

City Council Staff Report



Author: Colin Hilton
Dave Gustafson

Subject: Utility Conversion and SID Creatio
On Upper Park Ave.

Economic Development &
Capital Projects

Date: 11-24-03
Type of Item: Informational Update

Summary Recommendation:

Review the enclosed information and provide input on the discussion topics listed in the report.

Description:

A. Topic: Utility Conversion and Special Improvement District for Upper Park Avenue.

B. Background:

In 2001, the Upper Park Avenue Property Association (UPAPA) requested that PCMC look at the possibility of converting the overhead utilities on upper Park Avenue to underground.

In late 2001, in response to the Council's request for an evaluation of support, UPAPA presented council with a petition requesting the relocation of the utilities in this area. This petition was signed by 70% of the residential property owners polled (45 out of 64 residential properties responded). The petition stated that the financial exposure could be as high as \$11,000 per property.

For the past three months, staff has placed an increased focus on this project. Meetings have been held with Utah Power, Comcast and Qwest to get their input and to begin the needed coordination efforts to see how this project could be done. All of these utilities are ready and willing to assist us in making this project a success.

Under the current proposed schedule, the civil construction (major road infrastructure, water, sewer, drainage) would be done in the 2004 construction season and any possible overhead utility relocation in the 2005 season. Key to the ability to make this project work well is the inclusion of a coordinated design of empty conduit placement in the 2004 civil construction. Essentially, this would create the pathways and infrastructure necessary for the overhead utilities companies to

relocate their lines in 2005. The City Engineer has worked with the engineering/design team doing the civil construction drawings to make allowances for pending design needs from the three overhead utility companies. The current level of cooperation and recent work with the overhead utility companies suggests that this component (although quite challenging) is doable.

The main area posing the biggest immediate challenge is in how a Special Improvement District could be set-up. City Council directed staff to investigate ways to generate the 50% share that affected property owners would need to cover. Staff has now focused on two possible ways that this improvement district and conversion process could take place. One method is to follow the steps set forth in Utah Law 54-8 (Utah Underground Conversion of Utilities Law); the other is for PCMC to set up a traditional Special Improvement District (17-A Utah Municipal Improvement Act). Both of these methods require the formation of a Special Improvement District (SID) in order to fund a portion of the project.

C. Analysis

Staff has been researching state law 54-8; "Utah Underground Conversion of Utilities Law." The law states, "A city may create an improvement district if the improvement is in the public interest." This law further states, "any governing body may upon a petition signed by **two-thirds** of the owners of the real property and the owners of not less than **two-thirds** in value of the real property, as shown by the last assessment rolls, pass a resolution declaring that it finds that the improvement district is in the public interest."

According to this law, nothing can be done to further the project until the governing body receives the above-mentioned petition from the property owners. Once the petition is received, the governing body creates a resolution to create a SID that basically follows the same guidelines as set forth in the traditional SID forum. However, to keep this project on track with the civil project, Utah Power is willing to start the engineering and estimating of the project prior to the completion of a petition. The cost for this work has been estimated between \$2,000-\$3,000 which will be applied to the overall cost of the project, if the project proceeds.

Utah Law 54-8 was written in the late 1960's. To date, Utah Power representatives have stated that this law has never been utilized. It has been suggested by Utah Power to forego the use of 54-8 and to proceed with a traditional SID method. Regardless of whether or not 54-8 has ever been used, it is still in existence and of a concern to Staff if not followed. The reason for concern is there is not a specific line item within 17A that addresses the conversion of overhead utilities to underground. 54-8 directly addresses the conversion.

The other method that could be used to accomplish the task of under grounding the utilities would be the formation of a Special Improvement District under the Utah Municipal Improvement Act 17A. Under the traditional SID approach, the municipality mails to the property owners and publishes in the local paper a notice of

intent. The notice will specify the purpose for which the assessment is to be levied, description of the district, estimated costs, time and place for public hearing, etc. The SID will be abandoned if a written protest of more than 50% of the property owners is filed prior to the protest deadline.

The current estimate for converting the utilities on upper Park Avenue between 7th Avenue and King Road is \$1.2 million. This estimate does not include the potential cost of easements or the cost to the property owner to change out their service point. There is also the chance that some of the properties in the improvement district may not be up to the current electrical code. This means they would have to become current before their property can become energized. City Council has approved the use of \$400,000 from the Main Street RDA fund to cover costs associated with

supplying power to Main Street businesses. The City has also committed to funding 50% of the remaining balance. This means that property owners inside the improvement district would be assessed a levy to generate \$400,000 (see Table 1).

Total Estimated Project Cost	\$ 1,200,000
(less \$400,000 from Main Street RDA)	\$ (400,000)
Remaining estimated Project Cost	\$ 800,000
City Share	\$ (400,000)
Resident Share	\$ (400,000)

Table 1 - Estimated SID Funding Requirements

Conclusions and Possible Next Steps

If we were to proceed with state law 54-8, there is a strong likelihood that the Upper Park Avenue Property Association (UPAPA) would not be able to obtain the necessary two-thirds signed petition. A number of the property owners in the proposed district are secondary owners that live out of state. This, along with many other reasons, would make it difficult to get the two-thirds signatures required.

Some of the possible actions and discussions we have had with Utah Power include:

- 1.) Requesting that Utah Power and/or PCMC look into the potential of repealing state law 54-8 and adding language to Utah Municipal Act 17-A that clarifies its application to the under grounding of utilities and the contract/bid process; or
- 2.) Have Utah Power and/or PCMC work to amend 54-8 so that the number of required signatures on the petition is reduced from two-thirds to one-half.

Pursuing a legislative change, however, could present additional problems with project timing. It is unlikely that the Legislature would be willing to repeal an entire section of State code without a year to study the issue in interim meetings. And while the 50% change is a more feasible option during the upcoming legislative

session, all of the State's utilities would need to approve that change, and even then, the actual amendment would not go into affect until the Governor signs the bill, which would not likely happen until 30 days after the end of the session. This means that the creation of the SID would be delayed until the law goes into effect sometime late next spring.

City Staff has assisted UPAPA in understanding the multiple steps possible. This has included assisting UPAPA in understanding what elements would be necessary in a petition should 54-8 be implemented as it currently reads. UPAPA currently favors any actions that would limit their need to gather a 2/3rds petition. Meanwhile, the civil construction project, including the installation of empty conduits, is proceeding towards 2004 construction with the cooperation of SBWRD and Questar Gas.

The hope for all parties would be to see some adjustment in the SID creation steps as suggested above. The utilities have agreed to start their engineering and estimates without a petition in place. This will be helpful in determining a more detailed cost estimate that would better define the current estimate of \$1.2 million.

If the projected SID levy of \$400,000 proves accurate, the anticipated contribution by a property owner would be approximately \$1,600 per \$100,000 taxable value as a one-time fee or \$160 per \$100,000 of taxable value each year over a 15-year period (6% rate).

Discussion Topics:

Staff would like to discuss with City Council several topics prior to proceeding with next steps. They are as follows:

- 1.) Is City Council comfortable moving ahead with coordinating with the overhead utility companies to better define how the design would be done and what costs would need to be paid? The potential exposure will likely be less than \$8,000 + Staff time.
- 2.) Is Council still committed to spending \$400,000 towards the costs of the Main Street power relocation through use of Main Street RDA funds?
- 3.) Is Council supportive of seeking modifications to State Law 54-8 and/or Utah Municipal Improvement Act 17-A? (Staff Recommendation)
- or -
- 4.) Would Council like to see Staff and UPAPA proceed in following 54-8 as written.

At this point, we would also like to make it clear that because of the density of properties and the difficulty with acquisition of easements on the east side of Park Avenue for both conduit runs and transformer placement, there is a chance that

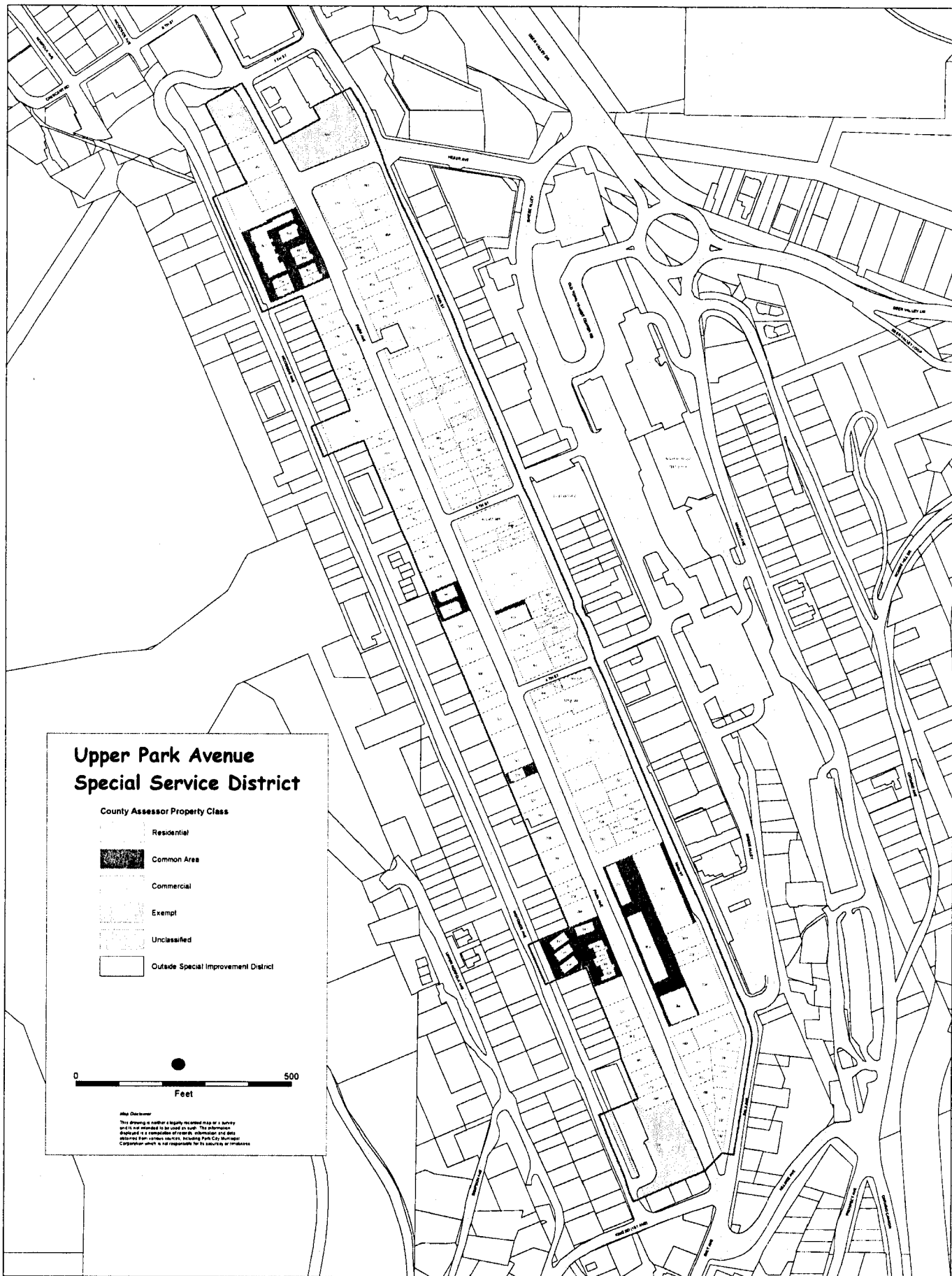
some of the overhead wires and poles may need to remain in order to get power to some of the properties on Main Street.

D. Department Review: An internal Upper Park Avenue Conversion Team was formed in October of 2003. This team is comprised of representatives from the following departments: Capital Projects; Engineering; Budget; Legal; and Building.

Recommendations:

Review the information and provide input on the discussion topics.

Attached: Map of Proposed Improvement District



Upper Park Avenue Special Service District

County Assessor Property Class

- Residential
- Common Area
- Commercial
- Exempt
- Unclassified
- Outside Special Improvement District

0 500
Feet

Map Disclaimer
This drawing is neither a legally recorded map or a survey
and is not intended to be used as such. The information
displayed is a compilation of records information and data
obtained from various sources, including Park City, Utah
Corporation which is not responsible for its accuracy or omissions.

