PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 6, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, January 6, 2011.

Closed Session
2:00 p.m. Litigation and property

Work Session

3:30 p.m.	Council questions/comments	
3:40 p.m.	BFO prioritization exercise	P. 8 - 20
4:40 p.m.	Pay Plan	P. 21 - 29
5:50 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF DECEMBER 2, DECEMBER 9 AND DECEMBER 16, 2010 P. 30 - 64

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

1. Consideration of a Resolution establishing a regular meeting date, time, and location for meetings of the City Council of Park City, Utah for 2011 P. 67 - 70

2. Consideration of a Service Provider/Professional Services Agreement with Stanley Consultants, Inc. for consultant services related to the Storm Water Master Plan study in the amount of $154,327, in a form approved by the City Attorney P. 71 - 82

VI RESIGNATIONS AND APPOINTMENTS

1. Consideration of the appointment of Mayor Pro Tem and Alternate Mayor Pro Tem P. 67 - 70

2. Consideration of the appointment of a Member and an Alternate to the Employee Transfer and Discharge Appeals Board P. 83 - 84

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

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

1. Consideration of an Ordinance amending the Land Management Code of Park City, Utah to provide clarification and consistency between Sections; streamlining of process and procedures for subdivision plats, conditional use permits, master planned developments, and plat amendments; clarification of and new definitions; and consistency with the General Plan and City Council goals, specifically amending Sections 15-1, 15-2.13, 15-2.16, 15-5, 15-6, 15-7, 15-11, 15-12 and 15-15
   (a) Public hearing
   (b) **(Motion to continue to January 27, 2010)**

2. Consideration of an Ordinance approving the first amended Village at Empire Pass, Phase I, Subdivision, located at 8680 Empire Club Drive, Park City, Utah P. 85 - 102
   (a) Public hearing
   (b) Action

3. Consideration of an Ordinance approving the first amended Hotel and Residences at Empire Canyon Resort Record of Survey Plat, located at 9100 Marsac Avenue, Park City, Utah.
   (a) Public hearing P. 102 - 114
   (b) Action

4. Consideration of the award of an Economic Development Grant in the amount of $12,500 to the Miller Business Resource Center – Salt Lake Community College P. 115 - 130
   (a) Public hearing
   (b) Action

5. Consideration of a Resolution approving a Letter of Intent for partnership on the Park City Business Resource Center Between Park City Municipal Corporation and Summit County P. 115 - 130

6. Consideration of an Ordinance amending Title 6, Chapter 3, Noise and Title 9, Chapter 8, Deliveries & Short-Term Use of the Municipal Code of Park City, Utah P. 131 - 145
   (a) Public hearing
   (b) Possible action

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
JANUARY 6, 2011

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JANUARY 6, 2011

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF JUNE 18, 2010 P. 65

IV CONSENT AGENDA

Resolution establishing a regular meeting date, time, and location for 2011 meetings and appointing officers of the Board of Directors of the Park City Municipal Building Authority P. 67 - 70

V ADJOURNMENT

PARK CITY WATER SERVICE DISTRICT MEETING
SUMMIT COUNTY, UTAH
JANUARY 6, 2011

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF FEBRUARY 25, 2010 P. 66

IV CONSENT AGENDA

Resolution establishing a regular meeting date, time, and location for 2011 meetings and appointing officers of the Board of Directors of the Park City Water Service District P. 67 - 70

V ADJOURNMENT

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

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

SPECIAL CLOSED SESSION
PARK CITY COUNCIL AND SUMMIT COUNTY COUNCIL
JANUARY 7, 2011

PUBLIC NOTICE IS HEREBY GIVEN that the Park City Council and Summit County Council will meet in closed session on Friday, January 7, 2011 at 9 a.m. at the Richens Building, 1885 West Ute Blvd., Park City, Utah.

Posted: 01/03/11
See www.parkcity.org

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

January 2011

13	**Liza gone**
20	**No meeting – Sundance premiere**
27	Donations policy

February 2011

3-4	*Visioning Session*
3	**No meeting**
10	Legislative update Monthly budget update
17	Legislative update
24	

March 2011

3
10
17
24
31

April 2011

7
14
21
28

May 2011

5
12
19
26

Pending Items:

Board and commission training
Review of two year special event policy
U S Postal Service gang boxes in Old Town – MC

City Council
Staff Report

Subject: Budgeting for Outcomes Update
Author: Bret Howser, Budget Officer
Department: Budget, Debt, & Grants
Date: January 6, 2011
Type of Item: Informational/Discussion

Summary Recommendations:
Staff recommends that Council hold a discussion and provide direction regarding the prioritization of City programs and services, including levels of service, in preparation for the FY 2012 budget process.

Topic/Description:
Budgeting for Outcomes

Background:
On December 16, Council continued work on prioritization and service level determination of City services. Benchmarking data was presented, and some discussion was held regarding the need for data from prior citizen satisfaction surveys to inform the Budgeting for Outcomes (BFO) process.

Analysis:
The analysis as it pertains to the BFO prioritization exercise remains unaltered from what was written in the staff report on Dec 2. Since that meeting, staff compiled and delivered to Council a handful of benchmark comparisons with other cities in the areas identified by Councilperson Kernan during work session on Dec 2. In addition to these benchmarks, Council has requested that staff provide the 2006 citizen satisfaction survey data. This information is attached to this report.

Staff now recommends that Council continue with the BFO exercise as suggested in the table that follows. Council asked questions regarding programs that were bid under the Effective Transportation, Recreation Open Space & Trails, and Regional Collaboration & Partnerships goals on 12-16-10. No direction was given to staff regarding changes to levels of service at that time. Council can and should give direction regarding prioritization and service levels on any program within any goal at any time. However, unless Council directs otherwise, staff will operate under the assumption that Council is comfortable with the prioritization of services recommended by the Results Team and that service levels should proceed at the current level of service.

For purposes of moving forward, staff is recommending that Council focus questions and prioritization discussion during work session on Jan 6 to those programs which fall under the Open & Responsive Government to the Community goal.

Date	Discussion Topic
Dec 16, 2010	Effective Transportation
	Recreation, Open Space & Trails
	Regional Collaboration & Partnerships
Jan 6, 2011	Open & Responsive Government to the Community
Jan 13, 2011	Quality & Quantity of Water
	Preservation of Park City Character
	Public Safety
	World Class Multi-Seasonal Resort Community
Council Visioning	Wrap-Up Prioritization & Level of Service Direction
	Revenue & Taxation Policy
	Long-Term Funding Strategy

Department Review:
Budget; Legal; City Manager

Alternatives:

A. **Approve:**
This item is for discussion. Council may provide direction as it pertains to prioritization of City programs and services and/or service levels for inclusion in the FY 2012 Recommended Budget. Final decisions will be made as part of the Council Adopted FY 2012 Budget in June, 2011.

B. **Deny:**

C. **Modify:**

D. **Continue the Item:**

E. **Do Nothing:**

Significant Impacts:
This item is for discussion. Council may provide direction as it pertains to prioritization of City programs and services and/or service levels for inclusion in the FY 2012 Recommended Budget. Final decisions will be made as part of the Council Adopted FY 2012 Budget in June, 2011.

Consequences of not taking the recommended action:
This item is for discussion.

Recommendation:
Staff recommends that Council hold a discussion and provide direction regarding the prioritization of city programs and services, including levels of service, in preparation for the FY 2012 budget process.

Attachments:
A – 2006 Citizen Satisfaction Survey Results

Park City Survey

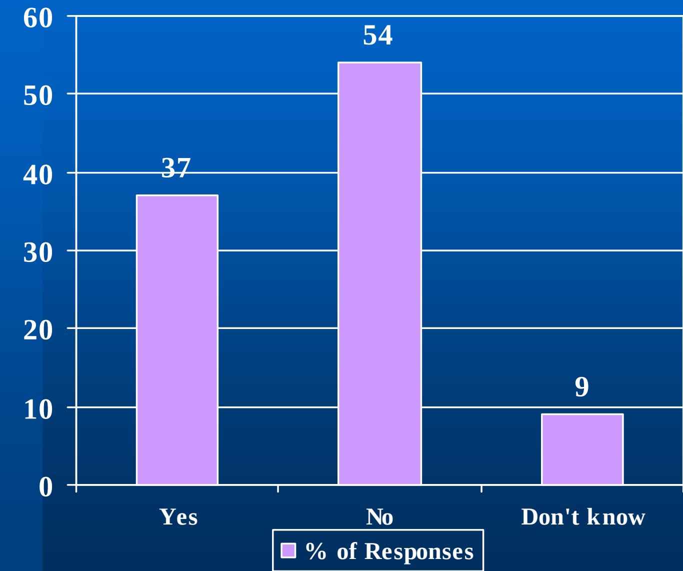
Conducted by
Insight Research

Fall 2006

Survey Response by Demographic Groups

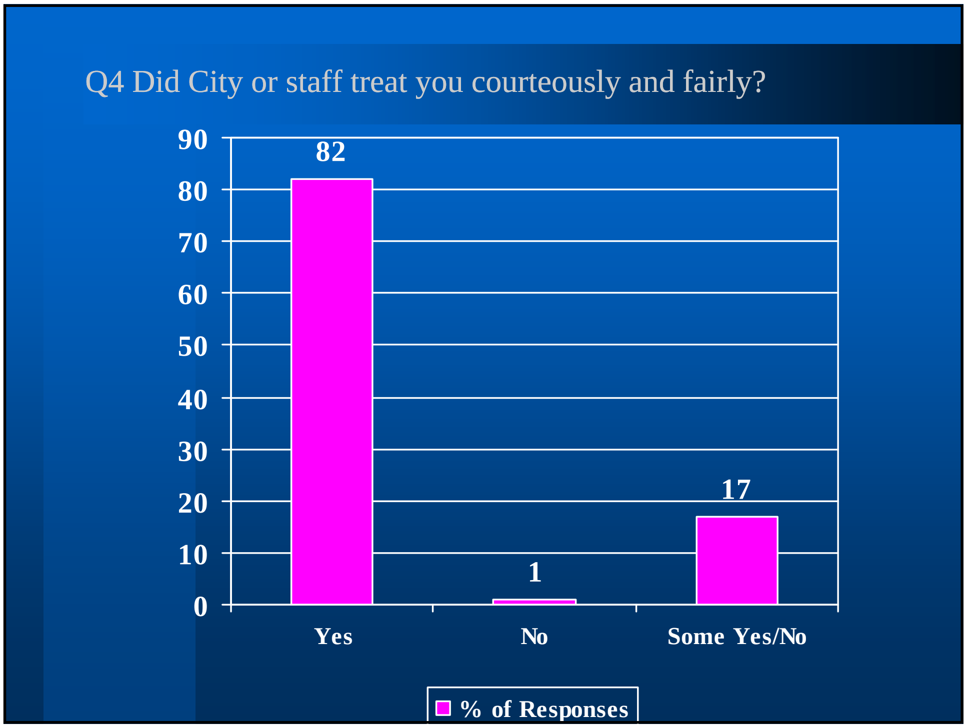
Demographic	% Responses	Demographic	% Responses
In Park City < 5 yrs	20%	Income < $35K	8%
6 – 10 years	31%	$36-70K	10%
11 – 20 years	34%	$71-100K	13%
> 20 yrs in Park City	15%	$100K +	42%
		Refused	28%
Registered voter	84%		
		Rent home	21%
Voted in last election	71%	Own home	75%
		Male	40%
Age 18-29 years	7%	Female	54%
Age 30-39	11%		
Age 40-49	25%		
Age 50-59	29%		
Age 60+	23%		

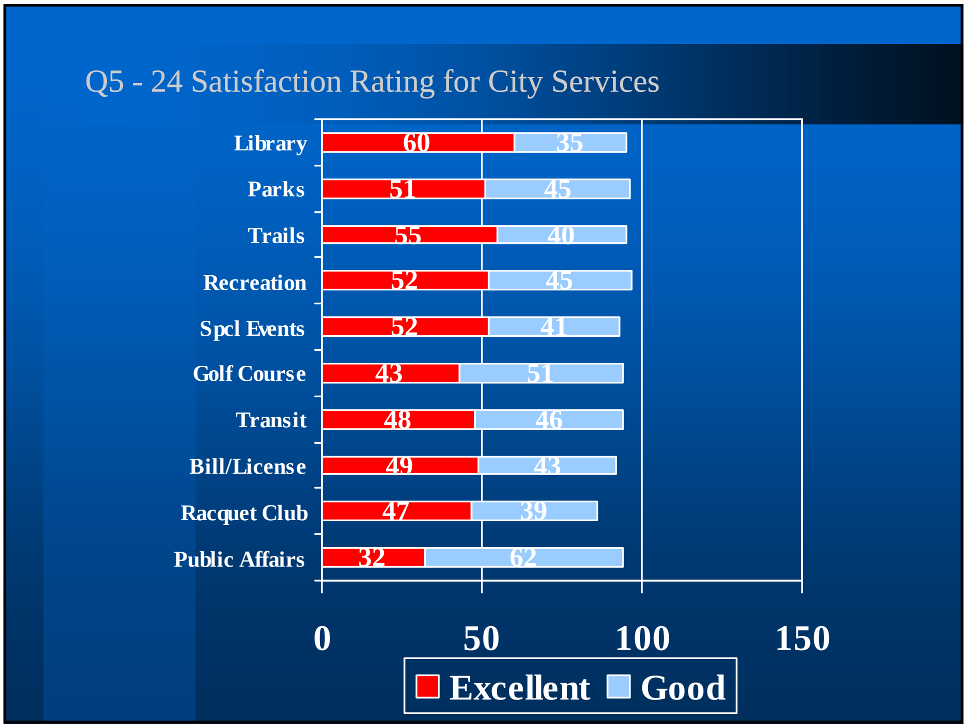
Q2 Have you had contact with City or staff?



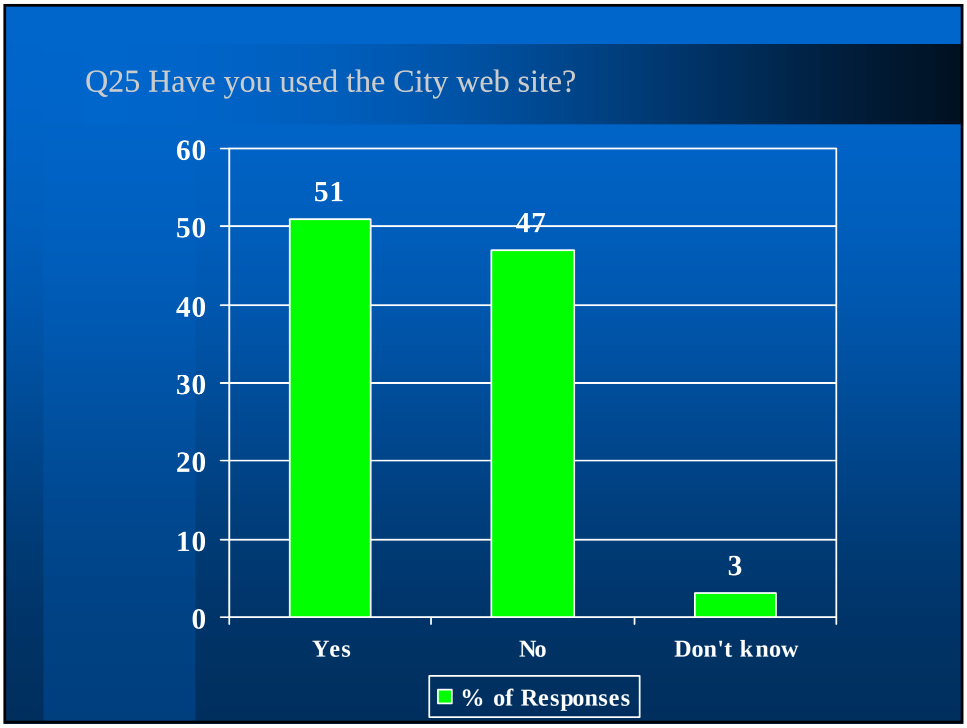
Q3 Which departments have you had contact with?

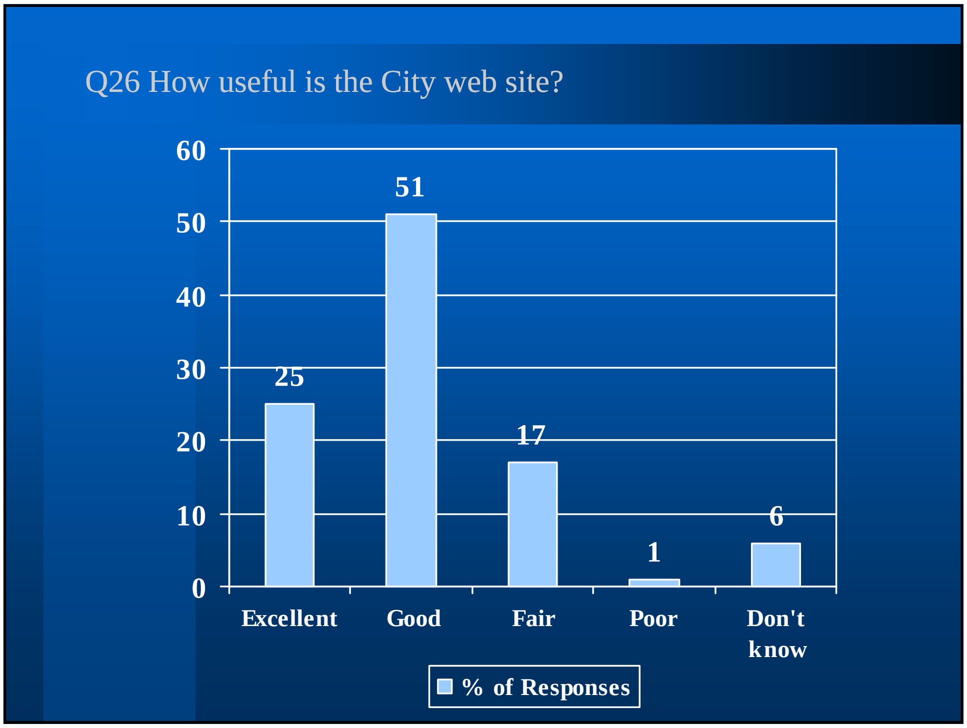
Department	% had contact	Department	% had contact
Library	33%	Boards/Commissions	7%
Golf Course	31%	Ice Rink	7%
Other	29%	Public Affairs	7%
City Hall	25%	Transit	7%
Recreation	25%	Legal	5%
Building	21%	City Council	4%
Police	19%		
Water	19%		
Planning	18%		

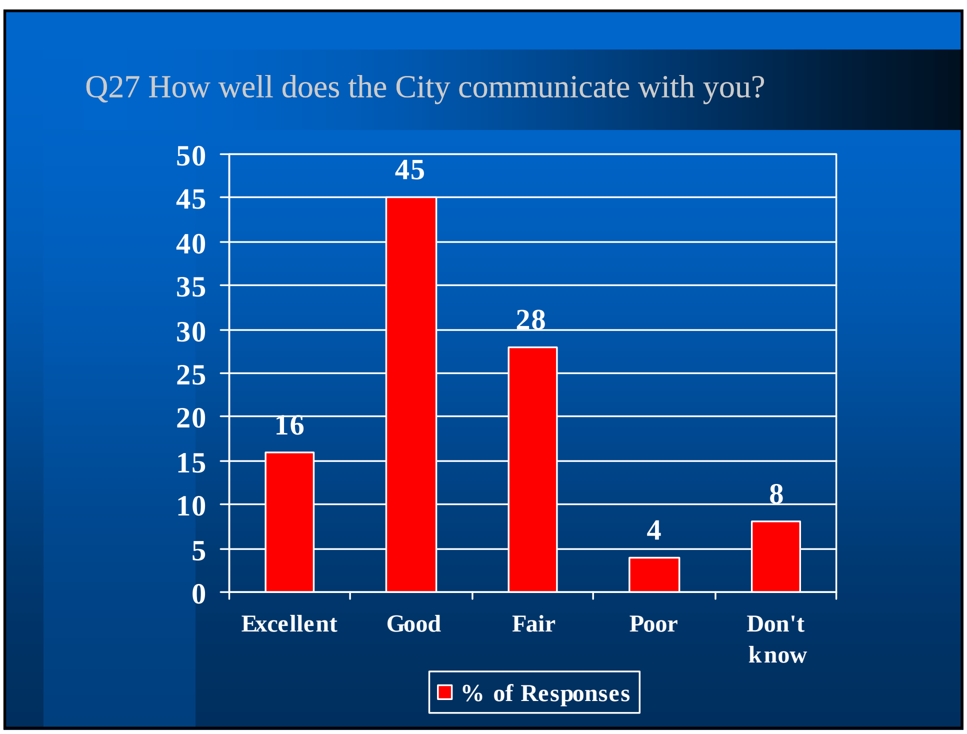

Q4 Did City or staff treat you courteously and fairly?
90
80
70
60
50
40
30
20
10
0
82
1
17
Yes
No
Some Yes/No
% of Responses

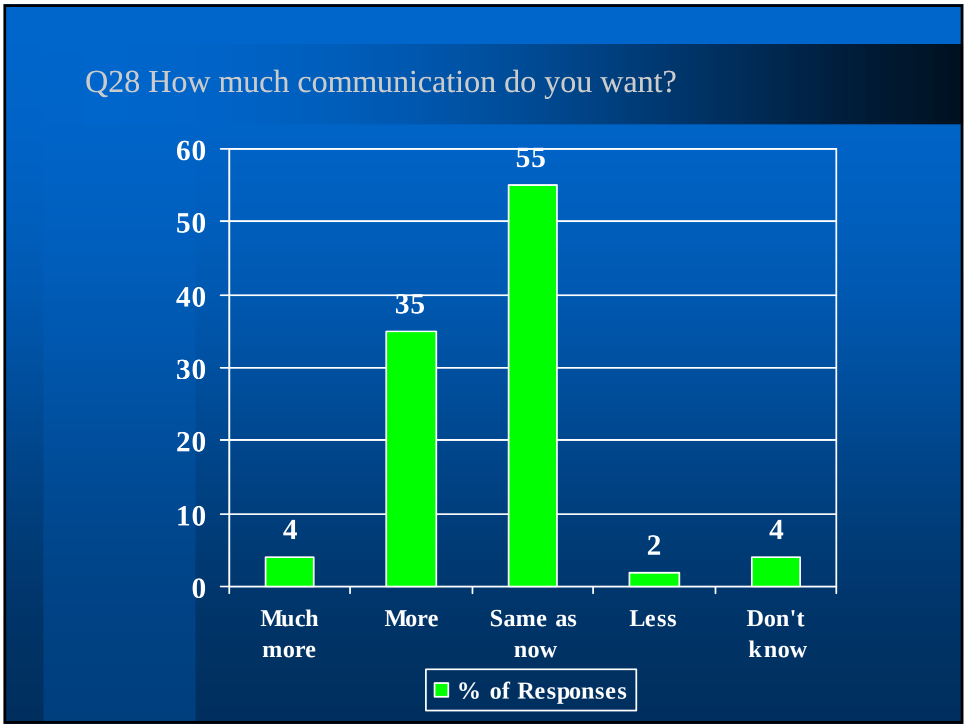

Q5 - 24 Satisfaction Rating for City Services
Library
Parks
Trails
Recreation
Spcl Events
Golf Course
Transit
Bill/License
Racquet Club
Public Affairs
60
35
51
45
55
40
52
45
52
41
43
51
48
46
49
43
47
39
32
62
0
50
100
150
Excellent
Good

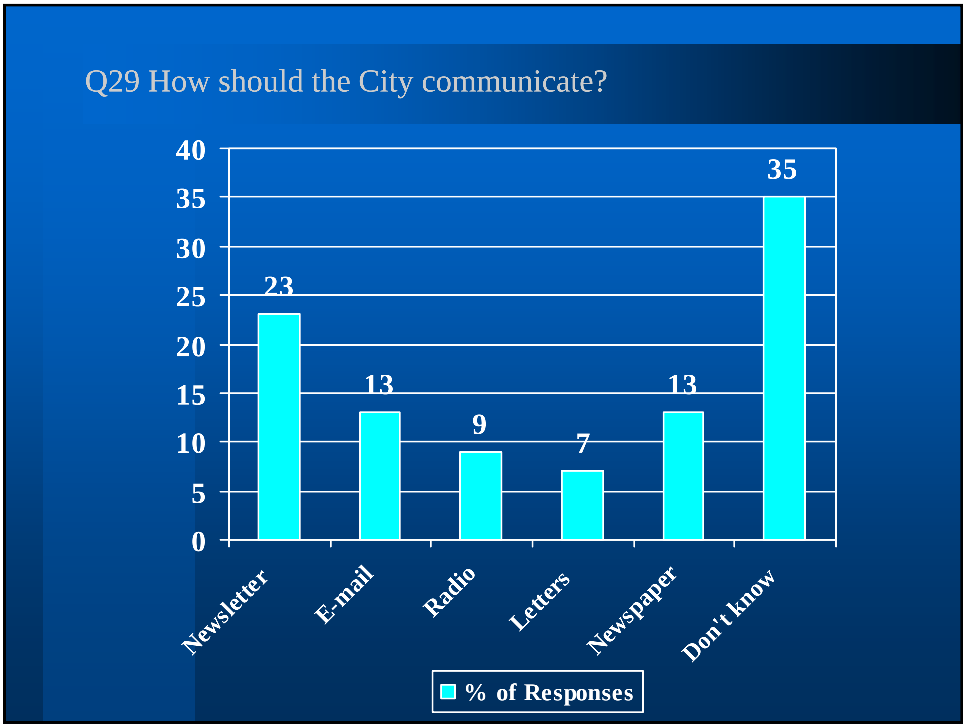

Q5 - 24 Satisfaction Rating for City Services
Police
Ped Connect
Council/Mayor
Snow rmv/streets
Water
Legal
Boards/Comm
Streets
Planning
Building
Snow rmv/walks
40
43
30
51
26
63
29
49
31
49
21
58
17
61
20
53
19
49
19
50
14
42
0
50
100
Excellent
Good

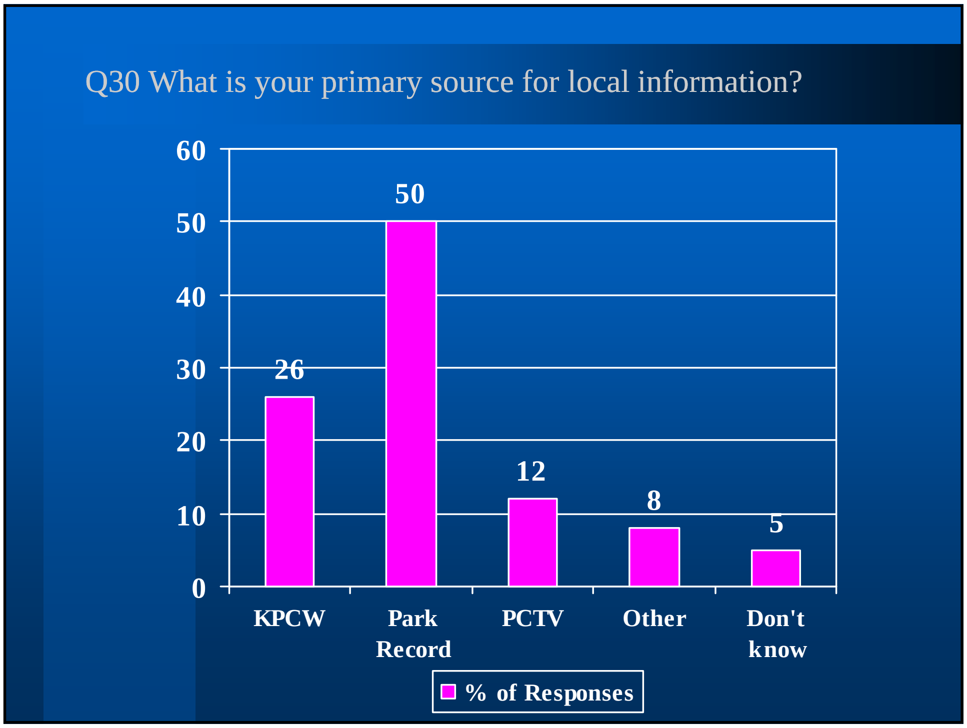

Q25 Have you used the City web site?
60
50
40
30
20
10
0
51
47
3
Yes
No
Don't know
% of Responses

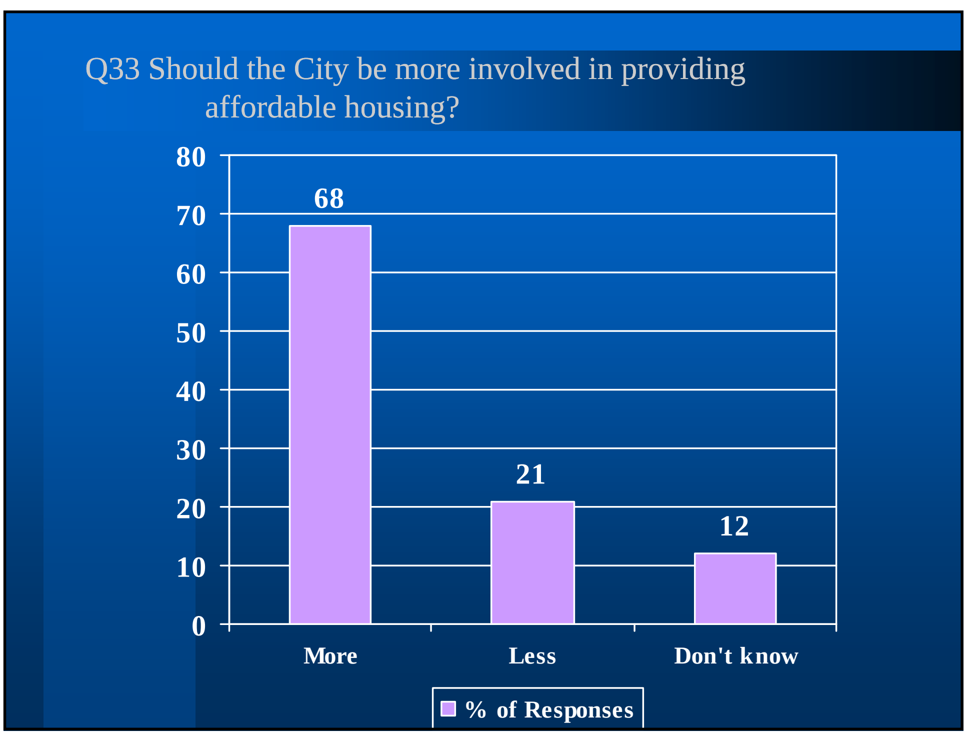

Q26 How useful is the City web site?
60
50
40
30
20
10
0
25
51
17
1
6
Excellent
Good
Fair
Poor
Don't know
% of Responses

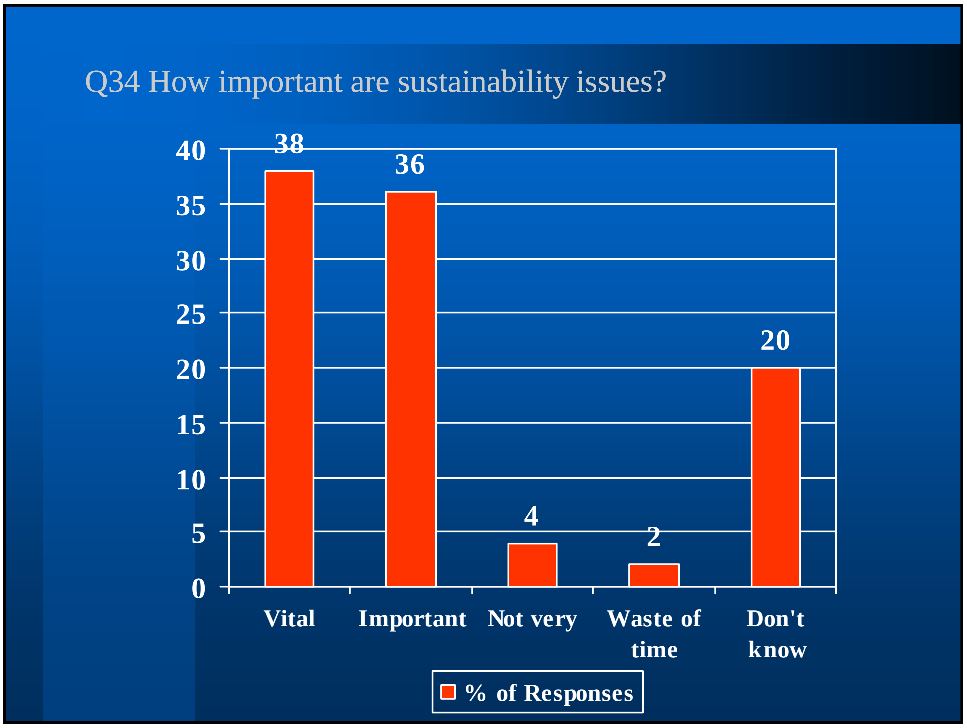

Q27 How well does the City communicate with you?
50
45
40
35
30
25
20
15
10
5
0
16
45
28
4
8
Excellent
Good
Fair
Poor
Don't know
% of Responses

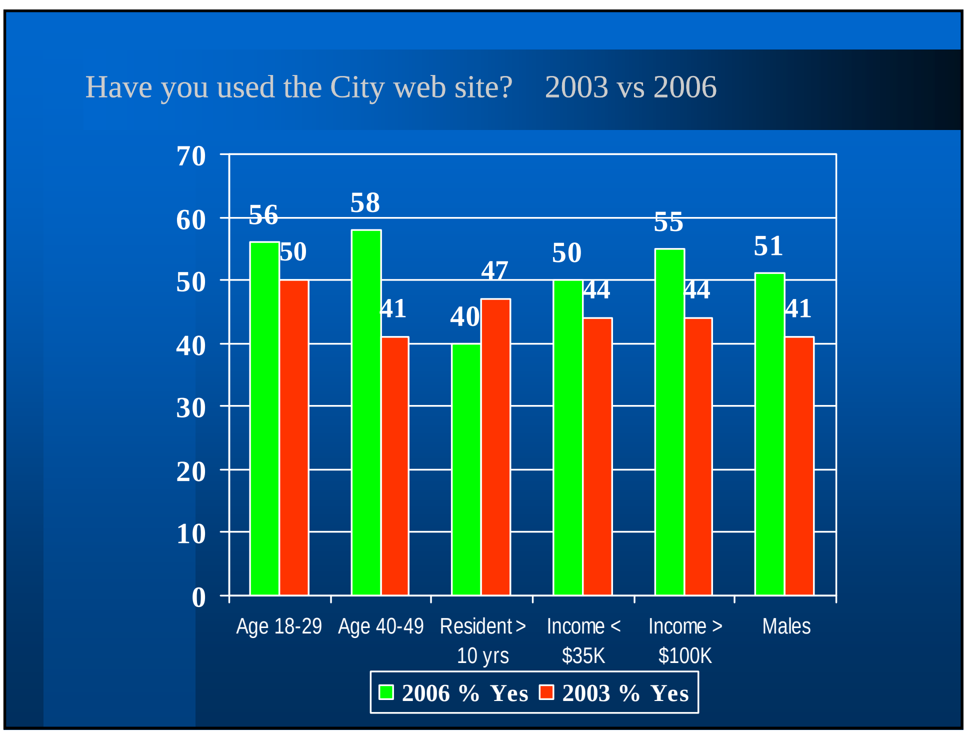

Q28 How much communication do you want?
60
50
40
30
20
10
0
55
35
4
2
4
Much more
More
Same as now
Less
Don't know
% of Responses

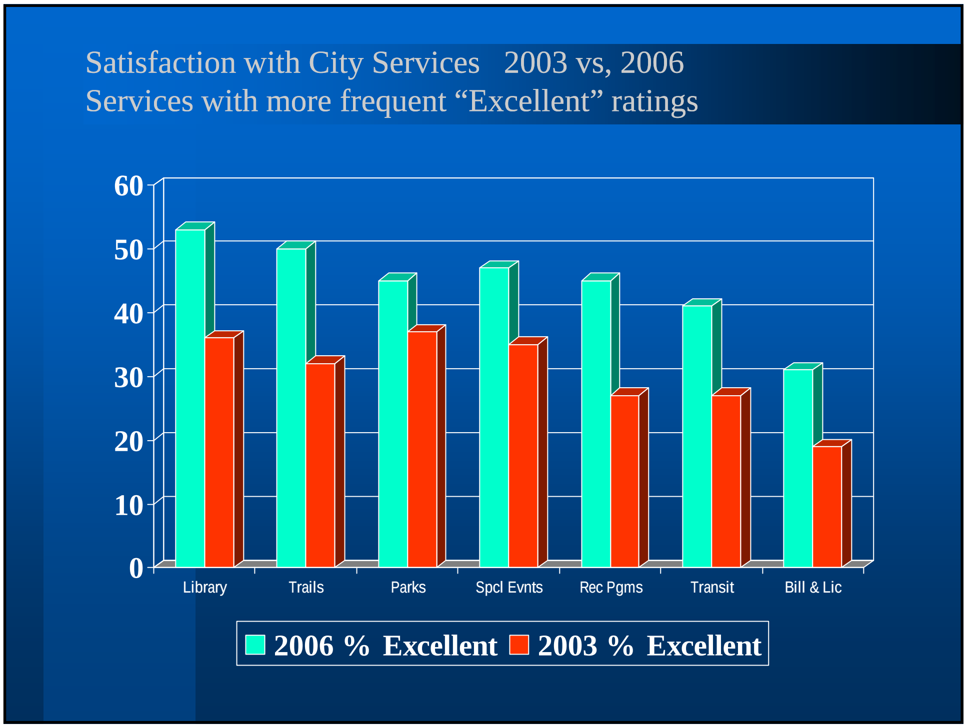

Q29 How should the City communicate?
40
35
30
25
20
15
10
5
0
35
23
13
9
7
13
Newsletter
E-mail
Radio
Letters
Newspaper
Don't know
% of Responses

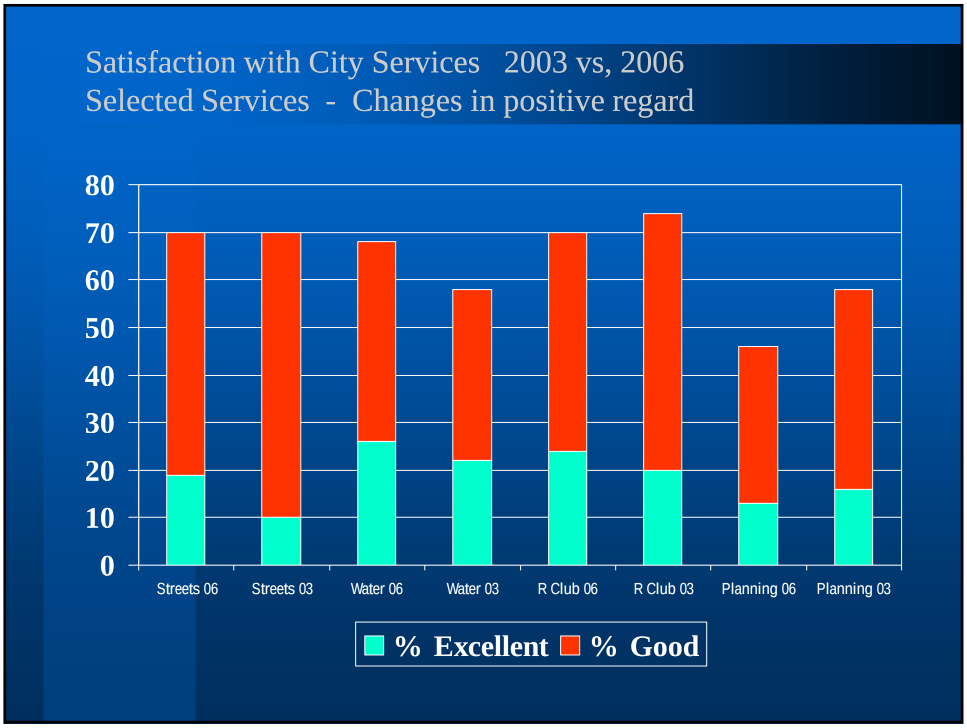

Q30 What is your primary source for local information?
60
50
40
30
20
10
0
26
50
12
8
5
KPCW
Park Record
PCTV
Other
Don't know
% of Responses

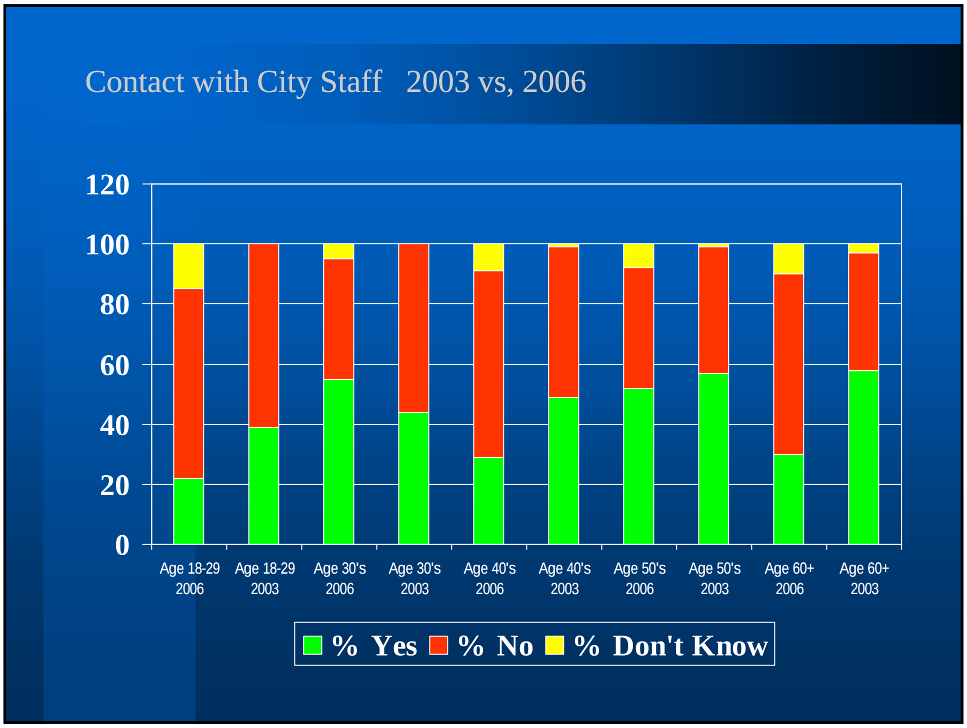

Q33 Should the City be more involved in providing affordable housing?
80
70
60
50
40
30
20
10
0
68
21
12
More
Less
Don't know
% of Responses

