



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 1, 2001**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, February 1, 2001.

AGENDA

Closed Session

3:45 p.m. Property acquisition and litigation

Work Session

4:30 p.m. Council questions/comments

5:00 p.m. Legislative update

5:10 p.m. Review of regular meeting:
Art request - Olympic welcome plaza
News racks
Solamere agreements
Other meeting questions/comments

5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV CONSENT AGENDA

1. Authorization to execute a contract with Automated Building Systems, Inc. in the amount of \$39,994 for the purchase and installation of a security system at the Old Town Transit Center

2. Request for a letter of intent to allow installation of art by Brad Howe at the Olympic Plaza
3. Shared Parking License Agreement with the Solamere/Oaks Swim and Tennis Club, Inc. for use of the Tennis Club Parking Lot
4. Public Recreation Access Easement with the Solamere Home Owners Association

V NEW BUSINESS

Ordinance amending Section 8.30 of the Land Management Code regulating temporary telecommunications facilities associated with the 2002 Olympic Winter Games

VI PUBLIC HEARING

Amendment to Title 14 of the Municipal Code regulating news racks throughout Park City, Utah

VII ADJOURNMENT

Posted: 01/29/01
See parkcity2002.org



**PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 1, 2001**

Present: Council members Peg Bodell; Candace Erickson; Roger Harlan; Fred Jones; and Jeff Mann

Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; Alison Kuhlrow, Planner; and Tim Twardowski, Assistant City Attorney

Elizabeth Swank and Joanna Charnes, Park City Arts Council; Bill Malone, Director of Chamber/Bureau

Absent: Mayor Brad Olch

1. **Council questions/comments.** Ms. Erickson discussed the Outdoor Retailers convention held this week in Salt Lake and reported on the Summit County Health Board meeting. She relayed that Bill Kavanagh has been designated by SLOC as the City's coordinator for the public celebration and Jeff Mann stated that he is planning on having lunch with Mr. Kavanagh next week. He added that he attended the open house on Tuesday on the Park Avenue project and shared photos he took of the newspaper racks in town with Council, which is scheduled later on the agenda. It is his observation that the Internet service available at the Library is in great demand for seasonal employees in town and suggested setting up a meeting with a representative from Deer Valley, PCMR, and The Canyons to fund additional computers and/or provide other Internet opportunities, perhaps at the resorts. Mr. Harlan agreed and felt his suggestion would be very timely. He reported on the grand opening of the remodel of Albertson's. He attended a meeting with EPA this week and felt the City is moving in the right direction but described the challenge in meeting each agency's goals. Ms. Bodell commented that she sensed that everyone is making an effort to communicate and felt that progress is being made. Fred Jones felt that Sundance went very well and should be kept in Park City as it is a key event in January. Peg Bodell reported that the seniors are considering leasing their facility during the Olympics and added that a group is working on a transportation museum at the Heber City airport. She asked if Council could support her appointment to the NLC Small Cities Committee and attendance at the March meeting; ULCT would make the nomination. The cost of attending the upcoming meeting in Washington, D.C. and the role of the organization was discussed. Roger Harlan requested that Ms. Bodell share more information with the Council on the Small Cities group, and the benefits of her participation.

2. **Legislative update.** Tom Bakaly discussed HB94, sales and use tax holiday for certain sales of clothing, which proposes that on the three days before school begins, there would be no sales tax collected for clothing. This would impact Summit County because of the outlet stores, probably more than Park City, but we are opposing this bill. SB274 proposes that any time property taxes are raised, it would go to a vote of the people. The City has not formally taken a position, but ULCT will most likely oppose it. Staff is carefully watching the bill streamlining sales tax, including Internet sales which could have significant impacts in the future. Ms. Erickson asked the status of the multi-state Tax Commission and Mr. Bakaly indicated that this entity may not formally exist but there may be another group, which he will research. He continued that Park City relies on Resort Cities Sales Tax, restaurant sales tax, and RAP tax, etc. which may be affected by sales tax simplification. Mr. Bakaly reported that he will be meeting tomorrow with Representative David Ure about his bill HB315, Olympic public safety transportation routes. There is no language on this bill but it relates to the control and maintenance of City roads adjacent to venues. In response to a question from Roger Harlan, Mr. Bakaly indicated that streamlining sales tax is of most concern to the City because the Resort Cities Sales Tax and transient sales tax produce about \$4.3 million a year which funds our transportation system. Ms. Bodell expressed her concern about a bill eliminating funding to the child advocacy program and asked staff to monitor this initiative. There was discussion about a bill promoting tax incentives for historically significant commercial buildings which the City supports and the status of the second home owners property tax exemption.

3. **Review of regular meeting.**

Art request - Olympic welcome plaza. Tom Bakaly distributed a list of suggested *deal points* that could be included in a letter of intent for artist Brad Howe. The request is that the City install the art, not fund the project and Mr. Howe will raise the necessary funds, estimated to be at least \$250,000. It is proposed that the City bear the cost of maintaining the art work and an estimate from the artist is due by May 1. In response to a question from Jeff Mann, Elizabeth Swank from the Arts Council reiterated that Mr. Howe would raise the \$250,000 from benefactors. Mr. Bakaly clarified that if the art work is installed prior to all of the funding being received, the City has no liability until the funding is secured and the City accepts the donation of the art work. Fred Jones suggested that a completion date be included and that the Chamber be informed of the details of the project as it raised the funds for the Plaza which was donated to the City. Bill Malone of the Chamber stated that the Olympic Plaza was designed with a central artistic element in mind. He added that they still owe \$125,000 on the project and its agreement with USOC specifies that it would not raise funds until after the Games. Mr. Malone did not feel that this arrangement should apply to the art work and does not want to compete with fund-raising after the Olympics. Mr. Bakaly suggested the Park City Arts Council design review committee be appointed to review the art project which would be included in the letter. Jeff Mann asked about arriving at the height of 30 feet, and Ms. Swank explained that when Mr. Howe was in town it was determined that it needed to be that height so that people would be attracted to the Plaza. Candace Erickson expressed concerns about the proportions of the sculpture including the base, and Ms. Bodell explained that the design review

group would look at scale and Tom Bakaly explained that the Planning Commission would be informed as the Plaza is a conditional use. There was discussion about Mr. Howe's abstract style and the ring element which already is a part of his art and coincidentally ties in with the Olympic rings.

Joanna Charnes of the Arts Council added that there was a lengthy process in identifying an appropriate sculptor for this commemorative piece. Mr. Howe met with Bill Brown, project engineer for the Plaza, so issues like dimensions and height and pride of place were discussed. She understood Mr. Brown left the meeting feeling very comfortable with the project. Brad Howe is a world-class sculptor and she is very comfortable with him procuring the funds. Peg Bodell stated that she agrees with Mr. Harlan that the endowment is very important and suggested that Mr. Howe put aside some money for maintenance or the City could apply for a grant from Summit County. Brad Howe is a professional and Ms. Bodell feels confident that he will produce the funding and create a work representative of the Olympics. She reiterated that the letter should contain a provision for the public art review committee and an endowment until the City can get something in place. Ms. Swank suggested that the Chamber and Arts Council be included in No. 1 and pointed out that the installation of lighting was never discussed with the artist and would prefer to have that provision eliminated. Mr. Bakaly agreed. Ms. Bodell suggested to simplify language for No. 5 with regard to not soliciting funds from Olympic sponsors.

Mr. Bakaly explained that if Council agrees with the letter of intent, Council should authorize staff to prepare and the Mayor to execute a letter of intent with the deal points, amended during work session, which appears on the consent letter. Ms. Erickson thanked Ms. Swank and Ms. Charnes for their significant achievement in finding a world-class artist willing to obtain funding for his art project. Mr. Ross explained that the intent of No. 5 is that the City be indemnified if somehow the artist offends the IOC, USOC or SLOC who then sues the City. That section does not preclude Mr. Howe from seeking Olympic sponsors. Mayor Pro Tem Harlan strongly suggested that someone inform Mr. Howe of potential legal issues.

News racks. Alison Kuhlow reported that Council directed staff in December to bring back this project, which began last spring. At that time, it was proposed that the City purchase, administer and maintain the racks. After further research, she discovered that there are pros and cons to this approach. The pros include obtaining the desired look and placement of the racks but the cons deal with administration of the program. The cons include cost of the purchase of the equipment and responsibilities would fall under a City department and the Finance Department. Maintenance would fall on already over-burdened departments, such as Public Works and Parks and Recreation. The ordinance before Council is based on legislation which has been successfully enacted in other cities. The placement criteria includes minimum sidewalk widths between the rack and the edge of the curb. The maximum number of racks in certain locations is eight, which could be stacked for a total of 16. She continued that in front of the post office, there are 25 publications for distribution and in this area, that number would have to be decreased to 16;

in other areas, the number has the potential of increasing. The placement criteria would satisfy safety concerns and ensure pedestrian pathways; it is applicable throughout town. Design criteria applies only to the Historic District to provide a uniform look in appropriate locations. She explained the application process which may involve consideration of the number of times the publication is distributed if there are more applications than space. At the public hearing tonight, there may be suggestions about City-owned racks or having manned news stands which could be managed by a separate agency like the Main Street Merchants Association.

Fred Jones stated that news racks outside the Historic District may not require a permitting process but guidelines, which he discussed earlier with Ms. Kuhlow. He feared that the existing racks on Main Street will get moved to these areas and invited discussion on criteria for a standard look. Jeff Mann asked if staff has been talking to the owners of the shopping centers. Fred Jones explained that regulating racks is much the same as regulating signs which are also installed on private property. The goal is eliminating clutter which is the worst on Main Street but appears elsewhere. Mr. Mann added that it appears that the Snow Creek Shopping Center has a designated area and a designated rack for publications; it may be helpful to approach other owners to accomplish these goals but not infringe on First Amendment rights. There are many cities regulating racks without crossing that line and it may be more effective to approach property owners. Candace Erickson understood that the ordinance only applies to the Historic District and Ms. Kuhlow explained that placement criteria applies to the entire town for safety reasons and the Historic District contains additional provision for design and color. Roger Harlan disclosed that he was contacted by a publisher threatening to sue the City if regulation is initiated outside the Historic District.

In response to a question about regulating the design of the racks outside the Historic District, Assistant City Attorney Tim Twardowski felt that regulating the look is not problematic. Aesthetics have been recognized by the U.S. Supreme Court as a legitimate interest not only in the Historic District, but throughout a community. Ms. Bodell expressed her priorities as safety, protecting the Historic District, and aesthetics.

Solamere agreements. Mark Harrington explained that these actions were requested by the BLM with regard to the Gambel Oak lease in an attempt by the City to process a change in the use application which reduces planned improvements for the area. The BLM has also requested access off the west side of the property adjacent to the April Mountain development. That matter has been extended to March 15 by the BLM at the request of the owner, David Bernolfro so that he can proceed with other planning issues. City Council is being asked to approve these agreements so that the City can continue its efforts to change the use plan to enable the City to retain compliance with the BLM public recreation lease. The only fiscal impact would be the installation of three street lights adjacent to the parking area. Mr. Harrington thanked the Solamere parties for their cooperation in assisting the City in complying with its lease requirements with the BLM.

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City Council Work Session
February 1, 2001

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 1, 2001**

I ROLL CALL

Mayor Pro Tem Roger Harlan called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 1, 2001. Members in attendance were Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Assistant City Manager; Myles Rademan, Public Affairs Director; Eric DeHaan, City Engineer; Kent Cashel, Transportation Director; Alison Kuhlow, Planner; and Tim Twardowski, Assistant City Attorney.

II PUBLIC INPUT

The Mayor Pro Tem invited the audience to comment on any matter not scheduled on the agenda.

Commercial trash pick-up program/recycling - Quintin Scott, owner of Bedlam Design, complained that he received a bill from BFI for \$157.48 on a contract he never signed like other Main Street businesses. He stated that he does not use the service as he recycles 99% of his trash. He was informed that if he doesn't pay, his business license with the City will be rescinded and his crime is that he recycles. Restaurants on Main Street are not encouraged to recycle and businesses that do should be rewarded not penalized. He urged Council members to comment on their position as an election year is approaching. In response to a question from Peg Bodell, Mr. Scott indicated that his bill is for service over a six month period and the monthly charge is \$22.05. Toby Ross pointed out that the contract with BFI is with Summit County and to date, the City Council has not adopted a regulation for mandatory participation in the program, requested by Summit County. Mr. Scott admitted that his notice referred to a County business license which he doesn't hold and he acknowledged that he will probably lose on this one. Fred Jones noted that that is probably true because it is after the fact, but Mr. Scott's point on supporting recycling on Main Street is relevant and there should be a way to reward businesses for recycling. The City Manager interjected that in November, Council sent a letter to the Summit County Commissioners urging them to consider expanded recycling services throughout Park City. He reiterated that Park City is not a party to the contract with BFI and Summit County has mandated service. Peg Bodell felt that it may be timely to again approach the County about the City's request and involve Recycle Utah to arrive at incentives and solutions.

Quintin Scott believed that Council would react as he did if they received a bill for an unused service. Fred Jones pointed out that although residents may not receive a monthly bill,

property owners pay for trash pick-up in the form of property taxes. Roger Harlan pledged to Mr. Scott that he would personally look into this matter and Candace Erickson stated that she has heard the same complaint from another merchant on Main Street who recycles the majority of his trash.

Hearing no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Myles Rademan distributed the City Council speaker program piece which was mailed to various groups and provided information on the Leadership program scheduled on Monday and the Olympic count-down festivities on February 7.