City Council Staff Report



Author: Alison Butz
Subject: Mountain Town Stages – Use of Santy Auditorium
Date: December 4, 2003
Type of Item: Administrative - Policy

Special Events and Facilities
Department

Summary Recommendations:

Review and deny the request for a change in the policy to allow beer sales in conjunction with events in the Santy Auditorium.

Description:

C. Topic:

Mountain Town Stages has requested the City's approval of beer sales in conjunction with events in the Santy Auditorium.

D. Background:

On January 9th 2003, Mountain Town Stages requested Council to review and approve a policy to allow for the sale of beer in conjunction with events in the Santy Auditorium. At that time Council denied the request.

Mountain Town Stages is interested in expanding their venues in town to include the Santy Auditorium and has requested Staff to return to Council with the same request.

E. Analysis:

Current City policy has not allowed the sale of beer in the Santy Auditorium for any tenant. During the 2002 Olympics the Norway House was allowed to serve alcohol, however the University of Utah, Soaring Wings Montessori and Park City Cooperative Preschool were removed from the facility at that time.

Concerns have been raised regarding the public uses within the building, which includes the Library, Park City Cooperative Preschool, Soaring Wings Montessori and the University of Utah. At the January 9th Council meeting additional concerns were raised about the odor that the auditorium could have after a few concerts where beer was sold. Staff recommends that the Council determines that the approval of Temporary Beer Licenses for the Santy Auditoriums be inappropriate given the public nature of the building including schools and the library.

F. Department Review:

Both the Special Events and Facilities Department, along with the Police Department do not recommend allowing the sale of beer in the Library and Education Building.

Recommendation:

Review and deny the request for a change in the policy to allow beer sales in conjunction with events in the Santy Auditorium.

City Council Staff Report

Author: Alison Butz and Lloyd Evans
Subject: Council Compensation
Date: December 4, 2003
Type of Item: Informational



Special Events and Facilities
Department

Summary Recommendations:

Review comments received at the November 13, 2003 public input meeting and provide Staff with direction, if further action is deemed necessary, on Council compensation.

Description:

G. Topic:

Council compensation.

H. Background:

Council directed Staff to receive more public input. On November 13, a public input meeting to discuss Council compensation was held at Miners Hospital. Notice of the meeting was placed in water bills (4,500 households), announcements were heard on KPCW and the Park Record had an article discussing the meeting.

I. Analysis:

Public input was received on November 13th regarding Council compensation, please refer to Exhibits B and C. Staff received written input and has included that as Exhibit D. Further input can be received at Council's December 11th Council meeting.

Process to Approve Increase

In order for Council to approve an increase in compensation a resolution would need to be adopted after a public hearing is held. Staff has noticed for a public hearing on December 11, 2003, if Council moves forward.

J. Department Review:

Council compensation has been reviewed by all applicable City Departments.

ALTERNATIVES

- A.** Provide Staff with text for a resolution, to increase compensation, and conduct a public hearing at the December 11th Council Meeting.
- B.** Conduct a public hearing at the December 11th Council Meeting, continue the public hearing to December 18, and return on December 18 for possible action.
- C.** Determine no further action is necessary and cancel the public hearing scheduled for December 11th.

RECOMMENDATION:

Review comments received at the November 13, 2003 public input meeting and provide Staff with direction, if further action is deemed necessary, on Council compensation.

Exhibits:

Exhibit A – Task Force Report

Exhibit B – Public Input Meeting Report

Exhibit C – Minutes from 11/13 Public Input Meeting

Exhibit D – Written comments received

Exhibit E – Roles and Responsibilities – 2003 Visioning Session

Exhibit F – Sample Resolution, Adopted June 2003 as Part of the Budget Process

Council Compensation Task Force Recommendations

September 25, 2003

In July of 2003, the Mayor and City Council gave direction regarding the creation of a five-member Citizen Task Force. The mission of the task force was to:

Provide a fair and objective compensation and benefit review for the Mayor and City Council, examining compensation, benefits, equipment usage, and other amenities available for carrying out City business.

The Task Force met on three separate occasions and reviewed information from other communities studying the compensation, benefits, and other amenities available to mayors and councils. Information was gathered by City staff at the direction of the Task Force and was used in conjunction with a pay philosophy developed by the Task Force to carry out the mission of the Task Force.

The Task Force members come from a diverse background with two members formerly serving on City Council. The members of the task force are Richard Fontaine (Chair), Bart McEntire, Bob Swank, Chuck Klinginstein, and Roger Harlan. The group's experience represents a wide background of professional experience from human resources to prior experience determining compensation for corporate board members.

This report will discuss the following issues and summarize the process used to make the recommendations contained in this report

1. Task Force Mission
2. Work Plan
3. Pay Philosophy
4. Methodology
5. Findings
6. Recommendations
7. Attachments

Task Force Mission

The mission of the Task Force entailed conducting a review process culminating in a summary report of findings on compensation for the Mayor and City Council. The report was to include a discussion of their total compensation package, reimbursement policy, equipment availability, and other amenities for City business. The work plan detailed below largely mirrors the original plan approved by Council.

Work Plan

1. Develop a methodology for review and a rationale for decisions;
2. Review the compensation packages of the Mayor and Council and compare with other communities;
3. Gather any data required for this analysis;

4. Determine if current compensation and benefits for the Mayor and City Council are equitable given the Mayor's and Council's roles and workload;
5. Make a recommendation to Council based on findings;
6. Conduct a public input process;
7. Formal Council action on the recommendations of the Task Force and public comment.

Pay Philosophy: The Task Force's first item of business was to determine a pay philosophy that would serve as a framework for the group's methodology and decisions. To that end the Task Force discussed some general points that formed the philosophical principles guiding the process.

- a. *Form of Government.* Under the Council/Manager form of government, the mayor and the council are elected citizens who provide policy direction to the city manager, a professional administrator who manages the affairs of the city.
- b. *Given the resort nature of our community, compensation for elected leaders should be comparable to that of other "like" communities.* In determining appropriate compensation for the Mayor and City Council, the Task Force identified several comparably-sized resort towns in the intermountain west (the "peer group").
- c. *Serving as a mayor or councilperson is community service, a volunteer job with a stipend.* The stipend is intended to acknowledge and partially pay for the significant time commitment and dedication required of the positions.
- d. *City service is not a part-time job compensated at market rates per hour of service.* The time commitment required of a mayor and city council varies greatly between councils and municipalities. Time is largely determined by the personal commitment of the individual. It is therefore impractical to determine compensation based primarily on hours of service.
- e. *Compensation should be based on the position as opposed to the person in that position.* Because time commitment will vary with the individual elected official, compensation should be based on the position and not on actual hours of service. This is consistent with how salaried employee positions are compensated in both the public and private sector.
- f. *All Councilpersons should be compensated equally.* All councilpersons are expected, in addition to preparing for and attending council meetings, to serve on various committees and task forces. In addition, the City has no administrative process for differentiating the quantity or quality of work for each Councilperson. Therefore, all Councilpersons should receive equal compensation.
- g. *Demands on the Mayor's time exceed those of Councilpersons, and the additional hours required should be differentially compensated.* The Mayor has responsibilities beyond those of the City Council and should therefore receive proportionately greater compensation.

Methodology

1. Identify Cities in Peer Group
2. Filter Peer Group
3. Determine Compensation Methodology
4. Conduct Analysis

For the purpose of this analysis the Task Force determined to look only at a peer group of resort communities. The underlying belief is that resort communities share common elements that may not be seen in non-resort communities. Elements of commonality include demographics, seasonal nature of services, visitor population, number and size of special events, affordable housing issues, economic development, and maintaining a "tourist" level of service for the residents and guests. While each community is different, the Task Force felt that the communities chosen would likely provide a representative group within which to compare. With the notion of a peer group determined, the task force identified 18 resort communities as the potential study population. Attachments D1 and D2 contain a complete list of the cities originally identified by the Task force along with the compensation data received from their respective communities.

Upon review, the peer group was reduced to 9 members. The Task Force excluded six communities that had dissimilar populations to Park City (i.e. less than 2,000 or greater than 15,000).

It next excluded three additional communities that had a Council/Mayor form of government. In the Council/Mayor form of government the Mayor is the chief administrative officer and is responsible for directing the daily affairs of the City and its staff. Park City has a Council/Manager form of government by ordinance. The Mayor and City Council have hired a City Manager to run the daily operations of the City. The City Council is the legislative body with the primary responsibility of making policy decisions for the City. The Mayor is the chief executive of the City, representing the City on public and ceremonial occasions, executing legal instruments/documents of the City. The duties and responsibilities of the Mayor and Council are largely consistent with that of other Council/Manager forms of government.

Each community in the peer group used a varying scale of benefits and pay. Because there is no consistent way to compare on a community to community basis, the task force determined to use the total compensation as the comparable value for this analysis.

The Task Force at this point determined to use the average of the top 5 communities total compensation value as the standard for determining what was appropriate compensation for the Mayor and Council. This threshold analysis is comparable to the methodology employed in conducting staff compensation analysis for all Park City employees.

The Task Force discussed the relevance of using hours per week as a standard and measurement for the analysis. It was determined that in each community the needs of

the constituency dictated the hours of service. In some cases the time demands might be either higher or lower but in all cases the community established a compensation package for their Mayor and Council that they deemed appropriate. It was also felt that input regarding time requirements was more anecdotal than hard data. So the Task Force determined that the similarity of the elected offices across the board was significant enough that time differences not be considered a factor in determining compensation.

Additional comparisons regarding the benefits available to the Mayor and Council were reviewed in the context of the peer group. It was determined that each community offers benefits and compensation that are unique to the needs of the individual constituency. Where resources are readily available to the Mayor and Council at city facilities, it was determined as unnecessary to provide services and equipment for use at home. The promotion of communication via the internet was deemed desirable using a City sponsored email address.

Findings

Attachments A and B show the total compensation data for the Mayor and City Council, respectively. Table 1 summarizes this information.

	Peer Group Top Five		Park City	Difference (Actual-Average)
	Median	Average	Actual	
Mayor - Total Annual Compensation	\$ 21,876	\$ 22,300	\$ 22,554	\$ 254
Council - Total Annual Compensation	\$ 16,562	\$ 16,894	\$ 13,751	\$ (3,143)
Mayor to Council Compensation Ratio	132%	132%	164%	

Attachment A shows that using the Methodology identified by the Task Force, Park City's current compensation for the Mayor is comparable to that of other communities in the peer group. The compensation that the Park City Council is currently receiving is approximately \$3,140 below that of the peer group (Attachment B). This study additionally indicates that mayors in the top five of the peer group typically receive approximately 1/3 more in total compensation than Councilpersons in the same community. This finding was consistent with the notion that the Mayor fills a different role with different responsibilities than the Council. When comparing this ratio to Park City, the Task Force discovered that the Mayor is being compensated 2/3 higher than the Council (Table 1). Using the identified methodology of the average of the top five cities in the peer group, the Mayor's current compensation package is competitive and the Council's total compensation package is low by approximately \$3,140.

Recommendations

The Council Compensation Task Force recommends the following:

1. The Mayor's total compensation is comparable to that of other communities in the peer group and is not recommended to change at this time.

2. Council compensation should be increased \$3,140 on January 1, 2004 to bring Council to peer group levels.
3. The Mayor and Council should have a "cafeteria" option for benefits as long as the total compensation package does not exceed the peer group average. (i.e. the Mayor and Council can elect to have Family medical benefits but their pay should be reduced correspondingly.)
4. Staff should use the methodology established by the Council Compensation Task Force biannually as part of the budget process (in conjunction with the Staff Pay Plan Analysis) to determine the subsequent two years compensation for the Mayor and Council.
5. The existing reimbursement policies are consistent with other communities as it relates to travel, meals, mileage reimbursement, and availability of resources in City buildings for City business and should continue in effect.
6. The Task force does not recommend issuing take home laptop computers or cell phones for elected official use. This is consistent with the practices of most of the communities in the peer group (see Attachment C).
7. Long distance calls, postage, fax, copy services, and other equipment usage should be done using available City resources where they exist.
8. The Task Force does not recommend the payment of home internet service expenses or reimbursement of incidental charges for Council use where existing resources are available.
9. The Task Force recommends that the City provide a City email address for Council members to use either at a City location or through the internet. This form of communication should be encouraged in publications for the public.
10. Changes to these policies and practices should be effective January 1, 2004.
11. Public input should be heard regarding these recommendations after which the Mayor and Council should determine if appropriate compensation adjustments should occur.