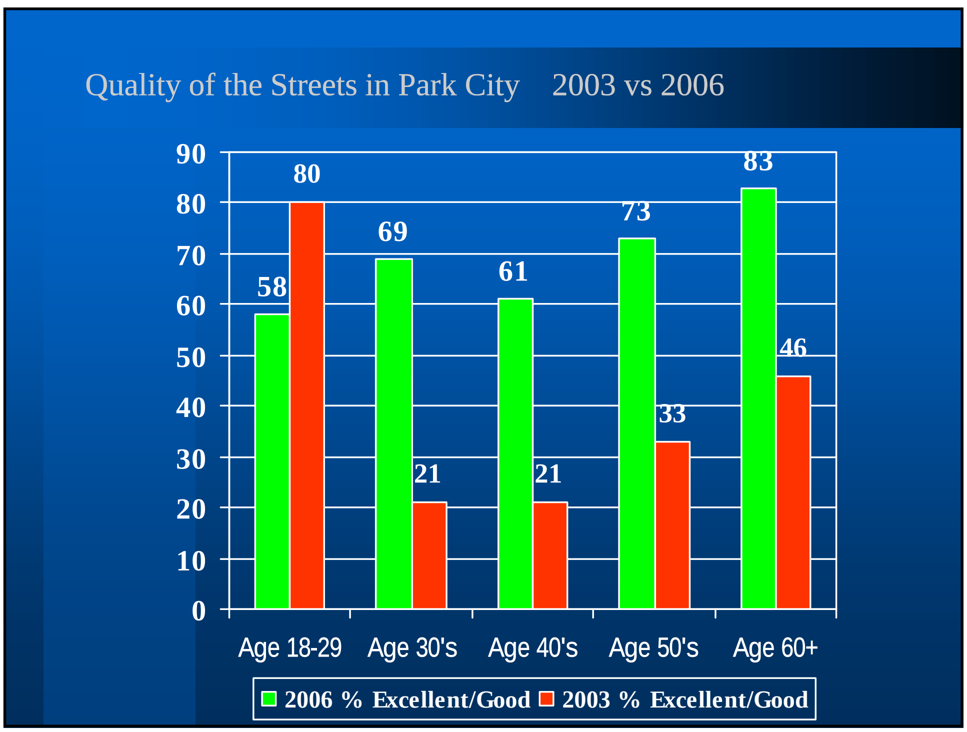

Q34 How important are sustainability issues?
40
35
30
25
20
15
10
5
0
38
36
4
2
20
Vital
Important
Not very
Waste of time
Don't know
% of Responses

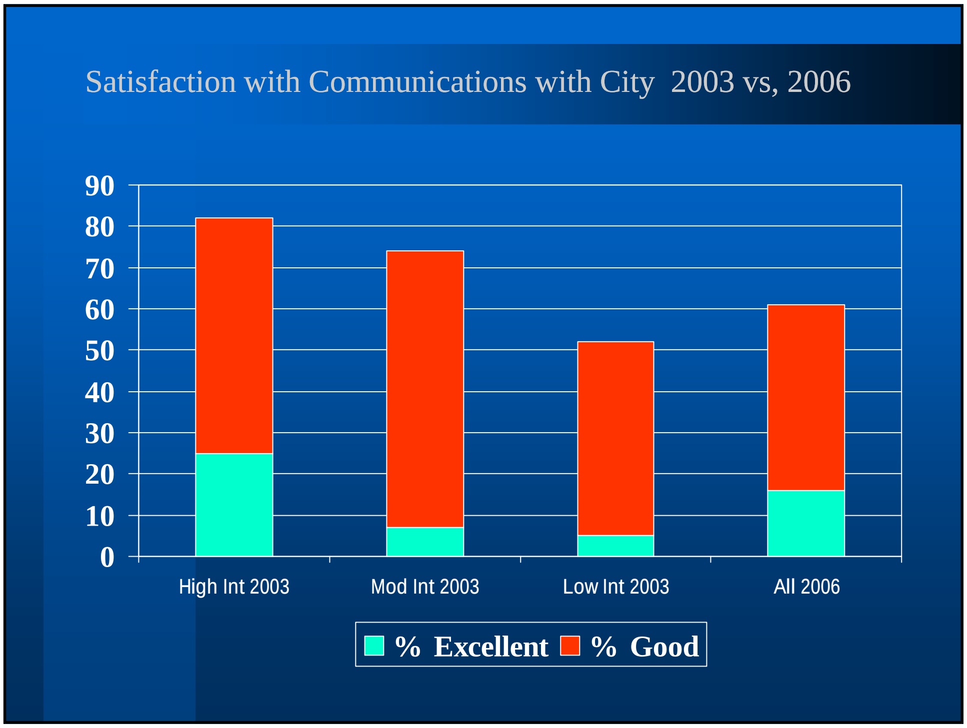

Have you used the City web site? 2003 vs 2006
70
60
50
40
30
20
10
0
56
50
58
41
40
47
50
44
55
44
51
41
Age 18-29
Age 40-49
Resident > 10 yrs
Income < $35K
Income > $100K
Males
2006 % Yes
2003 % Yes


Satisfaction with City Services 2003 vs, 2006
Services with more frequent “Excellent” ratings
60
50
40
30
20
10
0
Library
Trails
Parks
Spcl Evnts
Rec Pgms
Transit
Bill & Lic
2006 % Excellent
2003 % Excellent


Satisfaction with City Services 2003 vs, 2006
Selected Services - Changes in positive regard
80
70
60
50
40
30
20
10
0
Streets 06
Streets 03
Water 06
Water 03
R Club 06
R Club 03
Planning 06
Planning 03
% Excellent
% Good


Contact with City Staff 2003 vs, 2006
120
100
80
60
40
20
0
Age 18-29 2006
Age 18-29 2003
Age 30's 2006
Age 30's 2003
Age 40's 2006
Age 40's 2003
Age 50's 2006
Age 50's 2003
Age 60+ 2006
Age 60+ 2003
% Yes
% No
% Don't Know


Quality of the Streets in Park City 2003 vs 2006
90
80
70
60
50
40
30
20
10
0
58
80
69
21
61
21
73
33
83
46
Age 18-29
Age 30's
Age 40's
Age 50's
Age 60+
2006 % Excellent/Good
2003 % Excellent/Good


Satisfaction with Communications with City 2003 vs, 2006
90
80
70
60
50
40
30
20
10
0
High Int 2003
Mod Int 2003
Low Int 2003
All 2006
% Excellent
% Good

City Council Staff Report

Subject:	**Pay Plan Follow Up**
Author:	**Kim Leier, Human Resources Manager**
	Bret Howser, Budget Officer
Department:	**Human Resources**
Date:	**January 6, 2011**
Type of Item:	**Administrative Personnel Policy- Discussion**

Summary Recommendations:
Council should discuss pay plan policy issues and direct staff with regard to the proposed pay plan implementation alternatives.

Topic/Description:
Pay Plan Follow-up - Council discussion pay plan policy

Background:
Staff presented the pay plan from an historical and technical perspective to Council on September 2nd, and a broader discussion on the overall pay plan policy was held on November 4th.

Council discussion on November 4th included a number of questions and comments in regards to the current pay plan and pay philosophy that staff is returning to address. Please see attached summary of Council discussion.

Analysis:
What follows is background information of current practices and potential alternatives for purposes of informing a policy discussion related to the question of whether the City should pay its employees toward the top of market compensation comparisons.

Current Policies & Practice
For over two decades the City has embraced a "pay for performance" pay philosophy. Current HR performance measures include the ability to "Attract and retain qualified personnel" and "Attract qualified applicant pools for City recruitments." While no pay system or philosophy is perfect or perfectly fair, focusing on achieving Park City's specific goals and whether we are successfully competing in the market has historically been a measure of whether our pay plan is successfully targeting the expertise and talent we require.

The current practice for setting pay uses the average of the top five midpoints with positions more than 5% below the average of the top five midpoints being recommended for reclassification consideration. This is consistent with prior Council direction to pay toward the top of the market.

Staff Recommended Alternative Implementation Option:

The existing practice is an attempt to pay toward the top of the market by identifying the market (benchmarks within the Wasatch Comp Group and Colorado Ski Towns), focusing on the top of the market (average of the top 5) and moving positions into the top of the market range as necessary (grade reclassifications for positions more than 5% below the average of the top 5, which is an industry-accepted variation

Staff recommends the following changes to the current practice which address Council's concerns and comments raised during the November 4th meeting.

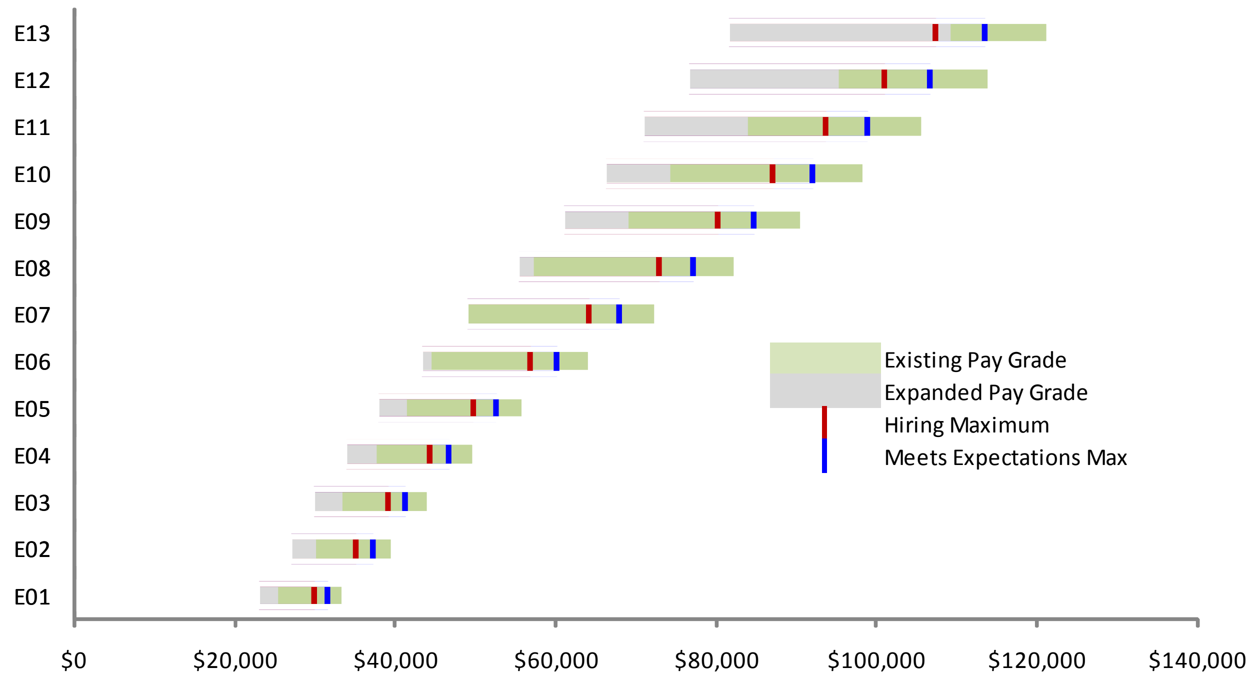
Changes Which Can be Made for FY 2012

a) Create broader bands of pay grades with an approximate salary spread of 50% per grade
b) Decrease the amount available for salary increases from 10% annually to 5% annually
c) Increase the amount of time it takes a position to move to the top of the grade range to three years
d) Caps would be placed on the salary offered to employees at the time of hire. Salary offers for initial hires could not exceed 65% of the grade range without prior approval of the City Manager.
e) Employees meeting expectations on performance evaluations would have the ability to move to 80% of the grade range
f) Employees would have to exceed expectations for two consecutive annual reviews before being allowed to move from 80% of their grade range towards to top of the range
g) Rescind the 2% increase to grade ranges contemplated in FY 2012
h) Increase the amount of pay at risk performance bonuses from 4% to 7% annually

Changes Which Can be Made for FY 2013

i) Change from the average of the top 5 to the average of the top 7, disregarding the city in the #1 position and the #7 position.
j) Redraw the pay grades to minimize positions jumping ahead of the market.
k) Reinstate the 2% off-year increases to the re-drawn pay grades beginning in FY 2014. This is necessary to keep the pay grades themselves relevant. It is not intended as a COLA or an inflationary component to employee pay. An alternative to this method would be to redraw the pay grades each year.

The following graphic illustrates staff's proposal. The bars on the chart represent pay grades in the Exempt Pay Plan. The green portion of the bar is the pay grade as currently constituted. The gray portion shows how the grade would need to be expanded in order to achieve a pay grade with a 50% span. The red hash is the maximum a new hire can be paid within the grade. The blue hash is the maximum an employee who meets (but does not exceed) expectations could be paid within the grade. As can be seen in the illustration, the proposed changes would stretch pay grades and allow for slower progression through the grade.



Under this proposal, anybody hired at Park City from this point forward couldn't be initially paid more than 65% of the expanded grade range unless an exception was granted by the City Manager (which in most cases is toward the bottom of or sometimes even *below* the existing pay grade). Then it would take two years at the soonest to reach the maximum pay for an employee meeting expectations (80% of the pay grade) and a third year for an employee who exceeds expectations to reach the top of the grade.

While the proposed changes which can be implemented now impact primarily new hires, the portion of the recommended changes which are implemented at the time of the next pay plan benchmarking process will impact all staff and begin to change Park City's standing in the market. Direction from previous councils has been to pay staff "toward the top of the market". A majority of the current Council on November 4th suggested a revision of this direction to a target pay level of "above average". With this in mind, staff proposes that a new definition of "market" be set at the average of the top 7 benchmarking cities, with the first and the last thrown out (in other words, the average of the top 2 through 6). Staff also proposes that the grades be redrawn at the time of benchmarking. This should add flexibility to the pay plan process and mitigate the phenomenon of positions jumping ahead of the market.

Another expressed desire of some Council members concerns the mix of guaranteed salary versus at risk pay (or performance based lump merit pay). In an effort to achieve a better balance, staff proposes that the 2% across the board increase to pay grades typically given in a pay plan off-year be scrapped in FY 2012 in favor of a 3% increase in unguaranteed lump merit eligibility. This gives management more flexibility to reward high performers while avoiding an inflationary effect on salaries. It should also be noted that 3% lump merit bonuses and 2% across the board salary increases should have approximately the same budget impact since not all employees will earn a full lump merit bonus each year.

In addition to these measures, staff believes that the 80% meeting expectations threshold will help to achieve the new "above average" target. Currently, if all positions were paid at the top of the grade, Park City would rank on average 3.5 out of 14 (ie: 3rd or 4th highest compensated out of 14 cities – the average number of cities with reporting a position within each benchmark). If all Park City employees were paid at 80% of the grade range, Park City positions would rank on average 5.5 out of 14. In staff's opinion, 3.5 out of 14 constitutes "toward the top of the market" and 5.5 out of 14 constitutes "above average". In fact, under staff's proposal, a Park City position could still be paid toward the top of the market, but the incumbent would need to be exceeding performance expectations consistently.

It should also be noted that the proposed changes apply to full-time regular employees only. It is yet to be determined how some of these changes might apply to part-time and seasonal employees. Changes to pay may more drastically impact attraction and retention of part-time and seasonal employees.

Staff believes these recommendations address the principles of a sound pay programs as well as addressing the comments made by Council at their November 4th work session discussion and begins to address the long term viability & sustainability of our pay practices.

a) *Ability* to pay certain rates
b) *Willingness* to pay certain rates
c) *Attitudes* about ranking among other employers
d) *Degree of Specialization*
e) *Prevailing* rates of pay
f) *Competition* for labor supply
g) *Value* of certain jobs to the organization
h) *Reputation* of the organization

Recommendations

Staff has reviewed the questions submitted and concerns raised by all Council Members. Council should discuss any changes in policy as needed. The City's pay philosophy is a vital part of the local government's accountability to its citizens, the implementation of City Council's goals, and the organization's overall performance. A periodic and public review is organizationally and fiscally responsible. And in the end, the pay plan is instrumental to the City's ability to attract and retain engaged and talented high performers, qualified to deliver the service levels demanded by our residents and visitors. Staff believes they have delivered viable and realistic alternatives to the current pay plan as well as addressing Council comments.

Department Review:
Budget, Debt, & Grants, Human Resources, Legal, and the City Manager reviewed this report.

Alternatives:

A. Approve:
Staff recommends that Council provide direction as requested above and defer the other matters for future discussion as needed.

B. Deny:
Council may wish to debate all the matters raised.

C. Modify:
Direct staff to return with more discussion as specified by Council.

D. Continue the Item:
Request additional information from staff and provide direction as appropriate.

E. Do Nothing:
The current budget and pay plan philosophy shall remain in place.

Significant Impacts:
The City's pay philosophy has the potential to impact all facets of City services and service levels. Ramifications are likely to be felt in the long-term rather than immediately. While it is very difficult to say exactly to what extent specific changes to the pay plan implementation strategy may ultimately impact the City's ability to attract and retain the talent and quality of employee necessary to provide desired service levels, in general it can be expected that reducing the potential for pay increases is likely to have a negative impact on the quality of the City's human capital in the future.

Consequences of not taking the recommended action:
Employee pay is often a defining characteristic of any corporate entity or organization. Despite common sense inclinations to tackle employee pay issues narrowly, staff believes that a broader approach will best avoid negative consequences that may unnecessarily tremor throughout both the community and our dedicated personnel.

Recommendation:
Council should discuss pay plan policy issues and direct staff with regard to the proposed pay plan implementation alternative.

Attachments:
Staff summary of Council comments from November 4th audio files.
Minutes of November 4th work session – Pay Plan follow up

PARK CITY COUNCIL WORK SESSION NOTES EXCERPT
SUMMIT COUNTY, UTAH
NOVEMBER 4, 2010

3. Pay Plan policy. Bret Howser referred to his staff report outlining some options. Alex Butwinski asked for clarification about impacts to service levels based on adjustments to the pay plan. Tom Bakaly explained that if salaries decrease some employees may leave and pay drives the City's ability to attract and retain qualified personnel. This was true with police officers and bus drivers. If the pay plan is lowered, he did not believe there would be a change in behavior or performance for most individuals. Mr. Butwinski suggested considering separate pay plans for exempt and non-exempt. Mr. Bakaly explained the compression factor when the pay for supervisors and line employees gets close. Mr. Howser believed that individual plans are possible and could be treated differently for benchmarking purposes. Mr. Butwinski asked about the trigger for the 2% across-the-board adjustment and the City Manager stated that operational costs will need to be covered.

Joe Kernan believes that a pay plan based on the average of the top five of 36 cities lacks flexibility. He likes the option of supervisors recommending a pay range when recruitments are unsuccessful. In some instances, paying the average of the top five may be too much, pointing out that market demands change. He stated that any additional money in the last budget was allocated to the personnel side rather than operations. Controls on costs were applied to materials, services and supplies which were growing at an average of 7% per year for the past seven years and he doesn't have a fear of the compression element. He reiterated that he would like managers to have the ability for more flexibility and to use their expertise to narrow the range of pay, recognizing that managers would take on more responsibility. This would place downward pressure on a supervisor to manage a high performing department.

Cindy Matsumoto stressed that she wants to pay employees well, but does not want to overpay them; it is a responsibility to taxpayers. The pay plan feels very inflationary to her. She agrees with Mr. Kernan about providing managers with more flexibility to determine salaries. She emphasized that she doesn't want to overwork employees and there should be a way for managers to hire more people if needed. The current pay plan seems rigid and inflationary. She understood the reason for putting it in place when Park City was growing creating a need for more City employees. It is time for a different system where people are paid appropriately and there are assurances that public funds are not mismanaged. She would have to answer *no* to Joe Kernan's first question, *Is Council okay with our current pay plan policies?*

The Mayor recalled the importance that the pay plan be based on analytical data which can be applied consistently. Ms. Matsumoto expressed that she has some ideas about a new pay plan. She understood that the plan needs to be equitable which was probably needed at the time, but the formula appears to be inflationary. Most corporations do not use this type of pay plan and other salaries should not be increased just because one position moved up. Ms. Matsumoto stated that she wants Park City employees to continue to be well paid but even if there is enough money to provide a 2% across-the-board raise, not all of our extra funds should go toward personnel.

Candace Erickson pointed out that the City is not like a private company with a business plan projecting revenues. Benchmarking makes sense and should continue as the City finds itself competing with other municipalities and the private sector. She stated that she is not ready to throw the pay plan out and emphasized that benchmarking provides a general range for specific jobs. She agreed with Ms. Matsumoto's observation that the plan was created during a different economic climate and acknowledged public criticism about not cutting back enough during this tough financial time. She does not like being told that the raises have to be given, especially since this is contrary to the message of most of her constituents. If employees are being paid the top of the range, she questioned if this is the right time to award raises during these lean times. Ms. Erickson questioned the 2% every year, because it doesn't comport with the consumer price index which is probably 0 and not 2%. This is not a punishment to staff but financial practices should mirror what is actually happening in the world. She is also nervous about adjusting employees' levels to retain them. New hires often bring a different perspective to a position and affect positive change; everyone can be replaced. Benchmarking is needed but maybe not as frequently. Mayor Williams agreed with her comments and believed the implementation of the pay plan was driven by the need to bring some positions to market level. He acknowledged public criticism about raises but at the same time pointed out that public demands for service remain high. He questioned directing managers to determine salaries for department employees which could end up costing the City more money because of subjectivity.

Joe Kernan relayed his appreciation of having this discussion and agreed that benchmarking information is beneficial to determine appropriate ranges for positions. He suggested identifying positions that should be paid at a higher level and those that should receive average pay. Filling positions should be based on demand which can be better determined by a supervisor. He recognized that government is different than the private sector but has more flexibility to cover costs,

The Mayor acknowledged agreement on continuing to conduct benchmarking and members were comfortable with the 36 cities for comparison. Discussion ensued on receiving numbers on positions from other cities but not having associated information on the employees' years of service or level of performance. Ms. Matsumoto again mentioned that the goals of the pay plan have been met and there may be better approaches. Liza Simpson explained that staff investigates anamolies which may surface in comparison data and Kim Leier clarified this process further. In response to a question from Liza Simpson about practices of other municipalities, Ms. Leier stated that pay for performance is more common in the private sector and governments typically use step and grade systems. The City has tried to mirror the private sector for some time but she didn't know the level of use of pay for performance in other public agencies.

The Mayor pointed out that the City is comparing our data with step and grade systems and asked if that is a good comparison. Ms. Leier stated that it will never be *apples to apples*. Ms. Simpson emphasized that it would only matter if the numbers were out of whack. Market-driven data is important to have and benchmarking is really important. She is willing to adjust the plan and is looking forward to including the ICMA information. Ms. Erickson discussed market data showing that salaries for a position need to be increased and Bret Howser stated that the budget will reflect the new salary range but the raise for affected employees is a function of their performance review and is not automatic. He emphasized that only a few positions are reclassified in a year in which benchmarks are conducted.

Alex Butwinski felt that more discussion is needed and members are not ready to give direction at this point. He suggested a step and grade system but if performance exceeds expectation, a bonus is awarded. He questioned the assumption that within two years everyone is proficient since position types vary significantly. Joe Kernan stated that he looks forward to continuing discussions on the pay plan. Liza Simpson relayed that City employees are valued. However, Council members have a responsibility to their constituents to spend public funds wisely. She agreed with Ms. Erickson that turn-over is vital to an organization and feels comfortable moving forward with a detailed analysis of the pay plan next year after the budget process. Ms. Simpson stated that she supports *up to* a 2% across-the-board, depending on budget numbers. At some point, it would be prudent to consider an independent labor market salary analysis. A policy discussion among members needs to occur about the target level of pay. She felt that a culture of excellence has been created in town and people want to work at the City because of this.

Ms. Erickson referred to a conversation she had about paying employees less because of where they are working. Although City employees enjoy great benefits like skiing, golf, etc., the cost of living here is a lot more than other places and customers are more demanding. Because of this, she felt higher salaries are justified. Cindy Matsumoto clarified her position and stated that City employees should be paid more than average pay, however, it is unclear if the City can continue to pay the average of the top five. The Mayor pointed out that some cities should be eliminated from the bench-mark comparison process because of their numbers. Joe Kernan suggested defining *the market* and considering service population and budget size to determine what cities fit the criteria. If cities are eliminated that don't meet the top of the market, the only ones left are the top five. Mr. Kernan stated that it makes sense to pay higher than average at the City. It may be that some people need to be paid at the very top. He cautioned making a decision on the 2% raise tonight as the decision should be made in context of the whole budget to understand if there is additional money and how it should be distributed. Liza Simpson recommended keeping the pay plan flipped this year. This topic will return to Council.

Prepared by Janet M. Scott, City Recorder

Staff summary of Council comments from audio files of November 4th work session Pay Plan Follow up:

- Pay plan is too rigid.
- Pay plan needs flexibility.
- Pay plan seems inflationary.
- Benchmarking is of value and needs to continue.
- Could tenure play a larger role in setting pay?
- Should average be different for certain positions, i.e., some positions are average of top seven or ten; some are average of top five, etc.?
- Should all positions be the same instead of current average of top five and top three?
- Should we be adjusting pay to keep employees?
- Would a forced distribution system be a viable option – give a 2% overall increase in the budget and City Manager can decide where it goes.
- 2% per year seems a bit greedy.
- Higher performance at risk pay instead of raises.
- Should 5% be available every six months?
- Two pay plans (exempt, non-exempt) with different rules.
- Establish 2% criteria.
- Establish 2% criteria with different rules for Executive level pay.
- Operating budgets should be covered first.
- City Manager could recommend added funds for pay plan when needed.
- If we have a viable applicant pool or an abundance of candidates, do we have to pay at the average of the top five?
- Managers should have the flexibility to pay employees what they need to?
- Managers should have more responsibility to pay employees and have downward pressure put on them to hold the line on pay.
- Employees should be paid well.
- Employees should be appreciated.
- Be sensitive to timing and perception of pay plan and raises.
- Pay plan has to mirror the "real" world.
- Benchmark every third year.
- Could tenure be factored into benchmarking in a more significant way?
- Include ICMA pay data in next benchmarking.
- Independent salary analysis could be an option.
- Look into step and grade with bonus eligibility for top performers.
- Increase length of time it takes employees to get to working level, two years is too short a period of time.
- Council comfortable with paying the average or higher.
- Change definition of market with budget size, census, etc..
- Don't make a decision on 2% until City Manager proposes the entire budget.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 2, 2010

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Kent Cashel, Transportation Manager; Pace Erickson, Operations Manager; Deb Wilde, Code Enforcement Officer; Shelley Hatch, Finance Analyst; Matt Cassel, City Engineer; Tyler Poulson, Environmental Analyst; Brian Anderson, Parking Manager; Diane Foster, Sustainability Manager; Roger Evans, Interim Building Official; and Bret Howser, Budget Manager

Justin Dalton, Director of Transportation for Cisco; Sandra Nugent, Clean Air Park City

1. Council questions/comments. Alex Butwinski commented on the spirited discussion on TDRs by the Planning Commission. Candace Erickson reported on the Historical Society meeting today where the demolition of 657 Park Avenue was discussed as well as the concept of community councils so that neighborhoods are noticed of applications not just adjacent properties. Liza Simpson agreed that the Planning Commission meeting last night was productive. She also attended the HPB meeting where Sara Werbelow was appointed as the liaison to the design review team. She reported on the Lodging Association meeting and skiing. Ms. Simpson suggested moving the street area under the Town Lift Bridge up in the snow removal priority system during Sundance. Kent Cashel encouraged revisiting the parking program because it is an on-going challenge to clear snow when cars are allowed to park there. She believed that moving it up in priority may make a difference. Candace Erickson relayed that a citizen contacted her about idling at red lights on SR224 during the middle of night when no one is on the road and wondered if there is a way to change them to blinking red lights. Mr. Cashel seriously doubted that UDOT would consider a flashing red light at intersections but will make a call to confirm.

Mr. Butwinski commented on calls he received about properties throwing snow in the street and who to call for enforcement. Mr. Cashel advised that no one is dedicated to enforcement which is addressed on a complaint basis. Deb Wilde confirmed that Code Enforcement handles enforcement on a complaint basis. Snow has to be stored on the property or hauled away. Shelley Hatch noted that snow removal operators must sign a disclaimer that they understand the rules at the time of business licensing. Matt Cassel responded to questions about the status of the Bonanza Tunnel Project.

2. Main Street early deliveries and anti-idling discussion.

Main Street deliveries - Michael Kovacs explained that the City received complaints from the neighborhood in October about early deliveries which triggered enforcement action by the Police Department. Idling of engines contributes to noise issues. Utah Code specifies that unattended vehicles can not be left running and the City has special parking and delivery restrictions on Main Street and Swede Alley together with internal policies. Park City's policy encourages employees limit idling to a minute. He stated that the noise ordinance provides that deliveries can not be made between 10 p.m. and 7 a.m. which is restrictive and the street becomes quickly populated. Running vehicles are limited to 15 minutes unless other equipment is involved and another section of the noise ordinance limits noise by decibel level and zone. The Police Department is currently responding on a low priority complaint-based approach for enforcing the ordinance and delivery companies have suggested moving toward earlier delivery times to better avoid conflicts. Mr. Kovacs suggested maintaining the current ordinance but to reaffirm Council's low enforcement priority.

Liza Simpson emphasized that the flurry of complaints last summer originated from one person. Chief of Police Wade Carpenter explained that complaints are dealt with on an individual complaint basis and sometimes complaints lead to other offenders. He hoped that complaints will be largely curtailed with the anti-idling campaign and agreed that most complaints were from one individual. The Mayor invited public input.

Justin Dalton, Director of Transportation for Cisco, explained that refrigeration units in delivery trucks create most of the noise and these can be shut off. The hours in the ordinance can work in the summer but if enforced in the winter, will create significant traffic problems. Safety is most important and Cisco would like to make deliveries about 3 a.m. Drivers are trained to reduce noise as much as possible. He explained that Cisco was unaware of the ordinance until cited last summer and emphasized that with a small window for deliveries, more trucks will be needed which creates other negative impacts.

Liza Simpson pointed out that 80% of Cisco's deliveries are key-drops which mean businesses have given permission to access their stores and deliver in the early morning hours. In response to a question from Candace Erickson, Mr. Dalton indicated that deliveries are made six days a week. Ms. Matsumoto asked about anti-idling training acknowledging that refrigeration units were described as creating the noise issue and Mr. Dalton described adjusting the units and stated that Cisco trucks are not idling; after one minute engines automatically shut off. The refrigeration units can be turned off and Nicholas & Company has the same policy. The Chief stated that there have been no recent complaints but if there is a complaint, the Department must respond.

Alison Butz, PCHA, stated that the membership's biggest concern is having deliveries made before patrons come to the street. It is felt that enforcement on an individual basis is working. PCHA prefers an earlier delivery time but can tolerate the status quo.

The Mayor suggested that the delivery companies continue to work on adjusting refrigeration units to mitigate potential noise impacts. Liza Simpson reiterated that it was one guy making 99% of the complaints and perhaps this issue needs to be revisited in the spring because of the hours issue. If deliveries are being managed with key drops, and trucks are not idling, and the refrigeration units are turned off, the Mayor felt amendments to the ordinance should be considered. Ms. Simpson suggested 5 a.m. Joe Kernan believed noise can be adequately mitigated which is the problem and is comfortable with changing the time. Candace Erickson discussed moving the time back to 3 a.m. to realistically meet everyone's needs. Ms. Simpson did not believe having a truck on Main Street at 9 or 10 a.m. is a problem. Mayor Williams suggested conducting a trial period for six months over the winter and if successful, eliminate the time limit. Liza Simpson felt that the hours of 3 a.m. to 9 a.m. would be best from the standpoint of conflicts. Cindy Matsumoto encouraged Cisco to instruct its drivers to turn off their engines immediately rather than waiting a minute. She expressed her support of a trial period. Mark Harrington interjected that the times in the ordinance could be different for summer and winter seasons.

Given the level of non-compliance, the City Manager recommended amending the ordinance or enforcing it as written. All members were supportive of amending the ordinance and Tom Bakaly indicated that a draft will return to Council and a public hearing scheduled.

<u>Anti-idling Ordinance</u> - Tyler Poulson stated that the City Council approved an anti-idling resolution in November 2009. Salt Lake City recently completed a public input session on a draft ordinance. An ordinance, rather than a resolution, clearly conveys the public health and environmental damage done by vehicle idling and it more efficiently encourages people not to idle their vehicles. This is similar to the no-texting law which has changed behavior for many individuals and staff feels that an anti-idling ordinance can provide that same type of benefit in Park City. Mr. Poulson discussed the advantages of anti-idling legislation which has become a hot topic in the state of Utah. The EPA designated seven Utah counties as fully or partially non-attainment zones for air quality in the past year which prompted stronger support for action on idling. Utah Monster Clean Air is a state-wide organization and Clean Air Park City is the local chapter with the goals of promoting public awareness and education. The Governor has designated September as idle-free awareness month. Mr. Poulson indicated that 2 billion gallons of fuel are unnecessarily idled away on an annual basis in the United States. Anti-idling ordinances have been adopted by a variety of communities which were collected and reviewed by staff and the ordinance, as drafted, considers Park City's normal operations. The draft resolution specifies one minute and the Salt Lake Council is considering two or three minutes.

Liza Simpson was pleased to learn of the effectiveness of passing an ordinance without it becoming an enforcement burden. Tyler Poulson stated that Parking Services will be the code enforcer within its existing patrol area. Police will also have the ability to respond and enforce the ordinance. Much like the taxi complaint form, there can be an idling complaint form which will help track violations that can be followed up with mailed warning notices. Staff recommends warnings as the first line of defense and will return in a couple weeks with a draft ordinance. Parking Manager Brian Anderson advised that parking enforcement ceases at 8 p.m.

Sandra Nugent, Clean Air Park City, supports the ordinance and noted that the organization will continue their educational efforts. She spoke about campaigning on Main Street and on Bonanza. They have a presence in the schools and the City has done a great job of posting signs at the schools. The Mayor spoke about the airport being well posted and it may be worthwhile to talk to the local banks about installing similar signs.

All members were unanimously supportive of moving ahead with an ordinance. Diane Foster added that Summit County is working on a resolution hoping it could become a County-wide ordinance. PCMR, Deer Valley and the School District all have anti-idling policies in place.

3. State legislature environmental update. Tyler Poulson referred to his staff report where three items are called out. Electronics recycling is being drafted by the Utah Department of Environmental Quality and the City has taken on a passive role while Recycle Utah has been actively involved in the state stakeholders group. The next item is the Governors ten year energy plan. Consistent with the Council's desire to reduce the carbon intensity of electricity, staff has been providing input on the plan, focusing on renewables and energy efficiency as top priority resources that should be included. He indicated that the public comment session has closed and a lot of feedback reflected that although the vision is good there needs to be defined and tangible policies in a strategic plan. Staff has offered to serve on any stakeholder's group and has provided written comments.

Thirdly, the state legislature has adopted the most recent international energy conservation code for commercial buildings, but not for residential construction. Mr. Poulson relayed that this will be again considered in January and Park City's Interim Building Official has been heavily involved in moving it forward. He felt that this is sensible to adopt because from an individual household perspective, the energy savings realized outweigh the additional cost of $1,000 to a 30 year mortgage. Energy savings are estimated just under $200 per year and the main opposition is coming from the Utah Home Builders Association who objects to additional regulation. Park City is among a variety of local governmental agencies as well as Questar and Rocky Mountain Power who are very supportive of the new code. He noted that the City received a resolution drafted and distributed by Utah Clean Energy which is included in the staff report. Staff is seeking direction from Council about passing this resolution in advance of the upcoming state legislative session expressing Park City's desire to have the state adopt more efficient energy codes for residential construction.

In response to a question from Liza Simpson, Mr. Poulson indicated that the Park City Home Builders Association is supportive of the code. The Mayor asked if the City has the ability to adopt this code regardless of the state. Interim Building Official Roger

Evans explained that the City is prohibited from adopting something that is more stringent than the state. The City can only make recommendations to home owners. All Council members were supportive of passing a resolution encouraging the state legislature to adopt the international energy conservation code for residential construction.

4. *Budgeting for Outcomes* update. Bret Howser stated that over the past several years, staff has provided financial updates on projected revenues during the fourth quarter. The City is not in a shortfall mode and sales tax is up from last year and roughly on pace with the budget. Franchise taxes are a little behind and development fees are on track and there is not enough information to forecast property taxes. Revenues seem fairly healthy this year and are meeting budget projections. He emphasized the importance of the long term financial picture and adjusting expenditures should be considered to help balance the budget in the future.

Mr. Howser displayed a PowerPoint presentation and explained that the Budgeting for Outcomes exercise is in Phase 4 which is prioritization. The results team, represented by departments, already conducted a preliminary analysis of the bids submitted by departments for City programs and proposed a recommended prioritization which is included in the Council meeting packet. He suggested that members review the bids, adjust the recommended prioritization as needed, and give direction about levels of service. This is not an actual budget process but a way for Council to develop strategic direction to staff for the upcoming budget session.

In response to a question from Cindy Matsumoto, Mr. Howser indicated that numbers are based on 2010 current levels. Staff would like a better idea of how Council goals are being achieved and the associated costs and to identify the priority of programs to be used as a tool in making budget decisions. He detailed the scoring process and key factors utilized by the results team assessing impacts, and pointed out that some goals have key factors that are more similar to each other. He advised members that if results team scores are used to compare programs, to consider them within a Council goal. The impact score for programs was based on a relative curve.

In response to a question from Joe Kernan, Mr. Howser explained that staff is not making recommendations about enhancing or reducing service levels. Staff is identifying what programs have a greater impact on achieving a goal. The fact that something is a high priority does not necessarily mean that Council wants to spend more money on it. High priorities would probably not be cut first or completely. Spending more on programs relate to a greater impact and this is where the cost benefit index comes into play.

Bret Howser acknowledged that the cost benefit index is an imperfect and untested tool but compares the relative value of the program or service to the relative cost. A program that scores high with a relatively low cost will result in a higher cost benefit index score and additional dollars will leverage the initial investment. He emphasized that the return is not expressed in dollars because the value is based on subjective scores assigned by the results team and limited in that capacity. Ms. Simpson understood that the list does not represent staff's prioritization for funding levels but prioritization based on Council goals. Mr. Howser explained that the cost benefit changes based on levels of investment. Joe Kernan asked if revenue sources are identified for programs. Bret Howser explained that all City expenses to provide programs and services are being paid and how they are being paid for is decided by Council. He encouraged first asking what services should be provided and at what level and then determining how to pay for them. Mr. Howser indicated that user fees are included in bids and their net impacts and reducing a service may result in higher net costs. Discussion ensued on programs with associated user fees and an order for examining costs and revenues. Joe Kernan continued to express concerns about the statement that everything is going to be paid for from somewhere. Bret Howser stated that by law, the City has to have a balanced budget. There has to be a revenue source for everything and the first step is to identify our wants collectively, at what levels, and then determine how to fund them. Rewording some language in the BFO document was discussed.

Mr. Howser noted that the bid packet contains scope, cost and performance measures. He hoped that with the existing ICMA data, two to four relevant benchmarks per Council goal will be identified. Joe Kernan named a variety of specific services relating to police, recreation and streets which he felt are good comparisons to benchmark. He suggested that department heads call other jurisdictions about service levels. The Mayor agreed with Mr. Kernan that most communities benchmark these services in order to budget the cost. Michael Kovacs interjected that the ICMA data reflects national standards based on participating progressive cities. Those measures are perfect because they match well with Park City as opposed to Utah communities who may not be tracking information. Mr. Kernan did not feel that programs have to be a perfect match to compare levels of service. Park City can call other communities that measure their services in different ways and still gain something from that information. Another tool to is conducting citizen surveys. Mayor Williams felt it beneficial to know how Park City operations compare with other resort towns.

Michael Kovacs mentioned that it may take a while to set up the system. The ICMA data has been received and a comparison to national standards can be created very rapidly. He believed Mr. Kernan is talking about efficiency performance measures and costs. Tom Bakaly stated that the exercise should determine whether the services provided by the City are enhanced and how that relates back to costs and suggested that staff create ways to do that. The Mayor spoke about the direct return on trails demonstrated by visitor use and conducting simple comparisons was again discussed. Bret Howser discussed a meeting with CAST and the difficulty in getting the group to simply agree on how to compare services. Cindy Matsumoto asked for a copy of the 2007 citizen survey. She indicated that she doesn't receive many citizen complaints which seem to imply overall satisfaction with current levels. The City Manager indicated that another survey should probably be conducted. Liza Simpson felt it very helpful to have the ICMA data. Tom Bakaly suggested focusing on a few bigger programs next work session and the BFO schedule was discussed.