Eric DeHaan reported on the open house with upper Park Avenue residents held on Tuesday where the preliminary engineering design prepared by Stantec was disclosed. The plan contemplates one-way traffic in the winter, and includes widening the sidewalk from Heber Avenue up to the Sixth Street Plaza, and installing a raised median at the intersection of Heber and Park Avenues. There was also information on plans for the reconstruction of the underground utilities, curb and gutter. The Upper Park Avenue Property Owners Association (UPPA) submitted written input which was distributed to the Council and included sidewalks throughout Park Avenue which require retaining walls to be constructed and additional landscaping. UPAPA supports year-round one-way and its main focus was under-grounding utilities. Staff is evaluating those requests to produce a design study report summarizing features of the project and associated costs. This will be discussed in detail during the capital improvement review during the budget process in May. In response to a question from Fred Jones, Mr. DeHaan explained that there is provision for future under-grounding of utilities as conduit was installed on Woodside Avenue and that same approach is proposed for upper Park Avenue. UPAPA made it clear that they don't just want the conduit installed, but actual utilities under-grounded by the City. AT&T Broadband, Pacific Power, and Qwest hold franchise agreements with the City. They have been *cool* to the idea and costs would most likely revert to the City if we take the lead. There is no legislation promoting the under-grounding of utilities. Mr. DeHaan continued that the franchise agreements produce hundreds of thousands of dollars in revenues a year and there is a budget impact. There was discussion of the cost to the homeowner to connect to the conduit system, and the overall expense of under-grounding and/or administration of a special district to fund the project. Mr. DeHaan emphasized that at this point, the scope of the project is being determined. Power lines were under-grounded for the transit center project which was time-consuming and expensive. Staff presented the 2003 time line to residents who would prefer a 2002 completion date and if the scope of the project is aggressive it is questionable if the project could be completed in one construction season. Peg Bodell stated that it would be helpful if UPAPA submits priorities and associated trade-offs.

IV CONSENT AGENDA

With regard to Item No. 2, it was pointed out that staff would incorporate Council changes to the draft letter discussed in work session and the Mayor will execute the letter of intent. For the benefit of Peg Bodell, Transportation Director Kent Cashel explained that fiberoptic cables will be used producing excellent imagery. Surveillance was discussed. The Mayor Pro Tem requested a motion to approve. Fred Jones, "I move approval of the Consent Agenda, with the understanding discussed on Item No. 2". Jeff Mann seconded. Motion unanimously carried.

1. Authorization to execute a contract with Automated Building Systems, Inc. in the amount of \$39,994 for the purchase and installation of a security system at the Old Town Transit Center - See staff report.

2. Request for a letter of intent to allow installation of art by Brad Howe at the Olympic Plaza - See staff report and work session notes.

3. Shared Parking License Agreement with the Solamere/Oaks Swim and Tennis Club, Inc. for use of the Tennis Club Parking Lot - and

4. Public Recreation Access Easement with the Solamere Home Owners Association - See staff report and work session notes.

V NEW BUSINESS

Ordinance amending Section 8.30 of the Land Management Code regulating temporary telecommunications facilities associated with the 2002 Olympic Winter Games - Alison Kuhlow explained that staff is recommending approval and in response to Council direction, has made one modification, adding language relating to site mitigation at installation. Peg Bodell, "I move that we approve this ordinance". Candace Erickson seconded. Motion carried unanimously.

VI PUBLIC HEARING

Amendment to Title 14 of the Municipal Code regulating news racks throughout Park City, Utah - Alison Kuhlow summarized work session discussion relating to regulation outside the Historic District, which is proposed to address placement not design. However, Council also expressed an interest in regulating the look of the racks throughout town. The Mayor Pro Tem invited the public to comment.

Robin Erickson stated that she is employed by the Newspaper Agency which represents The Salt Lake Tribune, Deseret News, Wall Street Journal, Investors Business Daily and The New York Times. She is also speaking for Clyde Benton of USA Today and Andy Bernhard of The Park Record. The ordinance was originally proposed to promote the health and general welfare which they understand. There was discussion about the responsibility of the newspaper

agency to find locations fitting the placement criteria and after an application is received, staff would confirm compliance. She is concerned about subsequent applications for the same location and lack of information on fees. Businesses are responsible for capital expenditures and need to budget for equipment. Originally, it was proposed that the City provide racks but if the newspapers are responsible, she urged Council to consider their budget time lines. She does not support regulation outside the Historic District and pointed out that they make more money inside a business than outside machines. However, she discussed the preference and requested designs of individual owners for racks placed outside the building. Jeff Mann expressed that he felt that the clutter seems to be prompted by the free publications and asked Ms. Erickson if she had any suggestions. She responded that she can not speak for the free publications but believes that for-sale newspapers have a vested interest in doing the right thing, and she does not feel that they should be penalized for the actions of free publications. There was discussion about the racks in front of Einstein's, and Robin Erickson explained that their presence is invited by the property owner as they can't freely place racks on private property.

Ms. Bodell believed that having a standard seems simpler. Robin Erickson described the effort expended by The Salt Lake Tribune and USA Today on the design of their racks, but have no problem in supporting the City on the design of the racks in the Historic District. Ms. Bodell responded that the City regulates aesthetics now through the Sign Code and it is important to Park City as a resort community. Ms. Erickson believes that the newspapers have been very flexible and cooperative in paying additional costs. Ms. Bodell added that the design of buildings throughout Park City have tight guidelines that govern aesthetics. Fred Jones asked for clarification on the issue of using the same rack in the Historic District and, for example, in front of Einstein's. Robin Erickson stated that she is not opposed to a generic newspaper rack in the Historic District. Using it throughout town prompts an additional expense and loss of identity and it eliminates the opportunity to work with individual property owners. Mr. Jones emphasized that one of his biggest concerns is the clutter and asked how that can be monitored without regulation. There was discussion about the design of the racks for the free publications and distinguishing between editorial and promotional publications. Tim Twardowski, Assistant City Attorney, warned not to distinguish between paid and unpaid or editorial versus newsworthy publications. Any type of *content-based* restriction under the First Amendment will trigger a *strict scrutiny* or "*you lose*".

Peg Bodell referred to comments made on the financial benefit of indoor sales and asked how this could be promoted in Park City. Robin Erickson explained that it is proven that newspapers inside a business increase sales for the establishment and believes that the ratio is 50/50.

Clyde Benton, Circulation Director for USA Today, agreed that paid publications strongly prefer to be inside and there is a program to promote this where the merchant makes a percentage of the sale. Both The Salt Lake Tribune and USA Today have invested a lot of money in developing their outside racks and promoting their brand name and logo. They are concerned about losing their identity within a city, but very willing to support the City's efforts to preserve the

integrity of the Historic District. They have a problem limiting the right of a merchant to decide where to place a rack. Ms. Bodell asked if distributors would prefer kiosks outdoors rather than free-standing racks. Mr. Benton responded that they worked well in San Francisco, for instance, but there is an associated cost and the kiosks in Salt Lake have not worked as well as anticipated. In response to a question from Roger Harlan, Clyde Benton stated that there are appropriate locations where USA Today's racks don't have their trademark. In response to a question from Council member Candace Erickson regarding the number of outdoor racks outside the Historic District, Mr. Benton estimated that USA Today has about 25 to 28.

Robin Erickson stated that they realized a loss in revenue with the kiosk plan in Salt Lake City. It's working, because the distributors are adjusting, but it not because they made a profit. Mr. Benton explained USA Today has already budgeted for the upcoming year.

With regard to a schedule for the ordinance, Alison Kuhlow explained that if Council renders a decision on design and color and any other modifications to the draft, it could return in two weeks for adoption. Once it is adopted, within 30 days, staff must notice all publishers of a cut-off date for applications. When that is accomplished, there are 10 business days to notify distributions of the placements on Main Street. The newspaper racks are manufactured by many vendors but it takes six to eight weeks to receive an order after it is placed and the new racks need to coincide with the removal of the existing racks. There was discussion about providing an opportunity for publishers to budget for equipment and having a program in place by the Olympics. The plan for installation was also discussed, and Mr. Benton suggested that the order for Main Street be placed all at one time so that installation occurs in an orderly fashion. The cost of a rack is about \$300 not including installation. He is not certain that free publications are willing to pay that expense and the ordinance should address space for free publications. Fred Jones agreed and suggested a date be identified when the non-conforming newspaper racks need to be off the street. For the benefit of Roger Harlan, Ms. Kuhlow explained that there was discussion earlier about leasing space on a stacked rack to another publication. Mr. Benton emphasized that he wasn't aware of that provision and if USA Today is willing to make the investment to the Historic District, it will maintain those locations and is not interested in leasing the space.

Peg Bodell suggested that as a *band-aid* approach to look good for the Olympics and to be sensitive to budgets, that free-standing newspaper kiosks and/or an aggressive campaign to get racks off the street and in buildings be pursued. Mr. Benton asked if the City would be willing to fund the purchase of the kiosk, and Ms. Bodell responded that she would like to see some proposals on this. Ms. Bodell believed kiosks could be placed at the entrance of the Marriott, Centennial Park, and perhaps at the post office. Clyde Benton stated that he and Robin Erickson would be willing to meet with the legal staff and members of Council to *hammer out* the details.

Fred Jones believes there should be a time frame for enacting legislation and suggested the end of the month. There is quite a bit of lead time once the ordinance is passed to

implement a program by the summer months. He pointed out that the process has been going for a long time and it is time to proceed. Alison Kuhlow added that the newspaper agencies have received a faxed copy of the ordinance and have been contacted throughout the process. She felt confident that it can be accomplished within the time lines presented and suggested including Clyde Benton and Robin Erickson in a meeting before the next discussion at a Council meeting. Council member Candace Erickson pointed out that reference to the coin mechanism needs to be removed throughout the ordinance as there are free publications. Ms. Kuhlow clarified that sidewalks in shopping centers are private property. Jeff Mann understood from the Chief of Police that there weren't going to be any news racks displayed on Main Street during the Olympics for security reasons. Mr. Benton stated that they weren't removed during the Olympics in Atlanta.

Ms. Kuhlow asked for direction on regulation outside the Historic District, color, and design. Council agreed on black and Ms. Kuhlow asked for input on design. Ms. Bodell stated that she is uncomfortable moving ahead further because she is uncomfortable with the time line of two weeks; she is uncomfortable that staff has not talked to these people to look at other options. Fred Jones interjected that the Council has been working on this for two years. Ms. Bodell continued that two weeks is not going to make any difference in how long she has been waiting to get the racks off Main Street. Council member Jones suggested the first meeting in March. Ms. Bodell reiterated that there is no proposal to get the newspaper racks inside and she is asking for adequate time to work with the industry. Mayor Pro Tem Harlan urged Council to provide direction.

Candace Erickson acknowledged that the ordinance doesn't deal with the privately owned areas that need to be addressed. However, she would like Main Street regulated in quick fashion and emphasized that legal action that may be incurred because of objections to dealing with racks outside the Historic District may cause further delays. It may be more prudent to deal with Main Street first and consider other areas later. Council member Erickson pointed out that the cost of \$300 per rack may prompt an effort to get the racks off the street and inside businesses. Jeff Mann agreed that the focus should be on the Main Street area and suggested directly contacting private plaza tenants to work with the City on a volunteer basis to clean up the clutter and reduce the number of racks in front of their businesses. He also shared concerns about potential litigation if the scope of the ordinance is expanded at this time; the main issue is Main Street. Fred Jones also supported this position although he doesn't agree with the concept that regulating the clutter is a freedom of speech issue. Main Street need attention, but he is also concerned that the displaced clutter will relocate to other areas in town. Peg Bodell and Roger Harlan also agreed. Jeff Mann and Candace Erickson volunteered to serve on the task force with the publishers. There was discussion about the group selecting the style of rack for Council's ultimate decision. The Mayor Pro Tem requested a motion to continue the public hearing until March 1, 2001. Fred Jones, "I so move". Jeff Mann seconded. Motion unanimously carried.

VII ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:45 p.m. Members in attendance were Peg Bodell, Candace Erickson, Roger Harlan, Fred Jones, and Jeff Mann. Mayor Brad Olch was excused. Staff present were Toby Ross, City Manager; and Mark Harrington, City Attorney. Fred Jones, "I move to close the meeting to discuss property acquisition and litigation". Roger Harlan seconded. Motion carried unanimously.

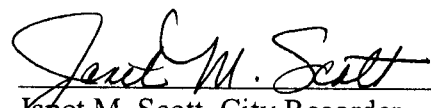
The meeting opened at approximately 4:30 p.m.

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

Prepared by Janet M. Scott




Janet M. Scott, City Recorder



**RESOLUTION DECLARING FEBRUARY 23, 2001
AS "GOMER DAY" IN PARK CITY, UTAH
IN RECOGNITION OF THE MANY CONTRIBUTIONS
MADE BY DON GOMES TO OUR COMMUNITY**

WHEREAS, Don Gomes (aka the "Gomer") has been a leader in promoting arts in the community and an active participant in non-profit organizations for over two decades, including:

- The Park City Arts Festival
 - The Park City Players at the Kimball Art Center
 - Habitat for Humanity
 - KPCW Community Radio
- and;

WHEREAS, Don was co-founder of Park City Performances and the Egyptian Theater and has lead the annual Community Christmas in the Park Celebration for longer than he wants to remember; and

WHEREAS, his trivial observations, goofy sense of humor, and bad jokes have been Park City's alarm for over 3,000 mornings over the past decade on KPCW;

NOW, THEREFORE BE IT RESOLVED, that on behalf of the citizenry of Park City, Utah, the Mayor and City Council publicly thank Don for his unselfish dedication to making our community a better place for all of us;

FURTHER, BE IT RESOLVED that in appreciation of his many contributions to the community, the Mayor and City Council wish Don every success in his future endeavors and hereby declares February 23, 2001 as

GOMER DAY IN PARK CITY, UTAH

and remind residents to recall his sound advice from time to time. . . "Dreamers, remember. . . nothing that is need be, just because it was".

PASSED AND ADOPTED this 15th day of February, 2001.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder



DATE: 02/01/2001
DEPARTMENT: Transportation
AUTHOR: Kent Cashel, Transportation Director
TITLE: Authorization to execute a contract for the purchase and installation of a controlled access and security system for the Old Town Transit Center.
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to execute a contract (in a form approved by the City Attorney's office) for the purchase and installation of a controlled access and security system for the Old Town Transit Center. This contract will be in the amount of \$39,994.