Compensation Task Force

Richard Fontaine (Chair)

Roger Harlan

Chuck Klingenstein

Bart McEntire

Bob Swank

**Council Compensation Public Input Meeting
Miner's Hospital
November 13, 2003
6:00 – 8:15pm**

11/18/2003

**To: Mayor Dana Williams, City Mgr. Tom Backley
From: Lori Giovannoni
Re: Public Input Meeting Summary**

Attendance

13 citizens and 4 staff members attended the November 13th public meeting. Although the numbers of participants were low each participant gave input at least once. A complete set of comments has been compiled by city staff (Sharon B.). Written comments were collected by staff as well. Public input took the form of questions, comments and philosophy.

Questions

It was apparent that the citizens present had interest in the methodology and process surrounding the Task Force Report. Provided with a one-page sheet of Task Force Recommendations most participants opted for a copy of the complete report. There were reoccurring questions regarding methodology/process. There was a concern whether or not the comparison (of cities) were of like kind, i.e. apples to apples? It was apparent that the process and methodology were not well understood and could be an issue of further discussion. With a member of the Task Force present, several questions for clarification were directed toward the task force member. Once initial questions were addressed, the comments refocused on input and fell into three distinct categories.

1. Increase Compensation

Several participants spoke in favor of raising the amount of money the Mayor and Council receive. The primary focus was on the amount of time, both required (council meetings) and volunteered (an example; receiving phone calls at all hours and interacting with citizens on the street or at the grocery store). Those in favor of a raise spoke to the enormity of the job, the willingness on the part of the elected official(s) to perform above and beyond the call of duty and the budgetary responsibilities mirroring that of a 30 million dollar corporation. Another point of discussion was the limiting nature of the job(s) at the current rate of compensation. Several participants felt if compensation were more substantial more citizens could and would run for office offering a greater array of participation/talent.

2. No Increase in Compensation

Those who spoke against a raise were not only those in opposition to a raise but several participants who were in question of a raise. Those opposed to, or in question of, spoke to the issue of public service and understanding the job

requirements prior to running for office. A reoccurring comment centered around the belief that public service positions are traditionally low in pay, high in sacrifice and individuals applying for those positions know what they are getting into when they run for office. Some questioned whether or not a raise would in fact expand the pool of candidates.

Additional comment(s) center around the job being cyclical demanding more time and attention during particular eras or periods of growth. It was mentioned that the position not the person should be considered when discussing compensation as officials change but the job remains the same. Another concern among this group was with a City Manager/Staff performing their current duties do we need to have a highly compensated Mayor/Council?

Considering the long term solution a participant asks if this begs the larger question of changing Park City's form of government.

3. Discussion /Questions

As individual input took on the characteristics of a discussion the question was raised as to the urgency of the issue. A participant(s) comments that perhaps more time and attention should be given the issue, along with a clarification of roles, and standards of performance (all recognize the difficulty of establishing standards for elected officials).

Philosophically a participant asks if it is time to break the mold around "public servant/service" eliminating the word "servant" and offering a greater amount in compensation. A response by another participant encourages, a system in place to value people who are willing to serve in other ways than compensation.

Facilitators Comments:

Although views differed and comments easily took on the form of debate, each participant was authentic in their beliefs and concerns. Keep in mind the group was small and there were as many questions as there were comments in favor of or against an increase in compensation. With several champions on each side of the issue the question remains what is fair compensation for the job(s) of Mayor/Council given the current form of government and how does one accurately assess that?

The nature of the meeting was one of seeking clarification as much as it was of stating one's position. Within each group usually a participant will raise the "grander" issue addressing the long term vs. the immediate. In this group the long term issue was addressed by asking if in fact it is not a raise/or lack of a raise but the form of government that should be considered.

Prepared by: Lori Giovannoni
lori@xmission.com

(801)299-1264

Name: Brian Anderson
Public Input Session
Questions:

11/13/04

1. What would be the positive or negative ramifications of no pay increase?

- Mayor

NONE to speak of

- Council

2. What would be the positive or negative ramifications of a pay increase?

- Mayor

NONE - positive

- Council

Negative - see below

3. Do you feel an increase in pay would allow for greater participation in elected offices? NO

4. Does an increase in pay alter the nature (real or perceived roles and duties) of the elected office position, if so how? YES.

If the pay of elected officials is equal to similar level private industry jobs, then the elected official may be more concerned about keeping their "job" than voting and/or doing what is best for P.C. - The official becomes more concerned with re-election than with making the hard choices of running the city. ²⁴ is it a job or is it public service?

Name: Lily Grove
Public Input Session/
Questions:

11/13/04

1. What would be the positive or negative ramifications of no pay increase?

- Mayor

- Council

2. What would be the positive or negative ramifications of a pay increase?

- Mayor

- Council

3. Do you feel an increase in pay would allow for greater participation in elected offices?

4. Does an increase in pay alter the nature (real or perceived roles and duties) of the elected office position, if so how?

Let's challenge the notion that financial sacrifice is a requirement of public service.

Name: ELIAN ROSSACK

Public Input Session

11/13/04

Questions:

1. What would be the positive or negative ramifications of no pay increase?

- Mayor -
negative - It limits who can participate

positive - there would be none

- Council -

2. What would be the positive or negative ramifications of a pay increase?

- Mayor

As long as the role and duties are clearly defined
there would be no negative ramifications.

Positive, it would allow more people to run

- Council

Same as above - if we really want a council
representative of the community then we need to make
the salary realistic.

3. Do you feel an increase in pay would allow for greater participation in
elected offices?

Yes, but it would be a good thing -
we should not be represented by only the few
people who can afford to hold the position

④ Does an increase in pay alter the nature (real or perceived roles and duties) of
the elected office position, if so how?

NO
12

Tom Bakaly



PUBLIC INPUT SESSION

To Discuss

**Council / Mayor
Compensation**

I am without reservation, absolutely opposed to any compensation for either council or / mayor. Unfortunately I will not be available to personally attend and Thursday express my opposition

November 13, 2003

6 PM - 8 PM

Miner's Hospital

Everybody Welcome

R. H. Jorgensen

*2412 Thurmond Ct.
Dur Valley.*

11-9-03

We are out of town or
we would be there. The study
was not correct - covered
dollars not time nor effort.
The mayor should get an
increase - he is very involved -
more than any council person.

ROBERT A. McALLISTER
P.O. BOX 682680
PARK CITY, UT 84068

649-3494

**SCOTT LOOMIS
2566 COLUMBINE COURT
PARK CITY, UTAH 84060
(435) 615-6792**

November 10, 2003

Mayor and Council
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

RE: Council/ Mayor Compensation

Dear Mayor and Council,

I will be unable to attend the Public Input Session November 13th, but wanted to make my views known about increasing the Mayor and Council's compensation.

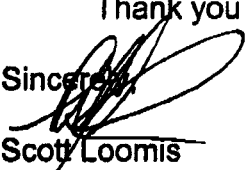
I support the proposed increases and believe modest increases on a periodic basis are essential to reward those giving of their time as well as to assure qualified participants in the electoral process.

I lived in Arizona for thirty years. In the 70's and 80's the state legislators were paid the inadequate sum of \$6000 per year. Several times blue ribbon panels recommended substantial increases to this nominal compensation. Because of the lack of foresight to modestly increase the compensation for several years, the voters rejected the increases several time, primarily because of the percentage size of the increase. After several years there were few public servants who could afford to serve in the legislature. The common joke was the only people who would run for office were those for whom \$6000 per year was the best paying job they ever had. Unfortunately, the quality of the legislature suffered to the point where substantial increases were finally approved.

Please approve increases of a few thousand dollars annually for the Mayor and Councilors to avoid a similar situation and to fairly and adequately compensate those who give so much to our community.

Thank you for your consideration of this matter.

Sincerely,


Scott Loomis

City Council Staff Report

Special Events and Facilities

Author: Michelle Barrus
Subject: WINTERFEST
Date: December 4, 2003
Type of Item: Master Festival License Application

PARK CITY

1881

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and consider approving the license for Winterfest, as conditioned, on February 1 through February 7, 2004, at Town Lift Plaza, Library and Education Center, and Main Street.

Description:

Topic:

Review of the Master Festival License Application, submitted by the Park City Chamber Bureau for Winterfest on February 1st through February 7, 2004, at Town Lift Plaza, the Library and Education Center and Main Street.

Background:

The Master Festival License application submitted by Park City Chamber Bureau requests approval for Winterfest to be held throughout the first week of February at Town Lift Plaza, Library and Education Center, and Main Street in 2004.

The week will kick off with a celebration at Town Lift Plaza on February 1st. This event will begin at 3:00 pm and end at 7:00 pm. It will include food and beer concessions as well as music and 45-minute ice sculpture exhibitions. This will be a family and community oriented event to draw people to Main Street during the lull that typically exists between Sundance's departure and the President's Day Weekend and also in conjunction with the 2nd year Anniversary of the 2002 Winter Olympic Games.

The second part to the Event Winterfest, is a two night celebration, February 3rd and 4th at the Library and Education Center. This show is a unique outdoor display of lasers, music, ice sculptures, and entertainment for the whole family. A screen will be draped down the North side of the building and the lasers will be projected from the middle of the field. The begin time is 7:00 pm and the show lasts approximately 45 minutes. It is a winter theme of lights and music that has been well received in Sweden and other great European Winter destinations. The logistics of this event will be mainly parking and some soft road closures around the field during the program to eliminate car lights from interfering with the laser show.

The last part of the MFL is for a fireworks display over Main Street for Saturday, February 7th, much like the displays during the Olympics. All of the above events will be included in a marketing program initiated by the Park City Chamber Bureau.

During this week, other groups have approached the city for other events to coordinate with the Chamber Bureau's efforts. At this time, nothing is solidified from those groups so future events may be added to this week of festivities, including the 40th Anniversary Celebration of the Park City Mountain Resort.

As part of this application, Park City Chamber Bureau has requested the Council review their request for a partial fee waiver. The Municipal Code allows the Council to waive all or a portion of fees based upon certain criteria.

Analysis:

The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions or deny the applications. The Winterfest is being reviewed as a new application.

Event Schedule

The event schedule is:

Sunday, February 1st, 2004

3:00PM -7PM Celebration on Town Lift Plaza/Apres Ski event with music and ice sculptures.

Tuesday, February 3, 2004

6:00 PM- 8:15 PM Laser Show at the Library and Education Center

Wednesday, February 4, 2004

6:00 PM- 8:15 PM Laser Show at the Library and Education Center.

Saturday, February 7, 2004

7:30 PM Fireworks above Main Street. Launched from the runaway truck lane.

Parking and Transportation

For the Town Lift event, parking can be accommodated with the existing Main Street parking. For the Library and Education Center Laser Show, the overflow parking will be in City Park and at Park City Mountain Resort. Electronic Signs will be posted to direct traffic and existing bus lines will be able to accommodate ridership. It is likely that most will walk from these short distance as well as use public transit from around town.

Security

A crowd size between 300-500 people are expected to attend the celebration on Town Lift Plaza. Approximately 700-1000 people are expected to attend each of the laser shows. Volunteers or private security will be used to man the soft street closures around the Library and Education Center during the laser shows.

Temporary Structures

The Town Lift event will likely require a small tent and possible a stage and some lighting. The Library and Education Center Laser show will require scaffolding, a large screen, and a small trailer on the field to house the lasers and speaker system. Building permits will be required for all temporary structures associated with this event. All information regarding temporary structures will be submitted to the Building Department for permitting.

Fee Waiver Request

Section 4-8-9 of the Municipal Code provides applicants for Master Festival and Special Event Licenses with criteria to request a waiver for all or a portion of associated fees. The Section further states that fee waiver requests for all new applications be reviewed and approved or denied by the City Council. Eligibility for a full or partial fee waiver shall be determined pursuant to the following criteria, none of which shall be individually controlling. Park City Chamber Bureau has requested a partial waiver of fees associated with the event. Please see text in italics for the applicant's response to the criteria.

- A. For-profit or non-profit status of the Applicant;
Park City Chamber Bureau is a non-profit corporation who providing community events to celebrate Winter as well as the 2nd year Olympic Anniversary
- B. Whether the event will charge admission fees;
All Events are free to the public
- C. Whether the event is youth-oriented;
Yes these events are geared towards families, and children.
- D. The duration of the event;
February 1st from 3 pm-7 pm; February 3rd and 4th from 6 pm-8 pm; and February 7th from 7 pm-7:40 pm.
- E. Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;
The event will be advertised to Park City as a World Class Resort and will likely draw out visitors, the community and people from the valley.
- F. The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
The event will require use of a city building, building permits, garbage cans and assistance from the Streets and Parks Departments with electronic signs and barricades.
- G. The season of occurrence; and

First week in February, after Sundance and before the Presidents Day weekend.