Alex Butwinski questioned including the ridership measure and felt that members need to agree on specific benchmarks for staff to analyze or the exercise will take a very long time. Tom Bakaly explained that the goal is to prioritize the service and some members may need different information to make a decision than others. He encouraged members to focus on the goal which is to prioritize the service. After setting priorities, more information can be provided as needed. Joe Kernan felt that productivity and efficiencies may have to be examined at another time. The City Manager again discussed setting priorities and discouraged digging into every performance measure or benchmark. Liza Simpson felt that as part of the process, the Council asked the departments and the teams to come up with performance measures that they felt were both clear to communicate and effective and that is why bus ridership was addressed. Candace Erickson pointed out that the enhanced level in the model related to the park and ride improvements and getting more people off the road, not the number of bus riders. She agreed with Alex Butwinski that this is probably a poor performance measure. Ms. Simpson described it as an anomaly because it is a one-time thing. The City Manager reiterated that the right information needs to be provided to prioritize. Mr. Kernan pointed out that significant work would have to be done by transit to arrive at options for different levels of service. Mr. Butwinski felt the list of services should be filtered so that time is not wasted on items that don't need to be addressed.

Bret Howser explained that bids represent main portions of a service and some services are easier to illustrate. The results team looked at the performance measures and in many cases changed them or sent them back to the department for more clarity. He understood from members that they need more work before more Council time is invested. Alex Butwinski agreed but admitted that he hasn't scrutinized all 140 programs. He is pleased that staff has already gone through that process so there will be less poor examples. Mr. Howser added that refining the process will be on-going. The Mayor felt that information could be clearer because the park and ride was not an intuitive conclusion for enhancing transit, acknowledging that there is probably a learning curve in interpreting the report. Joe Kernan felt that the result will be a helpful budgeting tool.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 2, 2010

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 2, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Wade Carpenter, Chief of Police; and Bret Howser, Budget Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Pay plan discussion – Joe Kernan requested scheduling a work session on the pay plan in two weeks. He would like to understand the positions of members to determine if January raises should be held until this discussion occurs. Arguments have been made that the structure of the pay plan reflects the philosophy that City employees are valued, should be retained and therefore should be paid at near the average of the top five of 35 towns. However, he pointed out that other towns like Aspen do not pay at the top five which represents a savings. He hoped that the pay plan can be addressed on December 16 so that everyone's position is disclosed and a decision can be made on how to move forward.

Alex Butwinski did not support the December 16 date. However, he felt that the Council has been talking about adjusting the pay plan and a general public discussion among Council members may result in consensus on direction. He believed that all members want to make adjustments but not necessarily to change the philosophy of the pay plan and he referred to his earlier comment about a hybrid system consisting of step and grade and pay for performance elements. Liza Simpson stated that she does not want to discuss the pay plan on December 16 and is looking forward to a robust discussion on the pay plan sometime to make sure it is effective. The Council made a decision in June about the merit increases for this year and to revisit this after performance reviews have been conducted is unfair. Candace Erickson believed that members made a commitment at that meeting but would like to listen to the recording. She recalled voting to give raises but during the next six months to examine the pay plan for possible adjustments which would be in place for the upcoming budget.

Cindy Matsumoto thought she voted for something different than what Ms. Erickson and Simpson stated they voted for. She thought she voted to give the 5% raises provided the Council would review the pay plan well before now so that a new policy would be in place by January. She acknowledged that she failed to follow through on her expectation and should have expressed her concern. She would like to listen to the recording of the meeting to determine if a discussion on the pay plan is warranted on December 16. Joe Kernan believed that delays will prompt confusion among employees and didn't think Council made a commitment in June and is also looking forward to listening to the recording. Commitments to employees and to the public need to be balanced. The Mayor summarized that based on member input, the decision is 3:2 to wait, which prompted more discussion.

Mr. Butwinski acknowledged that he did not follow up by asking the status of the pay plan but felt there is too much business on the December 16 agenda to add this item. He admitted that he does not have a clear recollection of what he voted on and discussion. Tom Bakaly read an excerpt from the minutes on the motion to approve the pay plan as proposed with a 5% capped six month circuit breaker. Ms. Simpson recalled that merit bonuses were not as much of a concern as people moving too quickly through grades. Joe Kernan emphasized that he and Ms. Matsumoto believed the pay plan discussion would occur before January and believed that it would affect the January raises. This interpretation is not going to be reflected in the minutes and now it will be two years before a new pay plan is implemented. Cindy Matsumoto expressed her interest in clearing up misunderstandings. Discussion ensued on the amount of money involved with raises and the City Manager indicated that $100,000 remains for the next six months. Knowing this, Joe Kernan suggested that the Council put off the pay plan discussion for the next elected Council. There doesn't need to be a rush because Council is not going to change anything and he withdrew his request. All other members disagreed and felt a meeting on the pay plan is important. Candace Erickson expressed her disappointment that this discussion did not happen in August or September; it is December, and there has only been one work session and the presentation on the history of the plan. Ms. Matsumoto felt that it is good that Mr. Kernan brought this up. The Mayor recalled that Council would look at the pay plan right before the budget. Liza Simpson agreed with Ms. Erickson's comments and hoped that a meeting can be scheduled reasonably soon so that there is a good discussion and staff receives some direction. The City Manager stated that January raises will be given for the past six months.

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

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

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

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

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

Joe Kernan expressed his willingness to hold a work session on this request. Candace Erickson noted that a serious discussion on ATVs was conducted at the ULCT where she did not support loosening restrictions. In response to a question from Liza Simpson about passing a law in conflict with state code, Mark Harrington explained that the Traffic Code enables a municipality to adopt a law allowing certain ATVs on public roads. Chief Wade Carpenter stated that he has spoken with Mr. Moss on several occasions and pointed out that the photos he has distributed are vehicles located on private property which is entirely different than operating on public streets. ATVs can be operated on private property and state law does not differentiate between ATVs and UVs. The primary reason the Traffic Code allows a municipality to adopt an ordinance allowing the use of secondary streets or highways is to enable small cities to access ATV trails throughout the state of Utah. He felt that SR224 is problematic because there are 10,660,000 cars traveling this road annually and this is a much different than a rural community. Chief Carpenter stated that Park City definitely exceeds the 7,500 population trigger and allowing use directly creates a problem with trying to determine what an ATV or UV is.

The Mayor asked members their preference. Liza Simpson stated that she is generally happy to schedule anything on work session, but feels this idea is incredibly dangerous, especially in the winter. Cindy Matsumoto agreed with her comments. Candace Erickson again relayed that she voted against this at the ULCT's meeting. Mr. Moss felt there are misperceptions about the safety of ATVs and Ms. Matsumoto pointed out that there are no crash ratings. Alex Butwinski stated that he is inclined to say no but there probably should be a work session on this and Ms. Matsumoto indicated that she could be swayed. Joe Kernan suggested that Mr. Moss individually lobby members to obtain three votes to hold a work session. Mr. Moss indicated that just because it has never been done here before means that it is dangerous. Park City accepts risks for many activities like the skate park, bike park and free bus system. He has complied with insurance and state requirements. Ms. Erickson stated that she feels ATVs are *Disneyland-looking*, tacky and offensive to the community.

The Mayor indicated that the majority of the Council is not interested in scheduling this request on an agenda. Alex Butwinski encouraged Mr. Moss to call him because he can easily change his mind. Joe Kernan stated that he is open to the idea.

Mary Cook, Homestake Condominiums, felt that a lot of education needs to take place before this is allowed.

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 11, 2010

Joe Kernan, "<u>I move to approve the Notes and Minutes of November 11, as corrected</u>". Alex Butwinski seconded. <u>Motion unanimously carried</u>.

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

1. <u>Consideration of an Ordinance approving the Little Belle Condominiums Fifth Amended Plat, Unit 3, to expand the private ownership area of Unit 3, located at 7175 Little Belle Court, Park City, Summit County, Utah</u> – The Mayor opened the public hearing; there were no comments from the audience. He closed the hearing and requested a motion to continue to December 9. Candace Erickson, "<u>I so move</u>". Liza Simpson seconded. <u>Motion unanimously carried</u>.

2. <u>Consideration of an appointment to the Public Art Advisory Board to fill an unexpired term to July 2011</u> – Alex Butwinski, "<u>I move that we appoint Linda McCausland to the unexpired</u>

term to July 2011 on the Public Art Advisory Board". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of a Resolution of the City Council of Park City, Utah finalizing the terms and conditions of the issuance and sale of its Sales Tax Revenue Refunding Bonds, Series 2010 in the aggregate principal amount of not to exceed $2,300,000; and related matters – Bret Howser explained that this action is a refunding of the Lower Park Avenue Redevelopment Agency bond. This is not new debt, but simply calling the bonds and reissuing them as sales tax bonds for the purpose of saving money. The savings is 13% which is in excess of up to $200,000 in present value terms. He relayed that the true interest cost was 1.79%.

Consultant Dave Miner clarified that the Council is actually approving $1,525,000 of bonds. They were able to downsize the issue to create more savings and even though this is a sales tax revenue bond, the City will still be using tax increment revenues to pay the debt service so it will not reduce the amount of sales tax revenue available through the General Fund. The amount of tax increment that the project area is generating is about $1.6 million and debt service on the refinanced bonds will be about $325,000. The benefits of reduced debt service will accrue to the project area and create more cash to allow investment and infrastructure there and frees up the reserve fund. He clarified that this is a negotiated sale and George K Baum & Company was contracted with to offer the bonds to the public. Comparables bonds in the marketplace are considered in the negotiation and the good name of Park City continues to carry significant weight in the market where investors are willing to pay more for the City's bonds.

The Mayor opened the public hearing; there were no comments. Candace Erickson thanked Mr. Miner and bond counsel for their hard work and great results. Joe Kernan, "I move we approve New Business Item 3". Liza Simpson seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Diane Foster, Sustainability Manager; Jason Christensen, Legal Intern; Joan Card, Legal Counsel, Jon Weidenhamer, Economic Development Manager; Thomas Eddington, Planning Manager; and Mark Harrington, City Attorney. Cindy Matsumoto, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Alex Butwinski, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 9, 2010

Present: **Mayor Dana Williams; Council members Candace Erickson; Liza Simpson; and Cindy Matsumoto**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Jon Weidenhamer, Economic Development Manager; Lori Collett, Finance Manager

Becky Zimmerman, Design Workshop; Jeff Chance, SLCC; Jon Buetler, Business Resource Center; Jim Andrus, Piercy, Bowler, Taylor & Kern

Absent: **Council members Joe Kernan and Alex Butwinski**

1. Council questions/comments. Cindy Matsumoto thanked Matt Cassel for getting the crosswalks and lights installed at Bonanza and discussed snow-plowing. She stated that she listened to the June 3, 2010 City Council meeting recording and agreed that what was approved was that the 5% bonuses would be given in January but she felt it was evident that members thought they would be further along in the pay plan discussions in the summer so that a decision could be made by the end of the year. In the future, she pledged to follow-through better so those things happen. Candace Erickson suggested that in the future, members need to set a date to make sure it is scheduled as expected. Tom Bakaly advised that the pay plan is scheduled on January 6 and Ms. Matsumoto encouraged that enough sessions are scheduled appropriately.

Striping Iron Horse and Bonanza was discussed to better delineate lanes. Candace Erickson thanked Ken Fisher for writing a great grant and obtaining $25,000 from the US Tennis Association for tennis programs. RAB also discussed public art for the new recreation center and are hoping the Public Art Advisory Board is open to their ideas. She and Liza Simpson attended the recreation roundtable which is a joint venture between the City, Basin Recreation and School District. Issues of mutual interest and revisiting interlocal agreements to reflect current practices are areas of focus. Ms. Simpson discussed attending both a Snyderville Basin Planning Commission meeting and the City's Planning Commission meeting where there was a lot of discussion on the 1440 Empire Avenue remand which was continued.

The Mayor stated that he received a call about providing the new recreation center with ADA access and special equipment. He attended the ribbon-cutting of The Montage and relayed the elements of the Flagstaff development agreement allowing the hotel in exchange for a number of benefits for the community including visual open space. He discussed meeting with representatives from the US Department of Energy today who provided a $250,000 grant for the Marsac Building's solar array which offsets about 16% of the power in the Building. He personally thanked Nate Rockwood and Tyler

Poulson for their work because he was told that the reporting was done so well that the Department wanted to use it as an example for other agencies seeking funding. Liza Simpson interjected that she observed a number of locals employed by The Montage at the open house.

2. Market analysis and carrying capacity study metrics. Jon Weidenhamer explained that the purpose of the work session is to check in with members on elements of the study underway. A stakeholders group representing community leaders, property owners, the Chamber/Bureau, etc. will meet tomorrow.

Consultant Becky Zimmerman stated that she will review the work they are doing and the methodology of the metrics part which is where she is looking for feedback from members. The first element of the scope of work is a retail commercial market study which looks at the different districts and the impacts of major retail like at Kimball Junction. This will be overlaid with a demand analysis to begin to project what future demand for certain types of retail and retail tenant mix might be. Design Workshop is also working on defining current trends in destination mountain resorts. She relayed that *it's not business as usual anywhere* and profiling a couple of resort communities to help to define lessons learned will be pursued. She continued that some places have best in practice as it relates to certain programs. They are really in the data gathering stage in gathering resort trends as well as the comparable community analysis.

Carry capacity analysis considers both the built and natural environment primarily to identify future opportunities. She spoke about unintended outcomes of policies or ordinances. Ms. Zimmerman pointed out the different populations in Park City, permanent, part-time, visitors, etc. The built environment includes an inventory of retail, restaurants, pillows, etc. and the natural environment consists of tracking things like trail capacity and other interactivities with the environment. This is work in progress. She relayed *what gets measured gets done*. Each part begins with a preliminary goal and the base line represents current conditions. A benchmark may look at best in practice or another place but most important is the *SmartGoal* which is Council's goal. This is the focus and where the metric is set and strategies are implemented to accomplish the outcome of the metric and the goal.

Ms. Zimmerman explained that there are three metric categories. The economic element tends to be quantifiable. Some community metrics are quantifiable but some are qualitative but are still measurable. The third category is environment which the City has some great information on.

Candace Erickson asked if she had information on tolerance levels for people in a variety of situations in a resort town like not getting in to restaurants, gridlock, etc. Ms. Zimmerman indicated that empirical data is limited and some instances can not be modeled. Ms. Matsumoto like the list and interjected that a little tension sometimes prompts a better experience but everyone likes something different. She acknowledged how difficult it is to measure these things but it will be interesting to see the results. Liza Simpson complimented the starting list and acknowledged the challenge in interpreting data that is not quantitative. She recommended including parks and green space with open space and conservation lands and believed the amount of meeting space available in the City is relevant. She pointed out that there is nothing about events in the community section which is an important amenity for both residents and visitors. Rather than looking at the support for public art for municipal buildings, she felt it more important to analyze type of events and examining cultural attractions.

Mayor Williams emphasized the shift in the population base working for or involved with the resort industry. He discussed conflicting positions on supporting diversity in town and he encouraged the consultants to consider the Visioning Session document from last year. Ms. Matsumoto believed it helpful to know how many people work in town or commute. Ms. Zimmerman responded that this is difficult information to obtain but there may be 2010 Census information available which provides occupation and commute times.

Jon Weidenhamer referred to Ms. Erickson's first comment about the limit of what people will tolerate and believed this should be discussed by the task force tomorrow. In response to comments, Mr. Weidenhamer stated that Breckenridge and Aspen were selected as comparison communities because Breckenridge is an authentic mining town and Aspen has three mountains and employees commuting. Ms. Erickson clarified that she loves to hear what other communities have done but emphasized that Park City is much different in many ways. Cindy Matsumoto believed information about best practices in other towns could be very helpful for new ideas and solutions. Diane Foster discussed comparing carrying capacities at other mountain resorts during key dates. Ms. Erickson discussed Sun Valley property owners converting downtown commercial properties into residential because of over-building commercial.

Ms. Zimmerman discussed conducting surveys to measure satisfaction and to monitor trends. Social media provides immediate feedback on visitor experience both positive and negative but there is currently no way to collect it. Ms. Erickson advised that there is a way to tap into social networking and resorts now have the ability to respond to comments and tweets. Mayor Williams pointed out that residents are frustrated with gridlock on SR224 and SR248 twice a day but the fact that there is traffic is a healthy economic indicator which is difficult to weigh. He believes that the needs of residents should be met before the needs of visitors.

Jon Weidenhamer advised that it is intended to bring the study back in early January but it may be mid-February or early March. There was discussion about waiting for Census information but members were supportive of receiving a draft as soon as it is available and creating a placeholder in the report for demographic information.

3. Economic Development grant request – Business Resource Center – SLCC. Michael Kovacs explained that a public hearing on this request will be held in January. Salt Lake Community College submitted a grant request for $12,000 for a business resource center and the County will match what the City decides to give which is recommended at $12,500. Council previously approved sponsoring a CDBG grant on behalf of SLCC to Mountainlands Association of Governments but a decision on an award has not yet been made. SLCC is also considering applying for EDA and USDA rural development grants.

The Mayor stated that he attended the County Council meeting and that is not what members were saying. Regardless of what County staff recommends, there were comments about the Business Resource Center duplicating services already available. Jeff Chance stated that County Manager Bob Jasper felt very strongly that the County should match whatever Park City offers.

Jon Buetler, Director, explained the services provided for small businesses, including assisting with business plans for financing. He stated that the Center in Salt Lake created 401 jobs and $23 million in economic impact which is tracked very closely. One-on-one counseling is available and resources in Sandy will be leveraged. He stated that Zions Bank has provided office space, SLCC has contributed $15,000 for seed money, requests to Park City and Summit County for $12,500 are in progress, and other governmental grants are possible. In response to a question from Cindy Matsumoto, Michael Kovacs stated that $15,000 is currently left in the economic development grant fund. Liza Simpson felt this is a great program because of the number of businesses who may benefit from these services. Ms. Matsumoto encouraged members to consider leaving some balance in the fund. All members were supportive with staff returning in January to finalize the request.

4. Annual audit report. Lori Collett introduced Jim Andrus of Piercy Bowler Taylor & Kern. She relayed that Council member Alex Butwinski requested that this be continued to next week. Mr. Andrus explained that his firm likes to give management the opportunity to review the financial statements and any oversight to approve them before they are finalized. However, he requested verbal approval to proceed with printing the final document. This will also appear on the agenda next week for formal acceptance. Mark Harrington suggested including a statement to finalize the document in the motion to continue tonight. Ms. Collett explained that time is needed to file reports with a number of agencies before the end of the year. Liza Simpson thanked the auditor for easily directing readers to portions of the document.

Jim Andrus stated that they issued an unqualified opinion meaning there were no material exceptions to the financial statements which is the best opinion to receive. There were no significant deficiencies related to financial statements and no material non-compliance. He indicated the importance of complying with federal requirements for funded programs and material non-compliance or significant deficiencies were not found. Park City is complying with federal awards received and another report deals with internal control over financial statements. He stated that Park City has an excellent system and there are no recommendations for adjustments which is extremely rare in an audit. In addition, Park City meets state auditor requirements for governmental agencies. In response to a question from Liza Simpson, Mr. Andrus explained that a low risk auditee is an agency with no or few negative findings in prior years.

Candace Erickson stated that this is the third audit report she has listened to this year as a board member, and both of the others had internal control issues or something else. She is very pleased with these results. Mr. Andrus indicated that he is the regional government practice leader for the firm and stated that Park City has an excellent management team and thanked staff for being so friendly and helpful.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 9, 2010

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 9, 2010. Members in attendance were Dana Williams, Candace Erickson, Cindy Matsumoto, and Liza Simpson. Alex Butwinski and Joe Kernan were excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer; and Katie Cattan, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Bonanza Drive Construction Project - Matt Cassel informed members that final design for the tunnel has been accepted but the contractor bid amount is high amount and a change order will appear on the agenda next week. In the meantime, he will contact other contractors for bids as they can be subcontracted with which is a UDOT process. All of the work will be under Granite Construction. Construction is anticipated the beginning of January, but not through Sundance, and completion is anticipated in March. Cindy Matsumoto asked if waiting until spring would be more efficient. Mr. Cassel explained that dealing with spring run-off is also expensive and probably a trade-off to clearing snow. Liza Simpson expressed her concern that the intersection is safer as soon as possible. Ms. Matsumoto strongly felt that some pedestrians will cross the surface of the street and not use the tunnel. Matt Cassel explained that a temporary lighting plan will be implemented tomorrow.

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

Park Meadows Sidewalks - Mary Black, Park Meadows resident, complained that the new sidewalk along Holiday Ranch Loop is not being plowed as well as sidewalks to Round Valley. Many times she has to walk in the middle of the street and she feels threatened by reckless drivers. Why build sidewalks and offer open space when the sidewalks are not plowed to get people there safely. She urged examining the budget to plow Park Meadows sidewalks.

The City Manager explained that the plan is to present an option during budget including clearing Holiday Ranch and Comstock. There are no funds budgeted this year but Council could look at using reserves. Candace Erickson explained that the philosophy has been to only plow the streets gong to major destinations like schools or to main corridors. She felt that there needs to be a discussion about sidewalks as a whole. Ms. Matsumoto encouraged considering clearing Holiday Ranch this winter rather than waiting for the budget process to conclude.

Mary Black repeated her concerns and Tom Bakaly stated that staff can pull the cost together for Holiday Ranch Loop and possibly use the request as an example in the BFO discussion on enhanced services.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 18, 2010

Liza Simpson stated that she will be abstaining as she was not in attendance resulting in a lack of a quorum. Mayor Williams requested a motion to continue. Liza Simpson, "I so move". Cindy Matsumoto seconded. Motion carried.

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

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

Liza Simpson, "I move we pull Consent Agenda Item 3 off the Consent Agenda and approve Consent Agenda Items 1 and 2". Candace Erickson seconded. Motion carried. Liza Simpson, "I move we continue Consent Agenda Item 3 to the 16th with verbal approval directing the auditor to prepare final documents". Candace Erickson seconded. Motion carried

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

1. Consideration of a Resolution approving a Letter of Intent with Summit County on Environmental Sustainability – Approved.

2. Consideration of Contract Modification No. 1 with Stanley Consultants for the Bonanza Drive Reconstruction Project in a form approved by the City Attorney for a not to exceed amount of $141,845 – Approved.

3. Consideration of acceptance of Comprehensive Annual Financial Report for 2010 – Continued.

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

1. Consideration of an Ordinance approving the Little Belle Condominiums Fifth Amended Plat, Unit 3, to expand the private ownership area of Unit 3, located at 7175 Little Belle Court, Park City, Summit County, Utah – Katie Cattan explained that this plat amendment is to extend the private area of Unit 3 into the limited common and common area bound by the westerly exterior walls of Unit 2 and 4. The Mayor opened the public hearing; there was no comment. Cindy Matsumoto, "I move that we approve an Ordinance approving the Little Belle Condominiums Fifth Amended Plat, Unit 3, to expand the private ownership area of Unit 3, located at 7175 Little Belle Court". Liza Simpson seconded. Motion carried

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

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Cindy Matsumoto, and Liza Simpson. Joe Kernan and Alex Butwinski were excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Diane Fostser, Sustainability Manager; Joan Card, Legal Counsel, Jason Christensen, Legal Intern, and Mark Harrington, City Attorney. Cindy Matsumoto, "I move to close the meeting to discuss property and litigation". Liza Simpson seconded. Motion carried. The meeting opened at approximately 4:30 p.m. Cindy Matsumoto, "I move to open the meeting". Candy Erickson seconded. Motion carried.

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

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

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 16, 2010

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer; Michael Kovacs, Assistant City Manager; Bret Howser, Budget Manager; Francisco Astorga, Planner; Thomas Eddington, Planning Manager; and Roger Evans, Interim Chief Building Official

Historic Preservation Members Ken Martz, Roger Durst and David White

Dina Blaes, Historic Preservation Consultant; Sandra Morrison, Director of Park City Historical Society

Tom Fey, Alan Delmoski, John Stafsholt, Scott Gilson and Ruth Meisma, Residents

1. Council questions/comments. In response to a question from Cindy Matsumoto, Matt Cassel updated members on Bonanza Drive improvements. Liza Simpson relayed that the Chamber's new website is up and running. Candace Erickson reported on a number of draft bills on potential immigration legislation. Mayor Williams interjected that Arizona is experiencing huge financial losses in tourism and events because of its position on immigration and he hopes the state legislature takes that into consideration. Ms. Erickson pointed out that another bill is in the works to redistribute the 1% resort cities sales tax. She shared business discussed at a Friends of Cross-Country meeting and asked if the restrooms at Quinns Junction could be open during the winter months. Mountain Trails indicated that it would take responsibility to make sure that it is clean and supplied. Tom Bakaly stated that he will estimate costs and return to Council. The China Bridge Parking Structure was discussed. Mayor Williams commented on the high public interest on MIDA negotiations. He had lunch with Mayor Becker during the week about transportation and spoke about giving up his seat on the Mosquito Abatement Board to a Summit County representative.

2. *Budgeting for Outcomes* prioritization update. Bret Howser explained that Council should reprioritize programs presented by the results team, if needed, and expand or reduce service levels on programs, if desired. Two weeks ago, Council expressed the need for benchmarking data to assist in making priority decisions. Michael Kovacs stated that staff used Mr. Kernan's list of services including snow removal, sidewalks, parks, field maintenance, recreation, etc. ICMA, resort towns, and local data were used for comparison purposes and he detailed a comparison of police services. He then addressed a snow removal analysis showing different levels of service for a variety of communities. With regard to budget options, Bret Howser explained that if members want a higher level of service, staff should be directed to return with an elevated level of service request as part of the budget. Budget options are generated in the department and considered by the City Manager who decides what will be included in his proposed budget. Budget options are still presented to Council in the budget document whether or not supported by the City Manager. Mr. Howser used clearing the sidewalk on Holiday Ranch as an example and explained how programs are tied to Council goals and the cost benefit index. Mayor Williams expressed the importance of ensuring connectivity of trails and sidewalks when making decisions on service levels. Joe Kernan felt comparable information will be useful and hoped that enough time is available to further research certain programs, if needed. Tom Bakaly believed the BFO process will play into budget decisions and by the Visioning Session in February, priorities should be refined. He explained the RELS process designed for citizen requested enhanced services for a neighborhood. Michael Kovacs stated that the City has over 100 programs which the Council will need to evaluate. Joe Kernan stated that citizen satisfaction information would be helpful. Mr. Kovacs referred to 2006 survey data and stated that another survey will be conducted this fiscal year. Mr. Howser added that 2006 survey data was used but it was general and not specific to service types like streets. Mr. Kernan had a different recollection and recalled the survey addressing golf, library, snow removal and streets, etc. This is useful information when weighing whether a service or program should be adjusted. Mayor Williams agreed and spoke about the great return on trails. Mr. Kovacs pointed out that the level of the benefit cost index for a service reflects the number of goals achieved and Mr. Howser acknowledged that ultimately Council's expertise and personal experiences will feed into final decisions. Mr. Kernan was pleased that there is good financial information, a nexus to goals and some survey data will be available. Bret Howser stated that he will explore survey information on file and the status of the citizen satisfaction survey before the next BFO session.

Liza Simpson asked several background questions on a variety of program models. Candace Erickson pointed out that some enhancements may result in savings over time but that information is not included. Frequency of washing the parking structure was discussed as an example. Discussion ensued about raising fees when improvements are made to facilities operating in an enterprise fund. Ms. Simpson felt that offsetting revenue is critical information to have when considering enhancing programs. Members were encouraged to call staff with questions in the meantime. The City Manager distinguished the difference between providing enhanced service or providing the same level of service with added infrastructure costs.

3. 657 Park Avenue recap and preservation practices. Planner Francisco Astorga explained that the 657 Park Avenue project will be discussed as well as the current reconstruction criteria adopted in the Land Management Code (LMC), including noticing requirements for Historic District Design Review (HDDR) for reconstruction. Staff is looking for direction from Council about possible amendments to the adopted reconstruction policy, including noticing.

He explained that an application for HDDR was received in 2009 and the project was vested under the 1983 Historic District Design Guidelines (HDDG) and the previous version of the LMC. The property was listed on the Historic Site Inventory as significant and will remain on the inventory as a result of the reconstruction requirements because it will retain its essential historical form. The property was reviewed in accordance with the City's HDDG procedures prior to amendments made in 2009 and was approved for reconstruction after the completion of the as-builts, preservation plan and its corresponding physical condition report. The previous 2002 HDDG did not define the reconstruction process and subsequently amendments were made to provide a better policy for panelization, reconstructions, etc. The 2002 criteria was applied to the reconstruction at 657 Park Avenue which relied more heavily on the architect's or engineer's assessment and recommendation for staff's review. Mr. Astorga stated that the new HDDG require involvement from the Chief Building Official for reconstructions and panelizations. The process is now clear and applications now go through a pre-application and HDDR processes.

He clarified that this property was recommended for reconstruction because of the poor condition of the foundation, exterior wall and the roof. The structure was seated on a 6 x 6 wood foundation; the vertical members were rotted on the ends, etc. It was decided that an attempt to panelize 657 Park Avenue would not be successful because it was likely that the materials would not survive and a vapor barrier can not be applied in this instance. Cindy Matsumoto pointed out the high number of historic homes without foundations and Mr. Astorga explained that structures are reviewed on a case-by-case basis. An official order from the Chief Building Official is required in determining a building unsafe under the new code which was not applied in this situation.

Ms. Matsumoto explained that reconstruction under the previous HDDG is an act or a process of depicting of by means of new construction the form, features, and the detailing of a *vanished* building. A *vanished* building doesn't mean you vanish it and then reconstruct it and she felt this provision has been misapplied. An example would be the Coalition Building burning down making it a vanished building where reconstruction could be utilized. Dina Blaes stated that one of the biggest issues in rewriting the HDDG was defining activities within the City that were not addressed in the HDDG or LMC. There were many conversations with the Building Department about historic structures that were never meant to be permanent; they were temporary and part of a mining boom era. She explained that construction methods and materials were not intended to last this long but remarkably so many had. In many instances the deterioration of those materials concerned building officials who did not want that tool taken away because there are very few options available.

Cindy Matsumoto acknowledged that she wasn't very familiar with the condition of 657 Park Avenue but many owners in town have gone the extra mile and saved buildings that looked in very similar condition. It is a horrible precedent to set if historic materials could have been saved. Ms. Blaes cautioned her as describing this as a precedent because it is *left-over* from the old ordinance which she admitted is frustrating. She continued to express that Council has accomplished what it needed to do by

establishing criteria that supports both the planners and the building officials but there is a transition period. Ms. Matsumoto insisted that the process did not meet the old HDDG because it is not a vanished building and there should have been a certificate of appropriateness for demolition (CAD) issued in this instance. Whether or not the application was processed appropriately does not change the results or what our community wants. The community doesn't want those buildings torn down.
Ms. Blaes explained that the way the LMC was written is that the City will consider a reconstruction if certain criteria are met. The previous Council, HPB and Planning Commission were very aware that demolitions were not acceptable and took the time to look at options so reconstructions were not so common. She personally felt this was due to development patterns getting ahead of regulations and unfortunately there were buildings lost but she commended the Council for stepping up in 2008 and 2009 and tightening up criteria. What is stated in the LMC is that the City acknowledges that reconstructions should be a method of last resort and in 2006 that was the first approach. Applications for reconstruction are required to go through a strenuous process to justify them.

Mayor Williams expressed his interest in discussing noticing and whether the HPB should have been more involved in the project and/or the process. For instance before a demolition is approved, he suggested the application go to the HPB for a review process with public hearings. He acknowledged that the demolition of 657 Park Avenue was a shock to many and the project was confusing because it was regulated under the old HDDG and there are more safeguards in the new one. In response to a comment from Liza Simpson, Francisco Astorga stated that Chief Building Official Ron Ivie reviewed the preservation plan. The original request from the architect was panelization but Ron Ivie recommended demolition based on his expertise. Ms. Simpson understood that if amendments are made to the HDDG as described by the Mayor, it would be effective from this point forward. Mark Harrington explained that staff can look at retroactive findings but those are challenging. There may be some procedural things the City can do, even on pending applications, excluding substantive requirements. He further clarified that if specifics contradict existing code language defining the process, an ordinance is needed to amend the process but if supplemental requirements are being added that don't contradict current code, those could be implemented. Candace Erickson expressed concern about the architect or engineer, working for the owner, writing applications to frame the end result. Francisco Astorga pointed out that the new criteria in the LMC require the Chief Building Official's order after inspection of the property. Mr. Eddington felt that everyone wants reconstruction which is denied unless criteria are met.

Roger Evans referred to time lines and stated that on August 5, 2008 he examined the interior walls of the building which are described in a detailed report in the meeting packet. The finding of lack of integrity by staff occurred on May 22, 2009 when all documentation had been submitted. It was determined that the best approach for 657 Park Avenue was reconstruction because of the condition of the foundation. The bearing wall was out of square and a lot of wood rot was occurring. The amount of damage that had occurred over the years made it impossible to panelize the building and add a vapor barrier so the decision was made by the Chief Building Official to recommend reconstruction.

Ms. Erickson acknowledged that the City allows some relocation of structures and pointed out that the Distillery was moved a little bit. She asked if 657 Park Avenue met the required setbacks in its original location and if it was moved forward to accommodate the back addition. Mr. Astorga stated that the side setbacks did not meet code and the prior HDDG did not address relocation criteria. Ms. Erickson stated that allowing relocation bothers her and she would like to change this. Mr. Eddington advised that the new HDDG address this and will only allow movement unless there is a finding of hardship. Dina Blaes added that the previous HDDG did not address relocation, reorientation, raising, panelizing, etc. and the Building Department was struggling with lack of direction and criteria regarding Council's preservation goals. The criteria for relocation are far more stringent now. Liza Simpson referred to the $154,000 financial guarantee in the form of a lien and Mr. Astorga explained that the City uses the fund to complete the historic portion of the project as approved. If the applicant builds something different, he is violation of the approved building permit. Ms. Simpson stated that she wants to make absolutely sure that when people are allowed to reconstruct a building that it is going to get done. Mr. Astorga explained that building permits expire in 180 days unless some work is demonstrated to keep the permit active.

Cindy Matsumoto stated that the community did not feel informed or involved in the decision which may be an on-going problem. Guidelines are meant to be interpreted in each situation and she believes her constituency wants them to be more strict than lenient. A reconstruction does not require a CAD and she reiterated her concerns about a vacant or non-surviving building. Ms. Blaes explained that non-surviving is a definition that is generally accepted by the preservation community and is included to allow reconstructions, for example the Coalition Building. She encouraged dialogs like this and hopes that the HDDG will be reviewed more often so modifications can be made when issues arise. This is exactly what is supposed to happen. If the definition needs to be modified to make sure it is clear, Council should do that. Ms. Matsumoto repeated her concerns about vanishing a building and then requesting reconstruction. Thomas Eddington explained that when reviewing the Historic Inventory in 2009 a decision was made to create both landmark and significant lists and to allow for reconstructions and panelizations. He referred to criteria for reconstructions found in the LMC. In response to a question from Joe Kernan, Mark Harrington added that the more specific criteria will control the result and define whether an application is eligible for reconstruction or not. He believes that the criteria define non-surviving but if Ms. Matsumoto believes it means more and members agree, staff should be directed to add additional criteria that meets Council's expectations if it is different. Ms. Blaes explained that The Depot had a portion that didn't survive a fire and reconstruction is a solution especially when there are historic photographs showing decorative elements that are no longer there and should be brought back. Cindy Matsumoto stated that if a building is determined non-surviving she wants it to go to the HPB not to just staff. The Historic District is very important to the community and people should have an opportunity for input so all historic buildings, and at least demolitions, should be publicly reviewed by the HPB.

Alex Butwinski did not feel the financial guarantee is adequate. He referred to a list of 30 projects and asked the status and Mr. Eddington explained that many have already been reconstructed and completed. Mr. Butwinski again asked how many are at risk of being reconstructed under the old HDDG and Mr. Eddington stated that only two or three would qualify for reconstruction or extensive panelization. The Mayor invited public input.

Ken Martz, HPB member and Old Town resident, stated that he reviewed the meeting packet. He strongly urged better communication which could have eliminated this meeting. The HPB should have reviewed the demolition request, even if it is just on a cursory level so that members had a better understanding. The HPB had input on other reconstructions but not this one and there are different levels of communication. He felt there is inconsistent application of the process and pointed out that 657 Park Avenue is next door to an $8 million renovation of a livery stable and residence. The Parkwood Project was similar as it cost a lot of money and he feared that there will be no motivation to do anything other than reconstructions. He questioned whether a building can be reconstructed, moved and have an addition constructed at the same time. Reconstruction is not adding a 3,000 square foot addition and relocating the original structure. He personally did not feel that reconstruction is preservation and described renovation as a labor of love. There are many ways to communicate and suggested that there be more site visits.

Roger Durst, HPB Chair, spoke about recent efforts to improve communication as a member has been appointed as a liaison to the Planning Commission and another member has been charged with attending the HDDR meetings. Unless an appeal of a decision of the HDDR is filed, the HPB never hears about projects. He relayed HPB member Werbelow's concerns and questions asking for more clarification about the process. The HPB feels out of the loop without a voice and he spoke about his restoration expertise as an architect. Staff should make a determination that a building is unsafe and jeopardizes public safety but to suggest that the same individual determines it can not be restored is beyond his capability and inappropriate.

David White, HPB member and architect, stated that he agrees with Messrs. Durst's and Martz's remarks.

Tom Fey, Park Meadows resident, referred to the LMC with him, specifically Historic Preservation, and assumed it is the current code. The Mayor asked that staff take a look at his document to confirm. Mr. Fey continued that *it is always easier to ask for forgiveness than it is to ask for permission*. Unless the code has *teeth in it*, you can always ask for forgiveness. Once a building is torn down, it is gone. He understood that a building must be determined hazardous and dangerous to receive a demolition permit. There is a requirement that it has to be listed for 180 days and a sign has to be put in the yard with notice of the demolition. Put teeth in the code to prevent people from doing these types of things in the future. In a previous section there are significant requirements about obtaining a demolition permit. He stated that 657 Park Avenue doesn't qualify to be demolished under the requirements of the code. He agreed with Ms. Matsumoto that Old Town is more important to Park City than Park Meadows from a design standpoint and there are communities in the United States that have architectural review committees. He encouraged the Council to give the HPB once again the authority to look at things in Old Town and look at them before they happen.

Mark Harrington emphasized that there is no limitation on the Council adjusting the LMC and expanding authority but the HPB can not take on both roles as the initial decision-maker and the appeal board. Liza Simpson recalled previous discussions and the HPB preferring to hold onto appeal authority, acknowledging that there is now a different membership.

Alan Delmoski, 133 Woodside Avenue, stated that $154,000 does not represent the value the community places on the house. He asked how the financial guarantee is determined. Francisco Astorga explained that it is calculated on a square footage basis to estimate the cost of rebuilding the porch and the historic structure and is reviewed and approved by the Planning Manager and Chief Building Official. Tom Eddington recalled the amount is based on $150 per square foot for the building and $50 per square foot for the porch.

John Stafsholt, 633 Woodside Avenue, echoed Tom Fey's comments about the actual code and what was actually followed and has issues with interpretation. He stated that he spent a lot of time reviewing the staff report in detail and had trouble understanding it. He created rebuttals on points that he later decided not to share. The High West Distillery is a wonderful renovation and there may be others that rightly feel they were treated differently than 657 Park Avenue. There are 109 applications currently in the Planning Department that are under this same code and asked what will happen if they realize they can maximize their investments with a complete demolition and get over three times their original square footage and call it a historic reconstruction. This is why he feels it is important and demolition is key to the whole situation. The outcome of the demolition determines everything else that has happened in a cascading manner as far as notifications, CADs, relocating and resizing the house. He referred to the staff report indicating that this action was not a demolition. The definition of demolition expressly excludes approved reconstructions or panelizations. On July 9, 2009 the City Council met and voted to adopt new LMC amendments and new HDDG which were not applicable to 657 Park Avenue because the application was completed and vested as of January 2, 2009. The new HDDG included a new definition for demolish which allows historic sites to be relocated, reoriented, disassembled, reassembled and/or reconstructed without going through the CAD process. This is the reconstruction exclusion that Mr. Astorga referred to in the staff report. Mr. Stafsholt asserted that most all of the future issues cascade from this interpretation and the problem was that the application was vested seven months before this new definition and it does not apply at all. The CAD, the noticing of 300 feet to the neighbors, the HPB approval and all of the meetings are required for 657 Park Avenue. At the same City Council meeting, there were also three completely new sections added to the LMC which provide criteria for the relocation and reorientation of historic structures, disassembly and reassembly of historic structures and the reconstruction of historic structures. These sections are repeatedly mentioned in the staff report but again they don't apply. It is important that this particular one is looked at on its own because it sets a terrible precedent and if no fault is found in the misinterpretation here, Council might be condoning this behavior for the development community in the future. This goes against all of the town and all of our preservation ideals.

Scott Gilson, 658 Woodside Avenue behind 657 Park Avenue, stated that he agrees with much of what has been said by the public. He requested that policies and procedures instruct the planner to notify adjacent property owners when this kind of action is taken.

Sandra Morrison, Park City Historical Society, stated that she is still very confused and doesn't understand how the Planning Department can accept an application for reconstruction when there isn't a vanished building. She referred to comments that the 1983 HDDG does not address reconstruction but relayed that it states that reconstruction is reproducing by new construction the exact form and detail. The building must be reconstructed on its original site with its original orientation. She was also confused to learn that the new structure will remain on the inventory since the LMC defines historic as more than 50 years old.