A. Topic: Authorization to execute a contract for the purchase and installation of a controlled access and security system for the Old Town Transit Center.

B. Background:

Staff believes a security and controlled access system is a necessary component of the Old Town Transit Center. That belief is based upon the following:

- ☐ The Old Town Transit Center will operate 16-20 hours per day depending upon the season.
- ☐ There are no plans to staff the facility on a regular basis. Video monitoring will help to provide for the safety and security of transit users particularly during late evening and early morning hours.
- ☐ The Federal Transit Administration (FTA) has indicated a strong desire to have the Transit Center monitored or staffed by security personnel. The FTA provided 80% funding for this purchase in the Old Town Transit Center grant.
- ☐ The City and the FTA have made significant investments in art & furnishings for the Transit Center. Video monitoring and digital recording will help protect this investment.

The Police Chief and the Public Works Director worked closely with a security system consultant to design a video surveillance and electronic door lock system. This resulting system consists of

14 video cameras (located inside and outside of the facility), a digital video recorder and an electronic door locking system. This system will provide for:

- ☐ Real time video monitoring of interior and exterior of the Transit Center (at Police Dispatch).
- ☐ Ability to lock and unlock Transit Center doors from Police Dispatch.
- ☐ Digital recording of video images (7 days storage).

Staff has conducted a procurement for the purchase and installation of this security system in compliance with all applicable City & Federal procurement regulations. A selection committee was formed using staff from Technical Services, Public Works and Police to evaluate the five proposals received. The committee unanimously selected Automated Building Systems Inc's proposal. This decision was based upon:

- ☐ The technical merits of the proposal.
- ☐ Vendor's experience with similar sized systems...(Automated Building System Inc. has installed a similar system at the new Post Office in Park City).
- ☐ Information gathered during site visits of facilities using the proposed system.
- ☐ Vendor reference checks.
- ☐ System cost.

D. Department Review: The Police Department, the Office of Capital Management & Budget, Technical Services and the City Attorney's Office have been involved throughout system design and the procurement process.

ALTERNATIVES:

A. Approve the Request: Council could authorize staff to execute a contract (in a form approved by the City Attorney) with Automated Building Systems Inc in the amount of \$39,994. Funding for this procurement was anticipated in the Old Town Transit Center grant, previously approved by Council. No additional appropriation of Transportation funds will be require for this purchase. This is staff's recommendation.

B. Deny the Request: Council could deny the request, this would require staff to abandon video surveillance as a security approach or conduct another time consuming procurement process.

C. Continue the Item: Council could chose to defer decision on this item to a later date.

D. Do Nothing: This action would have the same effect as Alternative B.

Significant Impacts

Funding for this purchase is included in the Old Town Transit Center grant and will not require additional appropriation of Transportation funds. Expenditures for this request and the Transit Center project as a whole are still within the amount authorized by the FTA. However, Tom Bakaly has indicated that Transit Center expenditures are approaching the amount approved by Council (including the 10% Change Order allowance provided for in the City's General Budget Policies).

The Office of Capital Management & Budget is confident the Transit Center will be completed within the amount currently authorized by Council. However, Mr Bakaly offered the caveat that under a worse case scenario pending change orders could result in expenses exceeding current Council authorization (total expenditures will remain within the approved grant amount). If it is likely that Council authorization will be exceeded, Mr. Bakaly will return for additional authorization. Mr. Bakaly gave Council a verbal update on this issue at their January 11th City Council meeting.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

A decision to delay or deny staff's request for approval of this security and access control system will leave the Old Town Transit Center unmonitored for much of the day. This arrangement will expose transit riders and the City's investment in the facility to a greater risk of physical harm, vandalism and theft.

RECOMMENDATION: Authorize staff to execute a contract (in a form approved by the City Attorney) for the purchase and installation of a security and controlled access system with Automated Building Systems Inc. in the amount of \$39,994. Funding for this procurement was anticipated in the Old Town Transit Center grant previously approved by Council. No additional appropriation of Transportation funds will be required to fund this purchase.



COUNCIL AGENDA REPORT

DATE: February 1, 2001
DEPARTMENT: Office of Capital Management & Budget
AUTHOR: Tom Bakaly, Assistant City Manager
TITLE: Request for Letter of Intent to Allow the Installation of Art by Brad Howe at the Olympic Welcome Plaza
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: The City Council should provide direction concerning the request for a letter of intent to allow the installation of art by Brad Howe at the Olympic Welcome Plaza.

DESCRIPTION:

A. **Topic:** Request for a Letter of Intent to Install Art at the Olympic Welcome Plaza

B. **Background:**

The Visual Arts Subcommittee of the Park City Olympic Celebrations Steering Committee has requested that the City issue a letter of intent to install art at the Olympic Welcome Plaza to artist Brad Howe. A request letter and samples of work from the artist are attached. The Olympic Welcome Plaza is owned by the City. The City is not being asked to fund the cost of this project which is estimated to be at least \$250,000. Rather, the Visual Arts Subcommittee is requesting that the City formally indicate its intent to install Brad Howe's art work at that location so that he can proceed with fund raising efforts. A book of Brad Howe's work is available for review.

C. **Analysis:**

The City has fairly recently become more involved in public art projects. For the City and federally funded transit center, the City went through a national selection process and installed roughly \$100,000 worth of art for that project. The Land Management Code (LMC - attached) states the art must be approved by the Community Development Department (CDD) and any special review committee as may be appointed by the City Council. The Arts Council has put in place an art in public places review committee and process. City Council authorized that committee to review and approve the transit center art, which they did.

The attached letter from the Visual Arts Subcommittee discusses the selection process for the proposed artist. The letter also provides useful background information for considering this request.

When reviewing the request, City Council may want to consider the following questions:

- 1) Does City Council want art located at the Olympic Welcome Plaza?
- 2) Does City Council want art installed at the Olympic Welcome Plaza prior to the Olympics? Olympic timing improves the probability of funding.
- 3) What scale, size and magnitude of art does Council wish to have (if any) at the Olympic Welcome Plaza?
- 4) Does City Council want the art reviewed by the Park City Arts Council Art in Public Places Review Committee in addition to the Visual Arts Committee?
- 5) Is City Council comfortable with the selection process used to select this artist?
- 6) Is City Council comfortable committing to this particular artist without a guarantee of funding for the project? How long would the City council commitment last?
- 7) Who will manage the project and coordinate possible United States Olympic Committee concerns, installation process and maintenance issues?

Staff and the artist have discussed who will be funding the project. If the artist seeks funding from Olympic sponsors, that may preclude the availability of sponsor funds for other City Olympic endeavors. Conversely, if non-Olympic sponsors fund the project, there may be issues with ambush marketing and its relation to the Olympic Welcome Plaza. The artist is aware of this delicate balance of funding issues and has committed to proceeding with caution.

D. Department Review: This report has been reviewed by the City Manager's Office, the Leisure Services Department, the Legal Department, the Community Development Department, the Park City Arts Council, the Public Affairs Department, and the Olympic Planning Department. Staff tried to e-mail the report to the Chair of the Visual Arts Subcommittee and the Chamber Bureau prior to including the report in Council's packet, but was unsuccessful. Copies of the report will be distributed to them prior to the City Council meeting on Thursday.

ALTERNATIVES:

- 1) Authorize Letter of Intent: City Council could authorize Staff to prepare and the Mayor to execute a letter of intent to allow the installation of art by Brad Howe at the Olympic Welcome Plaza. If Council chooses this option, Council may want to consider having an expiration date on the letter of intent if funding is not secured by say July 1, 2001. This would allow the possible installation of other art at that location if Council so desired. If Council does pursue this option, Council may want to consider appointing the Park City Arts Council Art in Public Places Review Committee to review the proposed art.

- 2) Deny the Request and Ask for Alternative Art Proposals: Council could deny the request and ask the Visual Arts Subcommittee or Park City Arts Council Art in Public Places Review Committee for alternative art recommendations.
- 3) Deny the Request Outright: Council could deny the request and chose not to pursue art in the Olympic Welcome Plaza.
- 4) Defer the Item: Staff is in the midst of preparing its Olympic Budget and Olympic Staffing Plan. The proposed Olympic organizational work group that would probably be affected by this request is entitled Community Programming. Bob Johnston is the proposed program manager for that work group. Council may want to defer action on this item until Council has an opportunity to review all of the Olympic related programs and impacts that will presented in the next few months.
- 5) Continue the Item: Council could continue the item for a limited time. In order to complete the project prior to the Olympics, the artist would need some sort of commitment from the City in the near future.

SIGNIFICANT IMPACTS:

Brad Howe is an internationally renowned sculptor who is seriously interested in creating a piece of public art as an Olympic legacy for Park City. A letter of intent would assist with efforts to raise funds for this project.

The public art component related to the Transit Center was time consuming for Staff. If Council chooses to place art in the Olympic Welcome Plaza, existing City Staff will be affected even if the artist takes the lead on seeking funding for the project. This would likely mean that there would be fewer available resources for the planning and implementation of other Community Programming activities such as other art projects, youth programs and community hospitality for the Olympics. There will be ongoing costs associated with the maintenance and upkeep of art at the Olympic Welcome Plaza. Those costs are difficult to define and are currently not budgeted. Committing to this particular artist increases the probability of this project succeeding, but it might preclude other art opportunities in the Olympic Welcome Plaza if this project is not completed.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

Staff is requesting direction from City Council concerning a request from the Visual Arts Subcommittee. The consequences of various actions have been discussed in the Alternatives and Significant Impacts sections of this report.

RECOMMENDATION:

The City Council should provide direction concerning the request for a letter of intent to allow the installation of art by Brad Howe at the Olympic Welcome Plaza.

JANUARY 14, 2001

TO: PARK CITY MAYOR, BRADLEY OLCH
PARK CITY COUNCIL MEMBERS
PARK CITY MANAGER, TOBY ROSS
OLYMPIC COORDINATOR, FRANK BELL

FROM: Visual Arts Sub Committee of the Park City Olympic Celebrations Steering Committee

SUBJECT: Park City's Olympic Plaza Visual Art Proposal

Following a laborious and thorough process of soliciting visual art proposals as potential Olympic Legacy Projects and determining appropriate sites for said projects, we are eager to move forward with the City's permission on a unique collaboration: A stainless steel 30 foot Olympic Sculpture by internationally renown sculptor Brad Howe who will seek project funding on his own through private benefactor sources in California and/or Toronto.

BACKGROUND:

Brad Howe is a Los Angeles based artist who was brought to the attention of the committee by second homeowner, Janet Lieberman, Ph.D. Dr. Lieberman is on the Los Angeles Museum of Contemporary Art's Arts Council Board. She was asked by the Visual Arts Sub Committee members to seek out artisans who might be appropriate to consider for Olympic Legacy Projects. Brad Howe, as a student of International Relations at Stanford University, traveled to the University of Sao Paulo to specialize in Brazilian Affairs. It was during this period of his educational career that he was introduced to the study of art and architecture. He now exhibits in over sixteen countries world wide and has sold installations to over thirty-two countries. Brad Howe was commissioned by Mexico City to do a sculpture in honor of NAFTA. He was recently commissioned to do a Monumental Sculpture for the City of San Pedro, California near the entry to the Long Beach Harbor.

BIBLIOGRAPHY:

Attached you will find a resume of his exhibitions, of public & private collections and bibliographies featuring his background and his creations and a sample of his works.

PROJECT SCOPE:

The yet to be designed sculpture would be fabricated in stainless steel with a burnished finish to give the feeling of graining in wood. Color would be an optional feature. The finish would allow the sculpture to be reflective of the surroundings as opposed to a sterile cold finish. The specific design is currently a work in progress as Mr. Howe recently visited Park City for the sole purpose of absorbing the atmosphere of the community and the visual textures that influence an artist's creative processes.

Brad Howe's visionary intent would be to examine and to celebrate the vitality and beauty found in motion and energy. It would also balance the forces of gravity and weightlessness as well as the forces of strain and serenity.

Brad Howe was chosen as the artist with the "best fit" for Park City's Olympic Plaza based on the following criteria which was applied to a number of other submissions (see below):

- durability of material(s)
- required future maintenance
- destructibility
- insurability
- legal liability (safety)

inspiration
athleticism
expression
notability
monumental vs. incremental size
balance
texture
significance
creative and design uniqueness

LOCAL RESIDENTS INVOLVED:

While in Park City Brad Howe met with the following people who wholeheartedly support the concept of this work in relation to the appropriateness of an Olympic Legacy Sculpture in the Olympic Plaza:

Sara Jones, Chair of the Bronze Miner's Sculpture Project and
Secretary of the Park City Summit County Arts Council

Diana Thompson, Artist and Art Collector

Gail & Neal Breton, Art Collectors and Main Street Business Merchants

Bill Brown, Project Manager, Olympic Plaza

Frances Umlauf, Art Supporter/Enthusiast, Park City Summit County Vice President

Frank Normile, Past President Park City Summit County Arts Council, Board Member
Park City Historical Society and Park City Library

Jan Massimio, Art Gallery Owner and Art Collector

Marian Stewart, Art Collector

Hayden Williams, ART IN PUBLIC PLACES Design Review Committee Member

Joanna Charnes, Park City Summit County Arts Council Executive Director

Peg Bodell, Park City Council Member, Creator of ART IN PUBLIC PLACES Design
Review Committee Guidelines

Elizabeth Swank, Chair of the Visual Art Sub Committee, Olympic Celebrations Steering
Committee

Myles Rademan, Park City Director of Public Affairs

Bradley Olch, Mayor of Park City

Toby Ross, Park City's City Manager

Tom Bakaly, Park City's Assistant Manager

Rick Lewis, Park City's Community Development Director

OTHER ART PROJECTS CONSIDERED:

Other considered artist's proposals for this location were as follows.