- H. Demonstration of hardship by the Applicant.
The event is sponsored by the Park City Chamber Bureau who will not be charging for any of the events, they are free and open to the public as a service to the community.

Included within the recommendation of approval of the event, Staff has added a finding regarding the approval of a fee waiver per the request. Please see fee estimate attached.

Department Review:

This event has been reviewed by the Legal Department, Special Events and Facilities Department, and the City Manager's office.

Alternatives:

A. Approve the Request:

Approve the Master Festival License, as conditioned by staff, allowing Winterfest on February 1st through February 7th, 2004, at Town Lift Plaza, the Library and Education Center and Main Street .

B. Deny the Request:

Deny the Master Festival License, thereby preventing Winterfest on February 1st through February 7th, 2004, at Town Lift Plaza, the Library and Education Center and Main Street.

C. Continue the Item:

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

D. Modify the Request:

Modify the parameters of the event and approve the Master Festival License , allowing Winterfest on February 1st through February 7th, 2004, at Town Lift Plaza, the Library and Education Center and Main Street

Recommendation:

Staff recommends approval of the Master Festival License and Fee Waiver for the Winterfest on February 1st through February 7, 2004, at Town Lift Plaza, the Library and Education Center and Main Street, based on the following:

Findings of Fact:

1. Winterfest will be held at Town Lift Plaza, the Library and Education Center and Main Street on February 1st through February 7, 2004. The events include celebrations on Town Lift Plaza, a Laser Show at the Library and Education center and fireworks over Main Street. Additional parking lots will be located at the Park City Mountain Resort and City Park.

2. The conduct of Winterfest events will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. Winterfest events will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The traffic surrounding the Library and Education Center will be monitored during the Laser show with soft barricading to prevent car headlights from interfering with the program. Additional parking lots at Park City Mountain Resort and City Park will be used to reduce the number of on street parking surrounding the venue. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival Licenses has been approved for this timeframe. Therefore Winterfest will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
6. The organizer is providing sanitation, security, and adequate insurance for the event.
7. Winterfest events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant does not demonstrate an inability or unwillingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses.
10. The applicant shows significant reasons, such as a non-profit status and community events, for a waiver of all City Services fees.
11. Winterfest is consistent with the City Council's Goal to continue to promote Park City as multi-seasonal resort by maintain its status as a World Class Resort which hosts such events as this.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.
2. The application meets section 4-8-9 of the Municipal Code for a fee waiver.

Conditions of Approval:

1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by January 10, 2004.
2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

Exhibits

Exhibit A - Fee Estimate

PARK CITY 1884 FEE WAIVER REQUEST Winterfest February 1-7, 2004		Special Events Department P.O. Box 1480 Park City, UT 84060 (435)615-5151 Fax: (435) 645-4004	
ACCOUNT CODE	SERVICE DESCRIPTION	REQUESTED AMOUNT TO BE WAIVED	ESTIMATED FEES
	Special Events Office		
	Application Fee	\$100.00	\$100.00
	Building Department		
	Inspection Fee @ \$15.00/hr	\$30.00	\$30.00
	Tent Permit Fees		
	Tents >200 square feet @ \$15 each	\$15.00	\$15.00
	Scaffolding	\$15.00	\$15.00
	Streets Department		
	Electronic Signs @ \$120/sign/day	\$720.00	\$720.00
	Barricade Rental @ .38/barricade/day		
	Drop/pick-up Fee	\$150.00	\$150.00
	Parks Department		
	Additional Garbage Cans, placement and pick-up @ \$15.00/hr	\$45.00	\$45.00
TOTAL		\$1,075.00	\$1,075.00
Requested Amount to be Waived			\$1,075.00
		TOTAL BILL	\$0

City Council Staff Report

Author: Brooks T. Robinson
Subject: 1360 Empire Avenue
Plat Amendment
Date: December 4, 2003
Type of Item: Legislative



**PLANNING
DEPARTMENT**

SUMMARY RECOMMENDATIONS: Staff requests that the City Council review the applicant's proposal to combine two (2) Old Town lots and a portion of vacated Norfolk Avenue into one lot of record, conduct a public hearing, and approve the plat amendment as conditioned or amended.

Topic:
Applicant John Redmond
1360 Empire Avenue
Zoning Recreation Commercial (RC)
Adjacent Land Uses Residential, Park City Mountain Resort parking lot to the west.

Background:

On August 15, 2003 the City received a plat amendment application to combine lots 15 and 16, Block 19 of the Snyder's Addition and an adjacent portion of vacated (1987) Norfolk Avenue into a single lot of record. In this location, existing Empire Avenue is not within the platted right-of-way and additional street dedication is required per the City's adopted Streets Master Plan. The property is improved with a single, historic house and a detached garage. The house has not gone through a Determination of Historical Significance. Plans have been submitted to renovate and add on to the house, if deemed significant, or remove and build a new structure if deemed insignificant.

The Planning Commission reviewed this application at its regular meeting of November 12, 2003, and forwards a positive recommendation.

Analysis:

Staff has reviewed this application in accordance with Title 15, Chapter 7 of the Park City Municipal Code regarding subdivisions. Staff finds that this application is in accordance with the subdivision chapter and meets the minimum lot area of the RC zone, which is 1875 square feet for a single-family dwelling.

As Empire Avenue does not exist within its platted right-of-way in this location, a dedication of right-of-way is required. The City Engineer will review and approve the

final plat for appropriate street dedication as delineated in the Park City Streets Master Plan. Approximately 10 feet of the subject property must be dedicated so that Empire Avenue is minimally capable of handling existing traffic and traffic generated by the build-out of the PCMR base area (Four Seasons) and the Sweeney Creole Gulch Master Plan.

Notice:

Notice of this hearing was initially sent to property owners within 300'. The property was also properly posted and legally noticed at that time. No public comment has been received at the time of this report.

Department Review:

The Planning, Building, and Engineering Departments have reviewed this request at a Staff Review Meeting. The City Engineer and City Attorney's Office will review the plat prior to recordation.

ALTERNATIVES

- A. Approve the plat amendment as conditioned or amended; or
- B. Deny the plat amendment and direct staff to prepare findings to support this recommendation; or
- C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed amendment will result in one (1) lot in the RC District. The plat amendment will not increase the density of the lot.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the two Old Town platted lots and vacated Norfolk right-of-way shall remain as currently platted.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and consider Staff's recommendation to approve the combination all of Lot 15 and 16, Block 19 of the Snyder's Addition and adjacent vacated Norfolk Avenue right-of-way into a single lot based on the following:

Findings of Fact:

1. The property is located at 1360 Empire Avenue in the Recreation Commercial (RC) zoning district.
2. The property consists of two platted Old Town lots and a portion of adjacent vacated Norfolk Avenue.
3. Norfolk Avenue was vacated in 1987.
4. The amendment will combine all of said lots into a single lot of record. No remnant lots are created.
5. The applicant has agreed to dedicate the right-of-way as requested by the City Engineer.

6. The property is improved with an existing historic house and detached garage.
7. The plat amendment will not increase density on the lot.
8. The Planning Commission reviewed this application at its regular meeting of November 12, 2003, and forwards a positive recommendation.

Conclusions of Law:

1. There is good cause for the plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. Dedication of Empire Avenue right-of-way in conformance with the Park City Streets Master Plan is required. The front lot line will move to the right-of-way line as shown on the plat.
3. This approval shall expire one year from the date of City Council approval, unless this subdivision is recorded prior to that date.

Exhibits

Exhibit A - Proposed plat

Ordinance No.

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE TWO OLD TOWN LOTS (LOTS 15 AND 16, BLOCK 19 OF THE SNYDER'S ADDITION) AND AN ADJACENT PORTION OF VACATED (1987) NORFOLK AVENUE INTO A SINGLE LOT OF RECORD AT 1360 EMPIRE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1360 Empire Avenue have petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on November 12, 2003, to receive input on the plat amendment;

WHEREAS, the Planning Commission, on November 12, 2003, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 4, 2003 the City Council approved the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment.

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

SECTION 1. APPROVAL. The plat amendment 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 1360 Empire Avenue in the Recreation Commercial (RC) zoning district.
2. The property consists of two platted Old Town lots and a portion of adjacent vacated Norfolk Avenue.
3. Norfolk Avenue was vacated in 1987.
4. The amendment will combine all of said lots into a single lot of record. No remnant lots are created.
5. The applicant has agreed to dedicate the right-of-way as requested by the City Engineer.
6. The property is improved with an existing historic house and detached garage.
7. The plat amendment will not increase density on the lot.
8. The Planning Commission reviewed this application at its regular meeting of November 12, 2003, and forwards a positive recommendation.

Conclusions of Law:

1. There is good cause for the plat amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the plat amendment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. Dedication of Empire Avenue right-of-way in conformance with the Park City Streets Master Plan is required. The front lot line will move to the right-of-way line as shown on the plat.
3. This approval shall expire one year from the date of City Council approval, unless this subdivision is recorded prior to that date.

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

PASSED AND ADOPTED this 4th day of December, 2003.

1. John Dambrosio, writing that I am a disloyal Lawbreaker and that I had Certificate No. 104-481, as enclosed by the laws of the State of Utah, and by authority of the court, I have requested this history of Survey Map or the 1950 Census A-1000 388990000 and that the same has been or will be transmitted to the ground on given in this post.

PROPERTY PROTECTION

LEADS 13 and 14, Book 14, Sydney Adams to Port City Barrage, according to the official post turned on the end of record in the office of the Sheriff County Assessor.

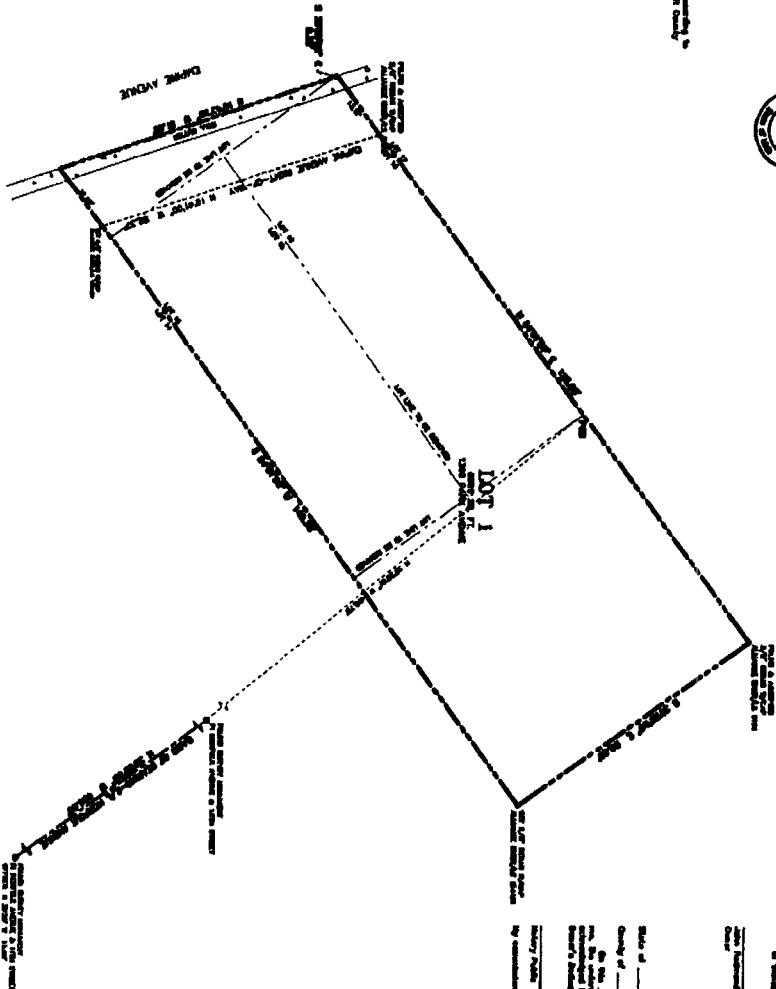
[illegible]

ACKNOWLEDGMENTS

[illegible]

History _____

My conclusion _____



- **Fixed entry amount**
- **an 8% entry vouch allowed under 1999**
- **Fixed value 8-10%**