Ruth Meisma, 305 Woodside Avenue, stated that she found the public's reaction to the loss of 657 Park Avenue interesting because there is a lot of loss going on, not due demolition necessarily but more in the cases where panelization is used. There are bits and pieces of history being lost that aren't really being noticed and collectively she considers it to be more of a loss than the loss of a single building. This is not due to lack of conscientiousness on the part of the Planning Department staff because it is her experience that they address her concerns immediately. There is not one person in the Planning Department that doesn't want to preserve every single historic structure in town. She believes that loss of history actually occurs after HDDR and the Planning staff can always use better tools. The new HDDG are an incredible help but there are more things that can be done including better documentation of every single property on the Inventory starting with the landmarks. She understood that this will take an incredible amount of work and volunteers may have to be used. The Historical Society conducts this work for homes on their annual tour but there should be a complete documentation for every house. She feels a huge amount of responsibility falls on the citizens concerned about history and mentioned that HPB meetings are not well attended. Residents should read the HDDG and when they don't understand them to go to the Planning staff for clarification. She spoke about a demolition on Daly Avenue where the owner/contractor meticulously disassembled any materials that could be reused and she felt that if 657 Park Avenue was handled this way, there would have not been as large of an uproar.

The Mayor suggested holding a joint meeting with the HPB during Council's Visioning Session in February. He has no problem looking at the role of the HPB again. He stated that the HDDG took a couple of years to develop and is a living document that will continue to need adjusting. Maybe there needs to be more documentation on historic structures and some of the burden should be placed on the applicant. Mayor Williams appreciated the civility demonstrated tonight and acknowledged that it wasn't anyone's fault but there are several things that need to be addressed by Council. Liza Simpson felt this is a good way to go but by and large the amendments to the LMC and HDDG have been positive. She believed a joint meeting is a really good idea and it should focus on process and role. Maybe there is a way to partner with the Historical Society to have them provide some volunteer hours to produce a better inventory. Candace Erickson reminded the public to sign up for e-notify on the Park City website as an easy and simply way to stay informed of upcoming meetings and business rather than relying on mailed or published notice. Alex Butwinski asked about a moratorium on demolitions and Mark Harrington didn't believe that placing a moratorium on vested applications is legal but will check. Joe Kernan stated that he would like to discuss improving the code at Visioning and believed that maximization on historic lots is also an area where he would like to learn about density transfers and other ways the City may be able to keep historic houses smaller. Cindy Matsumoto expressed her concern about the *loophole* for reconstruction projects because she believes a CAD is required. Thomas Eddington explained that the old and new HDDG allow for reconstruction without a CAD.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 16, 2010

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 16, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tommy Youngblood, Special Events Analyst; Brooks Robinson, Transportation Planner; Matt Cassel, City Engineer; Tyler Poulson, Sustainability Analyst; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council Disclosure - Joe Kernan disclosed that the PCHA requesting approval of a Master Festival License is one of his recycling customers.

2. Environmental Heroes Award - Mayor Williams commented on the community's commitment to green initiatives and felt it appropriate to award the first Environmental Heroes Award to Andy Beerman and Thea Leonard of the Treasure Mountain Inn. The TMI is a member of the Green Hotel Association and the first hotel to go carbon neutral by using Blue Sky and other offsetting programs. It donates 1% of its revenues to environmental non-profits and 1% to the Planet Program and was honored as the Business Recycler of the Year in 2005 and 2006. TMI has water savings features, EnergyStar™ appliances, a high efficiency HVAC system, sensor lighting, a solar array and hotel vehicles are hybrids.

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

Water contamination – Thaynes Canyon- Beverly Herwitz, Thaynes Canyon resident, stated that she is a victim of manganese poisoning from the contaminated water in Thaynes Canyon during the 2007 episode. It was measured in her blood but most of it is in the brain and she shook so badly that she had to close her medical practice. She is also a victim because she owns two properties in the contaminated water district and would have to disclose any environmental and/or health risks to potential buyers. She feels she is left with two worthless properties that she is paying taxes on and the loss of her health, career and home value along with additional expenses incurred trying to protect herself. Dr. Herwitz relayed that she has been asked by the Windrift Condominium and Thaynes Canyon Home Owners Associations to bring this issue to Council's attention. Many residents are unaware of the harmful risks of drinking or using the contaminated water and information is not being made available to affected residents. The City has been negligent in providing timely warnings to affected residents and a failure to provide adequate information about the risks of these contaminants. She distributed pamphlets about manganese published by the state of Connecticut, the state of California, and the city of Wisconsin emphasizing that the City has an obligation to inform people. She was surprised to learn that the Summit County Board of Health has no jurisdiction in Park City. Dr. Herwitz stated that she is outraged that this has been put on the back burner for so long. Park City Hotel and Snow Creek Cottages both have clean water and this dirty little secret can't stay secret forever. Citizens need to understand why this is happening and what is going to be done about it before legal actions proceed. She feels that the EPA is grossly behind in its information on the health risks of manganese. The City Manager indicated that a work session will be held on the water system.

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

In response to a question from Candace Erickson, the City manager explained that the contract with Dave Stuart is not hour based but a flat fee for the year. Liza Simpson, "I move that we approve Consent Agenda Items 1, 2 and 3". Candace Erickson seconded. Motion unanimously carried.

1. Consideration of award a three year contract for state lobbying services to Legislative Executive Consulting, LLC (David Stuart) for $80,000 per year in a form to approved by the City Attorney – Approved.

2. Consideration of Resolution in Support of 2009 IECC Building Standards – Approved.

3. Consideration of authorization of the following Insurance premium payments for the 2011 City insurance placement covering a one-year period January 1, 2011 through January 1, 2012, and crime insurance covering a three year period from January 1, 2011 through January 1, 2014 – Approved.

(a) $111,933 to States Self-Insurers Risk Retention Group, Inc. for public entity broad form liability insurance
(b) $2,905 to States Self-Insurers Risk Retention Group, Inc. for Potable Water Treatment Operations insurance supplement;
(c) $139,389.00 to Workers Compensation Fund for workers compensation insurance;
(d) $73,583 to Lloyds of London for property insurance;
(e) $7,394 to Zurich American for boiler/machinery insurance;
(f) $9,782 to Travelers for Public Officials Employee Dishonesty (Crime) insurance (3 years);
(g) $1,238 to Hartford for property insurance covering 1255 Iron Horse Drive, leased by City through 2011

V OLD BUSINESS (Continued items)

Consideration of acceptance of Comprehensive Annual Financial Report for 2010 – Alex Butwinski, "I move to accept the Comprehensive Annual Financial Report for 2010". Liza Simpson seconded. Motion unanimously carried.

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

1. Consideration of a Master Festival License for Holidays in Historic Park City, as conditioned, on December 18 - 29, 2010 on Main Street and Park Avenue from 7th St. to Heber Avenue and Miners Park – Tommy Youngblood explained that an electric light parade on December 21, carolers in Miners Park, and horse carriage rides on lower Main Street are proposed. The MFL specifically allows Council to approve things that are normally not permitted. A test horse carriage ride was conducted and the rides will be available daily

depending on transit and weather conditions and staff recommends approval. The Mayor opened the public hearing; there were no comments from the audience.

The Mayor felt that putting horses on Main Street is crazy during the holidays and does not think this is a good idea. Six parking spaces will be lost during the busiest week of the year and it will have a major impact on traffic. Alison Butz, PCHA, clarified that parking spaces are no longer being requested and Mr. Youngblood explained that there was a change in operations after the staff report was distributed.

Ms. Simpson commented that the Council has been encouraging the PCHA to come up with new events and the traffic is already very slow during Christmas week. Ms. Erickson agreed and felt that if the membership is happy with the plan, she can support it and if it doesn't work out, it can be changed or discontinued if necessary. In response to a question from Alex Butwinski about increased risk with the horse carriage rides, Mark Harrington felt this application is not out of the ordinary and standard insurance and indemnification will be provided by PCHA.

Candace Erickson, "I move we approve the Master Festival License for Holidays in Historic Park City on December 18 to 29, 2010". Cindy Matsumoto seconded. Motion unanimously carried.

2. Consideration of Service Provider/Professional Services Agreement with LSC Transportation Consultants, Inc. for professional services related to the preparation of an update to the Park City Short Range Transit Development Plan in an amount not to exceed $89,830 in a form approved by the City Attorney – Brooks Robinson relayed that the current SRTDP was adopted in October 2007 and acts as a blueprint for transit operations and financial decisions on a regular basis. Staff evaluated proposals and the decision was unanimous in selecting LSC which was surprising as there were several very good proposals. Attendance at a transportation meeting was discussed and Ms. Simpson suggested that UTA be at the table. Mr. Robinson indicated that UTA will be kept in the loop and Ms. Simpson expressed that she sensed urgency on UTA's part about exploring regional service at the last meeting.

The Mayor invited input; there was none. Joe Kernan, "I move we approve New Business Item 2 concerning the Short Range Transit Development Plan on Pages 80 to 83". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of a Contract Change Order No. 18 to Utah Department of Transportation's (UDOT) Construction Agreement with Granite Construction for additional construction services related to the construction of Phase 2 for Bonanza Drive in an amount not to exceed $737,344 in a form approved by the City Attorney – Matt Cassel explained that the contract covers the construction of the redesign of the retaining walls leading down to the tunnel on Bonanza Drive. It was apparent that the previously designed wall design would not work. One of the biggest offset of additional costs is the Comstock Tunnel coming in at $1.2 million under the original construction cost and other walkability projects coming in less than anticipated. He stated that this contract is *a not to exceed amount* and staff is hopeful to further reduce costs. An incentive for the contractor to meet his deadlines is included. The Mayor invited public input; there was none. Mr. Cassel advised that work will begin after the Sundance Film Festival and will be completed in March. Joe Kernan, "I move we approve New Business Item 3 concerning the Granite Construction agreement on Bonanza Drive, Pages 74 – 79". Cindy Matsumoto seconded. Motion unanimously carried.

4. Consideration of an Ordinance amending Title 9, Parking Code, of Park City Municipal Code Sections 9-1-2, application of the Code, 9-9-4 penalties for illegal parking, and 9-9-5

enforcement; payment, and adopting a new Chapter 10, anti-idling, prohibiting the idling of vehicles within City Limits and providing for limited exceptions – Tyler Poulson believed that adopting an ordinance will protect air quality and noted that seven counties in the state of Utah are fully or partially designated as non-attainment for EPA air quality standards, but not Summit County. An anti-idling ordinance is a step toward conserving natural resources as two billon gallons of fuel are idled away every year in the United States. Clean air protects Park City's lifestyle. Staff feels that an ordinance will be more effective than a resolution in changing behavior even if not aggressively enforced. The proposal designates Parking Services as the main enforcer with support from Police; the workforce will not be expanded. Mr. Poulson explained that an on-line tool allowing citizens to report areas or vehicles that are involved in idling infractions will be implemented and warning notices will be sent and tracked. He felt it important to give warnings as a opposed to citations in most instances because the ordinance is unique. Exceptions include emergency vehicles, auxiliary equipment, health and safety considerations including temperatures below 32° and above 90° or other instances where idling is required to promote safe driving. Liza Simpson strongly encouraged City employees to abide by the regulations. The Mayor opened the public hearing.

Mary Jaquin and Sandra Nugent, Clean Air Park City, added their support to enacting the ordinance and applauded the work of Mr. Poulson and the City in bringing this ordinance before members tonight. This is another opportunity for Clean Air Park City to further educate the community about health and environmental issues related to idling which sets an example for the rest of the state.

Andy Beerman, HPCA, stated that the Association doesn't have an official position on idling although there is overall agreement in supporting green initiatives whenever they are practical and fit within the goals of the organization. Reducing pollution is in line with the goal of creating a fun and healthy atmosphere on the street.

Mayor Williams brought up the delivery hours discussion last week in work session which was addressed with anti-idling. He explained that he received emails from downtown condominium owners upset over the potential of 3 a.m. deliveries. He requested that the HPCA take a look at the plan and make a recommendation to members. It was clarified that the delivery ordinance will be addressed on January 6.

With no further input, the public hearing was closed.

Joe Kernan, "I move we approve New Business Item 4, the anti-idling ordinance". Alex Butwinski seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSIONS

The City Council met in closed session at approximately 1:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Joan Card, Legal Counsel, Jason Christensen, Legal Intern, Karyn Hobbs, Legal Counsel; and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Liza Simpson, "I move to open the meeting". Candace Erickson seconded. Motion unanimously carried.

The City Council met again in closed session at approximately 7 p.m. after the adjournment of the regular meeting Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Tom Daley, Deputy City Attorney; Bret Howser, Finance Manager; Phyllis Robinson, Public Affairs Manager; Jon Weidenhamer, Economic Development Director; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting adjourned at approximately 9:30 p.m.

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

Prepared by Janet M. Scott, City Recorder

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
DECEMBER 2, 2010

I ROLL CALL

Chairman Dana Williams called the regular meeting of the Redevelopment Agency to order at approximately 6:30 p.m. at the Marsac Municipal Building on Thursday, December 2, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, Executive Director and Mark Harrington, City Attorney.

II PUBLIC INPUT

None.

III MINUTES OF MEETING OF OCTOBER 14, 201

Candace Erickson, "<u>I move we approve the Minutes of October 14th</u>". Cindy Matsumoto seconded. <u>Motion unanimously carried</u>.

IV NEW BUSINESS

<u>Consideration of a Resolution of the Board of Directors of the Redevelopment Agency of Park City, Utah, authorizing the execution and delivery of a Tax Increment Agreement in connection with the issuance by Park City, Utah, of its Sales Tax Revenue Bonds, Series 2010 in the aggregate principal amount of not to exceed $2,300,000; and related matters</u> – Liza Simpson, "<u>I move we approve a Resolution authorizing the execution and delivery of a Tax Increment Bond in connection with the issuance by Park City, Utah for the Sales Tax Revenue Bonds Series 2010 in an aggregate principal amount not to exceed $2,300,000 and related matters</u>". Cindy Matsumoto seconded. <u>Motion unanimously carried</u>.

V ADJOURNMENT

With no further business, the regular meeting of the Redevelopment Agency was adjourned.

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, Secretary

PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
JUNE 18, 2009

I ROLL CALL

Chairman Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, June 18, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney.

II PUBLIC INPUT *(Any matter of MBA business not scheduled on agenda)*

None.

III MINUTES OF MEETING OF JANUARY 8, 2009

Joe Kernan, "I move we approve the mintues of January 8, 2009". Jim Hier seconded. Motion unanimously carried.

IV NEW BUSINESS

Consideration of a Resolution adopting the Park City Municipal Building Authority Revised Budget for Fiscal Year 2009 and the Budget for Fiscal Year 2010 - The Chairman opened the public hearing and there were no comments from the audience. The hearing was closed. Jim Hier, "I move we approve a Resoluton adopting the Park City Municipal Building Authority revised budget for Fiscal Year 2009 and the Budget for Fiscal Year 2010". Candace Erickson seconded. Motion unanimously carried.

V ADJOURNMENT

With no further business, the regular meeting of the Municipal Building Authority was adjourned. 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, Secretary

PARK CITY WATER SERVICE DISTRICT MEETING
SUMMIT COUNTY, UTAH
JANUARY 7, 2010

I ROLL CALL

Chairman Dana Williams called the regular meeting of the WSD to order at approximately 6:45 p.m. at the Marsac Municipal Building on Thursday, January 7, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, Executive Director and Mark Harrington, City Attorney.

II PUBLIC INPUT

None.

III MINUTES OF MEETING OF JANUARY 8, 2009

Members Alex Butwinski and Cindy Matsumoto abstained as they were not seated on the Board at that time. Joe Kernan, "<u>I move approval of the minutes of January 8, 2009</u>". Liza Simpson seconded. <u>Motion carried</u>.

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

IV NEW BUSINESS

<u>Consideration of a Resolution establishing a regular meeting date, time, and location for 2010 meetings and appointing officers of the Board of Directors of the Park City Water Service District</u> – Cindy Matsumoto, "<u>I move approval of a Resolution establishing a regular meeting date, time, and location for 2010 meetings and appointing officers of the Board of Directors of the Park City Water Service District</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

V ADJOURNMENT

With no further business, the regular meeting of the WSD was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

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Janet M. Scott, Secretary

City Council Staff Report

Subject: **Mayor Pro Tem and Alternate Appointments and Resolutions setting forth 2011 meeting dates**
Author: **Janet M. Scott, City Recorder**
Department: **Executive**
Date: **January 6, 2011**
Type of Item: **Administrative**

Summary Recommendations: Appointment of Joe Kernan as Mayor Pro Tem and Cindy Matsumoto as Alternate Mayor Pro Tem and adopt resolutions setting forth meeting dates for the City Council and its related agencies are recommended actions in order to comply with our municipal code and state law.

Topic/Description: Mayor Pro Tem appointments and setting meeting dates are housekeeping matters which occur at the first meeting of the year. Setting an annual meeting schedule is a requirement of the Utah Open and Public Meetings Act. The annual meeting notice is often required as an attachment to bond resolutions; all meetings require at least a 24 hour public notice period.

Background: Over the years, there has been an effort to provide all City Council members the opportunity to serve as Mayor Pro Tem, and historically the alternate Mayor Pro Tem moves into the Mayor Pro Tem position the next year. Selection criteria include the consideration of number of years of service and/or votes garnered in an election. Typically, these members have been appointed as Mayor Pro Tem and Alternate Mayor Pro Tem for one year terms.

Analysis: Last year Liza Simpson served as Mayor Pro Tem and Joe Kernan as the Alternate. Applying past methodology would designate Joe Kernan as the Mayor Pro Tem and Cindy Matsumoto as the Alternate Mayor Pro Tem.

It should be emphasized that the manner of appointments is at the sole discretion of the Mayor and City Council and can be modified at any time with the majority vote of Council.

Department Review: City Manager's Office.

Alternatives:

- **Approve:** Use past methodology to appoint Joe Kernan as Mayor Pro Tem and Cindy Matsumoto as the Alternate Mayor Pro Tem.

- **Deny:** This is not a realistic option. The Council has the discretion to change the manner of appointing the Mayor Pro Tem and to change the time, dates, and/or location for meetings. However, state law requires that meting dates by adopted by resolution, which logically occurs at the first meeting of the year.

- **Continue the Item:** If Council desires to reconsider the method of appointments, a continuance may be appropriate.

Recommendation: Appointment of Joe Kernan as Mayor Pro Tem and Cindy Matsumoto as Alternate Mayor Pro Tem and adopt resolutions setting forth meeting dates for the City Council and its related agencies are recommended actions in order to comply with our municipal code and state law.

Resolution No. 1-11

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR MEETINGS OF THE CITY COUNCIL OF PARK CITY, UTAH FOR 2011

BE IT RESOLVED by the City Council of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Park City Council shall be held on Thursdays at 6 p.m. at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah. Regular meetings are open meetings, where agenda items are scheduled for public hearing and/or action. The time may change if it is felt appropriate to schedule issues of general interest at a time that may better accommodate the public. Meetings may be canceled when there is no pending business, no quorum, or the regular meeting date falls on a holiday.

The meeting schedule for the City Council in 2011 is as follows:

January 6, 13, 20, 27	July 7, 14, 21, 28
February 3, 10, 17, 24	August 4, 11, 18, 25
March 3, 10, 17, 24, 31	September 1, 8, 15, 22, 29
April 7, 14, 21, 28	October 6, 13, 20, 27
May 5, 12, 19, 26	November 3, 10, 17, 24
June 2, 9, 16, 23, 30	December 1, 8, 15, 22, 29

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given, including the agenda, date, time, and place of the meeting. The agenda will be posted at least twenty-four (24) hours prior to each regular meeting, and delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable. The Mayor and Council may meet socially at an announced location after the meeting, but City business will not be conducted.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the City's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-204 and 52-4-205 of the Utah Code. A closed meeting may be held if a quorum is present and upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-202. No closed meeting is allowed except for purposes expressly allowed under Section 52-4-205; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. A record of closed meetings shall be created and maintained in accordance with Section 52-4-206 of the Utah Code, as amended.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately.

PASSED AND ADOPTED this 6th day of January, 2011.

Resolution No. RDA 1-11 **Same Resolution for MBA and WSD**

A RESOLUTION ESTABLISHING A REGULAR MEETING DATE, TIME, AND LOCATION FOR 2011 MEETINGS AND APPOINTING OFFICERS OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF PARK CITY, UTAH

BE IT RESOLVED by the Redevelopment Agency of Park City:

SECTION 1. REGULAR MEETING DATE. The regular meetings of the Redevelopment Agency shall be held on Thursdays at 6 p.m. or immediately following the adjournment or preceding the convening of other meetings that may be scheduled at 6 p.m. Meetings shall be held at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah, except when there is no pending business or the regular meeting date falls on a holiday.

SECTION 2. NOTICE OF PUBLIC MEETINGS. Notice shall be given, including the agenda, date, time, and place of the meeting. The agenda will be posted at least twenty-four (24) hours prior to each regular meeting, and delivered to the local news media. The agenda for special or emergency meetings shall be noticed in the best manner practicable. The Board of Directors may meet socially at an announced location after the meeting, but City business will not be conducted.

SECTION 3. WORK SESSIONS. Work sessions are open informational meetings, where new items are introduced or regular meeting agenda items are discussed for clarification prior to action. Typically, no formal action is scheduled or taken during a work session, but formal actions may be made to conduct the City's business, if it is deemed to be in the best interest of the public.

SECTION 4. CLOSED MEETINGS. Every meeting and work session is open to the public, unless closed pursuant to Sections 52-4-204 and 52-4-205 of the Utah Code. A closed meeting may be held if a quorum is present and upon the affirmative vote of two-thirds of the members of the public body present at an open meeting for which notice is given pursuant to Section 52-4-202. No closed meeting is allowed except for purposes expressly allowed under Section 52-4-205; provided no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. A record of closed meetings shall be created and maintained in accordance with Section 52-4-206 of the Utah Code, as amended.

SECTION 5. SPECIFIC MEETING DATES. The meeting schedule for the Redevelopment Agency in 2011 is as follows:

January 6, 13, 20, 27	July 7, 14, 21, 28
February 3, 10, 17, 24	August 4, 11, 18, 25
March 3, 10, 17, 24, 31	September 1, 8, 15, 22, 29
April 7, 14, 21, 28	October 6, 13, 20, 27
May 5, 12, 19, 26	November 3, 10, 17, 24
June 2, 9, 16, 23, 30	December 1, 8, 15, 22, 29

SECTION 6. APPOINTMENT OF OFFICERS. The officers of the Board of Directors of the Redevelopment Agency of Park City, Utah shall be as follows: The elected Mayor shall be the Chairman; the Mayor Pro Tempore shall be the Vice-Chairman; the Alternate Mayor Pro Tempore shall be the Alternate Vice-Chairman; the City Manager shall be the Executive Director; the City Recorder shall be the Secretary; and the Deputy City Recorder shall be the Deputy Secretary.

PASSED AND ADOPTED this 6th day of January, 2011.

City Council Staff Report

Subject: Professional Services Contract for a Storm Water Master Plan Study
Author: Matthew Cassel, P.E., City Engineer
Date: January 6, 2011
Type of Item: Administrative

Summary Recommendations:
The Council should consider authorizing the City Manager to sign a Service Provider/Professional Services Agreement with Stanley Consultants, Inc. for consultant services related to the Storm Water Master Plan study in the amount of $154,327.

Description
This contract with Stanley Consultants is for them to complete a study and prepare a comprehensive storm water master plan for Park City. The Council has approved funding for this project in Capital Project cp0234 (General Plan Update) which contains $225,000 for mater plan studies.

Background/Description:
A storm water master plan was prepared for Park City by Bush and Gudgell in April 1981. This master plan was in essence a stream inventory with flows and the inclusion of the few storm drains installed at that time. Since then, the Old Town Infrastructure Study (OTIS) was completed in 2002 and numerous small localized storm water studies have been performed over the years but with no connectivity between the studies. Staff recognizes the need to develop a comprehensive master plan for the City's storm water system. It is anticipated that this tool will be useful for the City to understand and resolve current and anticipated future storm water issues and to be better prepared for future upcoming EPA Phase II storm water regulations. It is anticipated that the 2010 census will push Park City over the threshold thus requiring us to abide by the regulations.

Analysis:
A review committee consisting of Pace Erickson (Public Works), Spencer Lace(IT), Jeff Schoenbacher (Building), Eric Anderson (Engineering), Tom Eddington (Planning) and Matt Cassel (Engineering) evaluated the 12 submitted Statement of Qualifications (SOQs) from consulting firms as listed below:

FIRM
Epic Engineering
JUB Engineering
Stanley Consultants
Horrocks Engineers
URS
Caldwell Richards Sorensen

AMEC
Stantec
Hansen Allen and Luce
Bowen Collins and Associates
Brown and Caldwell
Northern Engineering (submitted late)

The SOQs were evaluated based on the following criteria:

1. Experience on similar projects (20% of total score),
2. Strength of individuals committed to the project (15% of total score),
3. Relevance of the submitted work plan (15% of total score),
4. Project management skills (15% of total score),
5. Communication and public involvement skills (15% of total score),
6. Strength of SOQ addressing Park City concerns (15% of total score), and
7. Other factors (5% of total score)

Stanley Consultants was the top ranking firm and the selection committee determined that shortlisting firms for interviews were not necessary. The final scope of services and proposed fee were negotiated with Stanley Consultants.

The following are the deliverables to be provided by Stanley Consultants per the final negotiated scope of work:

- A storm water model that represents today's current storm system along with its current and future capacity. The model will be acceptable and useable by FEMA for flood plain analysis,
- An immediate, 5 year and 10 year Capital Improvement Plan which addresses current deficiencies and future anticipated/required facilities,
- Creation of ordinances and standards to be adopted and used by Park City for better design and stronger enforcement of our storm water system,
- An outline of elements that can be implemented by the City in the next one to two years to better prepare Park City for the impending EPA storm water Phase II Final Rule requiring operators of regulated small municipal separate storm sewer systems (MS4s) to develop a storm water management program,
- A recommended operation and maintenance program and possible funding sources,
- Provide a pros and cons memorandum as to the benefits and costs of instituting a storm water utility specific to Park City Municipal Corporation,
- Field verification to determine the accuracy of the GIS layers.
- Televising of selected older pipes to determine the aging of the storm drain facilities,
- A stream inventory to determine "navigable waters" and irrigation/drainage ditches,

- An outfall inventory for both McLeod Creek and Silver Creek,
- An inventory of engineering controls including wet and dry detention basins, oil-water separators, etc, and
- Provide updated GIS data including a geometric network in ESRI geodatabase,
- Analysis of our existing drainage gutter pans including determination of a standard for our City and the cost to remove the existing gutter pans.

The master plan process will include the holding of a public meeting, Planning Commission meetings and City Council meetings as listed below:

- General Public Involvement - One open house style meetings is planned capable of gathering input from the entire community,
- Planning Commission – Two to Three updates to the Planning Commission will be provided,
- City Council – Three update/adoption meetings with City Council will be held throughout the master plan process.

This master planning process is part of a series of Park City's broader planning efforts to ensure that we can provide infrastructure and services for full-time residents and amenities for visitors, all while balancing the competing nature of our quality of life, environmental sustainability and economic viability. Once completed, this study will be referenced at part of the General Plan in the environmental and utility sections.

Department Review:
This report has been reviewed by City Manager, Planning, IT, Public Works, Building and Legal. All issues have been resolved.

Alternatives:

A. Approve the Request:
This is the staff's recommendation.

B. Deny the Request:
If this request is denied, a master plan for our storm water system would not be completed and the section pertaining to utilities, specifically storm water in our updated General Plan could be incomplete.

C. Continue the Item:
If the Council needs more information the item can be continued.

D. Do Nothing:
This option would not allow for the completion of a storm water master plan for Park City.

Significant Impacts:
The analysis and preparation of the master plan will have no significant impacts. The funds for the consultant's contract have already been appropriated, and there are no budget impacts which the Council hasn't already considered in the FY2010 budget.

Consequences of not taking the recommended action:
The storm drain systems functionality and physical condition has long been an “under the radar issue” for Park City. The creation of a master plan will help the City better plan for anticipated future storm drain issues. If the recommended action is not taken, Park City will not have this tool to help plan for the future of our storm drain system’s infrastructure.

Recommendation:
The Council should consider authorizing the City Manager to sign a Service Provider/Professional Services Agreement with Stanley Consultants, Inc. for consultant services related to the Storm Water Master Plan study in the amount of $154,327.

Exhibit - Excerpt of Professional Service Agreement with Stanley Consultants, Inc. which includes scope, proposed fee and proposed project schedule

Project Proposed Outline

Client : Park City Municipal Corporation
Project : Storm Water Master Plan
Date : 28th December 2010
Stanley Project No : 23207.01.00

1. Scope:

Based on our latest discussions with the City and our understanding of the City's needs, the following tables summarize the proposed tasks with the associated lump sum or hourly fee. We will be pleased to discuss this further with the City to prepare the final scope of services. We will also welcome additional services that may not be listed in this document as may be deemed necessary by the City.

Our services to the city in this project can be summarized by the items shown below:

1. Storm water quantity,
2. Storm water quality,
3. Storm water capital improvement plan (CIP),
4. Field verification,
5. GIS tools,
6. Public involvement and
7. Project management.

Table 1: Schedule of Basic Services

#	Task	Description	Proposed Fee ($-Lump Sum)
1	Existing Data	Item 1: • Obtain and review existing datasets • Setup inventory criteria • Develop watershed stream inventories	$4,602
2	Hydrology and hydraulics models	Item 1: • Develop Park City Design Storm • Develop hydrologic model for the city (FEMA approved) – current conditions. HEC-1/HMS, NSS, TR-55 models will be considered.	$46,414

#	Task	Description	Proposed Fee ($-Lump Sum)
		• Recommend hydrologic and hydraulic models for the city standards (FEMA approved). • Develop HY-8 models for up to 10 culverts within the city. • Develop StormCAD model for urban drainage. The StormCAD model will include major trunk lines and ditches within the City. • Develop PondPack model for detention/retention ponds. • Develop storm water report – part of the storm water master plan. • Combine the City's 1981 master plan and the Old Town Infrastructure Study (OTIS) completed in 2002 and other storm water related studies into the findings of the storm water master report. • Combine the storm water related recent improvements into the storm water master report (including Bonanza Drive, Echo Spur development, Treasure Hollow,..etc) • Develop the Park City Drainage Manual as a technical guide for future analysis and design, including standard criteria and details for hydrology, hydraulics and water quality within the city.	
3	Pipe condition assessment	Item 1: • Prioritize, in conjunction with the city, the storm drain segments that need to be televised to assess condition. • Televise the pipe segments identified (up to 2,500 feet of pipe) – Additional pipes unit cost is $250/100 feet of pipe. • Generate a classified map summarizing the findings showing immediate, 5-, 10- year replacement priorities.	$6,264
4	Erosion and stream stability	Item 1: • Identify and include storm water BMPs • Draft storm water ordinances for the Park City Drainage Manual. We will use APWA standards and use City of Potland and/or King County's Standards as a guide.	$3,979
5	Operations & Maintenance plan	Item 1: • Develop an operation and maintenance plan.	$4,948
6	Phase II assistance	Item 2: • Provide UPDES Phase II permitting assistance – current organizational structure. • Provide recommendation for future development.	$5,654
7	CIP	Item 3: • Prepare Capital Improvement Plan (CIP) for storm water facilities within PCMC. The CIP will	$7,831

#	Task	Description	Proposed Fee ($-Lump Sum)
		include immediate, 5 and 10 years needs.	
8	Storm water fee & ordinances	Item 3: • Develop a successful and upgradable storm water fee program for implementation in the City. The program will take into account projected future growth and development. • Provide a task summary memo. The memo will summarize how to set up a storm water utility, the ordinances required, the activities that can be covered under the utility and a range of fees collected and their adequacy to fund storm water operation and maintenance and CIP projects.	$4,352
9	Field verification of storm water features	Item 4: • Start the field data collection in spring 2011. We will use the city-collected GPS data for storm water as the starting base layer to verify and build the comprehensive geo-database for the City's resources. • This effort includes 160 hours of field data collection and office coordination. • Additional hours unit cost is $94/hour.	$15,108
10	GIS Standardization	Item 5: • Develop draft schematic representation of the Park City Storm Water geo-database (See Figure 2, in our original proposal). This scalable geo-database will include operational layers and base maps and will be designed to accommodate current and future city needs. As an example, the pipe attributes will include the type, size, diameter, and condition of pipes. • Use coded value domains for easy data entry in the office and in the field. • Use, as appropriate, Federal Geographic Data Committee (FGDC)'s Content Standard for Digital Geospatial Metadata (CSDGM). • Use, as appropriate, the Spatial Data Standards for Facilities, Infrastructure and Environment (SDSFIE) as the base data model. • Develop GIS tools that will be delivered for the City's use to streamline some of the day-to-day tasks related to storm water quantity and quality. (See Figure 3, in our original proposal)	$8,474
11	Training workshop	Item 5: • Prepare and hold a half a day training workshop for City personnel on the developed GIS tools including desktop automation and field data collection.	$1,188
12	Public Involvement	Item 6: • Attend 1 public meetings, 3 city council meetings. • Coordinate with Local media.	$15,311

#	Task	Description	Proposed Fee ($-Lump Sum)
		• Use our project findings to present to the public and city council to show progress and development. • Use the GIS interactive tools that we will develop as a valuable resource for the City to request additional funding approved for Storm water facilities. • Setup and maintain – until Sep. 30th, 2011 – an official web site for the project (or a Facebook page). The convenient website will be used to public information about the project and respond to citizens comments/questions. Forty (40) hours, for website upkeep, are included in the total lump sum fee for this task. Additional hours unit cost is **$110/hour**. • Includes 8 hours for social media. Additional hours unit cost is **$110/hour**.	
13	Gutter pan inventory	• Develop an inventory of existing gutter pans. • Determine removable pans. • Develop system upgrade recommendations.	$15,224
14	Project management	Item 7: • Attend project kick off review meetings • Coordinate with the City throughout the project. • Prepare progress reports. • Internal PM activities.	$14,978
		Total Basic Services (excluding unit cost items) – Not To Exceed	**$154,327**

Table 2: Schedule of Additional Services

#	Task	Description	Benefit to PCMC	Proposed Fee ($-Lump Sum)
15	SWMM Based Model	Item 1: • Migrate the H&H model to EPA's SWMM-based model.	Additional integrated model – interfaced with ArcGIS	$6,000
16	Additional pipe condition assessment	Item 1: • Storm drain pipes condition assessment for all needed pipes (beyond 2,500 ft).	Additional pipe condition assessment. The 5000 ft in basic services may not cover all critical pipes.	$250/100 feet*
17	Baseline study	Item 2:	Help the city provide a defensible	$16,800

#	Task	Description	Benefit to PCMC	**Proposed Fee** ($-Lump Sum)
		• Develop a Baseline Water Quality Study. This study will include the naturally occurring values for Cadmium (Cd) and Zinc (Zn). Cd/Zn pollutographs within, upstream, and downstream of the City will be the core of the study. • Develop and implement a Short-Term Monitoring Plan: (Data collection between **End of February to middle of September**). This will include water quality sampling from four selected locations within the City, as well as, four locations immediately upstream and downstream of the city boundaries (two on each watershed). • Develop water quality model (mass balance) & assessment. We will develop a water quality mass balance model for the "pollutants of concern"; i.e., Cd/Zn. We will evaluate current TMDLs for both watersheds, Silver Creek and East Canyon, and see if the recommended MCLGs for Cd/Zn are attainable. • Use the USGS gauging station data to build a stochastic predictive model (quantity predictive model) and STORET Cd/Zn data to build a stochastic predictive model (quality predictive model) for both watersheds. • Calibrate both predictive models using data collected throughout the project period to three events in March, May, and July. • Incorporate the findings of the Prospector Drain Bio-cell into the water quality analysis for Cd/Zn. • Investigate the potential use of additional bio-cells (or upgrading the capacity to handle peak spring run-off) as a BMP for reduction of Cd/Zn.	baseline to ease the DEQ restrictions and contaminants goals for TMDL review.	

#	Task	Description	Benefit to PCMC	Proposed Fee ($-Lump Sum)
18	TMDL and Phase II Assistance	Item 2: • Prepare a draft TMDL Revision Report in coordination with the City. This report will highlight the findings of the water quality section of the master plan and should assist the City in negotiations with Utah DEQ to revise the current TMDLs for both watersheds, especially in relation to Maximum Contaminant Level Goals (MCLGs). This report will have supporting evidence on the naturally occurring levels of the subject contaminants upstream of the City. The report will summarize the baseline study with correlation between the monitoring stations upstream, as well as, downstream. It will also include results of the monitoring program during the project. • Develop a desktop GIS tool for management and tracking of storm water permits (including Notice of Intent (NOI) and Notice of Violation (NOV)).	Help the city with the TMDL review process Help the city maintain and coordinate the Storm water permitting and to go in line with Phase II, and DEQ requirements.	$5,000
19	Water quality plan	Item 2: • Prepare a water quality master plan including the water quality model. The plan will include recommendations for immediate, 5 and 10 year time frames.	This will complement the water quantity master plan.	$6,800
20	GPS Assisted Inspections	Item 5: • Develop mobile field data collection and inspection tools for the City inspection crew. The tools will be based on ArcGIS and ArcPad and will include drop down menus with coded value domains for easy and consistent field data collection		$4,000
21	Additional water quality sites	Item 2: • Additional six water quality monitoring sites for the entire duration of the monitoring plan	This will give a better picture of the spatial and temporal variations in the pollutants of concern (i.e.	$12,000

#	Task	Description	Benefit to PCMC	Proposed Fee ($-Lump Sum)
			Cd/Zn)	
22	Storm water web portal	Items 1, 2, 3, 5 and 6: • Develop, build, and maintain (for a year) a storm drain web portal. This publicly available website can be used as a revenue source for the City. A nominal fee will be collected by the City from users when downloading storm drain data. The entire fee will be used as an additional resource to fund the City's storm drain program	State of the art GIS & web mapping technology for secure & easy to manage data viewing and editing. The City can use this web site to charge a fee from citizens or developers downloading data. The nominal fee could be used to support storm water maintenance within the City.	$32,000
23	Maintenance route optimization	Items 1, 2, 4 and 6: • Provide maintenance route optimization (desktop or web if task 18 is selected)	Optimize the use of resources and inspector time. Efficiently utilize available technology for timely response for maintenance requests.	$12,000
24	SWPPP Management Portal	Items 1, 2, 4, 5 and 6: • Develop, build, and maintain (for a year) a SWPPP management portal within the City. This will include interactive tools for contractors and developers. Developers would be able to track any issued notices associated with their developed lot on the web portal. • Only $8,000 if task 18 is selected.	State of the art GIS & web mapping technology for secure & easy to manage SWPPPs & permits data viewing and editing. The City can use this web site to charge a convenience fee from developers. The nominal fee could be used to support storm water maintenance within the City.	$28,000 (or $8,000 see description)
25	2-Dimensional water quality model	Item 2: • Development of a 2-dimensional (2D) water quality & hydrodynamics model (i.e. CE-QUAL-W2) for both streams up to the first USGS gauging station downstream the City	A detailed 2D model can support the TMDL review process especially from the water quality modeling perspective. A 2D model is typically more accurate than 1D or mass balance models.	$16,000
26	Additional GIS Services	Item 5: • On an as-needed basis, a Stanley GIS specialist can	Help the City with the dataset standardization efforts and mobile	$110/hour*

#	Task	Description	Benefit to PCMC	Proposed Fee ($-Lump Sum)
		be located on City premises and help with GIS tasks to assist the City's GIS coordinator.	workforce data collection.	
			Total Additional Services (excluding unit cost items)	**$138,600**

* Unit cost item – not included in Total Additional Services.

2. Schedule:

- In our proposal submitted to the City on October 21st, 2010, we indicated the possibility of early finish by the end of July 2011. This was based on starting the project activities immediately. However, based on our discussion on November 8th 2010, the City sees no reason to start the data collection early and postpone the majority of the field work to spring 2011.
- Detailed project schedule will be developed upon the City's selection of the services outlined above.
- Overall timeline:
  - November : Obtain Park City's current GIS data and as-builts pertaining to storm water, water quality and soil ordinances.
  - Dec. – Jan. : Kickoff - Initial data assessment, review GIS data, Initial PI meetings with local media.
  - February : Update Park City Storm Water Geo-database and standards - Develop monitoring plan.
  - Mar. – Apr. : Field data collection and filling data gaps – GIS Tools.
  - Mar. – Sep. : Water quality sampling.
  - Apr. – May : Draft H & H modeling – Additional services.
  - May – Jun. : Finalize H & H modeling – Draft CIP - Additional services.
  - Jul. – Aug. : Storm Water Fee Program – Stochastic modeling – BMPs and Ordinances – CIP Review - Additional services.
  - September : Final deliverables (Storm Water Master Plan, CIP, TMDL revision report, Phase II assistance, Park City Drainage Manual, applicable additional services, Final geo-database, Final Workshop)
- We will finish all the project tasks, basic and additional, within the project time frame; i.e. **September 30th, 2011**.

City Council Staff Report

Subject: Council Appointments to the Employee Transfer & Discharge Appeal Board
Author: Dani Lo Feudo
Department: Human Resources
Date: January 6, 2011
Type of Item: Administrative

Summary Recommendations:
In accordance with Utah State and Municipal Codes, three Council member appointments are needed for a one-year term to serve on the Employee Transfer & Discharge Appeal Board. Two appointments are needed to serve as representatives and one in an alternate position. There are no ETDAB appeals filed or hearings scheduled at this time.

Topic/Description:
The Employee Transfer Discharge and Appeal Board (ETDAB) consists of two appointed council members and three elected full-time-regular employees. The employee representatives are elected by the body of current employees. An alternate is also chosen from both the City Council and employee groups.

Background:
In November of 1999 the City Council approved amendments to the ETDAB according to Section 2-6-2 within Title 2, Chapter 6 of the Municipal Code in conjunction with Park City Municipal Policies and Procedures and as set forth in Utah Code Annotated 10-3-1106, as amended. This statute prohibits the discharge or transfer of a full time regular employee to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of departments. The statute also provides that any employee who is discharged or transferred from one position to another, for any reason, shall have the right to appeal the discharge or transfer the ETDAB. There was one hearing in 2009 and there were two hearings in 2010.