(1) The Earth Globe by Tom Grimes (Minnesota) which although intriguing and educational lacked the element of artistic expression. It was also a piece that when installed would block the view in that it is a solid globe. The sight of the Park also seemed to invite a piece that could be seen, enjoyed, remarked about, etc., from the roadway and not just by stopping, parking, and walking purposefully into the park to understand and view the particulars. Also missing was recognition of a specific artist. It felt more like a geography project.

(2) John Helton's Light Within Sculpture (Park City) composed of large, angular, white, translucent abstract forms which appear to float above the ground and illuminate from within. His proposal suggested placement within the traffic circle which we felt was a good suggestion but still considered it as a piece for the Park. This work lacked the feel of athleticism and motion which were part of the criteria set forth. When balanced against Howe's pieces there was an absence of the contrasting balances which create the energy and inspiration that is important to art in a prominent public space.

(3) Patrick Morelli (New York) submitted a proposal to sculpt an athlete titled "Champion". His piece would certainly be beautiful but he has used the image previously. Additionally, although unique in and of itself, it lacked the cutting edge of creativity and imagination of form and motion.

(4) Peter Thompson (Heber) submitted a life size monument depicting Alpine Ski and Sledding events. This is a massive piece which would block the view of the mountains. Although the figures carved into the mountain backdrop exhibited motion, it was more of a photograph of a moment in time of all of the Olympic alpine events. As a static piece it provided interest but not inspiration. Destructibility was also an issue to be contended with as there were too many parts that could be snapped off, i.e., ski poles, ski tips, gun parts, etc.

PROCESS:

The process followed by the Visual Arts Sub-committee was primarily a local effort. We did not put out a call for artists through any national or international source. The first meeting of the committee which was open to the public occurred August 22, 2000. This meeting was preceded by a presentation and invitation to the Park City Summit County Arts Council Board Meeting on August 2nd by Peg Bodell and Elizabeth Swank (members of the sub-committee) to gather input, suggestions, and involvement from Arts Council Board Members.

An additional meeting with the Park City Summit Arts Council Board occurred on September 6th at which time they were invited and encouraged to promote and solicit submissions from the local art community. Current Arts Council Board President Bruce Larrabee who is also President of the Park City Professional Artists' Association agreed to convey said information to the Artists Association.

A third meeting with the Park City Summit Art Council Board occurred on October 13th specifically called to obtain input, suggestions, direction, etc. from the Park City Summit County Arts Council's ART IN PUBLIC PLACES DESIGN REVIEW COMMITTEE.

In between there were meetings with various artists and community volunteers discussing, developing, and defining the process of obtaining submissions and encouraging submissions to the committee. In addition to meeting with the local art community members, a presentation was made to the Park City area Homebuilders' Association at their scheduled October meeting and with private individuals who were known to be supportive of the art community and who have their own private contacts with various artists.

During this process, there was also a call for submissions submitted to the local radio station and an interview article in the Park Record.

As a result of all of the meetings and phone calls and media announcements the visual arts projects total 45 to 50. The number is not static as some of the submissions are submitted ideas which still lack sufficiently definitive details. When the non-definitive ideas came in, Elizabeth Swank personally telephoned the individual(s) and encouraged the person(s) to provide more to the committee as to the details. Some succeeded in refining and perfecting their idea(s) and others made a stab at it and others have yet to do so.

It is estimated the time involved in this process including scheduled meetings, unscheduled meetings, telephone calls, review, organizing project submittals, letters and memos, etc. just by one committee member, Elizabeth Swank has exceeded 150 hours. This, of course, does not include the time invested by Peg Bodell and Angie Bruckner, the other committee members from the Steering Committee.

CONCLUSION:

It is the feeling of the Visual Art Sub Committee as reinforced by meeting with members of the community pertaining to the Olympic Plaza Site that a Monumental Sculpture Commission fully funded by Brad Howe would be an ideal partnership. His artwork was viewed and selected as most appropriate for the Olympic Plaza. It would be a valuable work of art and an asset for Park City Municipal Corporation. As a commissioned piece it would exemplify the highest and best use for the Olympic Plaza.

Furthermore, Brad Howe has colleagues around the world who have expressed an interest in establishing a symposium on Art in Public Places World Wide. This could be another Olympic Legacy that would be the result of providing Mr. Howe the opportunity to create a Monumental Sculpture for Park City's Olympic Plaza.

NEXT STEPS:

Letter of intent; Approvals from various required City Departments; Commitment to seek funding by Brad Howe that will not compete or conflict with USOC, SLOC or any other sponsor of the Olympics currently in place; plus no use of USOC or SLOC intellectual property sponsors; definition of the time frame to procure funding by Mr. Howe, outline of installation timing and procedures required to accomplish the installation.

Respectfully submitted,



Elizabeth Swank
Chair/Visual Arts Sub Committee
Park City Olympic Celebrations Steering Committee

Attachments: Bibliography
Photo Sample

BRAD HOWE

BORN: Riverside, California 1959
RESIDENCE: Los Angeles, California
EDUCATION: Stanford University, Stanford, California
University of Sao Paulo, Sao Paulo, Brazil;

INDIVIDUAL EXHIBITIONS

2000 NEO MODERNISM: Boritzer/Gray/Hamano Gallery, Santa Monica, CA
BISCOTTO: Jernigan Wicker Fine Arts, San Francisco, CA
1999 ESCULTURAS: Praxis Arte Internacional, Mexico City, Mexico
AQUATICA: Boritzer/Gray/Hamano Gallery, Santa Monica, CA
1998 Jernigan Wicker Gallery, San Francisco, CA
Galerie Janos, Paris, France
Uli Lang Gallery, Biberach, Germany
Diane Nelson Gallery, Laguna Beach, CA
1997 DRIFT: Boritzer/Gray/Hamano Gallery, Santa Monica, CA
Barbara Scott Gallery, Miami, FL
1996 FLATS & RISERS: Diane Nelson Gallery, Laguna Beach, CA
CAUSES: Arario Gallery, Cheonan-Shi, South Korea
1995 BOIAS: Galeria Nara Roesler, Sao Paulo, Brazil
Wabi-Sabi Gallery, Chicago, IL
1994 HOP THE TWIG: Boritzer/Gray/Hamano Gallery, Santa Monica, CA
1993 Dierlich Gallery, Bonn, Germany
1991 A-Gallery, Palm Desert, CA
1990 Gallery de Arte Misrachi, Mexico City, Mexico
Galerie du Cobra, Paris, France
Diane Nelson Gallery, Laguna Beach, CA
Galeria Millan, Sao Paulo, Brazil
1989 B-I Gallery, Santa Monica, CA
Diane Nelson Gallery, Laguna Beach, CA
Galeria G. B. Arte, Rio de Janeiro, Brazil
1987 Mt. San Jacinto College, San Jacinto, CA
Museu Historico e Artistico de Maranhao, San Luis, Brazil
Galeria Matias Marcier, Rio de Janeiro, Brazil
1986 Galeria Matias Marcier, Rio de Janeiro, Brazil

SELECTED GROUP EXHIBITIONS

2000 San Francisco International Art Exposition, San Francisco, CA
El Paseo Outdoor Sculpture Exhibition, Palm Desert, CA
Beitcher Gallery, Miami Beach, FL
1999 Pier Walk 99, International Sculpture Exhibition, Chicago, IL
1998 Illusion, Riverside Art Museum, Riverside, CA
1997 GRINS: Humor & Whimsy in Contemporary Art; Millard Sheets Gallery, Pomona, CA
1996 Riverside Art Museum, Riverside, CA
Fiere Internazionale di Bologna, Bologna, Italy
1995 Eden Gallery, Rowland Heights, CA
Edition FIAC/SAGA, Paris, France
SLAC, Strasbourg, France
Leif Holmer Gallery, Nassjo, Sweden
Miami International Art Fair, Miami, FL
Stockholm Art Fair, Stockholm, Sweden
New Trends, Hong Kong

BRAD HOWESELECTED GROUP EXHIBITIONS (cont'd)

- 1995 Ekerum Konsthall, Oland, Sweden
Gallery IV, Los Angeles, CA
- 1994 China Art Expo 94
Taipei Art Fair, Taipei, Taiwan
Big Littles, Boritzer/Gray/Hamano, Los Angeles, CA
Art LA International Art Fair, Los Angeles, CA
LINEART, Ghent, Belgium
Tresors, Singapore, Malaysia
Pusan Biennial, Pusan, South Korea
Arteissimo, Torino, Italy
Art Junction, Cannes, France
Pop into the 90s', Kass/Meridian Gallery, Chicago, IL
AIA/EXPO 94, LA Convention Center, Los Angeles, CA
Peter Blake Gallery, Laguna Beach, CA
ART MIAMI, Kass/Meridian Gallery, Miami, FL
Fiere Internazionale di Bologna, Bologna, Italy
Decouvertes, Paris, France
- 1993 Kass/Meridian Gallery, Chicago, IL
Brea Gallery, City of Brea, CA
Galerie Janos, Paris, France
ARTFI, Bogota, Colombia
ART ASIA, Hong Kong
LINEART, Ghent, Belgium
FIA, Toulouse Gallery, Caracas, Venezuela
ART MIAMI, Miami, FL
- 1992 Rubiner Gallery, West Bloomfield, MI
Downey Museum of Art, Downey, CA
Art LA '92, Los Angeles, CA
- 1991 B-I Gallery, Santa Monica, CA
Galerie du Rivo, Freiburg, Germany
- 1990 Galeria de Arte Misrachi, Mexico City, Mexico
Ministry of Industry & Trade, Mexico City, Mexico
Laforet Museum, Tokyo, Japan
- 1988 Diane Nelson Gallery, Laguna Beach, CA
B-I Gallery, Santa Monica, CA
- 1987 Diane Nelson Gallery, Laguna Beach, CA
Galeria I.B.E.U., Rio de Janeiro, Brazil
Galeria GB Arte, Rio de Janeiro, Brazil
B-I Gallery, Santa Monica, CA

SELECTED PUBLIC AND CORPORATE COLLECTIONS

Allergan Corporation, Irvine, CA
Arario Industries, Cheon-Shi, South Korea
Baxter Healthcare Corporation, Irvine, CA
Beechcraft Corporation, Van Nuys, CA
Bircher Corporation, Irvine, CA
Canon Corporation, Irvine, CA
Carl Bean AIDS Center, Los Angeles, CA
Cedars-Sinai Hospital, Los Angeles, CA
City of Hope, Duarte, CA

BRAD HOWE

SELECTED PUBLIC AND CORPORATE COLLECTIONS (cont'd)

City of Montebello, Transportation Building, Montebello, CA
 Colegio Nacional de Educacion Profesional Tecnica,
 Administrative Campus, Toluca, Mexico
 Edison International, Rosemead, CA
 Eisenhower Medical Center, Rancho Mirage, CA
 Gershwin Hotel, New York City, NY
 Hilton Caribe, San Juan, Puerto Rico
 Kaiser Permanente, Baldwin Park, CA
 Kitakyushu City International Center, Kitakyushu, Japan
 Kimball International, Inc., Los Angeles, CA
 La Fundidora, Centro Cultural, Monterrey, NL, Mexico
 Lord Baltimore Properties, Empire Towers III, Ontario, CA
 Loyola Law School, Los Angeles, CA
 Mercure Hotel, Sao Paulo, Brazil
 M.G.M. Grand Airlines, JFK Airport, NY
 Ministry of Industry and Trade Building, Mexico City, Mexico
 Murrell Company, Newport Beach, CA
 Nobe Telecommunications Corporation, Miami, FL
 Princess Cruise Line, Sun Princess, Los Angeles, CA
 Royal Host, International Forum Building, Tokyo, Japan
 Samsung Corporation, Seoul, South Korea
 Edificio Siglum, SARE Corporation, Mexico City, Mexico
 Secretary of Commerce, Mexico City, Mexico
 UCLA, Medical Plaza, Los Angeles, CA
 Xerox Corporation, Rochester, NY

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 Los Angeles Times, September 8, 2000
 Free Expression, Vol. 4, House Design by Edward R. Niles,
 Images Publishing, 1998
 Vice Versa, Mexico City, Mexico, April 2000
 San Francisco Examiner Magazine, September 20, 1998
 New York Times, August 6, 1998
 International Herald Tribune, August 11, 1998
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 Chonan Culture Journal, Chonan, South Korea, 1996
 Joongdo Focus Monthly Photo Journal, South Korea,
 September 1996
 Contemporary California Architects, Philip Jodidio,
 Taschen Publications, 1995
 The Press-Enterprise, Riverside, CA, Jan. 18, 1996
 Florida Design (Vol. 5 No. 3) December 1995
 Folha de Tarde, Sao Paulo, Brazil, Oct. 10, 1995
 Folha de Sao Paulo, Sao Paulo, Brazil, Oct. 10, 1995
 Jornal da Tarde, Sao Paulo, Brazil, Oct. 10, 1995
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BRAD HOWEBIBLIOGRAPHY (cont'd)

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At Work, 1993, (Carol Soucek King, Ph.D.)
El Nacional, Caracas, Venezuela, June 1993
Harper's Bazaar, January 1993
Mittwoch, Freiburg, Germany, March 20, 1991
Kultur Joker, Freiburg, Germany, March 1991
Gallery Guide, California & Pacific NW, 1991
Dallas Morning News, January 6, 1991
BusinessWeek, December 3, 1990
Veja Magazine, Brazil, November 28, 1990
American Pop Culture Today Vol. 3, 1990, Japan
Vogue Magazine, Mexico, August 1990
California Riviera Magazine, Laguna, July 1990
Artension Magazine, Paris, May-June 1990
LA Times, December 29, 1989
Jornal do Brazil, Rio de Janeiro, October 3, 1989
Village View, Los Angeles, August 24, 1988
UPI, July 6, 1988
LA Times, December 20, 1987
LA Times, September 13, 1987
Orange County Magazine, California, March 1987
Vogue Magazine, Brazil, July & May 1986
Revista de Domingo, Rio de Janeiro, April 1986
Fatos Magazine, Brazil, May 1985

2. Sound levels of the music shall be kept at a volume so as not to be disruptive to adjacent property and shall not be audible beyond the boundaries of the outdoor dining area.