A PARCEL COMBINATION PLAT

1360 EMPIRE AVENUE SUBDIVISION

LOCATED IN BLOCK 19, SNIDER'S ADDITION, SECTION 18
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

12345678910111213141516171819202122232425262728293031323334353637383940414243444546474849505152535455565758596061626364656667686970717273747576777879808182838485868788899091929394959697989910010110210310410510610710810911011111211311411511611711811912012112212312412512612712812913013113213313413513613713813914014114214314414514614714814915015115215315415515615715815916016116216316416516616716816917017117217317417517617717817918018118218318418518618718818919019119219319419519619719819920020120220320420520620720820921021121221321421521621721821922022122222322422522622722822923023123223323423523623723823924024124224324424524624724824925025125225325425525625725825926026126226326426526626726826927027127227327427527627727827928028128228328428528628728828929029129229329429529629729829930030130230330430530630730830931031131231331431531631731831932032132232332432532632732832933033133233333433533633733833934034134234334434534634734834935035135235335435535635735835936036136236336436536636736836937037137237337437537637737837938038138238338438538638738838939039139239339439539639739839940040140240340440540640740840941041141241341441541641741841942042142242342442542642742842943043143243343443543643743843944044144244344444544644744844945045145245345445545645745845946046146246346446546646746846947047147247347447547647747847948048148248348448548648748848949049149249349449549649749849950050150250350450550650750850951051151251351451551651751851952052152252352452552652752852953053153253353453553653753853954054154254354454554654754854955055155255355455555655755855956056156256356456556656756856957057157257357457557657757857958058158258358458558658758858959059159259359459559659759859960060160260360460560660760860961061161261361461561661761861962062162262362462562662762862963063163263363463563663763863964064164264364464564664764864965065165265365465565665765865966066166266366466566666766866967067167267367467567667767867968068168268368468568668768868969069169269369469569669769869970070170270370470570670770870971071171271371471571671771871972072172272372472572672772872973073173273373473573673773873974074174274374474574674774874975075175275375475575675775875976076176276376476576676776876977077177277377477577677777877978078178278378478578678778878979079179279379479579679779879980080180280380480580680780880981081181281381481581681781881982082182282382482582682782882983083183283383483583683783883984084184284384484584684784884985085185285385485585685785885986086186286386486586686786886987087187287387487587687787887988088188288388488588688788888989089189289389489589689789889990090190290390490590690790890991091191291391491591691791891992092192292392492592692792892993093193293393493593693793893994094194294394494594694794894995095195295395495595695795895996096196296396496596696796896997097197297397497597697797897998098198298398498598698798898999099199299399499599699799899910001001100210031004100510061007100810091010101110121013101410151016101710181019102010211022102310241025102610271028102910301031103210331034103510361037103810391040104110421043104410451046104710481049105010511052105310541055105610571058105910601061106210631064106510661067106810691070107110721073107410751076107710781079108010811082108310841085108610871088108910901091109210931094109510961097109810991100110111021103110411051106110711081109111011111112111311141115111611171118111911201121112211231124112511261127112811291130113111321133113411351136113711381139114011411142114311441145114611471148114911501151115211531154115511561157115811591160116111621163116411651166116711681169117011711172117311741175117611771178117911801181118211831184118511861187118811891190119111921193119411951196119711981199120012011202120312041205120612071208120912101211121212131214121512161217121812191220122112221223122412251226122712281229123012311232123312341235123612371238123912401241124212431244124512461247124812491250125112521253125412551256125712581259126012611262126312641265126612671268126912701271127212731274127512761277127812791280128112821283128412851286128712881289129012911292129312941295129612971298129913001

	1900-1901 1902-1903 1904-1905 1906-1907 1908-1909 1910-1911 1912-1913 1914-1915 1916-1917 1918-1919 1920-1921 1922-1923 1924-1925 1926-1927 1928-1929 1930-1931 1932-1933 1934-1935 1936-1937 1938-1939 1940-1941 1942-1943 1944-1945 1946-1947 1948-1949 1950-1951 1952-1953 1954-1955 1956-1957 1958-1959 1960-1961 1962-1963 1964-1965 1966-1967 1968-1969 1970-1971 1972-1973 1974-1975 1976-1977 1978-1979 1980-1981 1982-1983 1984-1985 1986-1987 1988-1989 1990-1991 1992-1993 1994-1995 1996-1997 1998-1999 2000-2001 2002-2003 2004-2005 2006-2007 2008-2009 2010-2011 2012-2013 2014-2015 2016-2017 2018-2019 2020-2021 2022-2023 2024-2025 2026-2027 2028-2029 2030-2031 2032-2033 2034-2035 2036-2037 2038-2039 2040-2041 2042-2043 2044-2045 2046-2047 2048-2049 2050-2051 2052-2053 2054-2055 2056-2057 2058-2059 2060-2061 2062-2063 2064-2065 2066-2067 2068-2069 2070-2071 2072-2073 2074-2075 2076-2077 2078-2079 2080-2081 2082-2083 2084-2085 2086-2087 2088-2089 2090-2091 2092-2093 2094-2095 2096-2097 2098-2099 2100-2101 2102-2103 2104-2105 2106-2107 2108-2109 2110-2111 2112-2113 2114-2115 2116-2117 2118-2119 2120-2121 2122-2123 2124-2125 2126-2127 2128-2129 2130-2131 2132-2133 2134-2135 2136-2137 2138-2139 2140-2141 2142-2143 2144-2145 2146-2147 2148-2149 2150-2151 2152-2153 2154-2155 2156-2157 2158-2159 2160-2161 2162-2163 2164-2165 2166-2167 2168-2169 2170-2171 2172-2173 2174-2175 2176-2177 2178-2179 2180-2181 2182-2183 2184-2185 2186-2187 2188-2189 2190-2191 2192-2193 2194-2195 2196-2197 2198-2199 2200-2201 2202-2203 2204-2205 2206-2207 2208-2209 2210-2211 2212-2213 2214-2215 2216-2217 2218-2219 2220-2221 2222-2223 2224-2225 2226-2227 2228-2229 2230-2231 2232-2233 2234-2235 2236-2237 2238-2239 2240-2241 2242-2243 2244-2245 2246-2247 2248-2249 2250-2251 2252-2253 2254-2255 2256-2257 2258-2259 2260-2261 2262-2263 2264-2265 2266-2267 2268-2269 2270-2271 2272-2273 2274-2275 2276-2277 2278-2279 2280-2281 2282-2283 2284-2285 2286-2287 2288-2289 2290-2291 2292-2293 2294-2295 2296-2297 2298-2299 2300-2301 2302-2303 2304-2305 2306-2307 2308-2309 2310-2311 2312-2313 2314-2315 2316-2317 2318-2319 2320-2321 2322-2323 2324-2325 2326-2327 2328-2329 2330-2331 2332-2333 2334-2335 2336-2337 2338-2339 2340-2341 2342-2343 2344-2345 2346-2347 2348-2349 2350-2351 2352-2353 2354-2355 2356-2357 2358-2359 2360-2361 2362-2363 2364-2365 2366-2367 2368-2369 2370-2371 2372-2373 2374-2375 2376-2377 2378-2379 2380-2381 2382-2383 2384-2385 2386-2387 2388-2389 2390-2391 2392-2393 2394-2395 2396-2397 2398-2399 2400-2401 2402-2403 2404-2405 2406-2407 2408-2409 2410-2411 2412-2413 2414-2415 2416-2417 2418-2419 2420-2421 2422-2423 2424-2425 2426-2427 2428-2429 2430-2431 2432-2433 2434-2435 2436-2437 2438-2439 2440-2441 2442-2443 2444-2445 2446-2447 2448-2449 2450-2451 2452-2453 2454-2455 2456-2457 2458-2459 2460-2461 2462-2463 2464-2465 2466-2467 2468-2469 2470-2471 2472-2473 2474-2475 2476-2477
---	---

Exhibit A

City Council Staff Report

Author: Brooks T. Robinson
Subject: Eagle Pointe IV Subdivision
Date: December 4, 2003
Type of Item: Legislative



**PLANNING
DEPARTMENT**

SUMMARY RECOMMENDATIONS: Staff requests that the City Council review the applicant's proposal to plat sixteen building lots and two open space lots, conduct a public hearing, and approve the final subdivision plat as conditioned or amended.

Topic:

Applicant KT Group, LLC
Meadows Drive, part of the Quarry Mountain Master Planned Development (MPD)
Zoning Residential Development (RD-MPD)
Adjacent Land Uses Residential, Municipal Boundary

Background:

On August 20, 2003, the City received an application for a final subdivision plat for Eagle Pointe IV. Eagle Pointe IV is part of the Quarry Mountain Master Planned Development that was approved on April 28, 1994. Phase IV is 89.51 acres in size. The original approval was for 19 development lots configured on a loop road with a cul-de-sac. The Planning Commission approved a revised Preliminary Plat on June 25, 2003 that reduced the number of development lots from 19 to 16 and changed the road configuration. Two Open Space lots are being created and will be dedicated to Park City as part of this plat.

The Planning Commission reviewed this application at its regular meeting of November 12, 2003, and forwards a positive recommendation.

Analysis:

The proposed final plat is unchanged from with the approved preliminary plat. The final trail connections as part of the Quarry Mountain MPD are required to be constructed.

Notice:

Notice of this hearing was initially sent to property owners within 300'. The property was also properly posted and legally noticed at that time.

Department Review:

The Planning, Building, and Engineering Departments have reviewed this request at a Staff Review Meeting. The City Engineer and City Attorney's Office will review the plat prior to recordation.

ALTERNATIVES

- A. Approve the final subdivision plat as conditioned or amended; or
- B. Deny the final subdivision plat and direct staff to prepare findings to support this recommendation; or
- C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed subdivision will create 16 single-family lots and two Open Space lots in the RD District. The subdivision plat is consistent with the approved preliminary plat.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and consider Staff's recommendation approve the final plat for Eagle Pointe IV, a sixteen single-family lot and two open space lot subdivision based on the following:

Findings of Fact:

1. The property is located along Meadows Drive and is also known as the North Slope of the Quarry Mountain Master Planned Development (MPD). The property is zoned Residential Development - RD-MPD. The property is vacant.
2. On April 28, 1994, the Quarry Mountain MPD was approved along with the North Slope Preliminary Plat.
3. The April 28, 1994 preliminary plat approved 19 lots. The June 25, 2003 amended preliminary plat is for 16 development lots and two open space lots that will be dedicated to Park City Municipal Corporation.
4. The Planning Commission approved the amended preliminary plat on June 25, 2003.
5. Access from Meadows Drive is on a single road terminating in two cul-de-sacs. These streets will be dedicated to the City.
6. The streets exceed the recommended 650 foot length.
7. The decrease in the amount of grading and visual impact with the changed road configuration and fire sprinkling to a modified 13-D standard mitigates the over-length street.
8. Vehicular access to four adjoining property owners is granted by deed. A 20-foot wide easement is dedicated for abutting property owners.
9. Building pad sites are situated so that a standard height house for the zone (33 feet with a pitched roof) will not break the ridgeline from the designated vantage point.
10. Open Space Parcels One and Two are proposed to be dedicated to the City.
11. The Planning Commission reviewed this application at its regular meeting of November 12, 2003, and forwards a positive recommendation.

Conclusions of Law:

1. There is good cause for the subdivision.
2. Neither the public nor any person will be materially injured by the proposed subdivision.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.
4. The proposed final subdivision plat is consistent with the preliminary plat approved by the Planning Commission on June 25, 2003.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the subdivision for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recordation.
2. This approval shall expire one year from the date of City Council approval, unless this subdivision is recorded prior to that date.
3. A note shall be added to the plat requiring all homes to be fire sprinklered to the Modified 13-D standard.
4. The Conditions of Approval for the Quarry Mountain Master Planned Development remain in full force and effect.
5. Lots 58, 59, and 60 are to have a shared driveway.
6. Access to the four adjacent properties is by 20-foot wide easements. Access to the Desimone property shall closely follow the historical access in a manner acceptable to the City Engineer and Fire Marshall.
7. All trails identified in the Quarry Mountain MPD are required to be installed or financially secured for installation prior to first building permit of this last phase of the MPD.