Analysis:
The ordinance approving the amendments to the ETDAB was passed by the City Council in November of 1999. By ordinance, the appointment of council members must be made during the first regular council meeting of each year. The 2010 ETDAB board consisted of two Council members, Liza Simpson and Candy Erickson with Cindy Matsumoto as an alternate, and four full-time-regular City employees. Staff elected to serve in 2011 include Pam Evans (Public Works Department), Troy Dayley (Public Works Department), Karen Ovard (Finance Department) and Mike Lennon (Public Works Department) as an alternate. The ETDAB meets when a formal appeal challenging a transfer or discharge is filed by an eligible City employee.

Department Review:
Human Resources, Legal

Alternatives:

A. **Approve:**
Council is being asked to appoint two members and an alternate based on prior approval of the board.

B. **Deny:**
As the recommendation follows that set by Council statute, denial is not recommended.

C. **Modify:**
No modification is recommended.

D. **Continue the Item:**
As the appointment timeline is established by Council statute, no continuance is recommended.

E. **Do Nothing:**
As the recommendation follows that set by Council statute, no lack of action is recommended.

Significant Impacts:
There are no significant impacts. This action coincides with the council liaison appointments to other boards and committees regularly occurring in January of each year.

Consequences of not taking the recommended action:
Failure to make the required appointments could leave the City out of compliance with the Municipal Code, Utah State Code as well as City policies and procedures. However, current members would continue to serve until replaced.

Recommendation:
The City Council should appoint two members and an alternate to serve on the Employee Transfer and Discharge Appeal Board for one year to remain in compliance with Park City and Utah State Code.

City Council
Staff Report

Subject:	**First Amendment to the Village at Empire Pass Phase 1 Subdivision- Lot 9**
Author:	**Kirsten A Whetstone, AICP**
Date:	**January 6, 2011**
Type of Item:	**Administrative – Subdivision plat amendment**
Project Number:	**PL-10-00861**

PARK CITY 1884
PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council conduct a public hearing to amend The Village at Empire Pass Phase 1 subdivision plat, consider input, and consider approving the plat amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant:	Talisker/ United Park City Mines Company
Location:	8680 Empire Club Drive- Lot 9 The Village at Empire Pass Phase I Subdivision.
Zoning:	Residential Development as part of the Empire Pass Master Planned Development (RD-MPD)
Adjacent Land Uses:	Residential units of Empire Pass Master Plan and Ski terrain of Deer Valley Resort
Reason for Review:	Subdivision plat amendments require Planning Commission review and recommendation to City Council

Proposed Amendment

On October 21, 2010, the City received an updated and complete application for an amendment to the Village at Empire Pass Phase 1 subdivison plat. The application requests the following amendments to Sheet 2 (see Exhibit A):

- Identification of a December 17, 2009 recorded private parking easement on Lot 9 for the parking constructed off of Village Way for Shooting Star (see Exhibit B).
- Identification of a December 17, 2009, recorded private trail easement on Lot 9.
- Move a lot line between Lot 9 and the Village Way private drive and decrease the area of private road for Village Way previously anticipated for a pullout. A permanent shuttle stop was constructed near the entrance to the Empire Club on Lot 9 (see Exhibit B). The pull out parking remains and is memorialized by a parking easement.
- Lot 9 increases from 61,030 sf to 65,956 sf. Lot 8 is not changed in lot area because the amendment is between Lot 9 and the Village Way private road.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area.

Resolution 20-99 granted the equivalent of a “large-scale” master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.

The Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space. On February 1, 2007, the City Council approved amendments to the DA allowing additional density and three additional acres to be utilized in the area known as the B-2 area encompassed by the Empire Village Subdivision plat. In exchange, United Park City Mines Company petition the City for annexation of the Park City Mountain Resort ski lease area (removing all residential development potential) and agreed to construct a Park and Ride facility at Richardson Flats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which any MPD and preliminary/final plat will be reviewed.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A, including the Empire (now Tower) Club building and residential units.

On September 30, 2004, the City Council approved the Village at Empire Pass Phase 1 subdivision plat. The plat was found to be in compliance with the Flagstaff Mountain Development Agreement and the Master Planned Development for the Village at Empire Pass. The subdivision plat created two parcels and eleven (11) lots with this subdivision. Lot sizes range in size from 11,138 square feet *(.25 acres)* to 86,711 *(3.55 acres)* which is consistent with the RD zoning District and Village at Empire Pass MPD. These lots have separate condominium plats as part of the Larkspur Townhomes, Paintbrush PUD-style cluster homes, the Empire Club (now known as the Tower Club and previously known as the Alpine Club) on Lot 9 and Shooting Star on Lot 8. The Village at Empire Pass Phase 1 subdivison plat was recorded at Summit County on November 24, 2004 (Exhibit C).

Tower Club phase 1 has been constructed. Tower Club phase 2 has not been constructed. On February 11, 2009, the Planning Commission approved a CUP extension for the Tower Club phase 2 until July 1, 2010. Re-platting of the boundary was a condition of approval of the February 11, 2009 CUP extension approval. Prior to expiration of the CUP on July 1, 2010, the applicant submitted a complete application for revisions to the MPD for the Village at Empire Phase and the Tower Club phase 2 CUP. The applicant has requested the applications for these amendments be placed on hold until a construction issue is resolved.

The lot arrangement, building site, square footage, lot dimension, and access, and road design of the proposed amendment are consistent with the Land Management Code, Section 15.7.3-3: Subdivisions- General Lot Design Requirements and the conditions of approval of the Flagstaff Annexation and Development Agreement and the Village at Empire Pass Master Planned Development. All conditions of approval, including conditions of approval of the Village at Empire Pass Phase I subdivision plat continue to apply.

On December 8, 2010, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council.

Analysis

Zoning for the subdivision is Residential Development. Lot 9 is subject to the following criteria:

	Permitted through MPD/CUP	**Phase I**
Height	Empire Club (now known as the Tower Club) height exception to 86 feet above natural grade was granted with the Master Plan. RD zone height is 28’ plus 5’ for a pitched roof.	Phase 1 height is 51’ from natural grade. Height of great room is 38’. Complies.
Front setback	20’, 25’ minimum distance from Lot boundary, platted street, or existing curb to front facing garage	Minimum of 20’ from building and 25’ from garage. Complies.
Rear setback	15’ minimum distance from Lot boundary, platted street, or existing curb from Lot boundary	Minimum of 15’. Complies.
Side setbacks	12’ minimum distance from Lot boundary, platted street, or existing curb	Minimum of 12’. Complies.
Floor area	10,000 square feet was approved in the Construction and Development Phasing Plan for Phase I Tower Club (Exhibit 10 of the Technical Reports) and amended to 8,900 sf by the revised Phasing Plan.	8,887 square feet. This total is less than the 8,900 square feet approved by the revised Phasing Plan Complies.
Lot size- Lot 9	No minimum or maximum lot size required.	61,030 sf existing and 65,956 sf with amendment.

Staff finds good cause for this subdivision plat amendment in order to place an unused area of private drive into an existing Lot in order that it be owned, landscaped, and maintained in a manner appropriate to the existing uses on Lot 9. The plat memorializes parking easements for the existing constructed parking pull out at Shooting Star off of Village Way private road. The plat also dedicates a public access easement across Lot 9. Re-platting of the boundary was a condition of approval of the February 11, 2009 CUP extension approval for the Tower Club residential.

The subdivision plat is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain and the recorded Village at Empire Pass Phase 1 subdivison plat. The proposed plat amendment complies with the Land Management Code and no non-conforming situations are created.

Department Review
This project has gone through an interdepartmental review. No issues were raised pertaining to the requested plat amendment.

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input
Staff received input from twp property owners, one in the adjacent Shooting Star and one in the Larkspur condominiums. The property owners have concerns with the proposed CUP amendments which are not before the Planning Commission at this time. Staff has provided the owner with the staff report and exhibits of the plat amendment, as well as relayed information regarding the proposed CUP amendments.

Future Process
The approval of this subdivision plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Alternatives
- The City Council may approve the First Amendment to The Village at Empire Pass Phase 1 subdivision plat as conditioned or amended, or
- The City Council may deny the First Amendment to The Village at Empire Pass Phase 1 subdivision plat and make findings for this decision, or
- The City Council may continue the discussion on the First Amendment to The Village at Empire Pass Phase 1 subdivision plat and provide Staff and the Applicant with specific direction regarding additional information necessary to find compliance with the criteria listed in this report.

Significant Impacts
Based upon a review of the Flagstaff Mountain Development Agreement, the Planning Commission approved technical reports, and the Land Management Code, Staff finds that here are no significant fiscal or environmental impacts from this final subdivision plat as conditioned. The plat provides parking easements for the parking off of Village Way private road and a public access easement on Lot 9. Re-platting of the boundary of

Lot 9 was a condition of approval of the February 11, 2009 CUP extension approval

Consequences of not taking the Suggested Recommendation
The area would remain as part of the Village Way private road. Parking pullout area for Shooting Star will remain.

Recommendation
Staff recommends the City Council conduct a public hearing and consider approving the plat amendment for the Village at Empire Pass Phase I Subdivision plat based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits
Exhibit A- Proposed plat
Exhibit B- Photos
Exhibit C- Recorded plat
Exhibit D- emails from neighboring property owners

Ordinance No. 11-

AN ORDINANCE APPROVING THE FIRST AMENDED VILLAGE AT EMPIRE PASS, PHASE I, SUBDIVISION, LOCATED AT 8680 EMPIRE CLUB DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property known as the Village at Empire Pass, Phase I Subdivision have petitioned the City Council for approval of amendments to the approved subdivision plat for the Village at Empire Pass, Phase I; and

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

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

WHEREAS, the Planning Commission held a public hearing on December 8, 2010, to receive input on the amended subdivision plat;

WHEREAS, the Planning Commission, on December 8, 2010, forwarded a recommendation to the City Council; and,

WHEREAS, on January 6, 2011, the City Council conducted a public hearing on the amended subdivision plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Village at Empire Pass Phase 1 amended subdivision plat.

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

SECTION 1. APPROVAL. The amended subdivision plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Village at Empire Pass Phase I Plat is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-used development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2, and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.

4. A maintenance agreement addressing snow removal and maintenance of the water system exists between Park City Municipal Corporation and the Village at Empire Pass Master Homeowners Association.
5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A, including the Empire (now Tower) Club building and residential units.
6. On September 30, 2004 the City Council approved The Village at Empire Pass Phase I subdivision plat creating two (2) parcels with eleven (11) lots and the plat was recorded at Summit County on November 24, 2004.
7. On April 13, 2005 the Planning Commission approved a CUP for the Empire (now Tower) Club located on Lot 9.
8. On February 13, 2008, the Planning Commission approved a CUP for the residential component of the Empire Club (i.e. Phase 2) and the name changed to the Tower Club. Phase 2 includes 25 units (38.9 UEs) and one 650 sf accessible ADA unit platted as common.
9. On October 21, 2010, the Planning Department received a complete application for a plat amendment to amend the Village at Empire Pass Phase I subdivision plat. The amendments include the following: a) move a lot line between Lot 9 and the Village Way private road to expand Lot 9 and decrease the area of private road for Village Way previously used for the temporary shuttle stop until the permanent shuttle stop was constructed near the entrance to the Empire Club on Lot 9, and 2) memorializing recorded easements. Parking pull out for Shooting Star will remain.
10. With the re-plat between Lot 9 (Tower Club) and the private right-of-way, the Tower Club residential building will comply with all setback requirements.
11. Re-platting of the boundary was a condition of approval of the February 11, 2009 CUP extension approval.
12. The plat amendment does not create any non-conforming situations.
13. On December 8, 2010, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council.

<u>Conclusions of Law</u>

1. There is good cause for this amended subdivision plat.
2. The amended subdivision plat is consistent with the Flagstaff Annexation and Development Agreement, the Village at Empire Pass Master Plan Development, the Village at Empire Pass Phase I subdivision plat, the Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed amended subdivision plat.
4. Approval of the amended subdivision plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval</u>

1. All conditions of approval of the Flagstaff Annexation and Development Agreement and the Village at Empire Pass Master Planned Development, and the Village at Empire Pass Phase I subdivision plat continue to apply. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
2. The City Attorney and City Engineer will review and approve the final form and

content of the amended subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.

3. The applicant will record the subdivision plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
4. The final plat shall contain a note that Village Way is a private road
5. A note on the plat shall state that the maintenance of the Lot9 water system is the private responsibility of the Lot 9 Village at Empire Pass Sub Association.
6. The plat amendment does not approve any changes to the Conditional Use or Master Planned Development approvals on the property.

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

PASSED AND ADOPTED this 6th day of January, 2011.

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, MAYOR

ATTEST:

____
Jan Scott, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

From: Dave Conant [dconant2@thecargroup.com]
Sent: Wednesday, December 01, 2010 6:36 PM
To: Kirsten Whetstone
Subject: PL-09-00861

Kirsten,
Having received your Notice regarding the above Application, I tried to go to the city website to see if I could find any renderings, drawings or additional info. I was unable to locate anything. Can you email me anything that pertains to this please?

I own the property at 7718 Village Way and expect to be significantly impacted by this project. The bus pullout described is used heavily all day, everyday in the winter. Most foot traffic into and out of the Shooting Star condos and the property management office within the building, use the pullout as a temporary parking place. There is no other place for all these people to stop. In the future it is also unrealistic to expect guests from that building to walk clear around the expanded Tower Club and up the (often slippery) hill to get to the transit stop in front of the Tower Club.

This needs to be reconsidered. The Tower Club expansion is already going to severely impact everyone along Village Way. Adding even more congestion by removing this current bus pullout and building right up to that area of the street is seriously over the top.

Any info you can share is appreciated. I hope my opinion will be of value to you as well.
Thanks,
David Conant

From: Ted Dobos [tdobos@gmail.com]
Sent: November 24, 2010 11:15 AM
To: Kirsten Whetstone
Cc: tdobos@gmail.com; stcdobos; hey.patrick@sbcglobal.net; nrundel@taliskermountain.com
Subject: Request for full Information application# pl-09-00861
Dear Kirsten,

My name is Ted Dobos and my wife Stacey and I own 7724 Village Way in Park City. We purchased our townhouse very early and in fact expected the Empire Club (now called the Tower Club) to be built with the entrance right next to our property on Village Way-- our sales disclosures showed the map with this design. I understand things have changed (although I frankly never really understood how changing the street a building was on could be determined a minor change that was allowed to happen after people had purchased property); I was never very happy that the entrance was changed to Empire Drive. In addition, at my driveway on Village Way (again 7724 Village Way), the builders of the Tower Club used Village Way as a major point of entry for building the swimming pool, etc--- in which considerable damage to the street and planting occured at my driveway. Everything is beautiful now and certainly the development makes us very happy--- but the disclosure on what was happening was never very good.

It is my latest understanding (from a year ago) that their will be some "Tower Club Residences" that will be condos attached to the Tower Club [and I know plenty of my neighbors are VERY concerned at the height of these residences surpassing even the height of the Tower that is there currently].

This all being said, I am very interested in being fully informed on what is going on next to my front door and especially given I was expecting originally to have there be a nice "turn-around entrance" that went well into the Tower Club property on Village Way-- I absolutely do not feel there should be any structure or use coming any closer to my property than what was originally designed. Also, I have an agreement with East West that when the new structures are build that they will have right on Village Way an elevator in which homeowners on Village Way may use a key-card to access the structure [not sure this impacts what is going on now but did want to mention it...below is the email confirmation of this from Nathan Rundel, VP Construction at Tallisker].

Please call me at: Ted Dobos 650-533-3078 (cell), and information can be mailed to my primary residence at 10 Stacey Court, Hillsborough, CA, 94010. I currently can only guess at what the current project is and definitely thank you in advance for helping me understand what is going on so that we and our neighbors can be informed and take appropriate action if needed.

I appreciate your time and attention in this matter (below is a 2008 email from Nathan Rundel, VP Construction at Tallisker).

Respectfully,
Ted Dobos

Owner, Larkspur#13, 7724 Village Way
650-533-3078

On Tue, Jul 22, 2008 at 7:42 AM, Nathan Rundel <nrundel@taliskermountain.com> wrote:
Ted-

It was a pleasure talking to. Hopefully I was able to answer your questions?

To confirm our conversation yesterday, Talisker's plan in the design of the new Talisker Tower Residence is to give the Larkspur unit owners access to the existing Tower Club through the new Tower Residence building. That route will consist of card key access to the stairwell entrance of the building on Village Way. From there you will be able to go up the stairwell to the desired Club floor or across the garage to the elevator and then up. The card key access will be programmed to follow the hours of operation of the Tower Club.

Currently, this is programmed into the design and construction plans for the new project and I can provide you a pdf of the plans, showing the designated access door. As we get further into the process, we will formalize this into the homeowner documents. I am not sure the exact form this will take, but we can copy you when we get it finalized. In terms of time frame, we are probably 8-10 weeks away from putting the homeowner documents together.

(Sorry for the delay in getting this out, our email server was down yesterday…)

Please call with questions,
Nathan

Nathan Rundel
Vice President, Construction
Talisker Mountain, Inc.
900 Main Street, Suite 6111
P.O. Box 4349
Park City, UT 84060
Direct: 435-487-0208
Fax: 435-608-0968
Mobile/Blackberry: 415-531-8135
nrundel@taliskermountain.com

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as THE VILLAGE AT EMPIRE PASS, PHASE I, Lot 9, and Village Way Right of Way and that the same has been or will be correctly located on the ground as shown on this plat.

____________________ John Demkowicz

__________ Date

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

BOUNDARY DESCRIPTION

A parcel of land located in the northeast quarter of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 390.39 feet along section line and South 118.26 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly boundary of Marsac Avenue Right of Way, recorded as entry #623451, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, and also being on a curve to the right having a radius of 725.00 feet, of which the radius point bears South 71°04'46" West; and running thence southerly along the arc of said curve and along the westerly boundary of Marsac Avenue Right of Way 35.07 feet through a central angle of 02°46'18" to a point on a non tangent curve to the left having a radius of 25.00 feet, of which the radius point bears South 21°30'55" West, said point also being on the southerly right-of-way of Village Way, recorded as entry #718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the boundary of said Village Way the following fourteen (14) courses: 1) westerly along the arc of said curve 7.76 feet through a central angle of 17°47'25" to a point of reverse curve to the right having a radius of 87.50 feet, of which the radius point bears North 03°43'30" East; thence 2) northwesterly along the arc of said curve 82.39 feet through a central angle of 53°56'55"; thence 3) North 32°19'35" West 148.50 feet to a point on a curve to the left having a radius of 27.50 feet, of which the radius point bears South 57°40'25" West; thence 4) along the arc of said curve 76.14 feet through a central angle of 158°38'08"; thence 5) South 10°57'43" East 241.47 feet to a point on a curve to the left having a radius of 90.00 feet, of which the radius point bears North 79°02'17" East; thence 6) along the arc of said curve 13.67 feet through a central angle of 08°41'59"; thence 7) South 19°39'42" East 38.07 feet to a point on a curve to the right having a radius of 110.00 feet, of which the radius point bears South 70°20'18" West; thence 8) along the arc of said curve 23.43 feet through a central angle of 12°12'22"; thence 9) South 07°27'20" East 43.10 feet to a point on a curve to the left having a radius of 161.50 feet, of which the radius point bears North 82°32'40" East; thence 10) along the arc of said curve 69.73 feet through a central angle of 24°44'22"; thence 11) South 32°11'42" East 84.92 feet to a point on a curve to the left having a radius of 637.50 feet, of which the radius point bears North 57°48'18" East; thence 12) along the arc of said curve 194.14 feet through a central angle of 17°26'55" to a point of reverse curve to the right having a radius of 47.50 feet, of which the radius point bears South 40°21'23" West; thence 13) southerly along the arc of said curve 59.83 feet through a central angle of 72°10'14" to a point of reverse curve to the left having a radius of 15.00 feet, of which the radius point bears South 67°28'23" East; thence 14) southerly along the arc of said curve 20.63 feet through a central angle of 78°48'06" to a point on a non tangent curve to the right having a radius of 318.16 feet, of which the radius point bears North 33°43'30" East, said point also being on the northerly boundary of Empire Club Drive, recorded as entry #718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the boundary of said Empire Club Drive the following three (3) courses: 1) northwesterly along the arc of said curve 25.63 feet through a central angle of 04°36'59"; thence 2) North 51°39'31" West 109.43 feet to a point on a curve to the left having a radius of 81.00 feet, of which the radius point bears South 38°20'29" West; thence 3) along the arc of said curve 130.05 feet through a central angle of 91°59'39" to a point on the southerly boundary of Lot 9, The Village at Empire Pass, Phase 1, recorded as entry #718034, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the southerly, westerly and northerly boundaries of said Lot 9 the following fourteen (14) courses: 1) North 65°13'50" West 78.87 feet; thence 2) South 80°54'57" West 17.50 feet; thence 3) South 69°35'51" West 47.27 feet; thence 4) South 62°06'41" West 18.52 feet; thence 5) South 59°47'44" West 66.97 feet; thence 6) South 89°17'46" West 13.15 feet to a point on a non tangent curve to the left having a radius of 245.00 feet, of which the radius point bears South 89°17'46" West; thence 7) northerly along the arc of said curve 13.90 feet through a central angle of 03°15'03"; thence 8) North 03°57'18" West 56.30 feet to a point on a curve to the right having a radius of 155.00 feet, of which the radius point bears North 86°02'42" East; thence 9) along the arc of said curve 48.00 feet through a central angle of 17°44'32"; thence 10) North 13°47'14" East 20.29 feet to a point on a curve to the left having a radius of 245.00 feet, of which the radius point bears North 76°12'46" West; thence 11) along the arc of said curve 84.12 feet through a central angle of 19°40'17" to a point of reverse curve to the right having a radius of 1627.60 feet, of which the radius point bears North 84°06'58" East; thence 12) northerly along the arc of said curve 55.67 feet through a central angle of 01°57'36"; thence 13) South 84°59'29" East 115.24 feet; thence 14) South 76°07'52" East 33.75 feet to a point on a non tangent curve to the right having a radius of 40.00 feet, of which the radius point bears South 72°54'33" East; thence northeasterly along the arc of said curve 30.36 feet through a central angle of 43°29'19"; thence North 60°34'46" East 28.84 feet to a point on a curve to the left having a radius of 15.00 feet, of which the radius point bears North 29°25'14" West; thence along the arc of said curve 18.06 feet through a central angle of 68°58'17" to a point of reverse curve to the right having a radius of 186.50 feet, of which the radius point bears North 81°36'29" East, said point also being on the westerly line of said Village Way; thence along the boundary of Village Way the following ten (10) courses: 1) northerly along the arc of said curve 3.05 feet through a central angle of 00°56'10"; thence 2) North 07°27'20" West 43.10 feet to a point on a curve to the left having a radius of 85.00 feet, of which the radius point bears South 82°32'40" West; thence 3) along the arc of said curve 18.11 feet through a central angle of 12°12'22"; thence 4) North 19°39'42" West 38.07 feet to a point on a curve to the right having a radius of 115.00 feet, of which the radius point bears North 70°20'18" East; thence 5) along the arc of said curve 17.46 feet through a central angle of 08°41'59"; thence 6) North 10°57'43" West 241.47 feet to a point on a curve to the right having a radius of 52.50 feet, of which the radius point bears North 79°02'17" East; thence 7) along the arc of said curve 145.36 feet through a central angle of 158°38'08"; thence 8) South 32°19'35" East 148.50 feet to a point on a curve to the left having a radius of 62.50 feet, of which the radius point bears North 57°40'25" East; thence 9) along the arc of said curve 38.43 feet through a central angle of 35°13'44" to a point of compound curve to the left having a radius of 15.00 feet, of which the radius point bears North 22°26'41" East; thence 10) easterly along the arc of said curve 16.07 feet through a central angle of 61°23'47" to the point of beginning.

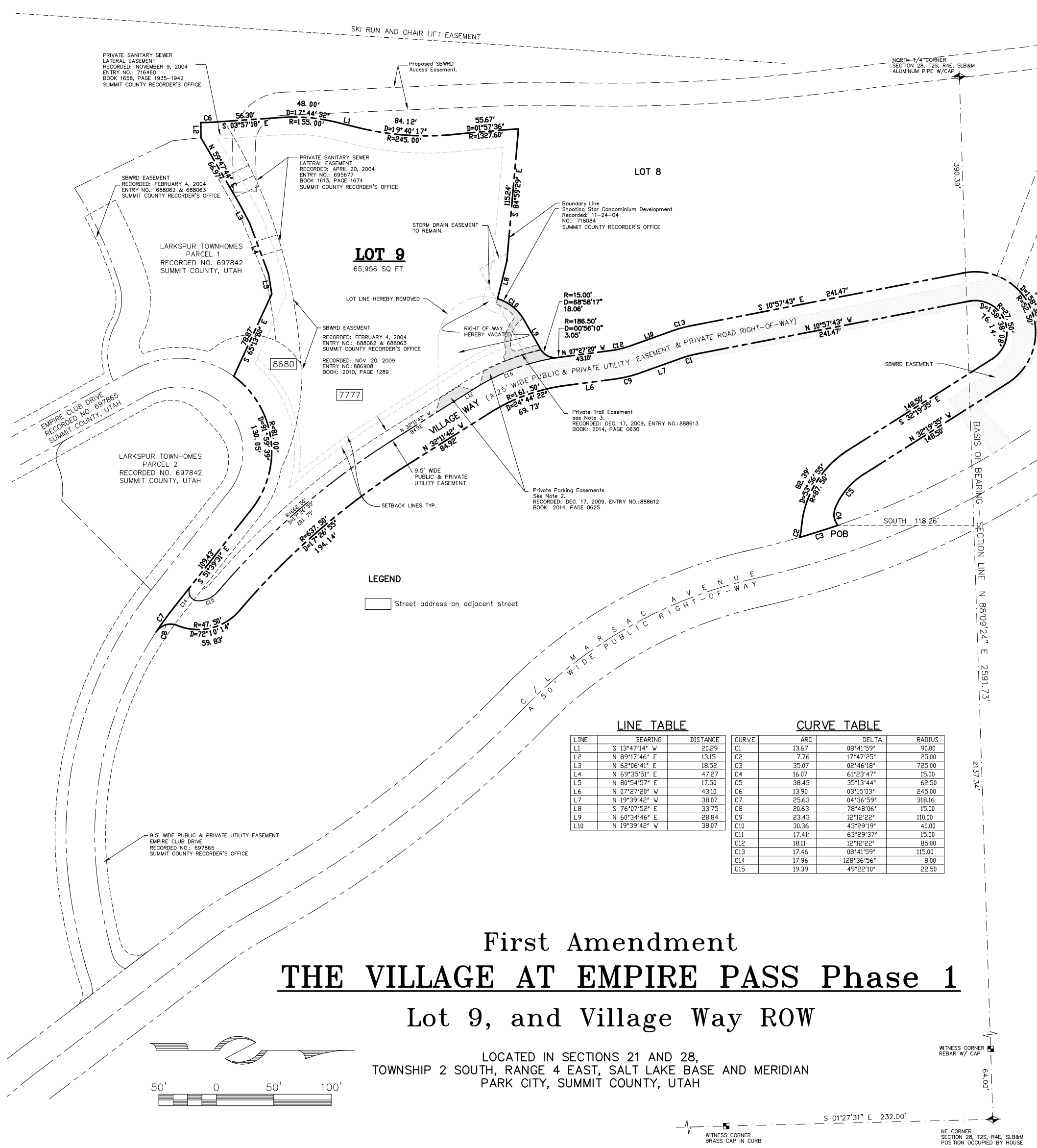
Description contains 0.77 acres, more or less.

NOTES:

1. This First Amendment to THE VILLAGE AT EMPIRE PASS PHASE 1 Subdivision Plat is for Lot 9, and the Village Way Right of Way only. This Record of survey Plat does not replace Sheets 1 of 2 and 2 of 2 of The Village at Empire Pass Phase 1 Plat, Recorded 11-24-2004 as Entry No. 718034. All information shown on said Sheets 1 & 2 shall remain of record and in force with the exception of the information illustrated and described herein.

2. The Private Parking Easements shown hereon identify that portion of Amended Lot 9 that may be used for parking associated with the Shooting Star Condominium Development located on Lot 8 and as otherwise permitted in the Grant of Perpetual Easement as noted.

3. The Private Trail Easement shown hereon identifies that portion of Amended Lot 9 that may be used by all owners at The Village at Empire Pass development and their guests and invitees.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 13°47'14" W	20.29
L2	N 89°17'46" E	13.15
L3	N 62°06'41" E	18.52
L4	N 69°35'51" E	47.27
L5	N 80°54'57" E	17.50
L6	N 07°27'20" W	43.10
L7	N 19°39'42" W	38.07
L8	S 76°07'52" E	33.75
L9	N 60°34'46" E	28.84
L10	N 19°39'42" W	38.07

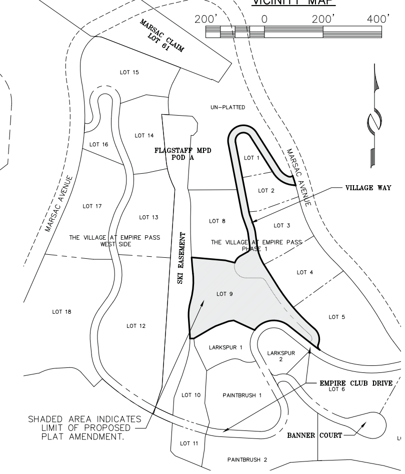
CURVE TABLE

CURVE	ARC	DELTA	RADIUS
C1	13.67	08°41'59"	90.00
C2	7.76	17°47'25"	25.00
C3	35.07	02°46'18"	725.00
C4	16.07	61°23'47"	15.00
C5	38.43	35°13'44"	62.50
C6	13.90	03°15'03"	245.00
C7	25.63	04°36'59"	318.16
C8	20.63	78°48'06"	15.00
C9	23.43	12°12'22"	110.00
C10	30.36	43°29'19"	40.00
C11	17.41'	63°29'37"	15.00
C12	18.11	12°12'22"	85.00
C13	17.46	08°41'59"	115.00
C14	17.96	128°36'56"	8.00
C15	19.39	49°22'10"	22.50

First Amendment
THE VILLAGE AT EMPIRE PASS Phase 1
Lot 9, and Village Way ROW

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

VICINITY MAP



SHADED AREA INDICATES LIMIT OF PROPOSED PLAT AMENDMENT.

OWNER'S DEDICATION AND CONSENT TO RECORD

UNITED PARK CITY MINES COMPANY, a Delaware corporation, the Owner of a portion of the tract of land described herein as First Amendment of THE VILLAGE AT EMPIRE PASS, PHASE I, Lot 9 and Village Way Right-of-Way, hereby certifies that it has caused this First Amendment of Subdivision Plat consisting of one (1) sheet to be prepared, does hereby consent to the recordation of this First Amendment of Subdivision Plat, and to the vacating of the portion of Village Way designated hereon as "Right-of-Way Hereby vacated,"and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated along the southwest side of a portion of Village Way as shown hereon.

IN WITNESS WHEREOF the undersigned has executed this certificate and dedication this _____ day of ___________, 2010.

UNITED PARK CITY MINES COMPANY,
a Delaware corporation

By: ____________________
Name: ____________________
Title: ____________________

ACKNOWLEDGMENT

STATE OF ______________)
) ss.
COUNTY OF _____________)

This instrument was acknowledged before me this _____ day of __________, 2010 by _____________ the ______________ of United Park City Mines Company, a Delaware corporation.

NOTARY PUBLIC: ______________________ Printed Name ____________________

My commission expires: Residing in:

OWNER'S DEDICATION AND CONSENT TO RECORD

By authority of a resolution of its Board of Directors, EMPIRE PASS MASTER OWNERS ASSOCIATION, INC., a Utah nonprofit corporation, the Master Association under the Certificate of Amendment and Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass ("Master Declaration") and the Owner of a portion of the tract of land described herein as First Amendment of THE VILLAGE AT EMPIRE PASS, PHASE I, Lot 9 and Village Way Right-of-Way, hereby certifies that it has caused this First Amendment of Subdivision Plat consisting of one (1) sheet to be prepared, and does hereby consent to the recordation of this First Amendment of Subdivision Plat, and to the vacating of the portion of Village Way designated hereon as "Right of Way Hereby Vacated."

IN WITNESS WHEREOF the undersigned has executed this certificate and dedication this _____ day of ___________, 2010.

EMPIRE PASS MASTER OWNERS ASSOCIATION, INC.,
a Utah nonprofit corporation

By: ____________________
Name: ____________________
Title: ____________________

ACKNOWLEDGMENT

STATE OF ______________)
) ss.
COUNTY OF _____________)

This instrument was acknowledged before me this _____ day of __________, 2010 by _____________ the ______________ of Empire Pass Master Owners Association, Inc., a Utah nonprofit corporation.

NOTARY PUBLIC: ______________________ Printed Name ____________________

My commission expires: Residing in:

SHEET 1 OF 1

12/16/09 JOB NO.: 06-03-05 FILE: X:\Empire\dwg\UPCMC\Empire Club\plat\Plat Amend 091809.dwg

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ______
DAY OF __________, 2010 A.D.
BY ______________ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 2010 A.D.
BY ______________ CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF __________, 2010 A.D.
BY ______________ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF __________, 2010 A.D.
BY ______________ PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF __________, 2010 A.D.
BY ______________ PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF __________, 2010 A.D.
BY ______________ MAYOR

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________
DATE _______ TIME _____ BOOK _____ PAGE _____
__________ FEE ______________ RECORDER

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed under the laws of the State of Utah. I further certify that by the authority of the owners I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into lots, private rights-of-way, and easements to be hereafter known as THE VILLAGE AT EMPIRE PASS, PHASE I and that the same has been or will be correctly located on the ground as shown on this plat.

REGISTERED LAND SURVEYOR No. 154491 JOHN DEMKOWICZ State of Utah

John Demkowicz — Date 11-10-04

BOUNDARY DESCRIPTIONS

PARCEL 1

A parcel of land located in the northeast quarter of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 798.11 feet along section line and South 780.05 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being on the westerly boundary of Marsac Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; and running thence along said Marsac Avenue Right of Way the following three (3) courses: (1) South 37°16'47" East 84.65 feet to a point on a curve to the left having a radius of 425.00 feet, of which the radius point bears North 52°43'13" East; thence (2) along the arc of said curve 110.79 feet through a central angle of 14°56'10"; thence (3) South 52°12'57" East 74.75 feet; thence South 41°23'39" West 248.38 feet; thence North 68°33'39" West 53.49 feet; thence North 74°14'47" West 74.14 feet; thence North 79°40'43" West 114.33 feet; thence South 88°05'26" West 112.35 feet to the southeast corner of Paintbrush Homes, Parcel 2, Amended and Restated, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the easterly and northerly boundaries of said Paintbrush Homes, Parcel 2, Amended and Restated, the following five (5) courses: (1) North 162.41 feet to a point on a non tangent curve to the right having a radius of 312.50 feet, of which the radius point bears North 34°21'32" East; thence (2) northwesterly along the arc of said curve 95.01 feet through a central angle of 17°25'11"; thence (3) North 38°13'17" West 42.45 feet to a point on a curve to the left having a radius of 27.50 feet, of which the radius point bears South 51°46'43" West; thence (4) along the arc of said curve 40.09 feet through a central angle of 83°31'08" to a point of compound curve to the left having a radius of 10.00 feet, of which the radius point bears South 31°44'25" East; thence (5) southerly along the arc of said curve 15.19 feet through a central angle of 87°01'18" to a point on the easterly boundary of Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence North 28°45'42" West 52.46 feet along said Empire Club Drive to a point on a non tangent curve to the left having a radius of 17.77 feet, of which the radius point bears North 61°14'18" East, said point also being on the southwesterly boundary of Larkspur Townhomes, Parcel 2, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the southerly boundary of said Larkspur Townhomes, Parcel 2, the following three (3) courses: (1) easterly along the arc of said curve 26.18 feet through a central angle of 84°23'48" to a point of reverse curve to the right having a radius of 52.50 feet, of which the radius point bears South 23°09'31" East; thence (2) easterly along the arc of said curve 31.21 feet through a central angle of 34°03'50"; thence (3) North 45°01'58" East 110.12 feet to a point on a non tangent curve to the left having a radius of 343.16 feet, of which the radius point bears North 38°20'29" East, said point also being on the southerly boundary of said Empire Club Drive; thence along the southerly boundary of Empire Club Drive the following four (4) courses: (1) easterly along the arc of said curve 271.97 feet through a central angle of 45°24'32" to a point of reverse curve to the right having a radius of 472.41 feet, of which the radius point bears North 07°04'03" West; thence (2) easterly along the arc of said curve 74.67 feet through a central angle of 09°03'24" to a point of compound curve to the left having a radius of 131.70 feet, of which the radius point bears North 16°07'27" West; thence (3) easterly along the arc of said curve 10.58 feet through a central angle of 04°36'02" to a point of reverse curve to the right having a radius of 30.00 feet, of which the radius point bears South 20°43'29" East; thence (4) easterly along the arc of said curve 13.22 feet through a central angle of 25°15'19" to the point of beginning.

Description contains 3.55 acres, more or less.

PARCEL 2

A parcel of land located in the north half of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 88°09'24" East 390.39 feet along section line and South 118.26 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly boundary of Marsac Avenue Right of Way, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah, said point also being on a curve to the right having a radius of 725.00 feet, of which the radius point bears South 71°04'46" West; and running thence along the westerly boundary of said Marsac Avenue Right of Way the following five (5) courses: (1) southerly along the arc of said curve 80.75 feet through a central angle of 06°22'54" to a point of reverse curve to the left having a radius of 425.00 feet, of which the radius point bears North 77°27'40" East; thence (2) southeasterly along the arc of said curve 245.75 feet through a central angle of 33°07'47" to a point of reverse curve to the right having a radius of 975.00 feet, of which the radius point bears South 44°19'52" West; thence (3) southeasterly along the arc of said curve 288.14 feet through a central angle of 16°55'57" to a point of reverse curve to the left having a radius of 375.00 feet, of which the radius point bears North 61°15'49" East; thence (4) southeasterly along the arc of said curve 55.92 feet through a central angle of 08°32'36"; thence (5) South 37°16'47" East 68.89 feet to a point on a non tangent curve to the right having a radius of 20.00 feet, of which the radius point bears North 67°16'47" West, said point also being on the northerly boundary of Empire Club Drive, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the northerly boundary of Empire Club Drive the following five (5) courses: (1) southwesterly along the arc of said curve 18.10 feet through a central angle of 51°50'41" to a point of compound curve to the right having a radius of 447.41 feet, of which the radius point bears North 15°26'06" West; thence (2) westerly along the arc of said curve 65.34 feet through a central angle of 08°22'03" to a point of compound curve to the right having a radius of 318.16 feet, of which the radius point bears North 07°04'03" West; thence (3) westerly along the arc of said curve 252.16 feet through a central angle of 45°24'32"; thence (4) South 51°39'31" West 109.43 feet to a point on a curve to the left having a radius of 81.00 feet, of which the radius point bears South 38°20'29" West; thence (5) along the arc of said curve 130.05 feet through a central angle of 91°59'39" to the northeasterly corner of Larkspur Townhomes, Parcel 1, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the northerly and westerly boundaries of said Larkspur Townhomes, Parcel 1, the following seven (7) courses: (1) North 65°13'50" West 70.67 feet; thence (2) South 80°54'57" West 17.50 feet; thence (3) South 69°35'51" West 47.27 feet; thence (4) South 62°06'41" West 18.52 feet; thence (5) South 59°47'44" West 66.97 feet; thence (6) South 06°03'21" East 24.89 feet; thence (7) South 25°43'15" East 94.70 feet to the southwest corner of Larkspur Townhomes, Parcel 1, said point also being the northeast corner of Paintbrush Homes, Parcel 1, Amended and Restated, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the westerly boundary of said Paintbrush Homes, Parcel 1, Amended and Restated, the following three (3) courses: (1) South 03°19'17" West 110.82 feet; thence (2) South 14°09'46" East 65.83 feet; thence (3) South 16°29'09" West 18.02 feet to the southwest corner of Paintbrush Homes, Parcel 1, Amended and Restated, said point also being on the west end of said Empire Club Drive; thence along the west end of Empire Club Drive South 16°29'09" West 25.00 feet to the northwesterly corner of Paintbrush Homes, Parcel 2, Amended and Restated, according to the official plat thereof on file and of record in the office of the recorder, Summit County, Utah; thence along the westerly boundary of said Paintbrush Homes, Parcel 2, Amended and Restated, the following three (3) courses: (1) South 16°29'09" West 9.50 feet; thence (2) South 07°13'56" West 41.72 feet; thence (3) South 09°03'53" West 61.09 feet; thence North 67°34'35" West 96.58 feet to a point on a non tangent curve to the right having a radius of 105.00 feet, of which the radius point bears North 40°10'35" East; thence northwesterly along the arc of said curve 24.41 feet through a central angle of 13°19'06"; thence North 03°43'15" East 94.82 feet to a point on a non tangent curve to the right having a radius of 812.50 feet, of which the radius point bears North 22°14'10" East; thence westerly along the arc of said curve 71.31 feet through a central angle of 05°01'43"; thence North 17°27'15" East 25.38 feet to a point on a non tangent curve to the left having a radius of 787.50 feet, of which the radius point bears North 27°34'46" East; thence southeasterly along the arc of said curve 65.05 feet through a central angle of 04°43'59"; thence North 03°43'15" East 60.15 feet; thence North 20°12'34" East 59.80 feet to a point on a non tangent curve to the left having a radius of 745.00 feet, of which the radius point bears North 68°50'36" West; thence northerly along the arc of said curve 83.91 feet through a central angle of 06°27'11" to a point of compound curve to the left having a radius of 245.00 feet, of which the radius point bears North 75°17'47" West; thence northerly along the arc of said curve 79.79 feet through a central angle of 18°39'31"; thence North 03°57'18" West 56.30 feet to a point on a curve to the right having a radius of 155.00 feet, of which the radius point bears North 86°02'42" East; thence along the arc of said curve 48.00 feet through a central angle of 17°44'32"; thence North 13°47'14" East 20.29 feet to a point on a curve to the left having a radius of 245.00 feet, of which the radius point bears North 76°12'46" West; thence along the arc of said curve 84.12 feet through a central angle of 19°40'17" to a point of reverse curve to the right having a radius of 1627.60 feet, of which the radius point bears North 84°06'58" East; thence northerly along the arc of said curve 219.86 feet through a central angle of 07°44'23" to a point of reverse curve to the left having a radius of 205.00 feet, of which the radius point bears North 88°08'40" West; thence northerly along the arc of said curve 66.32 feet through a central angle of 18°32'06"; thence North 89°36'26" East 167.01 feet; thence North 10°57'43" West 159.62 feet to a point on a curve to the right having a radius of 52.50 feet, of which the radius point bears North 79°02'17" East; thence along the arc of said curve 145.36 feet through a central angle of 158°38'08"; thence South 32°19'35" East 148.50 feet to a point on a curve to the left having a radius of 62.50 feet, of which the radius point bears North 57°40'25" East; thence along the arc of said curve 38.43 feet through a central angle of 35°13'44" to a point of compound curve to the left having a radius of 15.00 feet, of which the radius point bears North 22°26'41" East; thence easterly along the arc of said curve 16.07 feet through a central angle of 61°23'47" to the point of beginning.