3. Speakers shall be placed at table level or below and shall not be directed off site.

- (c) Review for Compliance. All conditional use approvals for outdoor speaker systems shall be reviewed by the Community Development Staff for compliance with the conditions of approval after one year. If the staff finds that conditions have been violated at any time before or after the one year review, the conditional use approval for outdoor speakers may be terminated.

8.29 OUTDOOR DISPLAY OF WORKS OF ART. The intent of this section is to allow the display of art for the benefit of the public. Approved locations for such displays shall include, but not be limited to, public and private plazas, pocket parks, certain public property and buildings, and other locations where such art can be viewed by the public. Approved outdoor displays of works of art may be exempt from Chapter 12-9-1(r) of the Park City Municipal Code provided such displays meet the following criteria:

- (a) The location and work of art must be approved by the Community Development Department and any special review committee as may be appointed by the City Council. If the art display is located in the Historic District, it must also be reviewed and approved by the Historic District Commission.
- (b) The display must be of a permanent nature and able to withstand the elements if located outside.
- (c) The City shall accept no liability in case of damage or theft.
- (d) No sale price may appear on the work of art, however the name of the artist and/or gallery may appear.
- (e) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into the required sidewalk or pedestrian and vehicular areas; nor shall the display restrict vision at intersections.
- (f) A building permit may be required in situations requiring installation of a base and/or electrical connections.
- (g) In the case of the denial of a request for a display of a work of art, the applicant may appeal to the City Council.



Staff Report

DATE: 1/29/01
DEPARTMENT: Legal
AUTHOR: Mark Harrington
TITLE: Approval of Solamere Access and Parking Agreements
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS:

Authorize the Mayor to execute agreements with Solamere Homeowners Assoc. and Solamere/Oaks Swim and Tennis Club for trail access and parking for the Gambel Oak Park.

DESCRIPTION:

A. Topic:

Public Recreation Access Easement and Shared Parking License Agreement

B. Background:

Last November, the City received notice from the U.S. Bureau of Land Management ("BLM") that in order to have the City's amended use plan for the Gambel Oak Park approved, the City needed to obtain: 1) vehicular access from the April Mountain developer from Aerie Drive; 2) trail access from Solamere Drive to the park; and 3) a shared parking agreement for use of the existing parking lot at the Solamere/Oaks Swim and Tennis Club.

The April Mountain developer, David Bernolfo, has agreed to allow the access but is requesting an extension directly with the BLM because he is currently planning his project and would prefer to have the final location of the easement reflected on his final plat. The two Solamere agreements are what the Council is being asked to approve.

C. Analysis:

Parking

The Agreement provides the public with non-exclusive use of an existing parking lot on the east

side of Solamere Drive. In exchange the City agrees to install three street lights adjacent to the parking area. The cost will depend on several factors, but is anticipated to be approximately \$10,000. Public Works can install the lights this spring.

Trail

There is a small gap between the Gambel Oak property and platted Solamere Drive that crosses a remnant parcel owned by Solamere Homeowners Association. The six foot easement allows for pedestrian, equestrian and bike use along with maintenance.

Both agreements terminate when the City's lease with the BLM terminates.

D. ALTERNATIVES:

1. **Approve the Request:** Authorize the Mayor to execute agreements with Solamere Homeowners Assoc. and Solamere/Oaks Swim and Tennis Club for trail access and parking for the Gambel Oak Park.
2. **Deny the Request:** The City would not be able to meet the February 2, 2001 deadline from BLM, and the Gambel Oak lease would be subject to termination.
3. **Direct staff to make specific changes and approve the Request.** Modify the agreements as necessary and approve them.

E. SIGNIFICANT IMPACTS:

The termination of the BLM lease would result in the loss of approximately 80 acres of City open space.

F. DEPARTMENT REVIEW:

The Legal, Administrative and Public Works departments reviewed this matter.

G. RECOMMENDATION: Authorize the Mayor to execute agreements with Solamere Homeowners Assoc. and Solamere/Oaks Swim and Tennis Club for trail access and parking for the Gambel Oak Park.

APPROVED
1/16/01

When recorded, mail to:
City Recorder
Park City Municipal Corporation.
P.O. Box 1480
Park City, UT 84606-1480

PUBLIC RECREATION ACCESS EASEMENT

WHEREAS, SOLAMERE HOMEOWNERS' ASSOCIATION, a Utah corporation ("Owner") is the owner of real property known as the Remnant Parcel, Solamere A Subdivision, located within Summit County, Utah and further shown on Exhibit A ("Property"); and

WHEREAS, PARK CITY MUNICIPAL CORPORATION (the "City") desires to create a public recreation trail access across the Property; and

WHEREAS, the Property is appropriate for such recreational purposes and the public will not be charged an entry fee to enter the Property; and

WHEREAS, Owner and the City have expressly relied upon the provisions and protections of the Utah Limitation of Landowner Liability- Public Recreation Act in opening the Property up to public access; and

WHEREAS, the City leases the adjacent parcel from the U.S. Bureau of Land Management according to a "Recreation or Public Purposes Lease" serial U-29830 B (BLM Lease") and the parties wish to cooperatively facilitate a park connection between the City's leased parcel and the Property, while minimizing any potential adverse impacts on Owner's Property and respecting the private property rights of the Owner; and

WHEREAS, Owner intends this Easement to run with the City's BLM Lease, this Easement shall cease with the termination of the BLM Lease;

Now therefore, in consideration of Ten Dollars (\$10.00) and the mutual covenants and agreements hereof, the sufficiency and receipt of which are hereby acknowledged, Owner and the City agree as follows:

1. Owner grants to the City a six (6) foot Easement for the sole purpose of creating and maintaining a dirt, public trail ("Trail") over the Property, more particularly described as follows:

See Attached **Exhibit B** which is specifically incorporated herein.

2. The City will only allow public access in the form of pedestrian, equestrian or mountain biking use, unless temporary vehicular access is required for City maintenance or emergency. The City, at its expense, will install and maintain the Trail. The City will cooperate with the Owner in good faith so as to prevent interference with any of Owner's adjacent fencing or no trespassing or no parking signs, if any.
3. Owner and the City intend that the use of Owner's Property be for a Recreational Purpose as defined in Section 57-14-2 of the Utah Code. Nothing herein shall constitute the City's waiver of any portion of the Utah Government Immunity Act, the Utah Limitation of Landowner Liability- Public Recreation Act or any defense arising therefrom. Nothing herein shall constitute the Owner's waiver of any portion of the Utah Limitation of Landowner Liability- Public Recreation Act or any defense arising therefrom and the parties enter this agreement in reliance on the protections of said Act.
4. Owner and the City agree that upon execution of this Easement Agreement, the City will be responsible for the construction, operations and maintenance of the Trail. The City will not modify, remove or replace that portion of the Trail on Owner's Property without the advanced, written permission of Owner.
5. This Easement shall automatically renew annually until termination of the City's BLM Lease. Within thirty days of termination of said BLM Lease, the City shall remove or otherwise legally relocate the Trail. If the BLM Lease is terminated during the winter, the City shall have until June 1 to remove or relocate the Trail.

DATED this _____ day of January, 2001.

OWNER

By: _____

(Type Name)_____

CORPORATE ACKNOWLEDGMENT

STATE OF _____)
: ss.
COUNTY OF _____)

On this ____ day of _____, 2001, personally appeared before me _____
_____, who being duly sworn, did say that he/she is the _____
of _____, and acknowledged to me that the preceding Easement was
signed on behalf of said company, by their authority and he/she acknowledged that the
company did execute the same for its stated purpose.

NOTARY PUBLIC

PARK CITY MUNICIPAL CORPORATION

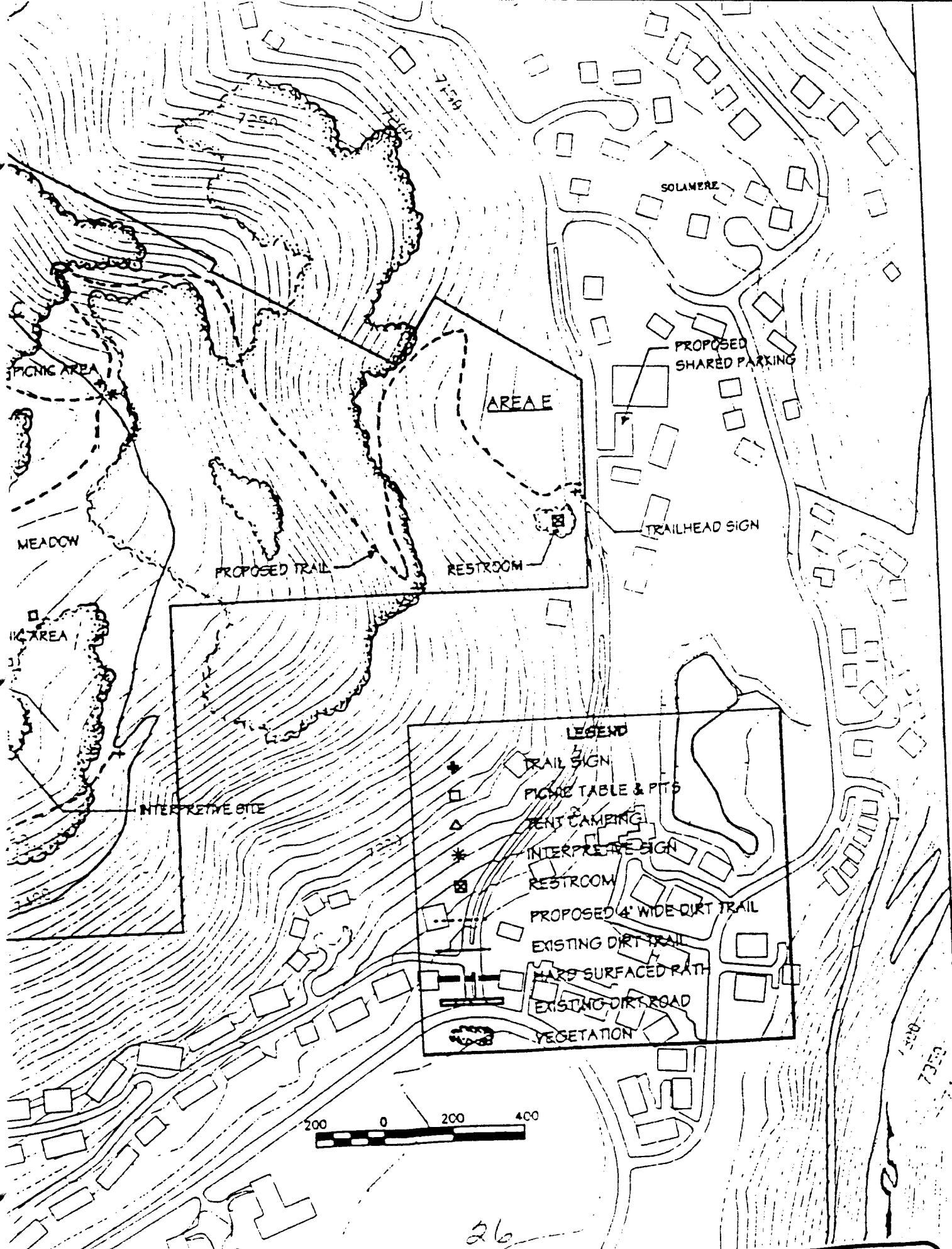
By: _____
Bradley A. Olch, Mayor

Attest:

Approved as to Form:

City Recorder's Office

City Attorney's Office



AREA E

SOLAMERE

PROPOSED SHARED PARKING

TRAILHEAD SIGN

RESTROOM

PROPOSED TRAIL

INTERPRETIVE SITE

LEGEND

- Trail Sign
- Picnic Table & Pits
- Picnic Camping
- Interpretive Sign
- Restroom
- Proposed 4' Wide Dirt Trail
- Existing Dirt Trail
- Hard Surfaced Path
- Existing Dirt Road
- Vegetation



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APPROVED
PENDING

SHARED PARKING LICENSE AGREEMENT
TENNIS CLUB PARKING LOT
PARK CITY, UTAH

This License Agreement is by and between Solamere/Oaks Swim and Tennis Club, Inc. (Landlord) and Park City Municipal Corporation (Tenant) to formalize the agreement whereby Tenant may utilize Landlord's parcel adjacent to the Gambel Oak Park/Solamere Drive for parking.

WHEREAS, the City leases the adjacent parcel from the U.S. Bureau of Land Management according to a "Recreation or Public Purposes Lease" serial U-29830 B (BLM Lease") and the parties wish to cooperatively facilitate public parking on the Property, while minimizing any potential adverse impacts on Owner's Property and respecting the private property rights of the Owner.

Now therefore, the parties agree as follows:

1. Property. The property affected by this License is ten existing parking spaces on the south side of the Tennis Club parking lot, located in the Equestrian Lot A. Solamere Subdivision, as indicated by cross-hatching labeled "Proposed Shared Parking" on the attached Exhibit A ("Property"). The Property consists of a portion of an existing parking lot suitable for parking approximately ten vehicles in designated parking spaces.
2. Term. The License shall renew annually and shall expire upon termination of City's BLM Lease. This License is personal to the City, and in no event shall any right herein be transferred to a third party or survive the City's BLM Lease. There are no intended third party beneficiaries to this Agreement.
3. Rent. Annual rent shall be \$10 and other consideration, the receipt and sufficiency of which is hereby acknowledged.
4. Notice. Whenever notice is required under the terms of this License, notice shall be mailed as follows:

Landlord:

Park City, Utah 84060

Tenant:

Park City Municipal Corp.
Attn: City Manager
P. O. Box 1480
Park City, Utah 84060

5. Tenant Improvements. Tenant may not install signs to the parking spaces on Landlord's Property. Tenant will coordinate with Landlord in advance of any installation of appropriate signs to the Property on the west side of Solamere Drive on BLM property. All signs regarding parking on the Property shall be removed upon termination of this License. Tenant shall install a minimum of three light poles on the east side of Solamere Drive, in a location designated by the Tenant, within

Parking Agreement

Page 2

six months of the effective date of this License. Maintenance and utility costs are the responsibility of the Tenant.