Exhibits

Exhibit A - Proposed subdivision plat

City Council Staff Report

Author: Mark Harrington
Subject: PARKING CODE - MUNICIPAL CODE REVISION
Date: December 1, 2003
Type of Item: Legislative

Summary Recommendations:

Hold a public hearing and adopt the proposed ordinance, which amends Title 9, Parking Code, Section 9-2-4, Parking for Certain Purposes Prohibited.

Description:

Topic:

Staff recommends revisions to Park City's Parking Code found in Section 9-2-4 of Title 9, Parking Code, which prohibits parking for the purpose of display for sale and other commercial purposes.

Background:

The City and certain City officials were served with a Complaint on November 17, 2003 by plaintiff "SHARK" a.k.a. SHOWING ANIMALS RESPECT and KINDNESS, a non-profit Illinois corporation; and B.L. BRERETON. The Complaint essentially seeks to invalidate Municipal Code Section 9-2-4(A and C). The plaintiff, Brereton, is out of state and has never been cited in Park City but apparently has been filing such lawsuits all over the state after several other cases, notably in California, have stricken municipal regulations regarding "for sale" signs in vehicles.

Analysis:

The recommended action is to change the Municipal Code by the elimination of sections 9-2-4(A) and 9-2-4(C). Salt Lake City, Salt Lake County, Taylorsville, West Valley, West Jordan, Holladay and Draper all repealed similar sections in response to the same plaintiff. This action will make the lawsuit moot. While it is unfortunate that the plaintiff did not just contact the city to request the change, this amendment should resolve the matter. Staff is unaware of any citations issued under either section. Most parking problems with cars for sale are dealt with by prohibiting or restricting parking altogether. Staff will return in January with another ordinance to address some of the problems that the City experiences during master festivals.

Department Review:

Proposed changes have been reviewed and approved by the City Manager and Parking Services.

Alternatives:

- A. Approve the Request:** This action should allow the city to avoid the lawsuit.
- B. Deny the Request:** Direct staff to defend the lawsuit
- C. Continue the Item:** Continue the item and request more information from staff.

Significant Impacts:

The changes should have little impact, as the City has not issued citation under either section. Staff will return with an ordinance more specific to commercial solicitation in parking lots, especially during festivals.

Consequences of not taking the recommended action:

Without making changes the City will have to defend the lawsuit.

Recommendation:

Hold a public hearing and adopt the proposed ordinance, which amends Title 9, Parking Code, Section 9-2-4, Parking for Certain Purposes Prohibited.

AN ORDINANCE AMENDING TITLE 9, PARKING CODE, SECTION 9-2-4, PARKING FOR CERTAIN PURPOSES PROHIBITED, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, similar sections have been struck down as unconstitutional; and

WHEREAS, most other jurisdictions in Utah have repealed similarly worded sections; and

WHEREAS, improper use of public parking facilities may be regulated by other parking regulations.

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

Section I. Amendment. Title 9 Parking Code, Section 9-2-4, of the Municipal Code of Park City is hereby amended as follows:

9-2-4. PARKING FOR CERTAIN PURPOSES PROHIBITED.

It shall be unlawful to park a vehicle on any street or within any public parking facility for the following purposes.

~~(A) — Displaying the vehicle for sale;~~

~~(B)~~(A) Greasing, servicing, or repairing the vehicle, except to the extent necessary under emergency conditions to move a disabled vehicle;

~~(C) — Displaying of advertising, or any commercial promotional activity, whether free or for charge, such as real estate or timeshare information, merchandise or art display, or display of movies, videos, or DVDs within or on a vehicle;~~

~~(D)~~(B) Selling food or other merchandise, or soliciting orders for food or merchandise, except when properly licensed by Park City to do so.

Section II. Effective Date. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 4th day of December, 2003.

City Council Staff Report



Author: Eric Nasset, Transit-Parking I
Kent Cashel, Asst. Pub. Wks. Dir.
Subject: DRAFT ADA PARA-TRANSIT &
SENIOR MOBILITY PROGRAMS
Date: December 4, 2003
Type of Item: Discussion

Public Works

Summary Recommendations:

On December 4th, The Mayor and Council should review the attached amendments to Park City Transit's ADA Paratransit Policy and Senior Mobility Programs. A public hearing should be held and then provide Staff with direction on any required changes to the attached draft programs. Staff will make the required changes and return to Council at its 11th meeting with a resolution for formal adoption of the two programs.

Description:

Background:

Park City Transit's ADA Para-transit program was last amended in 1995. Since that time the scope of transit services provided by the City has changed dramatically. The expanded scope of transit services and recent court rulings surrounding ADA paratransit programs have made it clear that it is time to amend the City's ADA program. The need and justification for these amendments were presented to the Mayor and City Council at the November 20th City Council meeting (see attached staff report).

Staff has prepared an amended draft ADA Paratransit program as well as a draft Senior Mobility program for the public and the Mayor and City Council to provide comment on (see attached draft programs).

Analysis:

All proposed amendments to the original programs are marked using the following format:

- Deletions are struck-out
- Paratransit additions are shaded yellow.
- Additions/changes that are made in the draft Paratransit Policy for the Senior Mobility Program are struck-out and shaded green.

The table below contains the major amendments and a brief description of the proposed change:

Section #	Section Amended (Proposed)	Description
1.	Purpose	Language added to clarify purpose of program
2.	Transporation Facility and Vehicle Accesibility	Language added to clarify Park City Transit's commitment to providing accessible facilities and equipment.
3.	Paratransit as Complement to Fixed Route Service	Language cleaned up to more clearly define Park City Transit's intent to provide comparable service.
4.	Type of ADA Service	Language more clearly defines types of service provided
5.	Eligibility Standards	Primary change is removal of any age based eligibility criteria from ADA Paratransit program. Seniors transportation will now be provided under Senior Mobility Program (see attached draft program). Language has been amended to more clearly match eligibility requirements with those contained in the American with Disabilities Act (ADA).
6.	Eligibility Determination Process	Clean-up of language to reflect current determination process. Also language that enables Staff to require individuals to re-certify eligibility at reasonable intervals or when an individual situation warrants.
7.	Administrative Appeals Process	New process will provide for one (consistent) appeals process for all required federal programs.
8.	Suspension of Service/ No-Show Policy	Provides for a more clearly defined (and stricter) policy to manage individuals who exhibit a pattern of scheduling rides and not showing for them.
9.	Service Area	Amended service area to reflect requirements set forth in ADA.
10.	Response Time	Langauge more clearly reflects current practice and requirements set forth in ADA
11	Additional Service	Language more clearly defines policy on same-day scheduling of rides. Also language establishing policy on Subscription Service that allows for scheduling for routine trips (medical,

Section #	Section Amended (Proposed)	Description
		shopping, or etc.) up to six months in advance.

Department Review:

This Staff report has been reviewed by The City Manager's Office, the City Attorney's Office, Budget\Debt and Grants and Public Works.

Alternatives:

Approve the Request:

The Mayor and Council should review the attached amendments, hold a public hearing and then provide Staff with direction on any required changes to the attached draft programs. Staff will make the required changes and return to Council at its 11th meeting with a resolution for formal adoption of the two programs. This is Staff's recommendation.

Deny the Request:

Council could direct Staff to make no amendments to current ADA Paratransit program. This alternative would leave the City exposed to violation of ADA requirements. Staff does not recommend this alternative.

Continue the Item:

Council could continue this item. This alternative would leave the City exposed to violation of ADA requirements for the period of continuance. Staff does not recommend this alternative.

Do Nothing:

Council could do nothing. This alternative would have the same effect as Alternative C. Staff does not recommend this alternative.

Significant Impacts:

Creating two separate programs for Seniors and ADA eligible riders will mitigate the City's exposure to violating the no trip denial provision of the ADA. However, it may not delay or eliminate the need for additional drivers and equipment to provide both services. This uncertainty exists as many riders currently certified using the age requirement may also be eligible under ADA defined eligibility criteria. The cost savings of these changes will only be clearly known after current riders are required to re-certify under the new program criteria.

Consequences of not taking the recommended action:

If Council should choose to not take the recommended action the City will continue to be exposed to violating ADA requirements. Staff will likely need to include a budget request for an additional vehicle and drivers as part of the 2004 budget process (approx. \$55,000 for a vehicle and \$75,000 annual operating costs).

Recommendation:

The Mayor and Council should review the attached amendments, hold a public hearing and then provide Staff with direction on any required changes to the attached draft programs. Staff will make the required changes and return to Council at its 11th meeting with a resolution for formal adoption of the two programs.

Attached: Draft ADA Paratransit Program
 Draft Senior Mobility Program
 November 20th Staff Report

PARK CITY TRANSIT DEPARTMENT

POLICIES & PROCEDURES TO ENSURE COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

DRAFT – November 25, 2003

1. PURPOSE

Federal Transit Administration (FTA) grantees are required to comply with Title I and Title II of the Americans with Disabilities Act (ADA) of 1990 which states that no entity will discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of complementary paratransit service. The Park City Transit (PCT) Department herein establishes its Policy to comply with the requirements of the ADA and its implementing regulations at 49 CFR Parts 27, 37 and 38.

2. TRANSPORTATION FACILITY AND VEHICLE ACCESSIBILITY

PCT will construct any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities. PCT will also ensure that all vehicles procured or leased will be readily accessible to and usable by individuals with disabilities.

3. PARATRANSIT AS A COMPLEMENT TO FIXED-ROUTE SERVICE

~~Complementary Paratransit service will be available the same days and hours of our winter and summer fixed route services, but will ONLY be made available to certified ADA individuals.~~

PCT shall provide paratransit service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed-route service.

4. TYPE OF ADA PARATRANSIT SERVICE

PCT paratransit service is a door-to-door service. Drivers may assist passengers to and from their residence and/or destination point. ~~Drivers may not enter a residence and/or business or perform any chore service for the rider.~~ No PCT vehicle operator will enter a private residence or a public facility in order to provide this service. PCT vehicle operators will assist ADA paratransit eligible individuals in boarding and disembarking PCT vehicles, and will assist with that cargo (e.g., baggage, bags of groceries, etc.) that may be reasonably carried aboard by one person.

5. ELEGIBILITY STANDARDS

~~Eligible complementary Paratransit services will be available to all individuals that due to their age and/or disability:~~

- ~~• Are 55 years of older~~
- ~~• Can use an accessible fixed route vehicle, but the trip cannot be made due to the fixed route service they need to use is not yet accessible.~~
- ~~• Who use wheelchairs, walkers or braces and others whose disabilities prevent them from utilizing an inaccessible vehicle~~
- ~~• Who because of their disability cannot board, ride and/or disembark from an accessible vehicle without operator assistance~~
- ~~• Who have impairment related conditions that prevent them from getting to or from a disembarking location~~
- ~~• Inability to recognize the destination and disembark~~
- ~~• The paths of travel between lines or modes are not accessible~~
- ~~• Have been certified ADA eligible by another transit provider~~
- ~~• A person traveling as a companion with a person deemed ADA eligible~~

The following individuals will be considered ADA paratransit eligible:

Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the fixed-route system which is readily accessible to and usable by individuals with disabilities;

Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route (e.g., when a lift is inoperable on the fixed-route system); and/or

Any individual with a disability who has a specific impairment-related condition that prevents the individual from traveling to a boarding location or from a disembarking location of the fixed-route service.

~~Attendant policies — We have no restrictions in our operating policies that restrict personal care attendants~~

One other individual accompanying an ADA paratransit eligible individual will be provided service if 1) the accompanying individual is acting as a personal assistant; 2) is a family member or friend.

In order to be considered as "accompanying" the eligible individual for purposes of this Policy, the other individuals will have the same origin and destination as the eligible individual.

6. ELIGIBILITY DETERMINATION PROCESS

~~Determination of eligibility will be based on individuals age, functional impairment and/or disability in accordance with the following chart and will be documented accordingly in each individuals personal files to assure that proper aids and assistance is afforded. Park City will only issue eligibility cards to those individuals who are ADA eligible as defined in Section 37.123.~~

~~Individuals will be notified in writing of determination of eligibility also, if requested, in person, by phone, mail or in any other appropriate medium.~~

~~System and Timetable:~~

~~Applications for "Certification of Eligibility" can be requested by phone 645-5128; mail PO Box 1480, Park City, UT 84060 or in person by contacting the Transportation Officials in their office located at #10 Ironhorse Drive, Park City, Utah.~~

All information about the eligibility process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility will be made available in accessible formats. If a request for a format not currently offered by the PCT is made, PCT staff will work with local accessibility groups to produce the requested media.