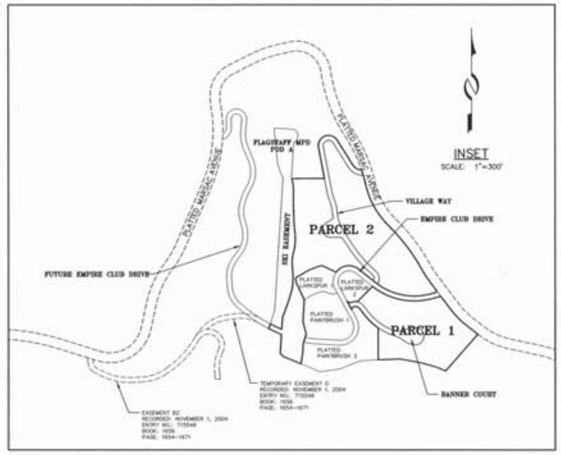
Description contains 7.65 acres, more or less.

THE VILLAGE AT EMPIRE PASS

PHASE 1

LOCATED IN SECTIONS 21 AND 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

VICINITY MAP



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT PAINTBRUSH RESIDENCES, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE I, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov. 2004.

PAINTBRUSH RESIDENCES, LLC
A Delaware limited liability company
By:
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit ss:

This instrument was acknowledged before me this 10th day of Nov. 2004 by James M. Hill the Vice President of HF HOLDING CORP. III, a Colorado corporation, Manager of PAINTBRUSH RESIDENCES, LLC, a Delaware limited liability company.

Mary J. Carney
Notary Public
Residing in: Park City
My commission expires: 6-13-2008

Notary Public MARY J. CARNEY

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT SHOOTING STAR RESIDENCES, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE I, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov. 2004.

SHOOTING STAR RESIDENCES, LLC
A Delaware limited liability company
By: HF Holding Corp. III, its Manager
By:
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit ss:

This instrument was acknowledged before me this 10th day of Nov. 2004 by James M. Hill the Vice President of HF HOLDING CORP. III, Manager of SHOOTING STAR RESIDENCES, LLC, a Delaware limited liability company.

Mary J. Carney
Notary Public
Residing in: Park City
My commission expires: 6-13-2008

Notary Public MARY J. CARNEY

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE I, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov. 2004.

EMPIRE MOUNTAIN VILLAGE, LLC,
A Delaware limited liability company
By: HF HOLDING CORP. III,
A Colorado corporation,
Its Manager
By:
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit ss:

This instrument was acknowledged before me this 10th day of Nov 2004 by James M. Hill the Vice President of HF HOLDING CORP. III, a Colorado corporation, Manager of EMPIRE MOUNTAIN VILLAGE, LLC, a Delaware limited liability company.

Mary J. Carney
Notary Public
Residing in: Park City
My commission expires: 6-13-2008

Notary Public MARY J. CARNEY

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT UNITED PARK CITY MINES COMPANY, a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE I, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov. 2004.

UNITED PARK CITY MINES COMPANY
A Delaware corporation
By:
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit ss:

This instrument was acknowledged before me this 10th day of Nov. 2004 by Mark Thorne the Vice President of UNITED PARK CITY MINES COMPANY, a Delaware corporation.

Mary J. Carney
Notary Public
Residing in: Park City
My commission expires: 6-13-2008

Notary Public MARY J. CARNEY

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE I, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov 2004.

MOUNTAIN DEVELOPMENTS I, INC.
A Delaware corporation
By:
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit ss:

This instrument was acknowledged before me this 10th day of Nov. 2004 by Mark Thorne the Vice President of MOUNTAIN DEVELOPMENTS I, INC., a Delaware corporation.

Mary J. Carney
Notary Public
Residing in: Park City
My commission expires: 6-13-2008

Notary Public MARY J. CARNEY

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT EMPIRE PASS CLUB, LLC, a Utah limited liability company, formerly known as ALPINE CLUB, LLC, a Delaware limited liability company, by its manager, United Park City Mines Company, the owner of a portion of the tract of land described herein as THE VILLAGE AT EMPIRE PASS, PHASE I, including three 25 foot wide Public & Private Utility Easements & Private Road Rights-of-Way to be known as VILLAGE WAY, BANNER COURT AND EMPIRE CLUB DRIVE, hereby certifies that it has caused this Subdivision Plat consisting of two (2) sheets to be prepared, does hereby consent to the recordation of this Subdivision Plat, and does hereby dedicate as a public and private utility easement the 9.5 foot wide parcel of property situated on either side of Village Way, Banner Court and Empire Club Drive as shown hereon.

In witness whereof the undersigned has executed this certificate and dedication this 10th day of Nov. 2004.

EMPIRE PASS CLUB, LLC
United Park City Mines Company, Its Manager
By:
Title: Vice President

ACKNOWLEDGMENT

State of Utah
County of Summit ss:

This instrument was acknowledged before me this 10th day of Nov. 2004 by Mark Thorne the Vice President of UNITED PARK CITY MINES COMPANY, Manager of EMPIRE PASS CLUB, LLC, by its manager.

Mary J. Carney
Notary Public
Residing in: Park City
My commission expires: 6-13-2008

Notary Public MARY J. CARNEY

SHEET 1 OF 2

JOB NO.: 3-12-02 FILE: n:\empire\dwg\EastWest\plot\phase 1.dwg

Alliance Engineering Inc (435) 649-9467
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 11th DAY OF November, 2004 A.D.
BY — S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 17 DAY OF November, 2004 A.D.
BY — CHAIRMAN

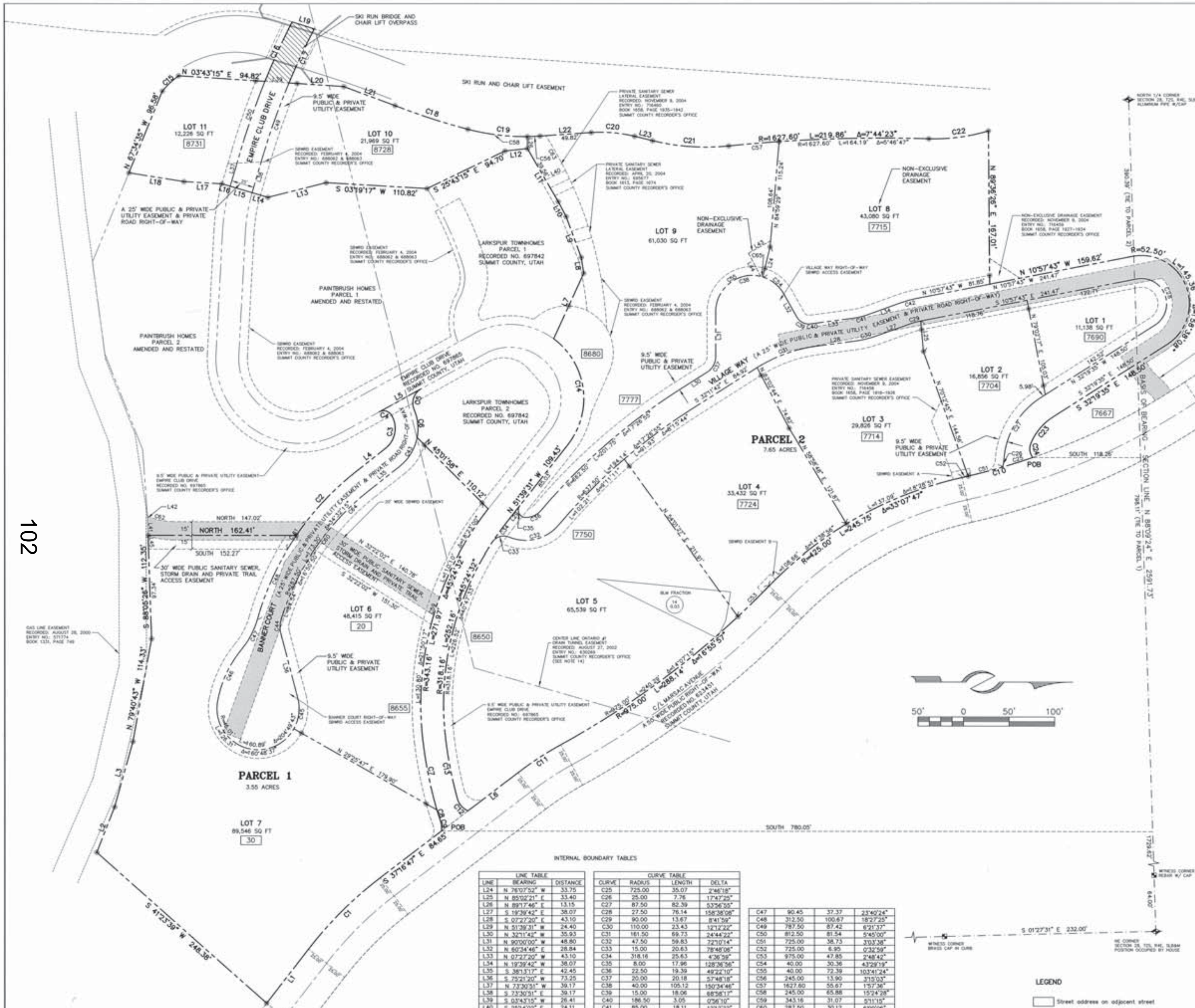
ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 11TH DAY OF NOVEMBER, 2004 A.D.
BY Eric W. DeHaan PE — PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 15th DAY OF November, 2004 A.D.
BY — PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 2nd DAY OF December, 2004
BY — PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30th DAY OF September, 2004 A.D.
BY Dana Williams — MAYOR

718034 RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Park City Title
DATE 11-24-2004 TIME 14:26pm BOOK — PAGE —
$14.00 — FEE
Daniel D. Bowen, Deputy — RECORDER



EXTERNAL BOUNDARY TABLES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 52°12'57" E	74.75
L2	N 68°33'39" W	53.49
L3	N 74°14'47" W	74.14
L4	N 38°13'17" W	42.45
L5	N 28°45'42" W	52.46
L6	S 37°16'47" E	68.89
L7	N 65°13'50" W	78.87
L8	S 80°54'57" W	17.50
L9	S 69°35'51" W	47.27
L10	S 62°06'41" W	18.52
L11	S 59°47'44" W	66.97
L12	S 06°03'21" E	24.89
L13	S 14°09'46" E	65.83
L14	S 16°29'09" W	18.02
L15	S 16°29'09" W	25.00
L16	S 16°29'09" W	9.50
L17	S 03°13'56" W	41.72
L18	S 09°03'53" W	61.09
L19	N 17°27'15" E	25.38
L20	N 03°43'15" E	60.15
L21	N 20°12'34" E	59.80
L22	N 03°57'18" W	56.30
L23	N 13°47'14" E	20.29

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	425.00	110.79	14°56'10"
C2	312.50	95.01	17°25'11"
C3	27.50	40.09	83°31'08"
C4	10.00	15.19	87°01'18"
C5	17.77	26.18	84°23'48"
C6	52.50	31.21	34°03'50"
C7	472.41	74.67	9°03'24"
C8	131.70	10.58	4°36'02"
C9	30.00	13.22	25°15'19"
C10	725.00	80.75	6°22'54"
C11	375.00	55.92	8°32'36"
C12	20.00	18.10	51°50'41"
C13	447.41	65.34	8°22'03"
C14	81.00	130.05	91°59'39"
C15	105.00	24.41	13°19'06"
C16	812.50	71.31	5°01'43"
C17	787.50	65.05	4°43'59"
C18	745.00	83.91	6°27'11"
C19	245.00	79.79	18°39'31"
C20	155.00	48.00	17°44'32"
C21	245.00	84.12	19°40'17"
C22	205.00	66.32	18°32'06"
C23	62.50	38.43	35°13'44"
C24	15.00	16.07	61°23'47"

NOTES:

1. All building setbacks from property lines are to be the residential development zone (RD) minimums unless approved otherwise by the Empire Pass Village Master Plan Development.

2. Conditional use permit approval will be required prior to construction on each of the development lots shown hereon.

3. A declaration of condominium and a record of survey of condominium will be required for the purpose of the sale of individual units within the development lots shown hereon.

4. All ski run, utility, and trail easements adjacent to or traversing across the lots, as shown hereon, are for public use. No improvements may be made to these public ways that would hinder passage, endanger the users, or interfere with existing utilities.

5. The Empire Pass Master Owners Association, Inc. (the "Master Association") together with the Master Declaration of Covenants, Conditions, and Restrictions of Empire Pass ("Master Declaration") requires the membership of each lot owner. Members are subject to the terms of its articles of incorporation, its bylaws, and the rules and regulations that may be established from time to time by the master association, including assessments and transfer fees as provided therein.

6. The operation and maintenance responsibilities for the public ski, hiking, and biking trails that may be established across the lots shown hereon are set forth in the Master Declaration.

7. Public safety access and utility easements are hereby dedicated for all public and private roadways, emergency access roads, and private driveways.

8. The property is located within a water source protection zone. All sewer construction must comply with the state of Utah drinking water regulations.

9. A 20' snow storage easement is hereby dedicated along the frontage of all lots.

10. A line extension agreement (LEA) will be required to be filed with Snyderville Basin Water Reclamation District (SBWRD) with the development of each lot.

11. Empire Club Drive, Village Way and Banner Court are private roads to be owned, operated, maintained and repaired by the Master Association for the use and benefit of the owners of property in Empire Pass at Deer Valley in accordance with the Master Declaration. Empire Club Drive, Village Way and Banner Court are not public roads or rights-of-way. This Record of Survey Map shall not be deemed to grant any rights in the public to use Empire Club Drive, Village Way or Banner Court or create any obligations on the part of Park City Municipal Corporation to maintain or repair Empire Club Drive, Village Way or Banner Court. All such use and maintenance shall be governed by the terms and provisions of the Master Declaration and the Maintenance Agreement dated March 12, 2004 (and as amended from time to time) between Park City Municipal Corporation, United Park City Mines Company, Blue Ledge Corporation and the Master Association.

12. At the time of any resurfacing of Empire Club Drive, Village Way or Banner Court, the Master Association is responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards. Maintenance adjustment of manholes within private roadways included as part of specific developments shall be the responsibility of the homeowners association for such development.

13. The Master Association shall be responsible for the maintenance and replacement of all sanitary sewer laterals situated within Empire Club Drive, Village Way and Banner Court or the SBRWD easement shown hereon. The Master Association shall have the right to assess the cost of such maintenance and repair to parcel(s), unit(s), or condominium associations served by such laterals, in accordance with the Master Declaration.

14. The easement in favor of the Jordanelle Special Service District is for a water drain tunnel situated approximately 900 feet below the surface of the property. This easement does not grant any rights to access, disturb or modify the surface of the property.

15. All property corners to be set along Village Way, Banner Court and Empire Club Drive will be set at the intersection of the 9.5' wide public and private utility easement and the lot line or as shown hereon.

16. Any landscaping shall utilize either no irrigation or water efficient irrigation, limited turf, and limited disturbance.

17. The maintenance of the water system is the private responsibility of The Village at Empire Pass Master Homeowners Association.

INTERNAL BOUNDARY TABLES

LINE TABLE		
LINE	BEARING	DISTANCE
L24	N 76°07'52" W	33.75
L25	N 85°02'21" E	33.40
L26	N 89°17'46" E	13.15
L27	S 19°39'42" E	38.07
L28	S 07°27'20" E	43.10
L29	N 51°39'31" W	24.40
L30	N 32°11'42" W	35.93
L31	N 90°00'00" W	48.80
L32	N 60°34'46" E	28.84
L33	N 07°27'20" W	43.10
L34	N 19°39'42" W	38.07
L35	S 38°13'17" E	42.45
L36	S 75°21'20" W	73.25
L37	N 73°30'51" W	39.17
L38	S 73°30'51" E	39.17
L39	S 03°43'15" W	26.41
L40	S 25°14'02" E	24.11
L41	S 88°05'26" W	18.06
L42	S 85°59'47" W	3.26
L43	S 29°10'09" E	27.76
L44	N 62°11'46" E	28.48
L45	S 88°05'26" W	15.01

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C25	725.00	35.07	2°46'18"
C26	25.00	7.76	17°47'25"
C27	87.50	82.39	53°56'55"
C28	27.50	76.14	158°38'08"
C29	90.00	13.67	8°41'59"
C30	110.00	23.43	12°12'22"
C31	161.50	69.73	24°44'22"
C32	47.50	59.83	72°10'14"
C33	15.00	20.63	78°48'06"
C34	318.16	25.63	4°36'59"
C35	8.00	17.96	128°36'56"
C36	22.50	19.39	49°22'10"
C37	20.00	20.18	57°48'18"
C38	40.00	105.12	150°34'46"
C39	15.00	18.06	68°58'17"
C40	186.50	3.05	0°56'10"
C41	85.00	18.11	12°12'22"
C42	115.00	17.46	8°41'59"
C43	52.50	37.45	40°52'24"
C44	27.58	15.35	31°53'08"
C45	45.01	34.58	44°01'06"
C46	123.83	63.52	29°23'29"
C47	90.45	37.37	23°40'24"
C48	312.50	100.67	18°27'25"
C49	787.50	87.42	6°21'37"
C50	812.50	81.54	5°45'00"
C51	725.00	38.73	3°03'38"
C52	725.00	6.95	0°32'59"
C53	975.00	47.85	2°48'42"
C54	40.00	30.36	43°29'19"
C55	40.00	72.39	103°41'24"
C56	245.00	13.90	3°15'03"
C57	1627.60	55.67	1°57'36"
C58	245.00	65.88	15°24'28"
C59	343.16	31.07	5°11'15"
C60	287.50	30.12	6°00'06"
C61	312.50	36.39	6°40'19"
C62	66.36	29.15	25°10'13"
C63	430.59	43.76	5°49'23"
C64	287.50	58.65	11°41'18"
C65	40.00	2.37	3°24'03"

LEGEND

☐ Street address on adjacent street

● Property corner to be set

SHEET 2 OF 2

JOB NO.: 3-12-02 FILE: K:\Empire\dwg\EastWest\plat\phase 1.dwg

718034 RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF Park City Title
DATE 11-24-2004 TIME 14:26pm BOOK — PAGE —
$69.00 FEE
Daniel A Bowen, Deputy RECORDER

City Council
Staff Report

PARK CITY 1884 PLANNING DEPARTMENT

Subject:	**The Hotel and Residences at Empire Canyon Resort Record of Survey aka The Montage**
Author:	**Kirsten A Whetstone, AICP**
Date:	**January 6, 2011**
Type of Item:	**Administrative – Condominium Record of Survey Amendment**
Project Number:	**PL-10-01082**

Summary Recommendations

Staff recommends the City Council conduct a public hearing to amend the Hotel and Residences at Empire Canyon Resort record of survey plat, consider input, and consider approving the plat amendment, based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant:	DV Luxury Resort, LLC Talisker Empire Pass Hotel, LLC
Location:	9100 Marsac Avenue, adjacent to the Deer Valley Empire Day Lodge and located on Lot C of the Parcel B-2 Empire Village Subdivision.
Zoning:	Residential Development as part of the Empire Pass Master Planned Development (RD-MPD)
Adjacent Land Uses:	Ski terrain of Deer Valley Resort
Reason for Review:	Condominium Record of Survey plat amendments require Planning Commission review and recommendation to City Council and final action by the City Council.

Proposed Plat Amendments

On October 15, 2010, the City received a completed application for an amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat amending Sheets 1, 8, 9, and 11 (see Exhibit A). The request includes:

- Page 1- identification of a September 10, 2010 recorded JSSD access easement.
- Page 1- identification of a July 1, 2010 recorded Rocky Mountain Power underground right-of-way easement on Page 1.
- Page 8- amends the square footage of Unit 740 from 2,684 sf to 2,675 sf (a reduction of 9 sf or 0.0045 UE)
- Page 9 and 11- ADA designation of Unit 821 is moved to Unit 1021 (2 stories directly above from Level 4 to Level 6 in the same configuration)
- Page 11- is amended to switch unit numbering of Units 1041,1043,1040,1042 to 1043, 1041, 1042 and 1041 in order to have the numbering increase in numeric

order as one proceeds down the corridor on Level 6. Also Unit 1021 is designated as an ADA Unit.

The proposed condominium plat amendments are consistent with the Amended and Restated Development Agreement for Flagstaff Mountain and the recorded Hotel and Residences at Empire Canyon Resort condominium plat. The proposed plat amendments comply with the Land Management Code.

Background

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use, maximum densities, timing of development, development approval process, as well as development conditions and amenities for each parcel.

The Development Agreement (DA) specifies that only 147 acres of the 1,655-acre annexation may be developed. The remainder of the annexation area is to be retained as passive and recreational open space. On February 1, 2007, the City Council approved amendments to the DA allowing additional density and three additional acres to be utilized in the pod known as the B-2 area encompassed by the Empire Village Subdivision plat. In exchange, United Park City Mines Company petitioned the City for annexation of the Park City Mountain Resort ski lease area (removing all residential development potential) and agreed to construct a Park and Ride facility at Richardson Flats.

Ordinance 99-30 also required that the applicant submit 14 specific technical reports for review and approval by the City. The 14 studies, along with the Land Management Code and the Development Agreement (99-30) form the standards under which any MPD and preliminary/final plat will be reviewed.

On March 29, 2007, the City Council approved the Parcel B-2 Empire Village Subdivision final plat. The plat includes the former Parcel A of the Empire Village Subdivision (the location of the Empire Day Lodge) and created two additional lots for the Jordanelle Special Services District (JSSD) ownership of the Daly West Head Frame (Lot B) and Lot C, the location of the Montage Resort and Spa. A future subdivision will encompass the proposed condominiums to the east of the Empire Day Lodge. Concurrent with the subdivision application was the Master Planned Development (MPD) for B-2 and the Conditional Use Permit for phase one of the MPD, which is the Montage hotel. The Planning Commission approved both the MPD and the CUP on March 14, 2007. An excavation permit was issued on June 6, 2007, and a building permit for construction of the hotel was issued on March 12, 2008.

On June 18, 2009, the City Council approved the Hotel and Residences at Empire Canyon Resort record of survey plat. Talisker Empire Pass Hotel, LLC is the fee simple owner of the land and DV Luxury Resort, LLC has a 999-year leasehold interest. The record of survey plat was recorded at Summit County on January 20, 2010.

The condominium record of survey contains 174 hotel rooms and 84 condominiums utilizing 182 Unit Equivalents. In addition, the record of survey memorializes 59,765 square feet of commercial space and approximately 15,000 square feet of meeting rooms and support space to the meeting rooms. No support commercial is proposed other than room service, which does not utilize additional space. Ten Affordable Housing Units totaling 6,235 square feet (7.8 Affordable Unit Equivalents) are provided within the hotel. The affordable units are platted as private space and are proposed to be owned by the DV Luxury Resort, LLC. In addition, five ADA units are provided; three owned by the hotel and two within the sale units. All five are platted as Private and count towards the unit counts and UEs.

On December 8, 2010, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to City Council to approve the plat amendment.

Analysis

The zoning for the subdivision is Residential Development. The MPD is subject to the following criteria:

	Permitted through MPD/CUP	**Proposed**
Height	A height exception to 114 feet above a benchmarked grade (USGS 8346') was requested and granted in the Master Plan. (i.e. height may go to USGS 8460)	Maximum height is at USGS 8458, under the USGS 8460 height maximum.
Front setback	20', 25' to front facing garage	No setback reductions. Approximately 280 feet from all buildings to front property line
Rear setback	15' from Lot boundary	87' from Lot boundary
Side setbacks	12' from Lot boundary	13' from Lot boundary at closest point to south.
Unit Equivalents	183.6 UEs	182 UEs (amendment reduces Unit 740 by 9 sf which is 0.0045 UE which does not change the total UE when rounded).
Hotel Rooms	192 rooms	174 rooms
Condominium units	94 units	84 units
Commercial space	63,000 square feet	59,765 square feet
Meeting Rooms and Support (5% of Gross Floor	Gross Floor Area, excluding the garage, is	Approximately 15,000 square feet.

Area (GFA))	approximately 780,173 square feet. 5% is 39,000 square feet.	
Support Commercial (5% of GFA)	39,000 square feet	None proposed (room service only)
Parking	530 spaces with 192 spaces in tandem (valet parking)	526 total with 184 in tandem

For those elements that were approved by the MPD and are not currently within the project (total rooms, units, commercial space and Unit Equivalents), the applicant retains the vested rights and these may be added in the future following the appropriate review and approval processes.

The 84 Condominium units range in size from 1,221 square feet to 6,858 square feet. The condominiums and ADA units are located on levels four through nine with the exception of three units on level three and three ADA units on levels two and three. The 174 hotel rooms and the ten Affordable Housing Units (level B1 and platted as private space) are located on the floors below level four.

Staff finds good cause for this amended record of survey as this condominium plat is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain and the recorded Hotel and Residences at Empire Canyon Resort condominium plat. The proposed plat amendment complies with the Land Management Code.

Department Review
This project has gone through an interdepartmental review on October 26, 2010, and no issues were raised pertaining to the requested plat amendments.

Notice
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input
Staff has not received any public input at the time of this report. No public comment was received at the Planning Commission public hearing.

Future Process
The approval of this condominium record of survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Alternatives

- The City Council may approve the First Amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat as conditioned or amended, or
- The City Council may deny the First Amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on the First Amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat and provide Staff and the Applicant with specific direction regarding additional information necessary to find compliance with the criteria listed in this report.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

Unit 740 would be incorrectly recorded as the existing plat does not reflect the as built condition and the Unit numbering on Level 6 would either remain confusing to the guest or would not be consistent with the plat. The utility easements are recorded and that would remain, they just would not be easily identified on the plat.

Recommendation

Staff recommends the City Council conduct a public hearing and discuss the request for approval of the First Amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat, consider input, and consider approving the plat amendments based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Ordinance
Exhibit A – Amended plat (pages 1, 8, 9, and 11)

Ordinance No. 11-

AN ORDINANCE APPROVING THE FIRST AMENDED HOTEL AND RESIDENCES AT EMPIRE CANYON RESORT RECORD OF SURVEY PLAT LOCATED AT 9100 MARSAC AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Hotel and Residences at Empire Canyon Resort record of survey plat, Lot C of the Parcel B-2 Empire Village Subdivision, have petitioned the City Council for approval of amendments to the recorded Hotel and Residences at Empire Canyon Resort record of survey plat to Pages 1, 8, and 11; and

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

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

WHEREAS, the Planning Commission held a public hearing on December 8, 2010, to receive input on the amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat;

WHEREAS, the Planning Commission, on December 8, 2010, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 6, 2011, the City Council held a public hearing on the amended Hotel and Residences at Empire Canyon Resort record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Hotel and Residences at Empire Canyon Resort Record of Survey.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The First Amended Hotel and Residences at Empire Canyon Resort record of survey plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:
1. The property is located at 9100 Marsac Avenue, Lot C of the Parcel B-2 Empire Village Subdivision
2. The Hotel and Residences at Empire Canyon Resort record of survey plat is located in the Residential Development zoning district as part of the Flagstaff Mountain Master Planned Development (RD-MPD).
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 1999. The Development

Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.

4. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, including the 192-room Montage Hotel.
5. The Planning Commission approved the B-2 Master Planned Development on March 14, 2007. The Montage is Phase I, while a second, residential, project will be Phase II.
6. The City Council approved the Parcel B-2 Empire Village Subdivision on March 29, 2007.
7. The Hotel and Residences at Empire Canyon Resort record of survey plat is for a 174 room hotel with an additional 84 condominiums utilizing a total of **182 Unit Equivalents**. In addition, there is 59,765 square feet of Commercial Space **(59.8 Commercial UEs)** and approximately 15,000 square feet of meeting/conference space and lounge areas (up to 39,000 square feet or 5% of building allowed). Total square footage, excluding the garage, is approximately 780,173 square feet. For those elements that were approved by the MPD and are not currently within the project (total rooms, units, commercial space and Unit Equivalents), the applicant retains the vested rights and these may be added in the future following the appropriate review and approval processes.
8. The City Council approved the Hotel and Residences at Empire Canyon Resort record of survey plat on June 18, 2009 and the plat was recorded at Summit County on January 20, 2010.
9. On September 10, 2010 an access easement for JSSD was recorded at Summit County and on July 1, 2010 a Rocky Mountain Power underground right of way easement was recorded at Summit County. These easements have been added to the cover sheet of the amended plat.
10. On October 15, 2010 a complete application was submitted to the Planning Department for amendments to the Hotel and Residences at Empire Canyon Resort record of survey plat. The proposed amendments to document recorded easements on Page 1, renumber Units 1040 to 1042, 1042 to 1040, 1041 to 1043, and 1043 to 1041 on Page 11, and to record a 9 square foot reduction in floor area for Unit 740 on Page 8, are consistent with the recorded Hotel and Residences at Empire Canyon Resort record of survey and are consistent with the approved Master Planned Development and Conditional Use Permit for Pod B-2.
11. The plat amendments do not change the purchase agreements or the approved Master Plan Development or Conditional Use permit conditions of approval.
12. Ten Employee Housing Units (EHUs) totaling 6,235 square feet **(7.8 AUEs)** are provided within the hotel. The EHU units are platted as private space and are proposed to be owned by the Montage, although this is not a requirement. The plat amendments do not change the employee housing agreements.
13. Five ADA units are provided, three owned by the hotel and two within the for sale units. All five are platted as Private and count towards the unit counts and UEs. The plat amendment removes ADA designation from Unit 821 and designates Unit 1021 as an ADA unit. Unit 1021 is on Level 6 which is two stories directly above Unit 821

in the same configuration. There are no other changes to the number or sizes of the ADA units.

14. Parking is provided at less than 75% of the Code requirement consistent with the Development Agreement. No change to parking is proposed with the plat amendments.

<u>Conclusions of Law:</u>

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats and with the approved Master Planned Development and Conditional Use Permit for the Montage Resort and Spa at Pod B-2.
3. Neither the public nor any person will be materially injured by the proposed record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey plat for compliance with State law, the Land Management Code, the recorded plat, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the record of survey plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Montage Resort Master Planned Development and the Parcel B-2 Empire Village Subdivision plat shall continue to apply.
4. All conditions of approval of the Hotel and Residences at Empire Canyon Resort record of survey plat shall continue to apply.

<u>SECTION 2. EFFECTIVE DATE.</u> This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this __th day of ___, 2011.

Exhibits

Exhibit A – Amended Record of Survey plat (pages 1, 8, 9, and 11)

NOTES:

1. This Condominium Plat relates to real property which is subject to that certain Declaration of Covenants, Conditions and Restrictions for The Residences at Empire Canyon Resort, recorded simultaneously herewith, and subsequent amendments thereto (the "RESIDENTIAL DECLARATION") and that certain Master Declaration of Covenants, Conditions and Restrictions for The Hotel and Residences at Empire Canyon Resort, recorded simultaneously herewith, and subsequent amendments thereto (the "MASTER DECLARATION") (the Residential Declaration and the Master Declaration shall be referred to in these notes collectively as the "DECLARATIONS"). The Declarations set forth the easements, restrictions and general plan of improvement for the Resort as described in this Condominium Plat, and the details concerning the rights and obligations of the owners having or acquiring an interest therein including the applicability of the Transfer Assessment to the sales of individual Units. Unless the context clearly indicates otherwise, all capitalized terms as used on this Condominium Plat shall have the meanings set forth in the Declarations. To the extent there are any inconsistencies or conflicts between these notes and provisions of the Declarations, the Declarations shall control.

2. This Condominium Plat depicts two separate ownership regimes. The Hotel at Empire Canyon Resort (the "HOTEL") and The Residences at Empire Canyon Resort (the "CONDOMINIUM PROJECT"). The lower floors of the building are comprised of hotel rooms, lobbies, conference facilities, spa, back-of-house and other facilities associated with the use and operation of these areas as a commercial resort hotel. The Condominium Project includes the AHU Units to which Note 8 on this Sheet 1 refers (located on Level B-1 as shown on this Condominium Plat); the ADA Units to which Note 8 on this Sheet 1 refers (located on Levels 2 and 3 as shown on this Condominium Plat); and all of the other Units shown on this Condominium Plat (located on Levels 4 through 9 as shown on this Condominium Plat), all of which are referred to in the Declarations and this Condominium Plat as the "Units". The improvements located outside of the Units, including but not limited to the Hotel Areas, Restricted Areas, Access Areas, Parking Areas, Storage Areas, and Balcony/Patio Areas on this Condominium Plat are not part of the Units and do not constitute "common area and facilities" under the Utah Condominium Ownership Act (the "Act"). Owners of the Units are granted easements to use and enjoy certain portions of such components of the Resort, as set forth in the Declarations, but do not receive any fee simple ownership interest therein. PURCHASERS ARE STRONGLY URGED TO REVIEW THE DECLARATIONS WITH THEIR LEGAL COUNSEL IN ORDER TO FULLY UNDERSTAND THE RIGHTS, INTERESTS, LIMITATIONS AND OBLIGATIONS APPURTENANT TO OWNERSHIP OF A UNIT WITHIN THE CONDOMINIUM PROJECT.

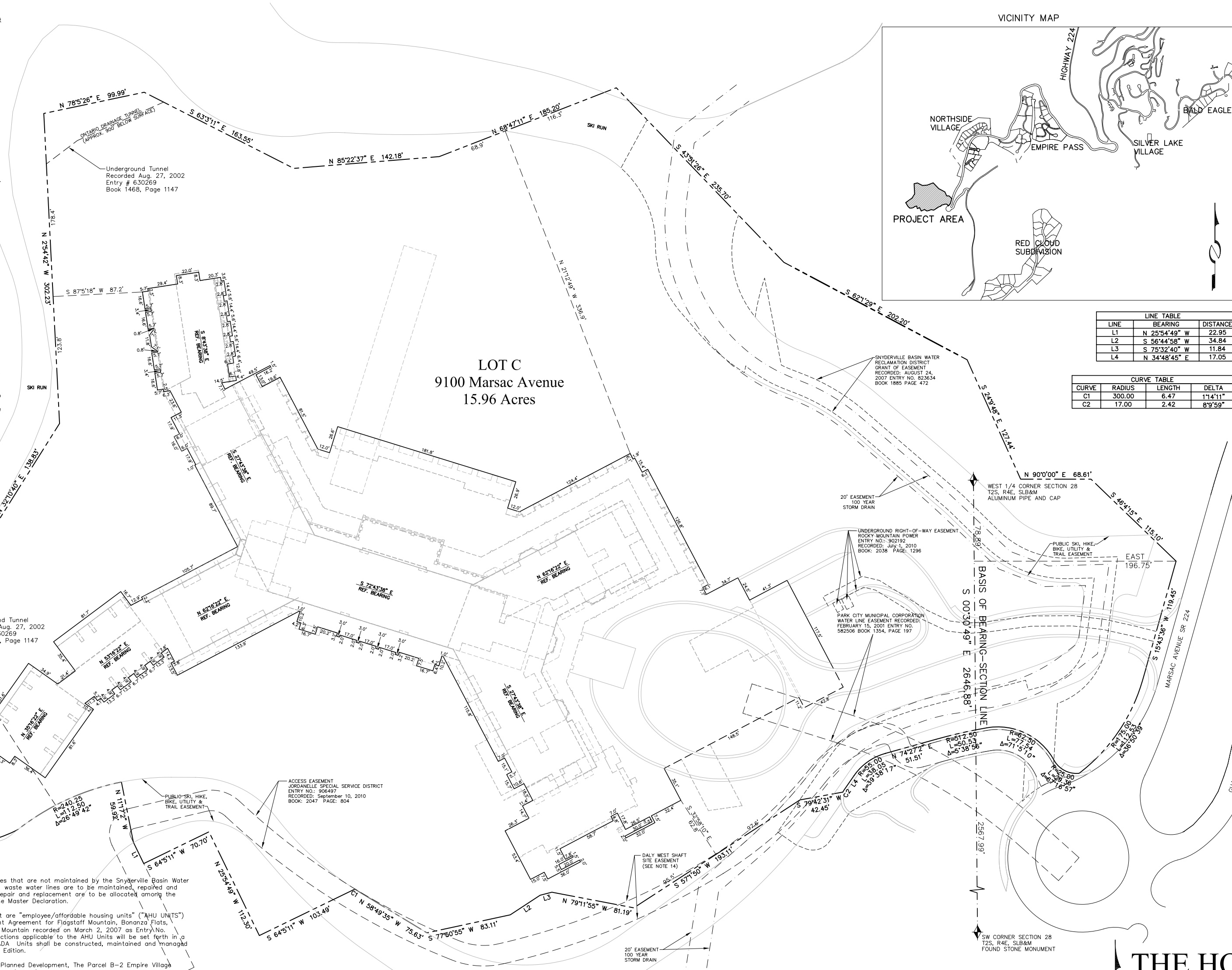
3. The Resort as depicted on this Condominium Plat is subject to the rights of the Hotel Owner as described in the Declarations, and Hotel Owner shall have the right to exercise any applicable right provided for in the Declarations, including, without limitation, the reservation and granting of certain easements, reducing or relocating improvements within the Resort, adding additional recreational and service facilities and making such other development decisions and changes as Hotel Owner shall determine in its sole and exclusive discretion.

4. Pursuant to the Master Declaration, the Empire Canyon Resort Master Association, Inc., a Utah non-profit corporation (the "MASTER ASSOCIATION") is responsible for maintaining all Non-Hotel Use and Support Areas and the Master Association shall have a perpetual non-exclusive easement over the Resort for such maintenance purposes as further described in the Master Declaration.

5. Building ties on this sheet are from the property line to the building foundation as shown.

6. All land located outside of the footprint of the building is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Service District and Summit County for the purpose of providing access for utility and drainage installation, use, maintenance and eventual replacement.

111



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 25°54'49" W	22.95
L2	S 56°44'58" W	34.84
L3	S 75°32'40" W	11.84
L4	N 34°48'45" E	17.05

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	300.00	6.47	1°14'11"
C2	17.00	2.42	8°9'59"

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this First Amendment to Condominium Plat of The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, in accordance with the provisions of Section 57-18-13 (1) of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.

______________________ JOHN DEMKOWICZ, L.S. #154491 ____________ DATE

PROFESSIONAL LAND SURVEYOR
No. 154491
JOHN
DEMKOWICZ
State of Utah

BOUNDARY DESCRIPTION 1

LOT C of Parcel B-2 EMPIRE VILLAGE SUBDIVISION, according to the official plat recorded as of May 23, 2007 as Entry No. 814178, in the office of the Summit County Recorder, Summit County, Utah.

Excepting therefrom all minerals and subsurface rights including all mine tunnels, including but not limited to the mine tunnels conveyed in the Quit-Claim Deed recorded August 27, 2002 as Entry No. 630269 in Book 1468 at Page 1147.

GROUND LESSEE'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, DV LUXURY RESORT LLC, a Delaware Limited Liability Company, the owner of a long term leasehold interest in the tract of land described herein as the First Amendment to The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

DV Luxury Resort LLC. hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this

______ day of ____________, 2010.

DV LUXURY RESORT LLC, a Delaware limited liability company,
By: Ohana DV LLC, a Delaware limited liability company, its Manager
By: __________________
Name: __________________
Title: __________________

ACKNOWLEDGMENT

State of ____________:
ss:
County of ___________:

This instrument was acknowledged before me this _____ day of

_____________, 2010 by ___________________, the ________________ of OHANA DV LLC, manager of DV LUXURY RESORT LLC, a Delaware Limited Liability Company

____________________________ A Notary Public commissioned in Utah ____________________ Printed Name

Residing in: ______________ My commission expires: __________

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Talisker Empire Pass Hotel LLC, a Delaware Limited Liability Company, is the underlying fee simple interest holder of the tract of land described herein as the First Amendment to The Hotel & Residences at Empire Canyon Resort, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Condominium Plat to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit this property to the Utah Condominium Ownership Act.