6. Hold harmless. Tenant agrees to indemnify and hold Landlord harmless for all claims and damages arising out of public use of Landlord's property, except those arising from the negligence or intentional torts of Landlord. Nothing herein shall constitute the Tenant's waiver of any portion of the Utah Government Immunity Act, the Utah Limitation of Landowner Liability- Public Recreation Act or defense arising there from.
7. Assignment/Sublease. The License may not be assigned or the property sublet without the advance written consent of the Landlord.
8. Use. It is agreed that Tenant shall use the Property on a non-exclusive basis along with club members and guests for a daily, public parking lot for the Gambel Oak Park only. Parking for special events is not allowed unless approved by separate agreement with Landlord. Hours of use are limited to day-light hours. Any maintenance and cleaning that is necessary to utilize the property for the purposes herein, and is above beyond what Landlord performs for the whole parking lot, is the responsibility of the Tenant. No consumption of alcohol and no overnight camping nor parking is allowed. Parking is for automobiles only and no trailer or bus parking is allowed. The City shall include the Property in the police management plan in conjunction with the BLM Lease. If the Landlord provides notice to Tenant that the use of the Property is maximized, the Tenant shall take appropriate steps to install the parking lot in accordance with the BLM Lease, and/or construct a bulb out for on-street parking on Solamere Drive. If Tenant fails to add parking within six months of the notice or if Landlord determines the public's use overburdens the parking lot, Landlord may terminate this License.
9. Nondiscrimination. Tenant agrees not to discriminate against anyone on the basis of race, color, national or state origin, age, sex, handicap, or sexual preference in its operation of the parking lot.
10. No Waiver. In the event of revocation, Tenant acknowledges that Landlord has not waived any existing rights to preclude such parking in the future.
11. Entire Agreement. This agreement constitutes the entire and only agreement between the Parties. It cannot be altered or amended except by written instrument, signed by both parties.

DATED this ____ day of January, 2001.

PARK CITY

Page 3

ATTEST:

APPROVED AS TO FORM:

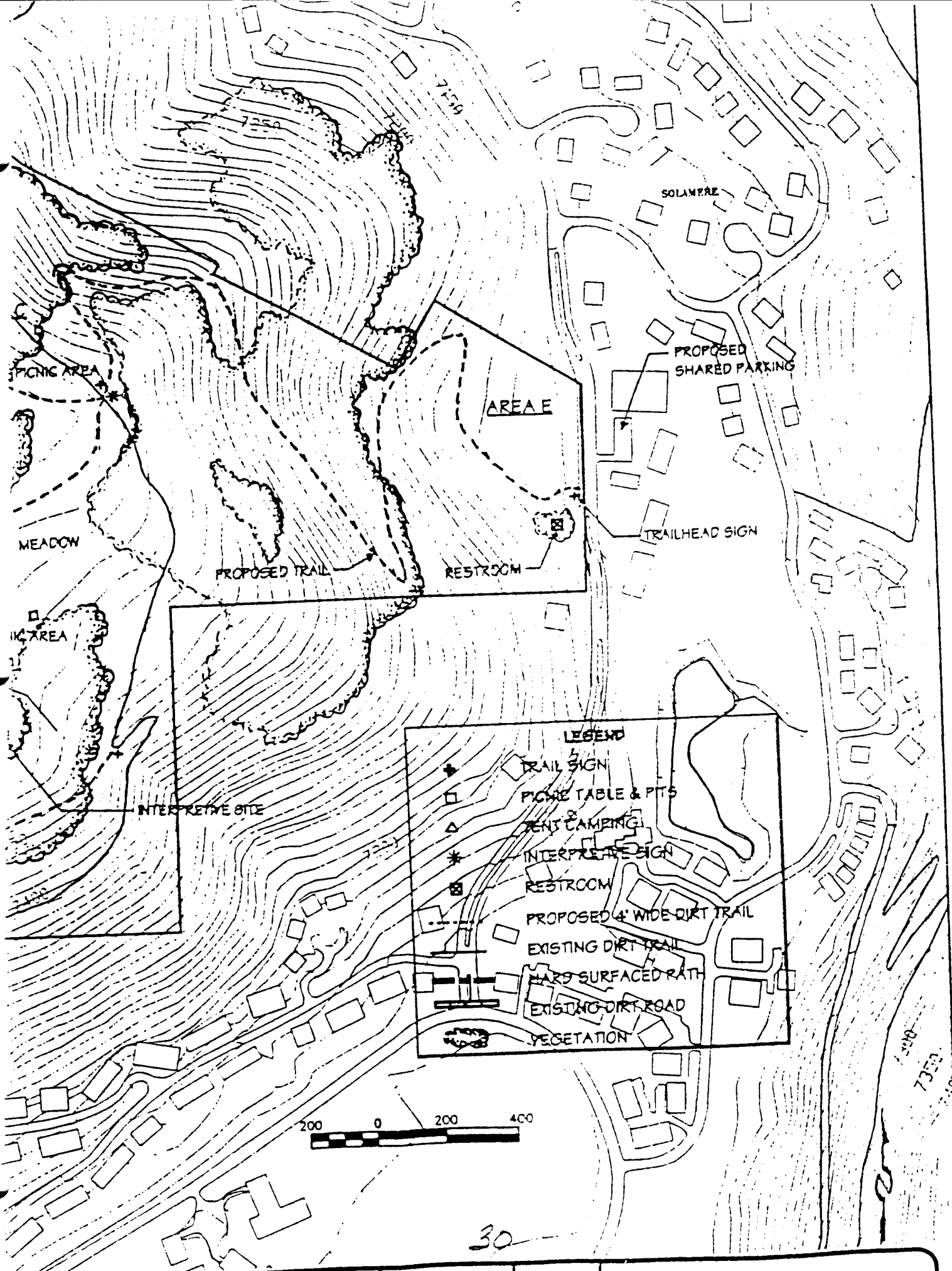
LANDLORD

BY:

STATE OF _____)
 : ss.
COUNTY OF _____)

NOTARY PUBLIC

Date _____



CITY COUNCIL REPORT

DATE: February 1, 2001
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP AK
TITLE: Temporary Telecommunications Ordinance for the Olympics
TYPE OF ITEM: Consent

SUMMARY RECOMMENDATIONS: Staff requests the City Council approve the ordinance regulating temporary telecommunications facilities associated with the 2002 Olympic Winter Games based upon the Findings of Fact and Conclusions of Law found herein.

DESCRIPTION:

A. Topic.

The intent of this policy is to allow for the administrative review of temporary telecommunications facilities needed for increased capacity during the time of the Olympics.

B. Background.

Staff presented the ordinance regulating temporary telecommunications facilities associated with the 2002 Olympic Winter Games to the City Council at the January 25, 2001, meeting. At that time the Council conducted and closed the public hearing.

Since the meeting Staff has modified the ordinance to include language within the Site Disturbance section discussing the mitigation of any site disturbance which occurs prior to the installation of the facility.

C. RECOMMENDATION:

The Planning Department requests that the City Council approve the attached Ordinance regulating temporary telecommunications facilities associated with the 2002 Olympic Winter Games.

EXHIBITS:

Exhibit A - Proposed Olympic Telecommunication Facility TZO

AN ORDINANCE AMENDING, SECTION 8.30 OF THE LAND MANAGEMENT CODE, REGULATING TEMPORARY TELECOMMUNICATIONS FACILITIES ASSOCIATED WITH THE 2002 OLYMPIC WINTER GAMES

WHEREAS, On June 1, 2000, the City Council adopted an amendment to the Land Management Code which requires the Planning Commission to review all Telecommunications Facility applications; and

WHEREAS, Park City is a venue City for the 2002 Winter Olympics; and

WHEREAS, prior to and during the 2002 Winter Olympics the area will see an increase in cellular phone users, including organizers, sponsors, competitors, and visitors; and

WHEREAS, Telecommunications carriers desire to locate additional Telecommunications Facilities within boundaries of Park City Municipal Corporation in order to increase their capacity during the 2002 Winter Olympics; and

WHEREAS, the City Council desires to establish an expedited process for permitting such temporary Telecommunications Facilities within Park City while providing for public participation in such process via notice; and

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

SECTION 1. FINDINGS: The Council finds that:

1. The number of Telecommunications Facility applications anticipated by carriers to meet their cellular capacity needs during the 2002 Winter Olympics could over-burden the Planning Commission process;
2. The current Section 8.30 of the Land Management Code prohibits administrative review and approval of Telecommunications Facilities;
3. Prior applications for Telecommunications Facilities in Park City have aroused significant public interest and attracted considerable, valid public input that may not have otherwise been considered under the current ordinance;
4. It is in the best interest of Park City and for the protection of the general welfare of its citizens to allow public participation in the Telecommunications Facility permitting process;

SECTION 2. AMENDMENT TO CHAPTER 8 OF THE LAND MANAGEMENT CODE. Chapter 8.30 is hereby amended by adding Subsection 8.30(q) attached hereto as Exhibit A.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon adoption.

EXHIBIT A

PASSED AND ADOPTED this ____ day of February, 2001.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

- (q) **Olympic Telecommunications Facilities.** The regulations contained in this Subsection shall govern the use, installation, maintenance, and removal of temporary Telecommunications Facilities associated with the 2002 Olympic Winter Games. All applications for temporary Telecommunications Facilities not associated with the 2002 Olympic Winter Games shall be governed by Subsection 8.30(o).

1. **Purpose.** Park City recognizes that due to the influx of organizers, sponsors, competitors, and visitors associated with the 2002 Olympic Winter Games, Telecommunications companies require the use of temporary Telecommunications Facilities to meet increased demand. Park City also recognizes that the demand for increased coverage, as well as necessary set-up and take-down time, far exceeds the permitted time limit for temporary Telecommunications Facilities as described in Subsection 8.30(o). The purpose of this Subsection is to accommodate the unique increase in demand for Telecommunications associated with the 2002 Winter Olympic Games for a reasonable period of time, and to ensure that such temporary Telecommunications Facilities are compatible with the unique characteristics of each zoning district of Park City. This Subsection further intends to ensure that any adverse impacts on community quality and safety are temporary and mitigated to the greatest extent possible.
2. **Definitions.** As used in this section, the following terms shall be defined as follows:
 - a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.
 - b. "Olympic Telecommunications Facility" means a temporary Telecommunications Facility associated with the 2002 Olympic Winter Games.
3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:
 - a. Each applicant shall present documentary evidence regarding the need for additional capacity within the City. This information shall identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City; and
 - b. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility where it will be most visible.
4. **Administrative Review.** All applications for Olympic Telecommunications Facilities shall be administratively reviewed and either approved or denied by Community Development Department Staff, pursuant to the criteria provided below.

At the applicant's option, any application that is denied for noncompliance with the administrative review criteria may be reviewed by the Planning Commission pursuant to the Land Management Code, Subsections 8.30(a-n).

- a. Noticing. Notice of applications will be sent too all property owners within three-hundred (300) feet of the proposed Olympic Telecommunications Facility once Staff's preliminary determination of compliance has been reached, establishing a ten (10) calendar day period in which Staff's decision can be appealed to the Planning Commission.

5. **Administrative Review Criteria.** The intent of these criteria is to locate Olympic Telecommunications Facilities where they are least visible from public streets, public areas, and designated view corridors, and to the greatest extent possible, provide screening from adjacent property owners. The Community Development Department shall not issue an administrative Conditional Use Permit for an Olympic Telecommunications Facility unless it finds that the application complies with all of the following criteria:

- a. Rights of Way. No Olympic Telecommunications Facility shall be located wholly or in part within any right of way, either public or private. No Olympic Telecommunications Facility shall be located in a manner that impedes vehicular, pedestrian, or other traffic in any way.
- b. Setbacks. Olympic Telecommunications Facilities shall comply with the setbacks of the underlying zone as stated in the Land Management Code. Olympic Telecommunications Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.
- c. Height. Olympic Telecommunications Facilities shall comply with the base height requirements, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply.
 - i. Antenna, placed on a flat roof, may extend up to ten (10) feet above the existing structure, provided that the Antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.
 - ii. Roof Mounted Antenna, placed on a pitched roof, may extend up to five (5) feet above the existing structure.
 - iii. Freestanding Antenna may exceed the base height of the zone by up to 30% when a majority of the facility and support structure is not visible from the right-of-ways due to either existing vegetation or the location of the surrounding structures.
- d. Design.

- i. Mechanical Equipment located outside of an existing building shall be secure and screened to prevent tampering. In cases where the Mechanical Equipment is visible from a right-of-way or is adjacent to a pedestrian walkway, the equipment must be screened by a wood fence, or other appropriate material.
 - ii. Antenna and associated equipment placed on existing structures shall incorporate materials and colors present in the context of the surrounding area.
- e. Site Circulation. The location of the Olympic Telecommunications Facility shall not impede traffic and/or pedestrian circulation of the site. The location of the Olympic Telecommunications Facility shall not cause the removal of any existing parking spaces, nor compromise parking, trash containers, deliveries or emergency access to adjacent structures or uses.
- f. Site Disturbance. The Olympic Telecommunications Facility shall leave no temporary and/or lasting impacts on access to the site nor on the site where the facility was located, such as removal or disturbance of significant vegetation. As used herein, "Significant Vegetation" means trees six inches (6") in diameter or greater measured four feet six inches (4'6") above the ground, groves of small trees or clumps of oak and maple covering an area of twenty (20) square feet or more measured at the drip line. Plans must show all trees within twenty feet (20') of a proposed Olympic Telecommunications Facility or within twenty (20) feet of any proposed access route thereto.

