hereby amended as attached hereto as Exhibit B. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15-2.

SECTION 3. AMENDMENTS TO CHAPTER 3 OF THE LAND MANAGEMENT CODE. Chapter 15-3 is hereby amended as attached hereto as Exhibit C. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15-3.

SECTION 4. AMENDMENTS TO CHAPTER 4 OF THE LAND MANAGEMENT CODE. Chapter 15-4 is hereby amended as attached hereto as Exhibit D. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15-4.

SECTION 5. AMENDMENTS TO CHAPTER 6 OF THE LAND MANAGEMENT CODE. Chapter 15-6 is hereby amended as attached hereto as Exhibit E. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 6.

SECTION 6. AMENDMENTS TO CHAPTER 10 OF THE LAND MANAGEMENT CODE. Chapter 15-10 is hereby amended as attached hereto as Exhibit F. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 10.

SECTION 7. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE. Chapter 15-11 is hereby amended as attached hereto as Exhibit G. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 11.

SECTION 8. AMENDMENTS TO CHAPTER 12 OF THE LAND MANAGEMENT CODE. Chapter 15-12 is hereby amended as attached hereto as Exhibit H. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 12.

SECTION 9. AMENDMENTS TO CHAPTER 15 OF THE LAND MANAGEMENT CODE. Chapter 15-15 is hereby amended as attached hereto as Exhibit I. The Planning Director shall resolve conflicts or cross-references from other provisions of the LMC to Chapter 15.

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ___ day of December, 2008

PARK CITY MUNICIPAL CORPORATION

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Dana Williams, Mayor

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark Harrington, City Attorney