Talisker Empire Pass LLC. hereby offers for dedication to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, and private utility providers non-exclusive utility easements as shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof the undersigned has set its hand on this

______ day of ____________, 2010.

TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company,

By: ______________
Its: ______________

ACKNOWLEDGMENT

State of ____________:
ss:
County of ___________:

This instrument was acknowledged before me this _____ day of

_____________, 2010 by ___________________, the ________________ of TALISKER EMPIRE PASS HOTEL LLC, a Delaware Limited Liability Company

____________________________ A Notary Public commissioned in Utah ____________________ Printed Name

Residing in: ______________ My commission expires: __________

7. The Units are served by common private lateral waste water lines that are not maintained by the Snyderville Basin Water Reclamation District. Under the Master Declaration, these lateral waste water lines are to be maintained, repaired and replaced by the Hotel Owner, and costs of such maintenance, repair and replacement are to be allocated among the Hotel Owner and the Unit owners in the manner described in the Master Declaration.

8. AHU Units 1-10 as shown on Sheet 5 of this Condominium Plat are "employee/affordable housing units" ("AHU UNITS") under Section 2.10.5. of the Amended and Restated Development Agreement for Flagstaff Mountain, Bonanza Flats, Richardson Flats, the 20-acre Quinn's Junction Parcel and Iron Mountain recorded on March 2, 2007 as Entry No. 00806100 in Book 1850, Page 1897. Details regarding the restrictions applicable to the AHU Units will be set forth in a separate restrictive covenant recorded against the AHU Units. ADA Units shall be constructed, maintained and managed in accordance with International Building Code Chapter 11, 2006 Edition.

9. All conditions of approval of the Empire Pass/Pod B-2 Master Planned Development, The Parcel B-2 Empire Village Subdivision, and The Montage Conditional Use Permit shall continue to apply.

10. The Hotel Owner has reserved the option to expand the Condominium Project by adding one or more Units to the Condominium Project, and has reserved the right to contract the Condominium Project by withdrawing one or more Units from the Condominium Project, in accordance with the terms and conditions of the Residential Declaration.

11. Ski runs and trails cross through and around the Resort as shown on this Condominium Plat. The location and configuration of the ski runs and trails as shown on this Condominium Plat may be modified, relocated, expanded, reduced or eliminated from time to time and new ski runs and trails may be added.

12. Pursuant to the terms and conditions of the Declarations, Hotel Owner reserves the right to unilaterally amend this Condominium Plat at any time and from time to time by Hotel Owner if such amendment is necessary to make technical corrections, to satisfy the requirements of Park City or any other governmental authority, to correct mistakes, remove/clarify ambiguities or to accurately reflect the "as-built" conditions on the Condominium Plat.

13. Certain ceilings in the Units shown on this Condominium Plat have variations, insets, vaulted ceilings, enclosed duct work, and other similar architectural features that result in the ceilings having numerous different elevation measurements which are difficult to show on this Condominium Plat. As a result, and notwithstanding the fact that the actual boundary of each Unit only includes the interior finished surface of the ceiling, the elevations shown on this Condominium Plat are measured from the lower surface of the concrete slab that is on the top of each Unit.

14. The easement shown on the Condominium Plat has been granted to the Jordanelle Special Service District (the "JSSD") and is for ingress and egress to the JSSD water facilities located in the Daly West Mineshaft. This easement may be subject to vehicular traffic over the easement from time to time.

15. The Hotel Owner shall adopt a fire protection plan approved by Park City Municipal Corporation, and the Master Association shall be responsible for the ongoing maintenance of the various components of such plan. The expenses of such maintenance shall be part of the Shared Expenses under the Declarations.

16. Reference bearings are provided on the long axis of main building wings.

NOTE: This Amendment to the Condominium Plat of The Hotel & Residences at Empire Canyon Resort amends only Sheet 1, Sheet 8, Sheet 9, and Sheet 11. All other sheets contained in the Condominium Plat recorded January 20, 2010, Entry No. 890518 shall remain unchanged.

FIRST AMENDMENT TO
CONDOMINIUM PLAT

THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST ½ OF SECTION 28, AND THE EAST ½ OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

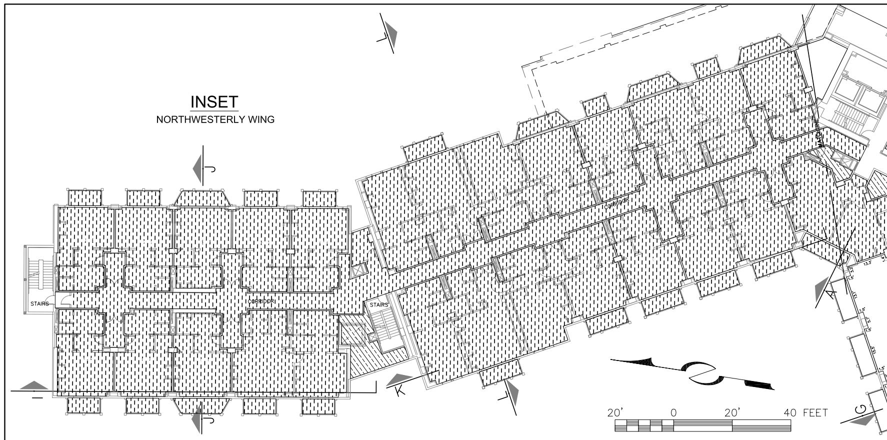
50' 0 50' 100'

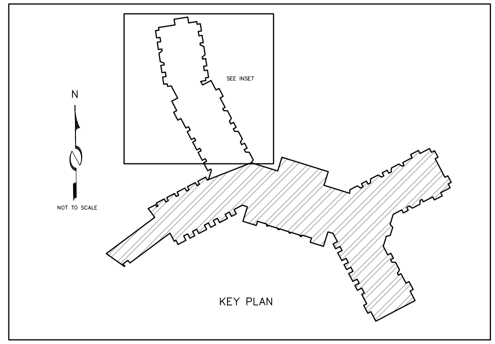
SHEET 1 OF 18

10/6/10 JOB NO.:2-1-08 FILE:X:\Emp\dwg\Mntge\srv\CNDOPLT\SHTS\Sht01Site.dwg

(435) 649-9467-PHONE
(435) 649-9475-FAX
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ___ DAY OF __________, 2010 A.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ___ DAY OF __________, 2010 A.D.	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ___ DAY OF __________, 2010 A.D.	APPROVED AS TO FORM THIS ___ DAY OF __________, 2010 A.D.	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ___ DAY OF __________, 2010 A.D.	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ___ DAY OF __________, 2010 A.D.	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF ____________________ DATE _______ TIME _____ BOOK _____ PAGE _____
BY _______________ S.B.W.R.D.	BY _______________ CHAIRMAN	BY _______________ PARK CITY ENGINEER	BY _______________ PARK CITY ATTORNEY	BY _______________ PARK CITY RECORDER	BY _______________ MAYOR	__________ FEE _______________ RECORDER



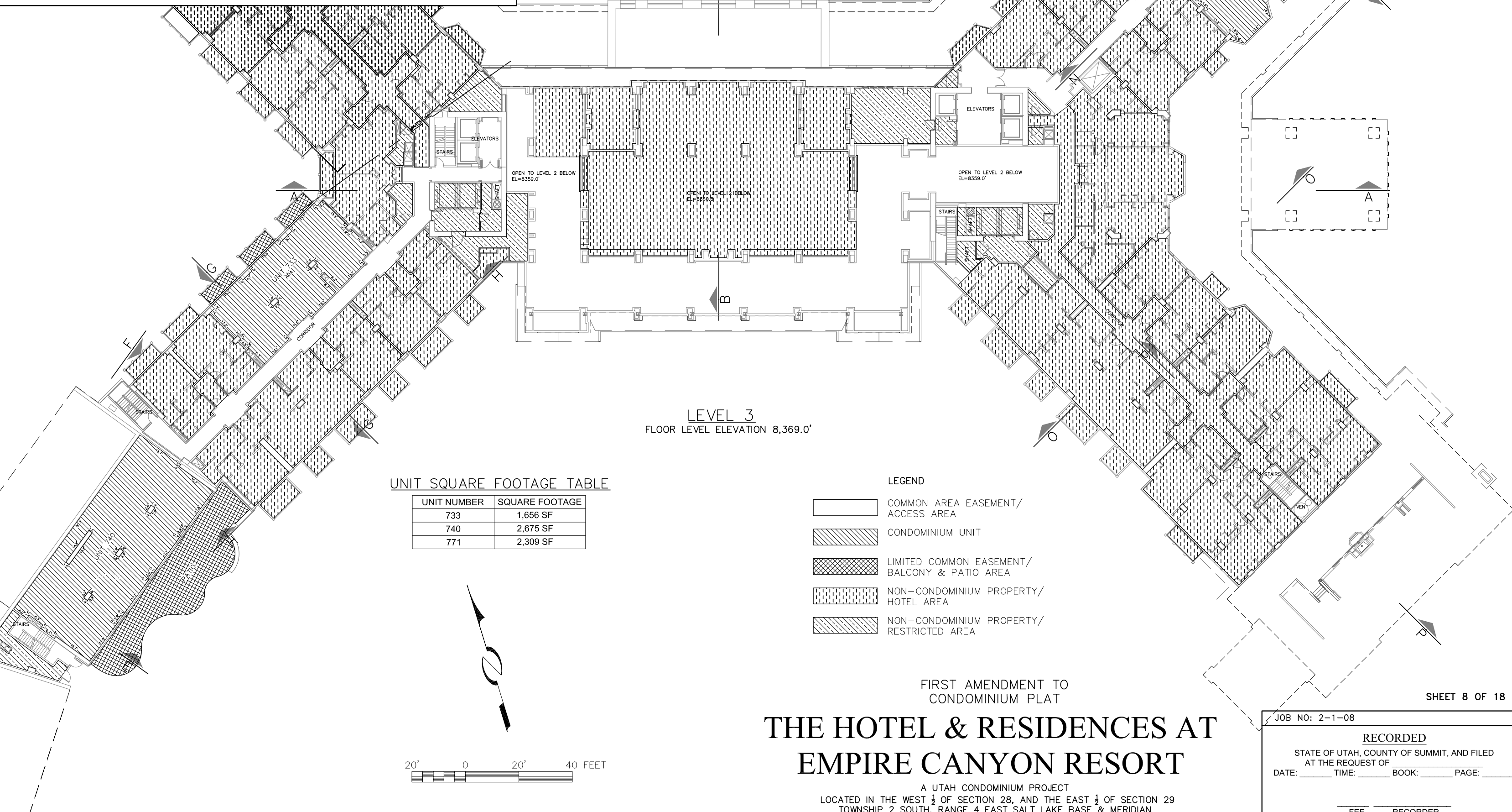


NOTES

1. The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on drawings supplied by HKS Architects. The square footages shown on this plat are calculated in accordance with the Act and the Residential Declaration. Such calculation typically differs somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the Units will be as constructed. Upon the completion of each Unit ("Completed Unit"), the boundaries of the Completed Unit shall be automatically adjusted to be the boundaries of such as-built Completed Unit as described in the Declarations.

2. Although columns, bearing walls and other structural elements within a Unit may not contain any crosshatching, such elements shall not be deemed Access Areas. All common structural elements are designated as Non-Hotel Use and Support Areas, as described in the Declarations. Pursuant to the Declarations, each Unit Owner and the Residential Association (in common with Hotel Owner) are granted the following non-exclusive easements, which shall be appurtenant to each Unit: Structural and Mechanical Support provided by all structural members, columns, footings and foundations which are a part of the Hotel and which are necessary for the support of any Unit.

3. Pursuant to the Declarations the Balcony/Patio Areas as depicted on this Condominium Plat are reserved for the use of certain Unit Owners to the exclusion of other Unit Owners. Except as otherwise designated hereon, the use of each respective patio, deck or balcony is appurtenant to the respective Unit to which such Balcony/Patio Areas are adjacent as shown hereon, subject to the rights of the Hotel Owner as described in the Declarations.



LEVEL 3
FLOOR LEVEL ELEVATION 8,369.0'

UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
733	1,656 SF
740	2,675 SF
771	2,309 SF

LEGEND

- COMMON AREA EASEMENT/ ACCESS AREA
- CONDOMINIUM UNIT
- LIMITED COMMON EASEMENT/ BALCONY & PATIO AREA
- NON-CONDOMINIUM PROPERTY/ HOTEL AREA
- NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

FIRST AMENDMENT TO
CONDOMINIUM PLAT

THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST ½ OF SECTION 28, AND THE EAST ½ OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

10/5/10

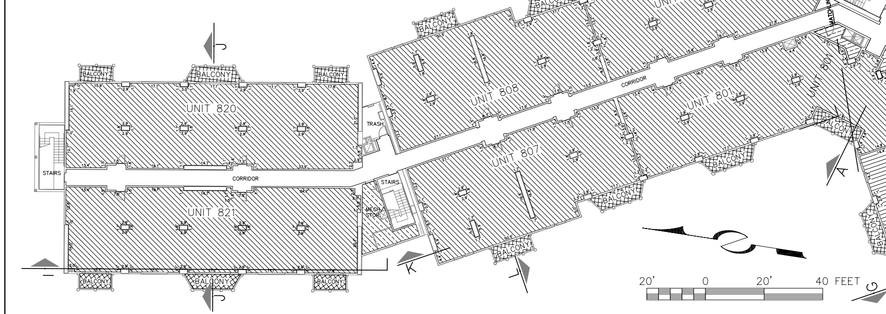
SHEET 8 OF 18

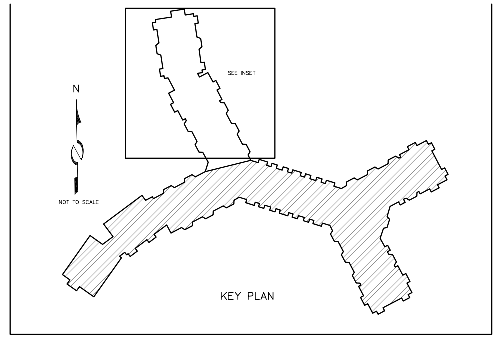
JOB NO: 2-1-08

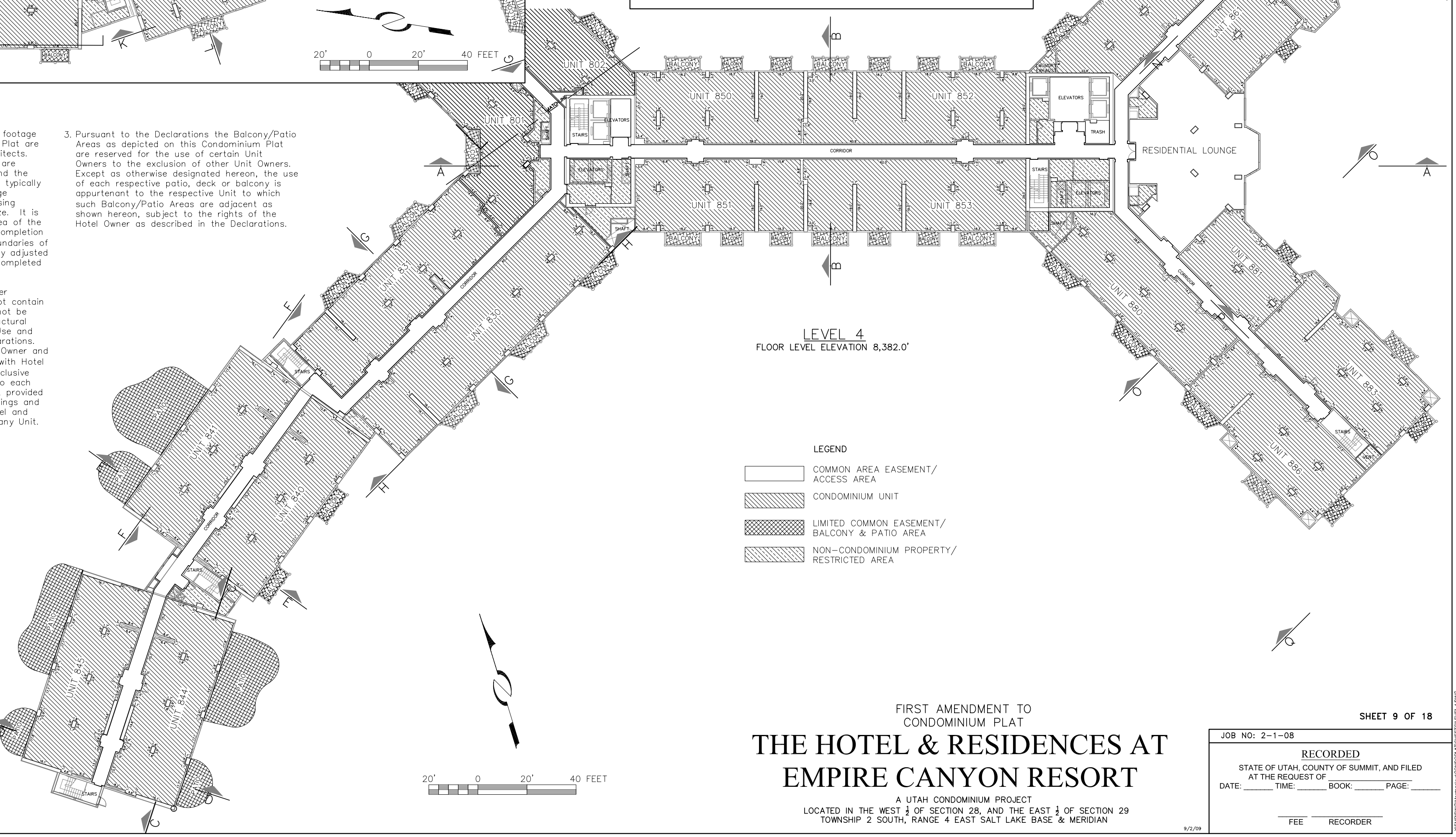
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF ________________
DATE: ______ TIME: ______ BOOK: ______ PAGE: ______

______ ______
FEE RECORDER

INSET
NORTHWESTERLY WING







LEVEL 4
FLOOR LEVEL ELEVATION 8,382.0'

NOTES

1. The dimensions of the Units and square footage calculations shown on this Condominium Plat are based on drawings supplied by HKS Architects. The square footages shown on this plat are calculated in accordance with the Act and the Residential Declaration. Such calculation typically differs somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the Units will be as constructed. Upon the completion of each Unit ("Completed Unit"), the boundaries of the Completed Unit shall be automatically adjusted to be the boundaries of such as-built Completed Unit as described in the Declarations.
2. Although columns, bearing walls and other structural elements within a Unit may not contain any crosshatching, such elements shall not be deemed Access Areas. All common structural elements are designated as Non-Hotel Use and Support Areas, as described in the Declarations. Pursuant to the Declarations, each Unit Owner and the Residential Association (in common with Hotel Owner) are granted the following non-exclusive easements, which shall be appurtenant to each Unit: Structural and Mechanical Support provided by all structural members, columns, footings and foundations which are a part of the Hotel and which are necessary for the support of any Unit.
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UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
801	2,827 SF
802	2,470 SF
807	2,325 SF
808	2,325 SF
820	2,787 SF
821	2,789 SF
830	3,383 SF
831	2,630 SF
840	2,212 SF
841	2,212 SF
844	2,215 SF
845	2,215 SF
850	1,889 SF
851	1,891 SF
852	2,477 SF
853	2,489 SF
860	2,127 SF
861	1,233 SF
863	2,284 SF
864	2,224 SF
880	2,216 SF
881	1,221 SF
883	2,284 SF
886	2,249 SF

LEGEND

- COMMON AREA EASEMENT/ ACCESS AREA
- CONDOMINIUM UNIT
- LIMITED COMMON EASEMENT/ BALCONY & PATIO AREA
- NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

FIRST AMENDMENT TO
CONDOMINIUM PLAT

THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST ½ OF SECTION 28, AND THE EAST ½ OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

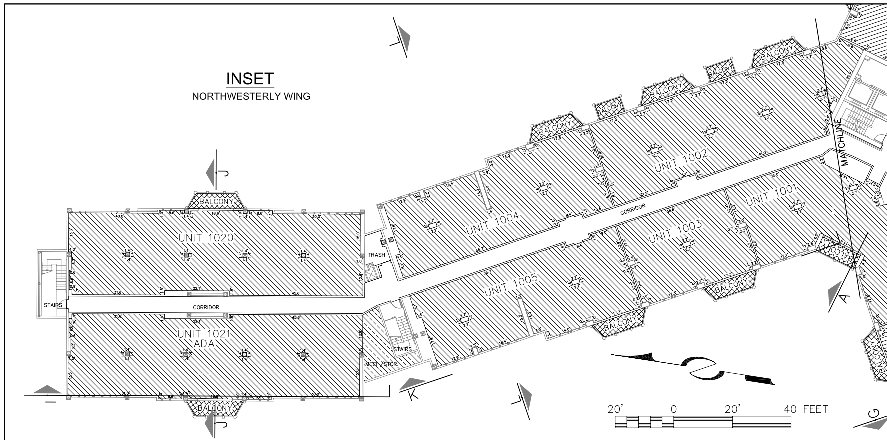
9/2/09

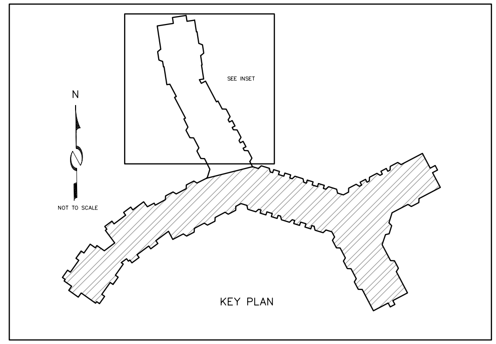
SHEET 9 OF 18

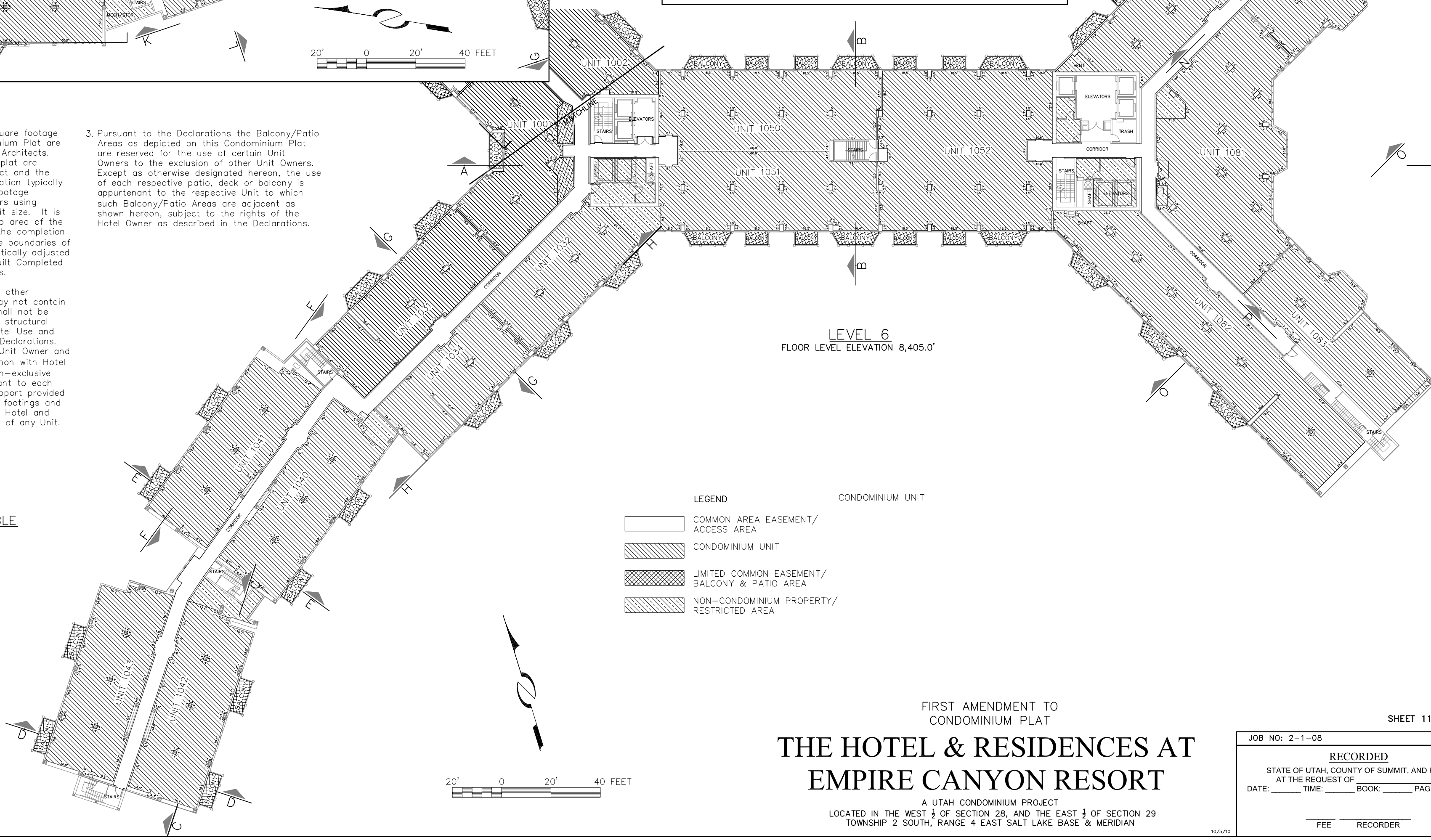
JOB NO: 2-1-08

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF ______
DATE: ______ TIME: ______ BOOK: ______ PAGE: ______

______ FEE ______ RECORDER







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UNIT SQUARE FOOTAGE TABLE

UNIT NUMBER	SQUARE FOOTAGE
1001	2,148 SF
1002	2,490 SF
1003	1,147 SF
1004	1,997 SF
1005	1,945 SF
1020	2,770 SF
1021	2,770 SF
1031	2,255 SF
1032	1,741 SF
1034	1,688 SF
1040	2,195 SF
1041	2,195 SF
1042	2,201 SF
1043	2,202 SF
1050	2,712 SF
1051	2,683 SF
1052	4,367 SF
1062	3,754 SF
1063	2,228 SF
1081	4,086 SF
1082	4,067 SF
1083	2,251 SF

LEGEND

- COMMON AREA EASEMENT/ ACCESS AREA
- CONDOMINIUM UNIT
- LIMITED COMMON EASEMENT/ BALCONY & PATIO AREA
- NON-CONDOMINIUM PROPERTY/ RESTRICTED AREA

CONDOMINIUM UNIT

FIRST AMENDMENT TO
CONDOMINIUM PLAT

THE HOTEL & RESIDENCES AT EMPIRE CANYON RESORT

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE WEST ½ OF SECTION 28, AND THE EAST ½ OF SECTION 29
TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN

10/5/10

SHEET 11 OF 18

JOB NO: 2-1-08

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF ________________
DATE: _______ TIME: _______ BOOK: _______ PAGE: _______

FEE RECORDER

City Council Staff Report

Author: Michael Kovacs
Subject: Economic Development Grant – Salt Lake Community College, Miller Business Resource Center, Park City Business Resource Center
Date: January 6, 2011
Type of Item: Award of Economic Development Grants

Summary Recommendation
The Economic Development Grant Committee (Grant Committee) recommends award of an Economic Development Grant (ED Grant) in the amount of $12,500 to the Miller Business Resource Center to establish the Park City Business Resource Center. City staff further recommends approval of the attached Letter of Intent.

Background: Economic Development Grants
The Economic Development Grant Policy was adopted June 2006. Pursuant to this policy Park City may allocate up to $20,000 annually to "attract and promote new organizations that will fulfill key priority goals of the City's current Economic Development Plan." Funding is available for relocation and new business start-up costs. A copy of the full policy is attached as Exhibit A.

This policy establishes specific criteria that an applicant organization must meet to qualify for the ED Grant. The City's Economic Development Program Committee reviews all applications and submits a recommendation to City Council members, who have final authority in determining whether an applicant meets these criteria. The City may reject any and all proposals, and waive any technical deficiency at its sole discretion.

Applicant: Miller Business Resource Center

On November 18, 2010 Salt Lake Community College's Miller Business Resource Center (MBRC) submitted its application for an ED Grant to establish the Park City Business Resource Center. A copy of this application is attached as Exhibit B.

The MBRC is an organization which provides expert consulting to small business at no cost. MBRC provies one-one one counseling in business management, financing and marketing. Additionally, it provides intensive business training seminars and courses.

The MBRC requested $12,000 in grant funding for start up costs, supplies, and salary funds for the new staff member at the satellite office at Zion's Bank on Kearns Blvd. Summit County management staff indicated that they would support a match to the City's funding amount with County Council. Both City and County staff have coordinated our efforts to focus on a total award of $25,000 in local funds to the new Park City Business Resource Center's start-up. The City's amount therefore increased slightly higher than the request to $12,500, with $12,500 expected from Summit County. Summit County Council met on December 22, and chose to award a $12,500 funding amount to the College and approve a Letter of Intent (Exhibit E).

Analysis
The majority of Committee members agreed the application was worthy of funding given the track record the College has with the Miller Business Resource Center ($23 Million in capital formation and 401 jobs saved and created in FY 2010) and the needs of Park City businesses in

attaining loans and getting assistance with business plans and other needs. The application satisfies the requisite Criteria for Economic Growth

Department Review
These applications were reviewed by the Economic Development Program Committee, which consists of representatives of the Economic Development, Budget, and City Manager's Office. The Committee recommended awarding $12,500 for start up costs for the Park City Business Resource Center.

Significant Impacts
Award of grant monies is completely at City Council's discretion. There is $15,000 still available until awarded, but once the funding is allocated, no further grants would be available during this fiscal year.

Alternatives:

A. Approve Resolution and Letter of Intent with Summit County and an ED Grant of $12,500 to MBRC. Reserve the $2,500 that will remain available for distribution for other economic development projects during this fiscal year.
B. Approve Resolution and Letter of Intent with Summit County and award an ED Grant of all remaining funds, $15,000.
C. Deny the ED Grant application.
E. Approve an ED Grant in a lesser amount and renegotiate the Letter of Intent (not recommended as Summit County has acted in anticipation of the City matching their grant of $12,500).

Staff Recommendations
The Economic Development Grant Committee (consisting of Executive, Sustainability, and Budget) recommends award of an Economic Development Grant in the amount of $12,500 to Salt Lake Community College's Miller Business Resource Center's Park City Business Resource Center: $12,500 for the start up of the Park City Business Resource Center and for business consulting to businesses of Park City, in a form approved by the City Attorney.

All Committee members recommend full award of grant monies of $12,500.

Approve the Resolution which will allow execution of the Letter of Intent with Summit County on the Park City Business Resource Center to realize added funds of $12,500.

Attachments:
Exhibit A – Economic Development Grant Policy
Exhibit B – The College's Grant Application
Exhibit C – Economic Development Strategic Plan
Exhibit D – Draft Contract
Exhibit E – Letter of Intent & Resolution

Exhibit A

Economic Development Grant Policy (adopted June 15, 2006)

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

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

> **Criteria #1** – The organization must demonstrate a sound business plan that strongly supports prioritized Goals of the current City Economic Development Plan.
>
> **Criteria #2 –** The organization must be unique and innovative; with a forecasted ability to generate overnight visitors who would spend dollars within the City's resort offerings.
>
> **Criteria #3** – The organization must be new to Park City or represent a distinctly new enterprise supportive of the current priority Goals of the City's Economic Development Plan. Organizations must commit to and demonstrate the ability to do business in the City limits no less than three years. Funding cannot be used for 1-time events.
>
> **Criteria #4** – The organization must produce items or provide services that are consistent with the economic element of the City's General Plan; enhances the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City.
>
> **Criteria #5** – Can forecast and demonstrate at the time of application an ability to achieve direct taxable benefits to the City greater than twice the City's contribution.
>
> **Criteria #6** – Fiscal Stability and Other Financial Support: The organization must have the following: (1) A clear description of how public funds will be used and accounted for; (2) Other funding sources that can be used to leverage resources; (3) A sound financial plan that demonstrates managerial and fiscal competence.

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

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

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

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

<u>(1) Business Relocation Assistance</u> – This category of grants will be available for assisting an organization with relocation and new office set-up costs. Expenses that could be covered through an ED Grant include moving costs, leased space costs, and fixtures/furnishings/ and equipment related to setting up office space within the City limits.

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

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

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

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

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

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

Exhibit B – The College's Application

Economic Development Grant Application Form

Park City Municipal Corporation

Please provide five (5) copies of this application and requested attachments and send to the attention of The Economic Development Program Committee, Economic Development Office, Park City Municipal Corporation, PO Box 1480, Park City Utah 84060.

Criteria for awarding Economic Development Grants are identified in the City's Budget Policy. Please read this policy prior to submitting an application to ensure compliance.

(1) Organization Contact Information

Name Rex, Falkenrath, Park City Business Resource Center

Address c/o Miller Business Resource Center

9690 South 300 West, Sandy, UT, 84070

Phone 801.957.5279 Fax 801.957.3488

E-mail rex.falkenrath@slcc.edu

(2) Indicate the type of Economic Development Grant category that is applicable for this proposal:

___ **Business Relocation Assistance**

__X__ **New Business Start-up Assistance**

(3) Grant Request Amount: $12,000

(4) In addition to the above requested information, please provide the following:

A. A description of how your organization meets the ED Grant Criteria #1-#6 outlined in the City's Budget policy.
B. Summarize the economic and community benefits of having this organization in Park City.
C. Provide specific detail on how the requested funds would be used.
D. Detail any milestones or measures of success you would work with the City reporting on.

Signed: Rex Falkenrath
Date: 11-18-2010

1

Proposal for Business Resource Center serving Park City and Summit County

Economic and Community Benefit

This funding request is for economic development funding to support a portion of the November 2010 - July 2011 wage for a part-time Park City Business Resource Center Director.

The Park City Business Resource Center (PCBRC) is a newly established business resource center located at Zions Resort Bank, 1100 Snow Creek Drive, Park City. The PCBRC will follow the proven business plan of the established network of Utah Business Resource Centers as supported by the Governor's Office of Economic Development. The PCBRC will be supported with business and training resources by the Miller Business Resource Center of Salt Lake Community College, Sandy, UT.

Salt Lake Community College (SLCC) has contributed $15,000 in funding toward the 2010-2011 wage ($50,000 annualized) need of the BRC director. Additional funding of $12,000 is being requested of Park City and Summit County for first year wage and office-related expenses, for a total of $39,000. Park City is sponsoring a Community Development Block Grant (CDBG) in partnership with SLCC. Funding from the CDBG would be available July 2011. These sources of funding would provide resource for a PCBRC director through December 2012. Additionally, there is opportunity for a USDA Rural Development Grant and there are anticipated follow-on funds, pending legislative support, from the GOED BRC network.

The Park City Business Resource Center will provide one-on-one business counseling to Summit County residents who wish to launch or expand their businesses. The PCBRC will also offer job training programs to residents including hospitality services, green job skills, and work-related sustainability certification as driven by the needs of the Park City / Summit County community.

Meeting Park City Economic Development Criteria

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

In 2008, the Utah State Legislature signed into law the Utah Business Resource Centers Act. Business Resource Centers (BRC) will increase the success rate of Utah businesses, providing services that will ultimately allow new and existing businesses to grow and flourish.
BRCs one-stop resource centers providing coordination of business support, education, tracking of clients, access to sources of funding, training, technical expertise, talent, and networking for new and existing businesses[1].

Per the PC ED Plan the PCBRC will be well-positioned to support the city, as appropriate, with the following priorities:

- Assist in business attraction/retention of both resort-based and year round businesses;

[1] http://business.utah.gov/start/Business-Resource-Centers/

- Assist PC businesses on retention & development initiatives;
- Assist in redevelopment of the resort economy;
- Assist the City in meeting its top and high priority business objectives.

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

The capability of the PCBRC will be to assist businesses in achieving their business objectives and to provide training resources that are in line with the business objectives of the community. This could include hospitality training, sustainability training and certification or other training needs as identified by the BRC and the City.

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

The Park City BRC is new to Park City however its business template is established and proven within the State of Utah. THE PCBRC will leverage the experience and resources of the SLCC Miller Business Resource Center, ensuring an efficient use of funds and business assistance training of SLCC.

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

The objective of the PCBRC will be to assist local governments in meeting economic development objectives as relates to business startup and retention, access to capital and other resources, training, and access to State and Federal business assistance resources.

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

For SLCC's latest fiscal year the Miller Business Resource center was instrumental in establishing and retaining over 400 jobs and facilitating sales and capitalization growth of $23 million.

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

The funds requested will be used for salary and office-related (travel, reports, etc.) expenses related to the BRC's mission of economic development for the local community.

Detail on Use of Funds

Funding for the PCBRC is proposed as follows. SLCC has committed to an initial $15,000 cash contribution and has hired the part-time director. The director will be an employee of SLCC. The College is working with Summit County to obtain funding of $12,000. Additionally, GOED has expressed support of the BRC and funding will be as available through State legislative action. The College has also discussed USDA Rural Development grant funding with the USDA and will support the application of a proposal.

Park City Business Resource Center Budget Proposal

11/10-06/11	Budget	Park City	SLCC	Summit County	CDBG grant	Total
Director wage - ($50,000 annualized)	$ 29,167	$ 7,500	$ 15,000	$ 7,500	$ -	$ 30,000
Office (travel, supplies, media, initial & ongoing awareness, other)	$ 9,000	$ 4,500	$ -	$ 4,500		$ 9,000
Office space	Zions Bank donation					
Training space	Govt. donation					
Computer & related	SLCC donation					
TOTAL	$ 38,167	$ 12,000	$ 15,000	$ 12,000	$ -	$ 39,000

08/11-12/12	Budget	Park City	SLCC	Summit County	CDBG grant	Total
Director wage - ($50,000 annualized)	$ 75,000	$ -	$ -	$ -	$ 75,000	$ 75,000
Office (travel, office, media)	$ 5,000	$ -	$ -	$ -	$ 5,000	$ 5,000
Office space	Zions Bank donation					
Training space	Govt. donation					
Computer & related	SLCC donation					
TOTAL	$ 80,000	$ -	$ -	$ -	$ 80,000	$ 80,000

Milestone Reporting

The Miller Business Resource Center can assist the PCBRC with establishing those reporting metrics that have been used State-wide in measuring economic impact of business resource centers. There are currently available database management tools that are used for such reporting purposes.

11/10-06/11	Budget	Park City	SLCC	Summit County	CDBG grant	Total
Director wage - ($50,000 annualized)	$ 29,167	$ 7,500	$ 15,000	$ 7,500	$ -	$ 30,000
Office (travel, supplies, media, initial & ongoing awareness, other)	$ 9,000	$ 4,500	$ -	$ 4,500		$ 9,000
Office space	Zions Bank donation					
Training space	Govt. donation					
Computer & related	SLCC donation					
TOTAL	$ 38,167	$ 12,000	$ 15,000	$ 12,000	$ -	$ 39,000

08/11-12/12	Budget	Park City	SLCC	Summit County	CDBG grant	Total
Director wage - ($50,000 annualized)	$ 75,000	$ -	$ -	$ -	$ 75,000	$ 75,000
Office (travel, office, media)	$ 5,000	$ -	$ -	$ -	$ 5,000	$ 5,000
Office space	Zions Bank donation					
Training space	Govt. donation					
Computer & related	SLCC donation					
TOTAL	$ 80,000	$ -	$ -	$ -	$ 80,000	$ 80,000

Exhibit C – PCMC Economic Development Strategic Plan

Vision

To provide long-term economic health for the greater Park City region through a proper balance of tourism initiatives and sustainable community desires for those that live in and visit the area. As a guiding principle, all economic development initiatives will consistently strive to sustain a vibrant multi-seasonal destination resort community.

Goals (FY2006-FY2007)

Top Priority

- Facilitate the redevelopment of the resort economy by using the Lower Park Avenue RDA as a means to implement projects
- Protect, preserve, and promote the historic Main Street downtown area as the heart of the region.
- Further develop and populate the event calendar, while continuing to balance impacts on community character and quality of life of residents, and quality of experience of visitors.
- Further develop and market the uniqueness of Park City and why it is set apart from other mountain resort communities.

High Priority

- Maintain and improve the balance of Sustainable Community goals by going beyond just economic initiatives to include social and environmental strategies.
- Facilitate the establishment of more "attractions/areas of interest" for both visitors (tourism economy) and residents (population economy).
- Proactively target business sectors that will fill voids left by departing companies or for smart redevelopment reasons.
- Improve upon an already busy winter tourism season with efforts to maximize its full potential.