The Community Development Department will require, as a condition of approval, the mitigation of any site disturbance occurring during installation of the facility. This condition will need to be met prior to the site becoming operational.

Upon removal of the Olympic Telecommunications Facility, the applicant shall reasonably return the site to its natural and/or original condition on the date of infrastructure permit approval. The Community Development Department may require, as a condition to the approval, that the applicant adopt and comply with a revegetation plan for the site specifying vegetation type, size, location and grass seed mixture. The revegetation plan for the site shall be approved by Community Development Department Staff.

- g. Zoning Restrictions.
 - i. Olympic Telecommunications Facilities in the HRC, HCB, HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, ROS, FPZ, and POS zones are required to be reviewed pursuant to Section 8.30(f) of the Land Management Code. Olympic Telecommunications Facility are additionally to be reviewed pursuant to Subsections 8.30(a-n) of the Land Management Code.

- ii. Olympic Telecommunications Facilities are permitted to be reviewed pursuant to Subsection 8.30(q) within the RDM, GC, LI, RCO, RD and RC zones.
 - h. Signs. No signs may be attached to or associated with any Olympic Telecommunications Facility except those relating to the health and safety of the general public.
 - i. Noise. The Olympic Telecommunications Facility must comply with any noise regulations applicable to the zone in which the facility is located.
6. **Exemptions.** Those Olympic Telecommunications Facilities located within the Olympic Sports Venues or Use Areas, which are reviewed and approved by the City as part of a an approved Master Festival License and/or City Services Agreement, are exempt.
7. **Permits.** Approved Olympic Telecommunications Facilities will receive three permits from the Community Development Department
- a. Conditional Use Permit.
 - b. Infrastructure Permit. The infrastructure plan for the site shall be reviewed and approved or denied through an Engineering Department Permit prior to installation. Infrastructure permits shall specify a date not earlier than April 15, 2001, upon which the applicant may begin infrastructure construction. This permit shall be separate and distinct from the Building Permit for the installation of the Antenna, Equipment Shelter, and any other non-infrastructure related components of the Olympic Telecommunications Facility
 - c. Antenna Installation Permit. No Antenna, Equipment Shelter, or any other non-infrastructure related components of the Olympic Telecommunications Facility shall be installed without first receiving approval of a Building Permit. Antenna Installation permits shall specify an installation date not earlier than October 1, 2001.
8. **Olympic Telecommunications Facility Removal.** All conditional use permits for Olympic Telecommunications Facilities shall specify a date upon which the applicant must complete removal of the Olympic Telecommunications Facility, including infrastructure. The Community Development Department shall determine the removal date taking into consideration the location of the site and any possible environmental factors effecting the removal process. Removal of the Olympic Telecommunications Facility shall include reasonably returning the site to its natural and/or original condition at the date of infrastructure permit approval. The applicant shall be solely responsible for the removal of Olympic Telecommunications Facility by the date specified in the Conditional Use Permit. If such facility is not removed and/or the site is not returned to its natural condition pursuant to the revegetation plan by the applicant, then the City may employ all legal measures, including as

necessary, obtaining authorization from a court of competent jurisdiction, to remove the facility, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

CITY COUNCIL STAFF REPORT

DATE: February 1, 2001
DEPARTMENT: Planning Department
AUTHOR: Alison Kuhlow, AICP AK
TITLE: Regulation of Newsracks
TYPE OF ITEM: Public Hearing

SUMMARY RECOMMENDATIONS: Staff requests the City Council conduct a public hearing and discuss the changes to the proposed ordinance.

A. Topic

Ordinance regulating newsracks within Park City.

B. Background

In December, the City Council requested Staff to continue working on the proposed Newsrack Ordinance for Park City. The last time the City Council reviewed the ordinance was at the May 11, 2000 City Council Meeting.

Prior discussion of regulating newsracks centered on City owned newsracks, where the City would purchase and install "gang" racks and then lease space in the racks to distributors. The suggestion of City-owned "gang" racks has been eliminated due to the amount administrative work that would be needed to start and maintain the program. Instead, Staff has revised the ordinance to include language regarding the specific location requirements for the placement of individual newsracks throughout Park City, as well as design and color requirements for those newsracks located in the Historic District.

Since continuing on the revisions to the ordinance, Staff has contacted publishers noticing them of the hearing and the current revisions.

C. Analysis

If the City Council adopts this ordinance, then within thirty (30) days after the date of adoption the Community Development Department shall set a date by which all applications must be submitted for every newsrack proposed to be located within the Special Distribution Area. Once the applications are received the initial distribution of newsrack locations will occur. The applications received will be reviewed and the publishers will be notified of their assigned location within ten (10) working days from the date of application cut off.

Once the locations are distributed the publishers will be required to move existing newsracks and/or modifications to their newsracks by a date certain chosen by the City Council. Staff recommends that the Council to choose a date three months after the application submittal date. By choosing a date that far out, Council would allow sufficient time for any distributors to order newsracks as needed.

Number of Newsracks

The ordinance allows the maximum of eight newsracks, per one hundred (100) feet on the same side of the street. Staff is suggesting that if sufficient space does not exist to accommodate all applications, then priority shall be given to the publications by the number of days per week they are distributed. If any newsracks are configured to accommodate more than one publication, such as if the newsrack has the ability to stack a second newsbox, the second publication shall be determined by the approved applicant.

Design/Color

Staff has attached several newsrack designs to the report for the Council to review. Please refer to Exhibit B. At previous meetings the Council discussed requiring a specific design. The designs shown are typical designs available for newsracks, and are easily available if a publisher needed to order. Manufacturers of the newsracks estimate an eight to ten week delivery for a newsrack.

Staff has added general language for the height, width and length of newsracks within the ordinance. These measurements will be revised to meet the dimensions of the newsrack design chosen by the Council.

Although there are numerous companies which manufacture newsracks, Staff was unable to find a design which was especially compatible with Park City's Historic character. Instead Staff suggests requiring a color for the newsracks. The color chosen could match the street furniture found along Main Street, or a color could be chosen which is compatible with the Historic District and those colors found on the building facades. Staff does recommend that the color chosen should be within the basic colors available from the manufacturers. This would reduce the cost incurred by the distributor if a new rack needs to be ordered. Please refer to Exhibit C.

Advertising on Newsracks

The ordinance, as written, does not allow any advertising on the newsrack, other than a logo or other information identifying the publication sold therein. No language was added to the ordinance regulating colors used for the newsrack identification, and no size requirements are listed for that information.

Location of Newsracks

Concern was expressed by Council members regarding the resulting situation if newsracks were only regulated in the Special Distribution Area (Historic District) and what the result would be for the rest of town. Staff has included language within the ordinance regulating the newsracks throughout Park City. The placement criteria limits the number of newsracks within one hundred (100) feet, as well as distances from crosswalks, fire hydrants, driveways and curbs.

Additional location requirements were added for the Special Distribution Area. Those newsracks located in that area must be placed along the walls of buildings. This requirement was added to allow additional area for vehicle passengers entering/exiting on-street parking spaces. Staff would also suggest the Council discuss adding requirements such as the newsracks shall not block windows and

shall maintain a minimum distance from doorways.

Issues for Discussion

- Are the designs of the newsracks appropriate for the Historic District?
- Are the proposed regulations for separation, and grouping limitations acceptable?
- Is there an appropriate color for those newsracks within the Historic District?
- Should additional location requirements be added for the placement of newsracks from windows and doorways?
- Should there be a maximum size requirement for logos and other identification information on the newsracks?

D. Recommendation

Staff requests Council conduct a public hearing, discuss the proposed ordinance and direct staff on any new issues. Staff will return to the City Council with any modifications to the ordinance language as requested.

Exhibits

Exhibit A - Draft Ordinance

Exhibit B - Newsrack Design

Exhibit C - Colors Available

Exhibit D - Simulated Photos of Newsracks in front of the Post Office

PARK CITY MUNICIPAL CODE - TITLE 14 TREES/LANDSCAPING; STREETS, SIDEWALKS AND STAIRS; STREET CUTS; SNOW REMOVAL; STREET ADDRESS SYSTEM; AND NEWSRACKS

CHAPTER 6 - NEWSRACKS

14-6-1. PURPOSE.

The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, and general welfare of persons in Park City in their use of the public rights-of-way through the regulation of placement, appearance, number, size and servicing of Newsracks on the public rights-of-way so as to:

- (A) Provide for pedestrian and driving safety and convenience;
- (B) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk;
- (C) Provide reasonable access to sidewalks, poles, posts, hydrants, and similar appurtenances for the purpose of use, maintenance, cleaning, and snow removal;
- (D) Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties;
- (E) Reduce exposure of the City to personal injury or property damage claims; and
- (F) Protect the right to distribute information protected by the United States and State of Utah Constitutions through use of Newsracks.

14-6-2. DEFINITIONS.

For purposes of this Chapter the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

- (A) **Distributor.** The person responsible for the installation, placement, location, use or maintenance of a newsrack in a public right-of-way.
- (B) **Fully Enclosed Building.** That portion of a building or structure contained fully within the exterior walls of a building. The term "fully enclosed building" shall not include decks, porches, carports, areas under roof overhangs, or any other area not contained totally within the exterior walls.
- (C) **Newsrack.** Any outdoor self-service or coin operated container, rack or structure installed, placed, located, used or maintained for the display, dissemination or distribution newspapers, periodicals or other printed material.
- (D) **Person.** Any natural person or persons, or entity including, but not limited to, a corporation, partnership, unincorporated association or joint venture.
- (E) **Sidewalk.** Any surface provided for the exclusive use of pedestrians.
- (F) **Special Distribution Area.** The Historic District of Park City so designated by the City Council upon findings that the special circumstances of the Historic District require special design, placement and other standards for newsracks.
- (G) **Street.** All the area dedicated to public use for public street purposes and shall include, but not to be limited to roadways, parkways, and alleys.

14-6-3. NEWSRACKS PROHIBITED

EXHIBIT A

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PARK CITY MUNICIPAL CODE - TITLE 14 TREES/LANDSCAPING; STREETS, SIDEWALKS AND STAIRS; STREET CUTS; SNOW REMOVAL; STREET ADDRESS SYSTEM; AND NEWSRACKS

- (A) No Newsrack, other than City permitted Newsracks, shall be installed, placed, located, maintained or used, unless within a Fully Enclosed Building. Newsracks installed in violation of this Section shall be impounded per the regulations set forth in Section 14-6-10(D).
- (B) No person shall install, use, or maintain any newsrack which in whole or in part rests upon, in, or over any sidewalk:
 - (1) when such installation, use, or maintenance endangers the safety of persons or property;
 - (2) when such site or location is used for public utility purposes, public transportation purposes, or other governmental use;
 - (3) when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles; the ingress and egress from any residence or place of business; the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location;
 - (4) when such newsrack interferes with the cleaning or clearing of snow from any sidewalk; or
 - (5) in any other manner inconsistent with or in violation of the provisions of this ordinance.

14-6-4. NEWSRACK IDENTIFICATION REQUIRED

Every person who places or maintains a Newsrack outside of a Fully Enclosed Building within Park City shall have his name, address, and telephone number affixed to the Newsrack in a place where such information may be easily seen.

14-6-5. STANDARDS FOR MAINTENANCE AND INSTALLATION

Any Newsrack which is placed within Park City shall comply with the following standards:

- (A) No Newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.
- (B) Each Newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event the person is unable to receive the paid for publication. The coin-return mechanism shall be maintained in good working order.
- (C) Each Newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each Newsrack shall be serviced and maintained so that:
 - (1) It is reasonably free of dirt and grease;
 - (2) It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
 - (3) It is reasonably free of rust and corrosion in the visible unpainted metal areas

PARK CITY MUNICIPAL CODE - TITLE 14 TREES/LANDSCAPING; STREETS, SIDEWALKS AND STAIRS; STREET CUTS; SNOW REMOVAL; STREET ADDRESS SYSTEM; AND NEWSRACKS

thereon;

- (4) The clear plastic or glass parts, thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;
- (5) The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and
- (6) The structural parts thereof are not broken or unduly misshapen.

14-6-5. SPECIAL DISTRIBUTION AREA The Historic District, is hereby designated as a Special Distribution Area. As used herein, the Historic District shall be defined as those areas within Park City which are zoned HR-1, HR-2, HRL, HRM, HCB and HRC.

14-6-6. NOTICING OF ORDINANCE Within thirty (30) days after the effective date of this ordinance designating a Special Distribution Area, the Community Development Department shall establish a date (the "cut-off date") by which application shall be made to the Community Development Department for every newsrack proposed to be located within the Special Distribution Area. No application shall be considered for the initial distribution that is filed later than the established cut-off date. The Community Development Department shall give notice of the cut-off date by publication once in a newspaper of general circulation in the City not less than thirty (30) days prior to such cut-off date. The Community Development Department shall also endeavor to mail notice of the cut-off date to the owners and/or distributors of newsracks existing as of the effective date of the ordinance designating a Special Distribution Area; provided however, that failure to provide mailed notice to any person shall not invalidate any action taken pursuant to this Chapter.

Once the initial distribution of publications occurs, the Community Development Department shall accept applications to be considered for additional and/or future openings in the Special Distribution Area.

14-6-7. CITY PERMITTED NEWSRACKS

Newsracks shall be permitted and installed within the City pursuant to this Chapter.

(A) GENERAL LOCATION OF NEWSRACKS

- (1) No more than eight (8) Newsracks shall be located on the same face of any public right-of-way within a space of one hundred (100) feet. If sufficient space does not exist to accommodate all applications submitted, priority shall be given as stated in Section 14-6-9(C).
- (2) No lawn, flowers, shrubs, trees or other landscaping shall be removed in order to facilitate the location of a Newsrack.