Strategies

Existing City Resources

Strategy 1: Promote the redevelopment of resort and commercial areas
Strategy 2: Work towards a balanced transportation and pedestrian infrastructure plan throughout Park City. Support Walkability, Connectivity, and Safety as Economic Development Tools.
Strategy 3: Continue to refine the event process to become more efficient and selective to events that are consistent with community goals and best ROI
Strategy 4: Update Regulatory Codes to match priority goals of the Economic Development Plan
Strategy 5: Promote smart development at the Quinn's Junction area
Strategy 6: Focus on recreation spaces and facilities for attracting more tournaments and overnight visitors

City Has Participatory Role

Strategy 6: Attract more festivals and events – winter & summer
Strategy 7: Promote ways to grow new events and sustain existing events
Strategy 8: Provide additional Recreation Opportunities as Attractions
Strategy 9: Provide more cultural tourism attractions
Strategy 10: Extend visitor stays / fill beds
Strategy 11: Enhance existing attractions
Strategy 12: Create a cultural alliance
Strategy 13: Promote Redevelopment within Park City
Strategy 14: Retention and development of existing businesses
Strategy 15: Make Park City more inviting and "User-Friendly" for organizers to throw events and for attendees to enjoy them

No Current City Resources to Accomplish

Strategy 16: Target more Wasatch front (day visitors)
Strategy 17: Apply the tag line "User Friendly" to projects and marketing programs geared towards showing how easy and fun it is to live and visit Park City

City's Role Unclear

Strategy 18: Provide greater participatory attractions
Strategy 19: Promote greater diversity of the commercial mix
Strategy 20: Strengthen the existing Commercial Mix (City-Wide)
Strategy 21: Develop additional funding and marketing sources for events
Strategy 22: Promote locally owned, independent businesses
Strategy 23: Promote community (social) sustainable community goals such as affordable housing

Projects / Programs

Top Priority Projects

1. Assist in redevelopment of resort and commercial areas
2. Events – Overhaul process & fee schedule; prioritize calendar
3. Market Analysis/Needs Assessment (downtown)
   a. Identify preferred commercial mix
   b. include study on residential & impact/carrying capacity
4. Assist in business attraction/retention of both resort-based and year round businesses
5. Downtown Capital Projects
   a. Downtown Plaza
   b. Pedestrian improvements

High Priority Projects

- Continue building trail network infrastructure and Urban pathways
- Assist in renovation of the Main Street Mall
- Assist PC businesses on retention & dvlpmnt initiatives
- High Altitude Training Destination ↓

Priority Projects

- Monitor commercial mix in Main Street Storefronts
- Interconnect
- Smart Messaging signs for parking information / events

Key
red – changes
↑ - Move Up in priority
↓ - Move down in priority
---- - Strike out = to be deleted

Exhibit D

Economic Development Grant Contract

ECONOMIC DEVELOPMENT GRANT CONTRACT BETWEEN SALT LAKE COMMUNITY COLLEGE'S MILLER BUSINESS RESOURCE CENTER'S PARK CITY BUSINESS RESOURCE CENTER (The College), AND PARK CITY MUNICIPAL CORPORATION

THIS AGREEMENT is made and entered into this 6th day of January, 2011, by and between **THE COLLEGE** and **PARK CITY MUNICIPAL CORPORATION** (hereinafter "City").

WITNESSETH:

WHEREAS, as part of the budget process, the City Council appropriates Economic Development funds to contract with organizations who meet the economic development grant program requirements outlined by the City's Budget Policy; and

WHEREAS, organizations must meet certain criteria in order to be eligible for an Economic Development Grant Contract; and

WHEREAS, applicants are eligible to apply for an Economic Development Grant Contract year round, the City will award Contracts through an application process administered by the Economic Development Grant Program Committee; and

WHEREAS, pursuant to Sections 10-8-2 and 10-8-84 of the Utah Code Annotated, the City Council hereby finds that the provision of City funds herein is consistent with the Park City General Plan, and provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the City; and

WHEREAS, notwithstanding the recitals above, the City desires to provide grant funds in exchange for positive economic impact benefit at least equal to the current fair market value to the City's contribution; and

WHEREAS, the Economic Development Grant program committee evaluated and approved the Economic Development grant request by The College for assistance towards the start up of the Park City Business Resource Center.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth, the sufficiency of which is hereby acknowledged, that parties agree as follows:

ARTICLE I
<u>TERM AND ALLOCATION</u>

The College shall have an Economic Development Grant contract with a term of six months. The City will allocate the full grant amount upon execution by both parties.

TOTAL amount available for allocation: $12,500

ARTICLE II
SERVICES TO THE COMMUNITY

In exchange for the City's contribution, The College agrees to:

- Provide consulting services to existing Park City businesses regarding business plans, cash flow analysis and plans, access to loans and capital, expansion/hiring, exporting, sales, service/hospitality, and sustainability.

Both parties agree that the above service provided to the community represents a good faith exchange of current fair market value for the City's contribution.

ARTICLE III
HOLD HARMLESS/NO AGENCY

The College agrees to defend, indemnify, and hold harmless City, its officers, agents, and employees from and against all losses and expenses, including costs and attorney's fees, resulting from any injury, including death, to any person or damages to property of others arising out of the acts or omissions of The College in the performance of work under this agreement. The College is an independent entity and nothing herein shall be construed to create any agency, nor employee relationship with the City.

ARTICLE IV
DISSOLUTION

On dissolution of the organization or project prior to one year, any remaining funds attributable to the City shall revert to the City in a prorated amount.

ARTICLE V
RECORD KEEPING/AUDIT

The College agrees to keep accurate books and records of expenditures related to its operation. The City or its independent auditor reserves the right to conduct its own audit of books and records at reasonable times and places during ordinary business hours. If the grant money has not been used as agreed herein, the City shall be entitled to a full or partial refund of the grant.

ARTICLE VI
AMENDMENT

This Agreement may be amended with the approval of the City Council and The College. This Agreement may not be amended, except by an instrument in writing signed on behalf of each of the parties hereto.

ARTICLE VII
EFFECTIVE DATE

The effective date of this Agreement is January 6, 2011.

PARK CITY MUNICIPAL CORPORATION

____
Thomas B. Bakaly, City Manager

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark Harrington, City Attorney

Salt Lake Community College
Miller Business Resource Center

____
Rex Falkenrath, Director

STATE OF UTAH)
)
COUNTY OF SUMMIT)

On this day of , 2011, before me, the undersigned notary, personally appeared Rex Falkenrath, personally known to me/proved to me through identification documents allowed by law, to be the person whose name is signed on the preceding or attached document, and acknowledged that he signed it voluntarily for its stated purpose as Director of the Miller Business Resource Center with Salt Lake Community College.

____
Notary Public

Exhibit E

Resolution No. ____

RESOLUTION APPROVING A LETTER OF INTENT FOR PARTNERSHIP ON THE PARK CITY BUSINESS RESOURCE CENTER BETWEEN PARK CITY MUNICIPAL CORPORATION AND SUMMIT COUNTY

WHEREAS, Summit County and Park City share a collective interest in promoting business retention and expansion in our community; and

WHEREAS, small businesses need access to capital and other forms of credit; and

WHEREAS, small businesses are the primary drivers of hiring new employees and expansion during the beginning of an economic recovery; and

WHEREAS, the parties recognize that the economy of the Park City area truly encompasses the entire western Summit County area; and

WHEREAS, it is in the best interest of the parties to deliver economic development programs in an efficient manner while avoiding duplication of efforts;

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

SECTION 1. LETTER OF INTENT. The City Council hereby authorizes the City Manager to execute the letter of intent (attached as Exhibit A), in a form approved by the City Attorney's Office.

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

PASSED AND ADOPTED this 6th day of January, 2011.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

SUMMIT COUNTY AND PARK CITY MUNICIPAL CORPORATION
PARK CITY BUSINESS RESOURCE CENTER LETTER OF INTENT

THIS LETTER OF INTENT, is made and entered into this 6th day of January 2011, by and between **SUMMIT COUNTY**, 60 N. Main Street, Coalville, Utah 84017, a local county government of the State of Utah, hereinafter “Summit County”, and **PARK CITY MUNICIPAL CORPORATION**, P. O. Box 1480, Park City, Utah 84060, a municipal corporation of the State of Utah, hereinafter “Park City”, and may be referred to as “party” or “the parties”.

PURPOSE. Acknowledging a shared interest in promoting the start-up of the Park City Business Resource Center, the parties commit to partnering on funding the center’s initial round of start up costs to further the economic development goals of the County Council and City Council. Initial funding for the start-up costs are divided as follows:

Park City Municipal Corporation	$12,500
Summit County	$12,500

WHEREAS, Summit County and Park City share a collective interest in promoting business retention and expansion in our community; and

WHEREAS, small businesses need access to capital and other forms of credit; and

WHEREAS, small businesses are the primary drivers of hiring new employees and expansion during the beginning of an economic recovery; and

WHEREAS, the parties recognize that the economy of the Park City area truly encompasses the entire western Summit County area; and

WHEREAS, it is in the best interest of the parties to deliver economic development programs in an efficient manner while avoiding duplication of efforts;

NOW THEREFORE, **BE IT RESOLVED,** that Summit County and Park City Municipal Corporation enter into this Letter of Intent to actively work together in promoting economic development by funding start-up costs for a Park City Business Resource Center for the region. The parties agree that future funding requests should be discussed and considered in a like manner. The parties recognize that economic issues transcend political jurisdictional boundaries and intergovernmental coordination is essential for promoting progress on economic development in the region for our citizens.

IN WITNESS WHEREOF the parties hereto have caused this Letter of Intent to be executed the day and year first hereinabove written.

SUMMIT COUNTY

____
Bob Jasper, Summit County Manager

Attest:

Kent Jones, County Clerk

PARK CITY MUNICIPAL CORPORATION

Tom Bakaly, City Manager

Attest:

Janet Scott, City Recorder

City Council Staff Report

Subject: Main Street Early Deliveries Ordinance Amendment
Authors: Michael Kovacs, Assistant City Manager
Department: Executive
Date: January 6, 2011
Type of Item: Legislative

Summary Recommendations:
An ordinance amendment is ready for City Council based on your prior direction to take action to liberalize early Main Street deliveries, including hours of operation and modifications to the City's noise ordinance and parking codes. Since the Council has determined that preparing an ordinance change is your preferred course of action, staff recommends that realistic times be designated in the new ordinance as presented.

Topic/Description:
Staff has drafted an amendment to the code using the attached ordinance (Exhibit A) for consideration by City Council. This ordinance would add flexibility for Main St. and Old Town area deliveries to take place earlier in the morning. The early deliveries would still be subject to the noise ordinance's 65 decibel level limit in the commercial areas before 6 a.m. At your last meeting, the Council enacted an anti-idling ordinance, which will assist in keeping noise levels from deliveries down.

Background:
A resident made a series of complaints in October about early deliveries taking place in Old Town prior to 7:00 a.m. (the time designated in the delivery truck parking code and the noise ordinance). Police responded to the scene and delayed deliveries until 7:00 a.m. In one instance, our Police cleared Old Town of all pre-7:00 a.m. deliveries that were taking place, and not just the truck that generated the complaint. Delivery truck companies began complaining that the 7:00 a.m. ordinance was unrealistic and that it pushed deliveries into peak morning traffic which then impacted businesses and people on the street. The companies have requested that the ordinance be amended, instead of just having a reduced enforcement priority. Council concurred at a work session held last month. Since then, some Main St. condo owners have voiced concerns over the coming code changes and that the noise is already a problem and that the current ordinances should be strictly enforced. Also, the Historic Park City Alliance (HPCA) has modified its position presented at the December 2nd meeting and is now asking us to not pass the code changes but try an alternative approach to target noise violations exceeding the decibel levels and give them time to work with the hot spot problem area, which is generally recognized as the Sky Lodge's loading docks. To refresh yourselves on the work session, you may refer to the December 2nd draft work session minutes, included in this week's packet.

Analysis:

The issue of unrealistic delivery times was discussed in work session last month. Council decided that rather than simply reducing our enforcement priority due to significant non-compliance with the ordinance, that we should instead make changes to the ordinance and set times which would allow for less conflict going forward.

Staff is suggesting the following code section changes that are detailed in Exhibit A:

1. Strike the specific code section, PCMC 6-3-8(F), that designates "Loading Operation" as a prohibited activity between 10 p.m. and 7 a.m.
2. Modify and standardize the use of 12:00 Midnight to noon for delivery times on the west side of Main St. and the allowance for doubled parking on Main St. during that period.

No changes to the decibel levels specified in the commercial zones prior to 6 a.m. are proposed. Any noise exceeding 65 decibels from 10 p.m. to 6 a.m. will be subject to enforcement by the Police, including deliveries. Staff chose to draft the ordinance using the 12:00 Midnight language as opposed to the 3 a.m. language suggested during the work session due to the need to make deliveries as early as 12:00 Midnight during Sundance, and due to the fact that much of the noise between 12:00 Midnight and 3 a.m. is primarily from bar activities in which deliveries could take place without adding additional noise burdens, as long as they are effected quieter than the 65 decibel level. Snow hauls will periodically shut down the Main St. and Swede Alley areas to all traffic, but we can put snow haul information into the e-notify system and have delivery companies sign up to receive notices of coming snow haul days.

Department Review:
Police, Parking Enforcement, Legal, and the City Manager have reviewed this Staff Report.

Alternatives:

A. Approve
Staff is requesting City Council consider adopting the proposed ordinance liberalizing early Main Street deliveries, making modifications to the City's noise and parking codes.

B. Deny
Take the advice of the HPCA and have the Police enforce noise levels while allowing the HPCA time to try to work with the interested parties over the next six months.

C. Modify
Consider adopting an ordinance even less strict than presented based on communities like Breckenridge, Vail, and Jackson that allow higher decibel levels for trucks (see Exhibit C).

D. Continue the Item
Take more time to consider the matter.

E. Do Nothing
Allow staff to handle the issue within their discretion using the existing codes.

Significant Impacts:
Depending on Council direction, impacts vary from economic development issues to increased tensions between businesses and residential property owners and renters.

Consequences of not taking the recommended action:
Taking an approach alternative to the staff recommendation will require staff time dedicated to investigating and/or more proactively enforcing City code related to noise and delivery vehicles. Continuing this item has the potential to increase tensions between area residents and business owners.

Recommendation:
An ordinance amendment is ready for City Council based on your prior direction to take action to liberalize early Main Street deliveries, including hours of operation and modifications to the

City's noise ordinance and parking codes. Since the Council has determined that preparing an ordinance change is the preferred course of action, staff recommends that realistic times be designated in the new ordinance as presented.

Exhibits (Included):
Exhibit A – Draft Ordinance amending the parking and noise codes to allow earlier deliveries
Exhibit B - Compilation of complaints and input from condo owners and the HPCA
Exhibit C – Table of 6 ski towns for comparison on delivery related noise codes and Town of Breckenridge code section on higher limits for vehicles.

Ordinance No. 11-___

ORDINANCE AMENDING TITLE 6, CHAPTER 3, NOISE AND TITLE 9, CHAPTER 8, DELIVERIES & SHORT-TERM USE OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the livability and viability of Park City, its residents, businesses, and guests is a high priority and a work session was held by the City Council on December 2, 2010 on potential amendments to Titles 6 and 9 of the Municipal Code regarding anti-idling and Main Street deliveries; and

WHEREAS, the City Council unanimously adopted Ordinance No. 10-42 on December 16, 2010 prohibiting needless idling and demonstrating a proactive and committed position to protect the health, economy and natural environment of our community by addressing both air and noise pollution; and

WHEREAS, complaints about Main Street deliveries are almost exclusively noise-driven and it is felt that enforcement of the decibel level limit described in Title 6, Noise Abatement, and the enforcement of anti-idling legislation will address potential nuisances and conflicts in the Main Street core; and

WHEREAS, a public hearing was noticed and held on the following amendments at the City Council's regularly scheduled meeting on January 6, 2011; and

WHEREAS, members of the City Council find it in the best interest of the public to clarify the Municipal Code from time to time and specifically in this instance to realistically promote best practices by minimizing conflicts in neighboring commercial and residential zones and to enact sound legislation that is able to be consistently enforced and understood; and

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. AMENDMENTS. The following amendments shall be made to Titles 6 and 9 of the Municipal Code of Park City, Utah as follows:

~~**6-3-8(F)** **LOADING OPERATION**. Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage containers, or other objects between the hours of 10 p.m. and 7 a.m.~~

9- 8- 3. DELIVERY VEHICLES IN THE MAIN STREET CORE.

All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions;

(A) Delivery vehicles shall utilize the west side of Main Street during the hours from ~~7:00 a.m.~~ 12:00 midnight to 12:00 noon, after which time no delivery vehicle shall be parked on Main Street. Delivery vehicles may utilize any parking space on the west side of Swede Alley from ~~7:00 a.m.~~ 12:00 midnight to 4:00 p.m.

(B) Delivery vehicles may double park on the west side of Main Street from the hours of ~~7:00 a.m.~~ 12:00 midnight to 12:00 noon, provided that: the double parked vehicle is in the course of an expeditious delivery, there is no other curb parking available, the double parked vehicle does not inhibit traffic flow or block a legally parked car from leaving the curb.

(C) Delivery vehicles shall utilize the loading zones on the west side of Swede Alley for deliveries to Main Street after the hour of 12:00 noon.

(D) No delivery vehicle shall park on the east side of Swede Alley.

(E) No delivery vehicle shall be parked in such a manner to impede the flow of traffic.

(F) No delivery vehicle shall be parked with its engine left idling.

(G) No delivery vehicle shall park on Park Avenue, between Heber Avenue and King Avenue, to make deliveries to a business with a Main Street address.

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

PASSED AND ADOPTED this 6th day of January, 2011.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

Exhibit B - Compilation of Complaints and Input from Condo Owners and the HPCA

The following remarks appear in their original fonts from e-mails received by the Asst. City Manager.

Dear Council & Mayor,

Merry Christmas and Happy Holidays!

First of all, thank you for our eco award. We shared the good news with the other TMI homeowners and they were very proud. The recognition helps us to keep them enthusiastic and supportive of our green efforts.

Also, kudos on the idling ordinance. Thea and I would like to know if we can be deputized to help with the friendly enforcement.

I'm taking a short-notice trip out of country, off-the-grid, and hopefully above 20,000' for the next three weeks. (Un)Fortunately that means I will miss the deliveries discussion in early January. There have been a lot of rumblings 'on the street' about this matter, so Alison and I have tried to be proactive. We have met with all the major players except for the delivery companies and believe that this could be addressed without changing any ordinances. We would like some time to experiment with new procedures before undertaking more radical—and potentially unpredictable—policy changes. We believe all parties could find satisfaction with some gentler tweaks rather than wholesale changes.

The following is our position:

- The HPCA is in favor of maximizing the delivery window, but not in support of the stating a 3am start. We feel that this would pit the merchants against residents/lodging.
- In reality, we believe this is a ***noise issue***, not a delivery issue. No one cares when deliveries occur, as long as they are done quietly. Delivery times are simply a means of enforcement, but do not really address everyone's concerns.
- We believe that the delivery ramp for Zoom/Sky Lodge is the main culprit and should be specifically addressed.

Therefore, we recommend:

1. Council delay this matter to allow us time to work with the delivery companies, with an emphasis on new routes, quieter operations, and realistic needs.
2. We would like the City to more aggressively enforce the noise ordinance. This mean warnings and tickets to help us re-train the drivers. We would also like to see better enforcement on garbage removal, snow removal, and drunken noise (in my opinion, the real noise problems in HPC). Residents would be grateful.
3. We would like to tweak delivery schedules so that the Lower Main Delivery ramp is utilized later in the morning.
4. We would like to re-visit this issue mid-summer to see if a permanent policy change is still required.

Based on prior conversation, we believe this approach would be supported by the lodging community.

Cheers,
Andy

Andy Beerman
andy@tmipc.com
(0) 435-655-4510
(M) 435-731-8366
www.treasuremountaininn.com
www.parkcitymeetings.net

From: Liza Simpson <liza@parkcity.org>
To: Rhonda Sideris <Rhonda@parkcitylodging.com>
Sent: Mon, Dec 20, 2010 14:23:31 GMT+00:00
Subject: RE: Early Morning Deliveries/Pickups PARK CITY

Rhonda,
It was great to see you and apologies again for the delay in getting back to you.
As you know, my husband and I live right on Main Street, above Dolly's. In the 12 years I have lived here, the only times we have been disturbed has been during the 1:30 AM bar closing period. And then only if we are sleeping with the windows open. I have never been woken by the delivery trucks, winter or summer.
Regarding the deliveries, even though the ordinance reads 7 AM, the deliveries on Main (primarily food service suppliers and linen companies) have been delivering to their key drops (businesses that have allowed access before employees are usually there) starting between 3 and 4 AM for years. I don't think there have been any noise complaints to the City. The complaints I know about started this summer and all involved one individual. (and one really obnoxious Sysco driver)
If we were to limit deliveries in the winter to the current ordinance, Main Street would be a horrendous mess for the entire 7 to noon period as the companies would have to double and triple the number of trucks. This is partially due to how much more they can get done before there is other traffic on the street. There would probably also be increased cost, which I would hate to see passed on to the merchants on Main Street.
I suspect we will find that this is an issue with a winter/summer solution. In the winter with the much higher volume of deliveries and people generally sleeping with their windows closed, an earlier delivery time makes sense. In the summer we have the opposite: windows open and less need to be on the street so early, ergo a 7 AM start is reasonable.
This issue is listed under pending items on our agenda, which means I don't really know when we will see it. Some time in the not too distant future, though I doubt it will be the 6th of January, that meeting already looks packed. It could be as soon as the 13th, but I suspect it will be late January.
Have a great holiday season and don't hesitate to call me on any issue:)
Liza
Liza Simpson
City Council
435-729-0652
This message is intended only for the use of the individual(s) to whom it is addressed, and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not an intended recipient, or the employer or agent responsible for delivering the message to an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

-----Original Message-----
From: Rhonda Sideris [mailto:Rhonda@parkcitylodging.com]
Sent: Wed 12/15/2010 9:29 AM
To: Liza Simpson
Cc: Teri; 'Paul Christensen'; 'Jeff Bennett'; 'Kelley Davidson'; 'Rob Slettom'; 'Jeanne Lehan'; 'Chris Eggleton'
Subject: FW: Early Morning Deliveries/Pickups PARK CITY

Liza,

Can you comment on why we would allow delivery trucks to deliver prior to 7:00 a.m.? This is an issue that needs to be addressed, and the answer is not by allowing deliveries or trash pick ups prior to 7:00 am. With social media posts talking about the noise all night with snow making, we don't need to add delivery truck noise to the mix.
Look forward to your support.
Rhonda C. Sideris | President
P: 435.649.6175 | T: 800.348.6759 Rhonda@ParkCityLodging.com<mailto:Rhonda@ParkCityLodging.com>
[cid:image001.gif@01CB9C3A.4E06DD20]
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Twitter<http://www.twitter.com/parkcitylodging> for Special Lodging Offers and Discounts.
Park City Lodging, Inc. proudly supports 1% for Open Space

From: snschmidt1@comcast.net [mailto:snschmidt1@comcast.net]
Sent: Wednesday, December 15, 2010 8:49 AM
To: Tom WIRTH; Garnet RATHER; Michael Cabey; scarlet202@comcast.net; jamie welles; fturner@trlawyers.com; kayley@kayley.com; rwt5290@bellsouth.net; robroylast@yahoo.com; sfarels@comcast.net; troutfrmr@comcast.net; rsernyak@csc.com; laserlou6@msn.com; snschmidt1@comcast.net; stephen salton; brian@roundtreeinc.com; mrenard@beckman.com; rich@makotek.net; dindyp@cdp-systems.com; jackn1@swbell.net; jmoyle@doverddi.com; jmotesmd@aol.com; mmiller@Miller-Energy.com; mmiller@Miller-Energy.com; mikem@mminvestmentgroup.com; peter@new-space.com; wlogan1@columbus.rr.com; mtliess@aol.com; safari@safariexperts.com; jeniferkoetting@yahoo.com; mekfun@aol.com; mhonigfort@yahoo.com; joehigueraesq@hotmail.com; ksth58@aol.com; diane@dmgrealestate.net; ron@homeclicks.com; ronellerbeck@yahoo.com; garydorn@verizon.net; jd-demler@msn.com; tom davin; corcorran@bellsouth.net; scott e corcorran; pacflyer21@hotmail.com; corcorran@hotmail.com; jcorcorran@lmsinc.com; Rebecca Campbell; Judy Winterhalter; Rhonda Sideris
Cc: Richard Anderson
Subject: Fwd: Early Morning Deliveries/Pickups PARK CITY

This is a bad move across the Board, even for the City .....but it's local Goverment and there's usually (to be politcally correct) an agenda. We all loss if this goes through.

If any are available, please show your support in defeating this ordinance by attending the meeting.

Address: 445 Marsac
P.O. Box 1480
Park City, Ut. 84060

Mayor: Dana Williams
City Manager: Tom Bakaly
Asst. City Manager: Michael Kovacs

----- Forwarded Message -----
From: "Richard Anderson" <rich.g.anderson@gmail.com>
To: "Robert Wilcox" <robertwilcox3@me.com>, "Coleen Webb" <Coleen.Webb@bataandiary.com>, "Jeffrey Kuhn" <jeff@kuhncompany.com>, "Jon George" <snortn@roadrunner.com>, "Stuart Schmidt" <snschmidt1@comcast.net>, "Vanessa Carrington" <vcmorson@hotmail.com>, "Pat Quigley" <pquigley@clublespri.com>, "Rhonda Sideris" <rhonda@parkcitylodging.com>, "Jim Simmons" <jim@asrlodging.com>
Sent: Wednesday, December 15, 2010 7:07:25 AM
Subject: Fwd: Early Morning Deliveries/Pickups

I received this ominous email from the Assistant City Manager late yesterday. It indicates that city staffers are moving quickly to place a formal "early delivery time" ordinance before the City Council on either January 6 or January 13.
We need to marshall as much support and contact Town Hall (the mayor, Michael Kovacs) with our strong opposition to changing the existing 7 a.m. early morning delivery/pickup law. We need people to attend the City Council meeting in January.
This affects rental management companies in much the same way it affects individual homeowners in Old Town. Our rental guests will find the experience of staying in Old Town further diminished by a change to the law, especially one that is based on a definition of noise reduction. None of the delivery/pickup vehicles operating in Old Town can reasonably expect to meet a 65 decibel noise standard when considering the reverse gear "beeping" noise and the banging of metal containers and delivery pallets on concrete and metal delivery platforms. Allowing this to take place before 7 a.m. is going to further destroy the small town, mountain atmosphere of Old Town. Businesses depend on residents and their guests living in Old Town and they need to understand that a change to the ordinance will impact them negatively.
There is considerable evidence that this change to the law is an accommodation to trucking companies that seek to increase efficiency by using larger vehicles making deliveries at earlier hours. We need to tell City Council that trucking companies do not deserve the attention and treatment that taxpaying property owners should be receiving.
Please circulate this information to as many interested parties as possible.
Rich Anderson
Town Lift HOA

---------- Forwarded message ----------
From: Michael Kovacs <michael.kovacs@parkcity.org<mailto:michael.kovacs@parkcity.org>>
Date: Tue, Dec 14, 2010 at 5:14 PM
Subject: RE: Early Morning Deliveries/Pickups
To: Richard Anderson <rich.g.anderson@gmail.com<mailto:rich.g.anderson@gmail.com>>
Cc: Dana Williams <dana@parkcity.org<mailto:dana@parkcity.org>>, Diane Foster <Diane.Foster@parkcity.org<mailto:Diane.Foster@parkcity.org>>
Mr. Anderson,
Thanks for your call today. The Police Department has committed to enforcing the existing ordinance on a complaint basis until the code is changed. We anticipate an anti-idling ordinance to pass this week which should reduce noise from trucks at all hours. We are also working on an ordinance change that will come to the City Council on January 6 or January 13 to consider earlier delivery times. Your comments will be included in the Council's briefing materials. To be notified of the meeting, the best way to do that is to register at www.parkcity.org<http://www.parkcity.org/> under "notify me" for the e-notify system. You can input your e-mail address and subjects you are interested in, like Council meetings and agendas, and our system will automatically send you an e-mail with links to our agenda.
We will do our best to balance business and resident interests in this area.
Michael W. Kovacs
Assistant City Manager
435-615-5182

[https://mail.google.com/mail/?ui=2&ik=d235af3102&view=att&th=12ce6f32f57bd3f7&attid=0.1&disp=emb&zw]

From: Richard Anderson [mailto:rich.g.anderson@gmail.com<mailto:rich.g.anderson@gmail.com>]
Sent: Tuesday, December 14, 2010 3:02 PM
To: Dana Williams; Michael Kovacs; Diane Foster
Subject: Early Morning Deliveries/Pickups
Dear Mr. Mayor:
The Town Lift Condo unit owners strongly oppose any changes to the current ordinance prohibiting deliveries/pickups before 7 a.m. We are formally inquiring why the Police Department is not actively enforcing a law on the books. We do not believe that the City should be relying on a new standard for deliveries/pickups based on noise reduction. Noise reduction is far too subjective and is a poor replacement for a simple 7 a.m. standard. Which businesses along Main Street are having difficulty receiving deliveries before 10 a.m. without relaxing or changing the 7 a.m. ordinance?

I urge you to take a balanced approach to the competing concerns of residential and commercial interests along Main Street regarding the early morning delivery/pickup ordinance.
Residential property owners along Main Street are "businesses" also because they rent lodging to guests and have the need to provide a high quality guest experience.
Where would most of the commercial interests along Main Street be if these same guests decided that accommodations on Main Street are too much of a hassle?
If the City wants to enhance the guest experience by removing trucks from Main Street by 10 a.m., will our guests even care how empty the street is after their sleep was disrupted at 5 a.m. in the morning?
I don't think we ought to be debating what is really a convenience matter for the trucking companies. Why don't those trucking companies organize their deliveries to comply with the 7 a.m. rule? What is wrong with two smaller, less noisy, less polluting vehicles making deliveries instead of one large tractor trailer making multiple stops. Which is safer, smaller or larger? Where are trucking companies that want to comply with local laws, that are environmentally conscious, not just focused on profitability and efficiency.
How does the avowed objective of the city government to act with sensitivity to the environment square with 18 wheelers making 10 point K turns in the middle of Lower Main Street?
Are we simply bowing down to the Sysco's and U.S. Food Services or are we trying to maintain the small town, mountain feel of Park City?
Richard Anderson
Town Lift HOA

Michael,

While many Park City residents may sympathize with the desire to create pedestrian friendly policies, the proposed amendment allowing for deliveries prior to 7 AM is unconscionable. Such an amendment completely disregards the quality of life of residents living within the delivery zones. Why should these residents be asked/forced to endure truck/delivery noise starting at 3 AM? Do you think it is reasonable for trucking deliveries to be made at or next to your home starting at three in the morning? If such and amendment is allowed to go forward how might I ask do you expect my family and I to sleep? Since activity on Main Street usually persists until 11 PM of later, it is unreasonable to expect residents to make due with a 4 hour window of relative peace and quite.

The proposed policy is an attack on the residential component of Main Street. I am of the opinion that Park City in general and Main Street in particular are at their best when they functions as a mixed use community... residents coexisting with tourists and commercial interests create a vibrant and diverse experience. Your proposed policy would serve only to weaken the residential component of Main Street and turn the zone into a one sided commercial entity. I'm sure you will agree such a move is short sighted and should not go forward. With this in mind, I look forward to your no vote when the issue comes up in early January and I hope that you might query the residents of Park City so that they might contribute to a more equitable resolution of the problem of deliveries and Main Street traffic. I look forward to discussing the matter with you in greater detail at your earliest convenience.

Regards,

Dr. Christopher DiMeo
cadimeo@gmail.com
646 831 6807

12/24/10

To Whom It May Concern:

I am a homeowner in the Town Lift Condominiums located on Main Street at Park and 7th Avenues. My unit is off Main Street and faces the mountain. I am aware the City is considering a change in the pickup and delivery times from the current schedule to allow these activities to occur as early as 3 am. I implore you, PLEASE, do not make these changes.

I understand the goal is to minimize the impact of these activities on pedestrians during business hours. That said, the level of noise that these activities generate is simply unacceptable. I'm not referring to the noise of a truck's engine and the opening of doors or the moving of boxes. I'm referring to the alarms these vehicles must use when backing up which are designed to be noisy and to be heard in noisy environments. You must understand that these alarms are exceedingly noisy in the peace and quiet of the morning, much less in the middle of the night.

That said, even these backup alarms pale in comparison to the sounds generated by the hydraulic lifts, lifting the steel trash bins over head and then repeatedly banging them until they've emptied into the truck. Again, this is a very noisy operation in the middle of the day. In the early morning and in the "proposed" middle of the night, however, it's almost unnerving. Anyone in the area will be awakened by these sounds. It is impossible to not be disturbed.

Also, these noises are amplified by the design and construction of the streets and parking garage. These brick walls and the hollow cement corridors cannot be modified to mitigate this issue. The only option is to tolerate the noise. That said, PLEASE, do not make us endure these disruptions in the middle of the night. To fully understand the impact you need to be there, to listen to the trucks backing up, to hear the hydraulic lifts, to hear the banging steel bins. I truly hope that those who are involved with making the decision to change these times will invest their time to truly understand the severity of the current situation. Come to the Town Lift at 6 am. Observe the traffic conditions and the peace and quiet of the morning. Then observe the noise created by the trash pick up and delivery vehicles. (Yes, these trucks already show up well before the allowed times)

Finally, while I can certainly understand the goal of keeping the streets and walkways clear for pedestrians during business hours, I can assure you that the area surrounding The Town Lift is a virtual ghost town until 8am on weekdays and most weekends. It's really not until around 9am that any traffic, pedestrians or motor vehicles, pick up in volume. Truly, there is no need to change the delivery and pickup schedule UNLESS you were to make the times later in the morning.

As taxpayers and homeowners we depend on you to make the right decisions in managing our city. Over the years you have done an outstanding job and the results of your good decisions and management are present all around us. That said, please, protect our rights as homeowners. Help us to protect the beauty and serenity that IS Park City and help us to provide the best experience possible for our guests. Please do not alter the pickup and delivery times and please enforce the ones currently in place.

Randall A Luebke RMA, RFC
620 Newport Center Dr, Ste 630
Newport Beach, CA 92660

(P) 949-224-4240
(F) 800-810-1736

Randy@REbiz.com

www.REbiz.com
www.MoneyNation.org (Blog)

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I agree with Ron.

Gary Erickson
Executive Search Partners
Sent from my iPhone

On Dec 25, 2010, at 7:25 PM, Ron Rosenblatt <rrrblatt@gmail.com> wrote:

> Greeting and Happy Holidays.
>
> I have read with concern about the City's proposal to change the ordinance preventing commercial deliveries before 7 AM. As a property owner and tax payer, I would like to voice my strong opposition to allowing truck deliveries to Main Street commercial establishments before 7 AM.
>
> I have been a property owner for nearly 13 years and have loved this town for my entire tenure here. Watching the growth of this resort town has been quite wonderful. The people are kind and sensitive, and the growth in tourism has been astounding. As property owners and business owners in Park City, we have all prospered from the growth of our community, Park City has a national and international reputation as a small town with huge, consumer friendly resorts that cater to their visitors. we are a destination resort where our visitors expect and deserve to be treated with care and sensitivity. The community depends upon the continued attention paid to the tourist/resort visitors.
>
> That is why I am so upset about the proposed change. No matter how you explain it, commercial truck traffic and movement on Main Street will disturb, wake, and have a deleterious affect upon all of those visitors (not to mention full time residents) of whom we try so hard to attract to our town to spend their vacation dollars. With so many choices of fine winter and summer resort areas in the world, we risk losing an important foundation of our community, tourism......and for what? Are we so callous to our visitors that we ignore their creature comfort of a good night's sleep? Do we ignore the terribly negative effect this change would have upon our residents and guests?   make no mistake about it, the noise that will accompany 3 AM deliveries will disturb all of the sleeping residents and visitors on Main Street and the surrounding streets. The snow plows do it now, but we have no choice in that matter. we do have a choice with the commercial deliveries and pick ups.
>
> I sincerely request that you think this through a little more as to weighing the risk of having Main Street, Park City, appear to be more like 3rd Avenue in New York City, then the peaceful, rural community street that we have known for decades. I feel certain that commercial establishments, like Zoom, can figure out another way to have deliveries at a reasonable hour rather than harm the welfare of those who sleep here at three in the morning.
>
> Thank you for your consideration and attention.
> Ron Rosenblatt
> Town Lift Condominiums

> 693 Main Street, 2A
> Park City, UT

Dear All,

I write to you on behalf of Lift Lodge Association at 875 Main Street. My name is Vanessa Carrington and I am the president of the association.
We share the same concerns expressed by Town Lift HOA.
Historic Park City is like non other and our owners and renters return again and again for a special vacation. The most common complaint I receive is the noise of the trucks early in the morning. My unit is on the third floor, and I have done everything to mitigate this issue, double paned windows, two sets of extra thick curtains (with light/noise reduction) and yet I still have the complaint from my guests.

We implore you to find another solution that works for everyone!

Thank you,
Vanessa Carrington
415-775-7009

Date: Tue, 14 Dec 2010 07:35:48 -0500
Subject: Re: Anti-Idling Ordinance and Early Morning Vehicle Activity
From: rich.g.anderson@gmail.com
To: vcmorson@hotmail.com

We have written a letter of protest to the mayor (dana@parkcity.org), the assistant city manager (michael.kovacs@parkcity.org) and the environmental director (diane.foster@parkcity.org). The letter is being sent to the Park Record. We have also asked for support from the Park City Area Lodging Association. Rhonda Sideris of PCL is a member of the Board at PCALA. I have asked her to attend the January 2011 city council meeting at which this issue may be discussed. The anti-idling ordinance (which is acceptable) may be voted on this Thu 12/16.

Pat Quigley of Lespri is attending the Jan 2011 city council meeting at our request on behalf of the unit owners. Several unit owners in our building are now working with Lespri for rental management.

Rich

On Tue, Dec 14, 2010 at 7:29 AM, Vanessa Carrington <vcmorson@hotmail.com> wrote:
Hi again,

I want to act on this as quickly as possible...to save time, could you please advise me of the contact info for the person/group I should be addressing our concern?

Thank you,
Vanessa

Date: Mon, 13 Dec 2010 15:05:19 -0500
Subject: Fwd: Anti-Idling Ordinance and Early Morning Vehicle Activity
From: rich.g.anderson@gmail.com
To: vcmorson@hotmail.com; miklos@cox.net; miklos89109@aol.com

Vanessa and Miki, Town Lift HOA has registered a protest with Town Hall concerning a discussion that may lead to earlier delivery/pickup times in Old Town. Delivery companies are lobbying the City to change the earliest delivery from 7 a.m. to 3 a.m. I strongly encourage your HOA to express its concern over noise and disruption caused during early morning hours by delivery vehicles.

Here is a link to the minutes of City staffers about the Anti-Idling ordinance proposal which includes discussion of early morning deliveries:

http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=6882

Rich Anderson
Town Lift HOA

---------- Forwarded message ----------
From: **Richard Anderson** <rich.g.anderson@gmail.com>
Date: Mon, Dec 13, 2010 at 2:25 PM
Subject: Anti-Idling Ordinance and Early Morning Vehicle Activity
To: dana.williams@parkcity.org, michael.kovacs@parkcity.org, diane.foster@parkcity.org
Cc: Coleen Webb Chris Schaefer <ccsch@ix.netcom.com>, Robert Wilcox <robertwilcox3@me.com>

Dear Mr. Mayor,

I write to you as one of ten (10) residential property owners at Town Lift Condos, 693 Main Street, and as President of the Board of Trustees for our HOA.

We have recently been made aware of efforts directed at easing the rules for vehicle deliveries in Old Town that would allow such deliveries to occur as early as 3 a.m. in the morning. It is our understanding that rules currently do not permit deliveries before 7 a.m.

We strongly urge you and Town Council to reject any changes to the laws that would permit deliveries before 7 a.m. and to tighten rules for early morning deliveries and increase penalties for breaking these rules. I have personally filed multiple complaints with the Police Department for deliveries that have occurred before 7 a.m. over the last twelve months. Some of these incidents have also involved the same vehicles idling their engines after deliveries and before they left the area.

As recently as this past Saturday, December 11th, at 6 a.m., I filed a complaint with the Police for a delivery by a large tractor trailer at Zoom across the street from our building. This is a pattern which is repeated in other locations in Old Town and on previous occasions. I filed a complaint this past summer for a similar situation.

Furthermore, on Sunday morning, December 12th, at 6:45 a.m., a waste hauler was making pickups around Old Town creating unreasonable levels of noise and disruption to the quiet enjoyment of our property. We have recorded a tape of this incident. I cannot understand why a trash pickup service is required anywhere before 7 a.m. on a Sunday morning.

These problems are highly detrimental to the guest experience and the residential quality of life at our property and we sincerely hope that Town Council will react to eliminate these problems not exacerbate them with more lenient rules.

Richard Anderson
President, Town Lift HOA
Town Lift Condos Unit 3B
609-577-7355

Exhibit C – Table of 6 ski towns for comparison on delivery related noise codes and Town of Breckenridge code section on higher limits for vehicles

Ski Resort Town	Delivery Time Prohibition	Decibel Levels - Night	Definition of Night	Vehicle Noise Higher Limit
			Monday - Saturday	
Aspen	No	55	7 p.m. to 7 a.m.	No
Breckenridge	No	65	11 p.m. to 7 a.m.	80 dB small trucks, 90 dB large
Telluride	Yes	3 consecutive complaints	n.a.	No
Jackson	No	n.a.	9 p.m. to 6 a.m.	80 dB
Vail	No	60	11 p.m. to 7 a.m.	80 dB small trucks, 90 dB large
Park City (current)	Yes	65	10 p.m to 6 a.m.	No
Park City (proposed)	No	65	10 p.m. to 6 a.m.	No, but option to enact

5-8-10: MOTOR VEHICLE NOISE:
It shall be unlawful for any person to operate a motor vehicle, or for the owner of a motor vehicle to permit the operation of any motor vehicle or combination of motor vehicles, at any time or place when such operation exceeds the following maximum permissible noise levels for the category of motor vehicle and for the designated time period specified in the table set forth below. The standards set forth in the table shall apply to all noise emitted from motor vehicles, including any equipment thereon, under any conditions of acceleration, deceleration, idle, greater load, and whether or not in motion, and shall include, but shall not be limited to, noise caused by the use of an "engine brake" which converts a power producing diesel engine into a power absorbing air compressor, resulting in a net energy loss (commonly referred to by brand names as "Jacobs Brake", "Jake Brake" or "Dynatard Brake"). Maximum permissible noise levels for motor vehicles shall be as follows:

MAXIMUM PERMISSIBLE NOISE LEVELS; MOTOR VEHICLES

Type Of Vehicle	Time Period	Maximum Allowable Noise Levels	Measurement Distance From Vehicle
Vehicles weighing less than 10,000 pounds, manufacturer's gross vehicle weight	Any time	80 decibels	At least 25 feet
Vehicles weighing 10,000 pounds or more, manufacturer's gross vehicle weight	Any time	90 decibels	At least 25 feet