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- (3) No Newsrack shall be placed, installed, used or maintained within:
 - (a) five feet of any fire hydrant, fire call box, police call box or other emergency facility;
 - (b) five feet of any marked crosswalk;
 - (c) five feet of any driveway;
 - (d) On or within five (5) feet of any access ramp or curb cut for disabled persons;
 - (e) Any location where the newsrack causes, create, or constitutes a line-of-sight problem or traffic hazard;
 - (f) Within three (3) feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping;
 - (g) Newsracks placed near the curb shall be placed no less than eighteen (18) inches and no more than thirty (30) inches from the curb.
- (4) No Newsrack shall be placed in a location where the clear space for the passageway of pedestrians is reduced to less than eight feet;
- (B) **ADDITIONAL LOCATION CRITERIA FOR NEWSRACKS WITHIN THE SPECIAL DISTRIBUTION AREA.**
 - (1) Newsracks may be placed next to each other, provided no group of newsracks shall extend for a distance of more than twenty (20) feet along the wall of a building;
 - (2) Newsracks shall be placed along the walls of buildings, and not placed along the curb of the street.

14-6-8. DESIGN STANDARDS FOR NEWSRACKS

- (A) **SIZE.** No newsrack shall exceed fifty-seven (57) inches in height, thirty (30) inches in width, or two (2) feet in depth.
- (B) **ADVERTISING.** Newsracks shall carry no advertising except a logo or other information identifying the publication sold therein. This information may be displayed only on the front of the Newsrack.
- (C) **NEWSRACKS IN THE SPECIAL DISTRIBUTION AREA.** The design of the Newsrack shall be compatible with the ??? Model ???, which has been approved by the City Council and chosen for aesthetic appeal, durability, functionality, and versatility of the Newsrack. Newsracks shall also be painted ??? consistent with Pantone Color ???.

14-6-9. NEWSRACK PERMITS

Any person desiring to place a Newsrack within the Special Distribution Area shall submit a Newsrack Permit Application to the City at the Community Development Department. A Newsrack permit shall not be transferrable.

- (A) **APPLICATION.** An application for a Newsrack permit shall be made to the Community Development Department on a form provided by the City. The application

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shall contain the name and address of the applicant, the proposed specific location of said Newsrack and shall be signed by the applicant. Separate applications shall be filed for each requested site.

- (B) **REVIEW PROCEDURES.** Complete applications will be reviewed and assignment, if any be made by the Community Development Department within ten (10) working days from the date of filing the application.
- (C) **ASSIGNMENT.**
- (1) If sufficient space does not exist to accommodate all applications submitted for an area, the Community Development Department shall give priority as to that location to Publications as follows:
- (a) First priority shall be publications that are published two or more times per week;
- (b) Second priority shall be given to publications that are published once per week;
- (c) Third priority shall be given to publications that are published less than once per week but more than once per month; and
- (d) Forth priority shall be given to publications that are published once per month or less frequently than once per month.
- If the above process does not resolve the conflict over Newsrack allocation, the Community Development Department shall allocate available locations by random drawing.
- (2) If any Newsracks are configured to accommodate more than one publication, the approved applicant shall determine the second publication.
- (3) Those publications requesting assignment in a specific location, who were unable to receive assignment shall be placed on a waiting list.
- (4) The Community Development Department shall allocate the Newsrack's location within the grouping of eight by random drawing.
- (D) **CONDITIONS OF PERMIT.** Permits shall be issued for the installation of a Newsrack or Newsracks without prior inspection of the location but such Newsrack or Newsracks and the installation, use or maintenance thereof shall be conditioned upon observance of the provisions of this Ordinance.
- (E) **APPEALS.** A permit denial by the Community Development Department may be appealed within ten (10) days of the date of denial to the City Manager or his/her designee. The City Manager or his/her designee shall conduct a hearing within thirty (30) days of the receipt of the appeal. Written notice of the time and place of the hearing shall be given to the applicant, and shall be posted in the official posting locations of the City. The hearing shall be informal, but oral and written evidence may be given. The City Manager or designee shall render a written decision within fifteen (15) days after the date of the hearing.
- (F) **EXPIRATION.** A Newsrack permit is valid for three years from date of issuance.
- (G) **PERMIT RENEWAL.** Permittees in good standing as of thirty days (30) prior to the

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expiration of the permit shall be eligible to renew their permits.

- (H) **NUMBER OF PERMITS PER PUBLICATION.** No publication shall be allocated more than one (1) Newsrack within each grouping of eight Newsracks.

14-6-10. ABANDONMENT.

- (A) In the event any Newsrack installed pursuant to this Section does not contain the publication specified in the application within a period of thirty (30) days after the release of the current issue, or if no publication is in the Newsrack for a period of more than thirty (30) consecutive days, the City shall deem the Newsrack abandoned and may remove the Newsrack in accordance with the procedures set forth in this Subsection 14-6-10(B).
- (B) In the event a Newsrack permittee desires to voluntarily abandon a Newsrack location, such permittee shall notify the Community Development Department in writing not less than thirty (30) days prior to the date such permittee intends to abandon the Newsrack.

14-6-11. VIOLATIONS

- (A) **CITY ACTION.** Upon determination by the Community Development Department that a Newsrack has been installed, used or maintained in violation of this Chapter, a notice of violation shall be issued specifying the manner in which this Chapter is violated and requesting compliance. Such notice shall state the nature of the violation, the City's intent to impound the Newsrack if the violation is not corrected and a hearing is not requested, and the procedure for requesting such a hearing. The notice of violation shall state that unless the violation is corrected or a hearing is requested within ten (10) days after the date of the notice, the Newsrack shall be removed and impounded by the City.
- (B) **HEARINGS.** Any person determined by the Community Development Department to be in violation of this Chapter may request a hearing before the Community Development Department Director, or his/her designee, within ten (10) calendar days of receipt of such notice of violation. The request for a hearing must be in writing, state the basis thereof, and shall be filed with the Community Development Department. The hearing shall be held within ten (10) working days of the filing of the request. At the hearing any person may present evidence or argument as to whether the Newsrack has been installed, used or maintained in violation of this Chapter. Within five (5) business days after the close of the hearing, the Community Development Department Director shall render a decision in writing and shall deliver such written decision to the person who requested the hearing via certified mail.
- (C) **APPEALS.** The Community Development Director's decision may be appealed to the City Council within 10 calendar days of the date of decision. The appeal must be in writing, state the basis upon which the appeal is made, and must be filed with the City Recorder. The City Council shall hear the appeal within thirty (30) days of the filing of the request for appeal. At the hearing any person may present evidence or argument as to whether the Newsrack has been installed, used or maintained in violation of this Chapter.

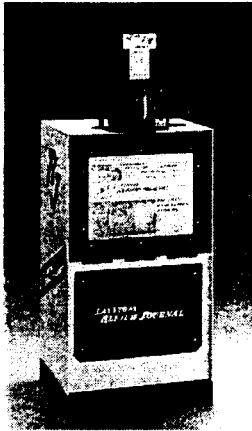
PARK CITY MUNICIPAL CODE - TITLE 14 TREES/LANDSCAPING; STREETS,
SIDEWALKS AND STAIRS; STREET CUTS; SNOW REMOVAL; STREET
ADDRESS SYSTEM; AND NEWSRACKS

The Council shall render a decision no later than its next regularly scheduled meeting after the hearing. Within thirty (30) days after the decision is rendered, the City shall give notice thereof to the appellant.

- (D) **IMPOUNDMENT.** Any Newsrack installed, used or maintained within the City found in violation of this Chapter shall be removed and impounded by Park City Municipal Corporation. Notice of impoundment shall be provided to the Distributor, if known, within three (3) calendar days of impoundment. Such notice shall state the date the Newsrack was removed, the reason(s) therefor, the location and procedure for claiming the Newsrack, and the procedure for obtaining a post-removal hearing before the Community Development Department, if desired. An impound fee, which shall be measured by the City's cost and expense of impounding, shall be assessed against each Newsrack summarily removed.

14-6-12. SEVERABILITY

If any Section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.



The Olympian

Height: 51½"
Width: 19½"
Depth: 16½"

Can not stack additional publication
Free publications would not need coinbox
Tabloid door available



M-33

Height: 30"
Width: 24"
Depth: 16"

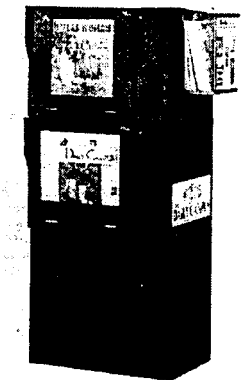
Pedestal would need to be affixed to sidewalk
If bottom unit is alternate publication, room is decreased for capacity
Tabloid door available



M-34

Height: 43½"
Width: 24"
Depth: 16"

Shown with optional safety base
Same characteristics of the M-33



100 with 49/16 Rack

Height: 56¼"
Width: 24⅛"
Depth: 17"

Lower height than the M-34 when adding an additional unit
Tabloid door available
Do not suggest side distribution box

Exhibit B - Newsrack Design



RED



ORANGE



LIGHT ORANGE



YELLOW



MAROON



BLACK



FLAT BLACK



ZURICH SILVER



GREEN



MOBILE GREEN



GREY



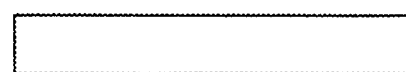
BLUE



ORLANDO BLUE



LIGHT BLUE



WHITE



OFF WHITE



BROWN



FEDERAL BROWN



BRONZE BROWN



BEIGE



SAFEWAY TAN

Exhibit C - Colors Available

clearer copy will be provided by Staff at the meeting

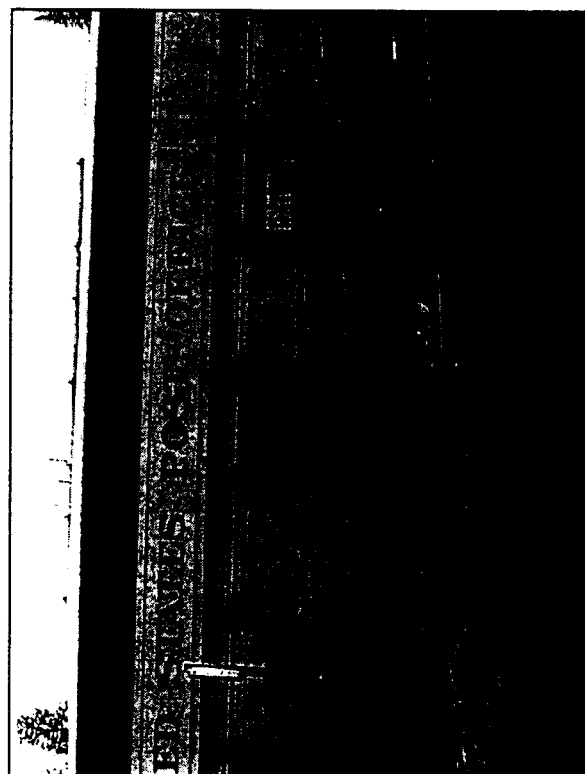
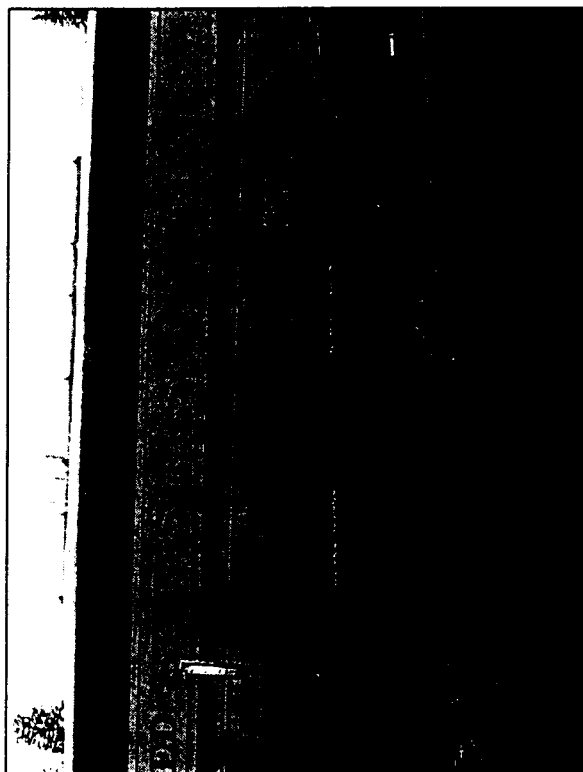
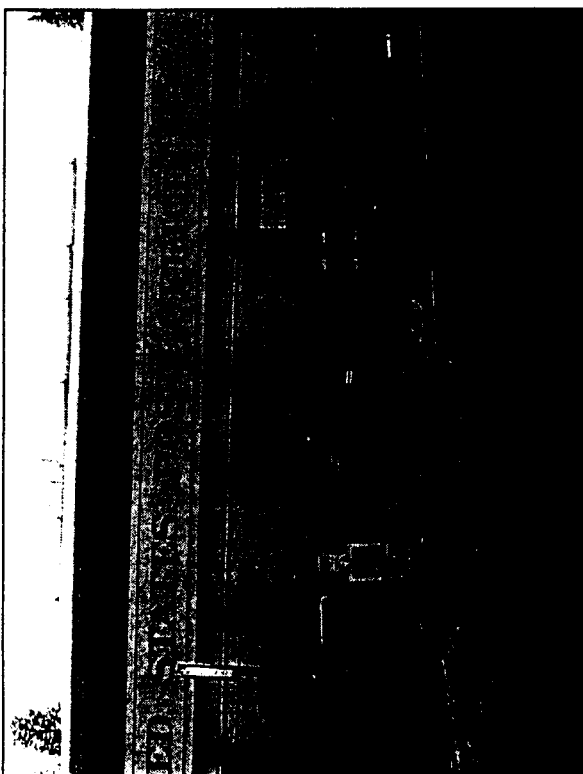


Exhibit D - Simulated Photos

Please note that only one publication will be allowed within each grouping of eight newstracks