~~Determination will be made on the eligibility within 21 days of receipt of the application. Until the determination process is completed individuals will be assumed eligible.~~

~~Documentation:~~

~~Only persons who are ADA eligible as defined in Section 37.123 will be provided with a laminated ADA paratransit identification card with name and photograph of the individual, name of certifying transit provider (Park City Transit), telephone number of the paratransit coordinator, expiration date if appropriate and any conditions or limitations on eligibility, also, if travel with a personal care attendant is required.~~

PCT staff will review completed applications and determine eligibility. PCT may utilize a third party physician or physical therapist to assist in eligibility determinations. If, by a date twenty-one (21) calendar days following submission of a complete application, PCT staff has not made a determination of eligibility, the applicant will be treated as eligible and provided service until and unless PCT denies the application.

PCT's determination concerning eligibility will be in writing. If the determination is that the individual is ineligible, the determination will state the reason(s) for the finding.

PCT may require re-certification of the eligibility of ADA paratransit eligible individuals at reasonable intervals, or as needed.

Administrative Appeals Process:

~~Because ADA paratransit eligibility is established as a civil right, Park City Municipal Corporation as the transit provider has a special obligation to ensure that the following "due process" is observed.~~

~~Any decision to deny ADA eligibility will be reviewed by the Director of Transportation who is familiar with the requirements of the ADA.~~

~~If the decision to deny is confirmed; a notice of denial will be sent to the individual; the notice will include the reasons for the denial in a format that can be utilized by the applicant and the following procedures which may be utilized to appeal the decision:~~

- ~~1. The appeal shall be taken by filing written notice of the appeal with the City Recorder within sixty (60) days after the denial.~~
- ~~2. Upon the filling of the appeal, the City Recorder shall forthwith refer a copy of the same to a review committee appointed by City Council. The review committee shall consist of member(s) of City Council, city staff and citizens of Park City.~~
- ~~3. Upon receipt of the referral from the City Recorder, the review committee shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for denial.~~
- ~~4. The individual deemed ineligible shall be entitled to appear in person, to be represented by an individual of their choice which may or not be a lawyer and might appropriately include an independent living or rehabilitation counselor, or other professional.~~
- ~~5. To be afforded the necessary support (sign language interpreter), to have a public hearing, to confront the witness whose testimony is to be considered, and to examine the evidence to be considered by the review committee.~~
- ~~6. The review committee will then have fourteen (14) days to uphold or refuse the denial of eligibility.~~

~~During the seventy four (74) day appeal process, service may be denied while the appeal is being heard. If, however, the appeal has not been decided within thirty (30) days presumptive eligibility applies until the final decision is reached.~~

1. A Complaint must be filed within thirty (30) calendar days of the alleged wrong doing with the Park City Municipal Corporation Legal Department. Any individual needing assistance with writing the Complaint, may ask the Legal Department for such assistance.
2. The Complaint shall be forwarded to the ADA Officer, who shall be appointed by the City Manager. The ADA Officer shall investigate the

Complaint and prepare a written response, including any remedial or enforcement action, within thirty (30) calendar days and forward the response to the Complainant and Assistant Public Works Director.

3. Board Appeal Level:

In all cases where the Complainant or Assistant Public Works Director disagrees with a decision of the ADA Officer, the Complainant or Assistant Public Works Director may appeal the decision of the ADA Officer to the Appeals Board.

The appeal shall be taken by filing written notice of the appeal with the City Recorder within ten (10) calendar days after the decision of the ADA Officer. Upon the filing of the appeal, the ADA Appeals Board shall commence its investigation, take and receive evidence, and fully hear and determine the matter. The Complainant and Assistant Public Works Director shall be entitled to appear in person and to be represented by counsel, to have a hearing, to confront the witness whose testimony is to be considered, and to examine the evidence to be considered by the appeals board. The ADA Appeals Board's decision shall be made to the Complainant and the Assistant Public Works Director in writing.

State and Federal Appeals Process:

In The event the ADA Appeals Board upholds the ADA Officer's decision, the Complainant may file the Complaint with the Utah Department of Transportation, the Federal Department of Transportation, or the Federal Transit Administration Offices.

There are certain circumstances under which an individual, otherwise eligible for ADA paratransit services, may be denied those services, these circumstances are:

- A person whose behavior threatens or has threatened the safety of paratransit personnel or other customers,
- Persons who demonstrate a consistent pattern of missing scheduled paratransit trips, "no-shows", may lose their eligibility. ~~for a period of one week.~~

Such temporary suspensions of eligibility, as well as permanent loss of eligibility because of violent or threatening behavior, may be appealed through the above appeals process. In the case of temporary suspension due to "no-shows", suspension of service will not begin until the appeals process is complete.

7. SUSPENSION OF SERVICE/NO-SHOW POLICY

- ~~The number and frequency of no shows that will justify a suspension of service is five (5) times in one week;~~
- ~~Riders must give 30 minutes advance notice of any trip cancellation;~~
- ~~For repeated no shows that service would be suspended for a period of one week;~~
- ~~As the service is no fare there are no charges for cancellations and/or no shows; and~~

~~Individuals will be notified by phone and in writing of suspension of service, the basis of the suspension, sanctions that will be imposed and the appeal process to over turn the suspension and an opportunity to present information and arguments.~~

PCT will suspend the provision of service to ADA paratransit eligible individuals who establish a pattern or practice of missing scheduled trips. A "no-show" will be added to your record when the following situations occur:

- Not being at the scheduled pick-up point within 5 minutes after the bus arrives.
- Canceling a ride less than 90 minutes before the scheduled pick-up time.
- Not canceling a scheduled pick-up time.
- Choosing not to ride after the vehicle arrives for the pick up.

When a no-show occurs, the PCT vehicle operator will notify the PCT dispatcher. A notation will be made on the individual's database record. If another no-show occurs within a 30-day period, PCT will put the individual on a six-month probation. PCT staff will mail a letter to the individual explaining that the individual's ADA paratransit eligibility has been placed on probation, and will attempt to identify ways to avoid further sanctions.

If, during the probation period, the person has 3 more no shows, the individual will be notified by Registered Mail that their ADA paratransit eligibility has been suspended. Eligibility will be suspended for one week for the first violation. If second and subsequent violations occur during this probationary period the individual will be suspended for two months. If more than one year elapses between any two stages of violation, the progression of suspensions would start from the first step.

The suspension of service will become effective 7 days from the date the Registered letter of notification is mailed in order to allow the individual to appeal the suspension.

The notification of suspension will include the specific reasons for the suspension. The rider will have fifteen days from the receipt of the letter to appeal the suspension decision by following the appeal process described in the letter. If an appeal is requested, it will be scheduled for ADA Appeals Board review within 30 days of the request, and the suspension of service will be delayed until the appeal is heard. If the no-shows are determined not to be the fault of the individual, service eligibility will be restored. Individuals will be notified by certified letter of the decision regarding the

appeal within seven days of the ADA Appeals Board meeting and this notification will state the new date on which the suspension, if up-held, will begin.

The individual requesting the appeal may bring other persons to represent him/her including a lawyer, independent living or rehabilitation counselor or other professional to testify on his/her behalf. A sign interpreter will be provided if requested, and an attempt will be made to provide language interpreters.

7. VISITORS

Visitors to our service district may be asked for certification of eligibility from their resident service district. If an individual does not have certification from their resident service district but makes a claim of eligibility, the claim will be honored on a presumption of eligibility. If the visitor has no certification of eligibility and their length of stay exceeds 21 days, we may require the individual to obtain local certification.

9. SERVICE AREA

- ~~a. Service Area — complementary Paratransit service is currently provided to all origins and destinations on the roadways in the service area which is within Park City, city limits with no consideration of the fixed route corridors as the service area exceeds the required width of the corridors.~~

PCT's paratransit service area shall include all areas within $\frac{3}{4}$ mile of any PCT fixed bus route that is operated by PCT.

10. RESPONSE TIME

- ~~b. Response Time — Users call every morning for that days service on the times they request. Although discouraged, they can also call during the day for any unscheduled trip they may need to take. They are also allowed to make advance reservation for any future days and times when service is provided.~~

~~Before and after the normal service hours (9:00 and to 5:00 pm Mondays through Friday s) including Saturdays, Sundays and Holidays, service will only be provided to certified ADA persons who will be required to make next day reservations by calling 645-5122.~~

~~The telephone system is equipped with "Voice Mail" which allows users to make trip reservations for service during the service period any day of the week or hours of the day.~~

PCT will schedule and provide paratransit service to any ADA paratransit eligible person at any requested time PCT's fixed-route buses are in operation on a particular day in response to a request for service made the previous service day and up to 7 days in advance. Reservation agents will take reservations from 8:00 a.m. to 5:00 p.m. on Monday through Friday, and by mechanical means on Saturday and Sunday from 8:00 a.m. until 5:00 p.m. for Sunday and Monday trips only.

PCT will make an effort to schedule rides for ADA eligible persons at the requested time however, rides may be scheduled within one hour before or after the requested time. PCT is considered on time if the vehicle arrives at the scheduled pick-up point between 15 minutes before or 15 minutes after the scheduled time. PCT will wait up to 5 minutes for the scheduled rider to board.

11. ADDITIONAL SERVICES

Same- Day Service-

~~Response Time — Users call every morning for that days service on the times they request. Although discouraged, they can also call during the day for any unscheduled trip they may need to take. They are also allowed to make advance reservation for any future days and times when service is provided.~~

~~Before and after the normal service hours (9:00 and to 5:00 pm Mondays through Friday) including Saturdays, Sundays and Holidays, service will only be provided to certified ADA persons who will be required to make next day reservations by calling 645-5122.~~

From 8:00 a.m. to 5:00 p.m., Monday through Friday, PCT paratransit drivers can be reached on a cell phone to arrange same-day rides. This service is available only for same-day rides that occur between 8:00 a.m. and 5:00 p.m. Monday through Friday and are only on a space/time available basis, for the convenience of eligible riders.

Subscription Service —

Subscription service is the provision of repetitive trips over an extended period of time. PCT will allow ADA eligible riders to schedule rides for up to a 6-month period. However, PCT will not schedule in a subscription context more than fifty percent of the possible/potential trips during any two-hour window.

PARK CITY TRANSIT DEPARTMENT

SENIOR MOBILITY PROGRAM POLICIES & PROCEDURES

DRAFT – November 25, 2003

1. PURPOSE

Park City Council has directed Park City Transit (PCT) to make available many of the transit services provided to disabled individuals as required under the Americans with Disabilities Act (ADA) to those Park City residents 65 years older, providing that PCT's compliance with its ADA Policies & Procedures is not jeopardized.

2. TRANSPORTATION FACILITY AND VEHICLE ACCESSIBILITY

PCT will construct any new facility to be used in providing designated public transportation services so that the facility is readily accessible to and usable by individuals with disabilities. PCT will also ensure that all vehicles procured or leased will be readily accessible to and usable by individuals with disabilities.

3. PARATRANSIT SENIOR MOBILITY SERVICE AS A COMPLEMENT TO FIXED-ROUTE SERVICE

~~Complementary Paratransit service will be available the same days and hours of our winter and summer fixed route services, but will ONLY be made available to certified ADA individuals.~~

PCT shall provide Park City residents 65 years or older paratransit service to individuals with disabilities that is comparable similar to the level of service provided to individuals without disabilities who are unable to use the fixed-route service.

4. TYPE OF ADA PARATRANSIT SERVICE

PCT paratransit Senior Mobility service is a door-to-door service. Drivers may assist passengers to and from their residence and/or destination point. ~~Drivers may not enter a residence and/or business or perform any chore service for the rider.~~ No PCT vehicle operator will enter a private residence or a public facility in order to provide this service. PCT vehicle operators will assist ADA paratransit eligible individuals in boarding and disembarking PCT vehicles, and will assist with that cargo (e.g., baggage, bags of groceries, etc.) that may be reasonably carried aboard by one person.

5. ELEGIBILITY STANDARDS

Eligible complementary Paratransit services will be available to all individuals that due to their age and/or disability:

- Are 55 years of older
- Can use an accessible fixed route vehicle, but the trip cannot be made due to the fixed route service they need to use is not yet accessible.
- Who use wheelchairs, walkers or braces and others whose disabilities prevent them from utilizing an inaccessible vehicle
- Who because of their disability cannot board, ride and/or disembark from an accessible vehicle without operator assistance
- Who have impairment related conditions that prevent them from getting to or from a disembarking location
- Inability to recognize the destination and disembark
- The paths of travel between lines or modes are not accessible
- Have been certified ADA eligible by another transit provider
- A person traveling as a companion with a person deemed ADA eligible

The following individuals will be considered ADA paratransit **Senior Mobility** eligible:

Those individuals residing within the Park City limits who are 65 years or older.

Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the fixed route system which is readily accessible to and usable by individuals with disabilities;

Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route on the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route (e.g., when a lift is inoperable on the fixed route system); and/or

Any individual with a disability who has a specific impairment related condition that prevents the individual from traveling to a boarding location or from a disembarking location of the fixed route service.

Attendant policies—We have no restrictions in our operating policies that restrict personal care attendants

One other individual accompanying an ADA paratransit a Senior Mobility eligible individual will be provided service if 1) the accompanying individual is acting as a personal assistant; 2) is a family member or friend.

In order to be considered as "accompanying" the eligible individual for purposes of this Policy, the other individuals will have the same origin and destination as the eligible individual.

6. ELIGIBILITY DETERMINATION PROCESS

Determination of eligibility will be based on individuals age, functional impairment and/or disability in accordance with the following chart and will be documented accordingly in each individuals personal files to assure that proper aids and assistance is afforded. Park City will only issue eligibility cards to those individuals who are ADA eligible as defined in Section 37.123.

Individuals will be notified in writing of determination of eligibility also, if requested, in person, by phone, mail or in any other appropriate medium.

System and Timetable:

Applications for "Certification of Eligibility" can be requested by phone 645-5128; mail PO Box 1480, Park City, UT 84060 or in person by contacting the Transportation Officials in their office located at #10 Ironhorse Drive, Park City, Utah.

All information about the eligibility process, materials necessary to apply for eligibility, and notices and determinations concerning eligibility will be made available in accessible formats. If a request for a format not currently offered by the PCT is made, PCT staff will work with local accessibility groups to produce the requested media.

Determination will be made on the eligibility within 21 days of receipt of the application. Until the determination process is completed individuals will be assumed eligible.

Documentation:

Only persons who are ADA eligible as defined in Section 37.123 will be provided with a laminated ADA paratransit identification card with name and photograph of the individual, name of certifying transit provider (Park City Transit), telephone number of the paratransit coordinator, expiration date if appropriate and any conditions or limitations on eligibility, also, if travel with a personal care attendant is required.

Applications must include proof of age and proof of residency within the city limits of Park City.

~~PCT staff will review completed applications and determine eligibility. PCT may utilize a third party physician or physical therapist to assist in eligibility determinations. If, by a date twenty one (21) calendar days following submission of a complete application, PCT staff has not made a determination of eligibility, the applicant will be treated as eligible and provided service until and unless PCT denies the application.~~

~~PCT's determination concerning eligibility will be in writing. If the determination is that the individual is ineligible, the determination will state the reason(s) for the finding.~~

~~PCT may require re-certification of the eligibility of ADA paratransit eligible individuals at reasonable intervals, or as needed.~~

~~Administrative Appeals Process:~~

~~Because ADA paratransit eligibility is established as a civil right, Park City Municipal Corporation as the transit provider has a special obligation to ensure that the following "due process" is observed.~~

~~Any decision to deny ADA eligibility will be reviewed by the Director of Transportation who is familiar with the requirements of the ADA.~~

~~If the decision to deny is confirmed; a notice of denial will be sent to the individual; the notice will include the reasons for the denial in a format that can be utilized by the applicant and the following procedures which may be utilized to appeal the decision:~~

- ~~7. The appeal shall be taken by filing written notice of the appeal with the City Recorder within sixty (60) days after the denial.~~
- ~~8. Upon the filing of the appeal, the City Recorder shall forthwith refer a copy of the same to a review committee appointed by City Council. The review committee shall consist of member(s) of City Council, city staff and citizens of Park City.~~
- ~~9. Upon receipt of the referral from the City Recorder, the review committee shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter which relates to the cause for denial.~~
- ~~10. The individual deemed ineligible shall be entitled to appear in person, to be represented by an individual of their choice which may or not be a lawyer and might appropriately include an independent living or rehabilitation counselor, or other professional.~~
- ~~11. To be afforded the necessary support (sign language interpreter), to have a public hearing, to confront the witness whose testimony is to be considered, and to examine the evidence to be considered by the review committee.~~
- ~~12. The review committee will then have fourteen (14) days to uphold or refuse the denial of eligibility.~~

~~During the seventy four (74) day appeal process, service may be denied while the appeal is being heard. If, however, the appeal has not been decided within thirty (30) days presumptive eligibility applies until the final decision is reached.~~

~~4. A Complaint must be filed within thirty (30) calendar days of the alleged wrong doing with the Park City Municipal Corporation Legal Department. Any individual needing assistance with writing the Complaint, may ask the Legal Department for such assistance.~~

~~5. The Complaint shall be forwarded to the ADA Officer, who shall be appointed by the City Manager. The ADA Officer shall investigate the Complaint and prepare a written response, including any remedial or enforcement action, within thirty (30) calendar days and forward the response to the Complainant and Assistant Public Works Director.~~

~~6. Board Appeal Level:~~

~~In all cases where the Complainant or Assistant Public Works Director disagrees with a decision of the ADA Officer, the Complainant or Assistant Public Works Director may appeal the decision of the ADA Officer to the Appeals Board.~~

~~The appeal shall be taken by filing written notice of the appeal with the City Recorder within ten (10) calendar days after the decision of the ADA Officer. Upon the filing of the appeal, the ADA Appeals Board shall commence its investigation, take and receive evidence, and fully hear and determine the matter. The Complainant and Assistant Public Works Director shall be entitled to appear in person and to be represented by counsel, to have a hearing, to confront the witness whose testimony is to be considered, and to examine the evidence to be considered by the appeals board. The ADA Appeals Board's decision shall be made to the Complainant and the Assistant Public Works Director in writing.~~

~~State and Federal Appeals Process:~~

~~In The event the ADA Appeals Board upholds the ADA Officer's decision, the Complainant may file the Complaint with the Utah Department of Transportation, the Federal Department of Transportation, or the Federal Transit Administration Offices.~~

~~There are certain circumstances under which an individual, otherwise eligible for Senior Mobility ADA paratransit services, may be denied those services, these circumstances are:~~

- ~~• A person whose behavior threatens or has threatened the safety of paratransit personnel or other customers,~~
- ~~• Persons who demonstrate a consistent pattern of missing scheduled paratransit trips, "no-shows", may lose their eligibility. for a period of one week.~~

Such temporary suspensions of eligibility, as well as permanent loss of eligibility because of violent or threatening behavior, may be appealed through the above appeals process that will be described in the notice of suspension of service. In the case of temporary suspension due to "no-shows", suspension of service will not begin until the appeals process is complete.

7. SUSPENSION OF SERVICE/NO-SHOW POLICY

- ~~• The number and frequency of no shows that will justify a suspension of service is five (5) times in one week;~~
- ~~• Riders must give 30 minutes advance notice of any trip cancellation;~~
- ~~• For repeated no shows that service would be suspended for a period of one week;~~
- ~~• As the service is no fare there are no charges for cancellations and/or no shows; and~~

~~Individuals will be notified by phone and in writing of suspension of service, the basis of the suspension, sanctions that will be imposed and the appeal process to over turn the suspension and an opportunity to present information and arguments.~~

PCT will suspend the provision of service to **Senior Mobility** ADA paratransit eligible individuals who establish a pattern or practice of missing scheduled trips. A "no-show" will be added to your record when the following situations occur:

- Not being at the scheduled pick-up point within 5 minutes after the bus arrives.
- Canceling a ride less than 90 minutes before the scheduled pick-up time.
- Not canceling a scheduled pick-up time.
- Choosing not to ride after the vehicle arrives for the pick up.

When a no-show occurs, the PCT vehicle operator will notify the PCT dispatcher. A notation will be made on the individual's database record. If another no-show occurs within a 30-day period, PCT will put the individual on a six-month probation. PCT staff will mail a letter to the individual explaining that the individual's **Senior Mobility** ADA paratransit eligibility has been placed on probation, and will attempt to identify ways to avoid further sanctions.

If, during the probation period, the person has 3 more no shows, the individual will be notified by Registered Mail that their **Senior Mobility** ADA paratransit eligibility has been suspended. Eligibility will be suspended for one week for the first violation. If second and subsequent violations occur during this probationary period the individual will be suspended for two months. If more than one year elapses between any two stages of violation, the progression of suspensions would start from the first step.

The suspension of service will become effective 7 days from the date the Registered letter of notification is mailed in order to allow the individual to appeal the suspension. The notification of suspension will include the specific reasons for the suspension. The rider will have fifteen days from the receipt of the letter to appeal the suspension decision by following the appeal process described in the letter. If an appeal is requested, it will be scheduled for ADA Appeals Board review within 30 days of the request, and the suspension of service will be delayed until the appeal is heard. If the no-shows are determined not to be the fault of the individual, service eligibility will be restored. Individuals will be notified by certified letter of the decision regarding the appeal within seven days of the ADA Appeals Board meeting and this notification will state the new date on which the suspension, if up-held, will begin.

The individual requesting the appeal may bring other persons to represent him/her including a lawyer, independent living or rehabilitation counselor or other professional to testify on his/her behalf. A sign interpreter will be provided if requested, and an attempt will be made to provide language interpreters.

7. VISITORS

Visitors to our service district may be asked for certification of eligibility, ~~from their resident service district. If an individual does not have certification from their resident service district but makes a claim of eligibility, the claim will be honored on a presumption of eligibility.~~ If the visitor has no certification of **residency eligibility** and their length of stay exceeds 21 days, we may require the individual to obtain **proof of Park City residency**. ~~local certification.~~

8. SERVICE AREA

- ~~c. Service Area — complementary Paratransit service is currently provided to all origins and destinations on the roadways in the service area which is within Park City, city limits with no consideration of the fixed route corridors as the service area exceeds the required width of the corridors.~~

PCT's paratransit **Senior Mobility** service area shall include all areas within ¾ mile of any PCT fixed bus route that is operated by PCT.

10. RESPONSE TIME

- ~~d. Response Time — Users call every morning for that days service on the times they request. Although discouraged, they can also call during the day for any unscheduled trip they may need to take. They are also allowed to make advance reservation for any future days and times when service is provided.~~

~~Before and after the normal service hours (9:00 and to 5:00 pm Mondays through Friday s) including Saturdays, Sundays and Holidays, service will only be provided to certified ADA persons who will be required to make next day reservations by calling 645-5122.~~

~~The telephone system is equipped with "Voice Mail" which allows users to make trip reservations for service during the service period any day of the week or hours of the day.~~

PCT will schedule and provide paratransit service to any **Senior Mobility** ADA paratransit eligible person at any requested time PCT's fixed-route buses are in operation on a particular day in response to a request for service made the previous service day and up to 7 days in advance on a space/time available basis. Reservation agents will take reservations from 8:00 a.m. to 5:00 p.m. on Monday through Friday, and by mechanical means on Saturday and Sunday from 8:00 a.m. until 5:00 p.m. for Sunday and Monday trips only.

PCT will make an effort to schedule rides for **Senior Mobility** ADA eligible persons at, or as near as possible to the requested time, however, rides may be scheduled within one hour before or after the requested time. PCT is considered on time if the vehicle arrives at the scheduled pick-up point between 15 minutes before or 15 minutes after the scheduled time. PCT will wait up to 5 minutes for the scheduled rider to board.

11. ADDITIONAL SERVICES

Same- Day Service-

~~Response Time— Users call every morning for that days service on the times they request. Although discouraged, they can also call during the day for any unscheduled trip they may need to take. They are also allowed to make advance reservation for any future days and times when service is provided.~~

~~Before and after the normal service hours (9:00 and to 5:00 pm Mondays through Friday) including Saturdays, Sundays and Holidays, service will only be provided to certified ADA persons who will be required to make next day reservations by calling 645-5122.~~

From 8:00 a.m. to 5:00 p.m., Monday through Friday, PCT paratransit/**Senior Mobility** drivers can be reached on a cell phone to arrange same-day rides. This service is available only for same-day rides that occur between 8:00 a.m. and 5:00 p.m. Monday through Friday and are only on a space/time available basis, for the convenience of eligible riders.

Subscription Service –

Subscription service is the provision of repetitive trips over an extended period of time. PCT will allow ADA Senior Mobility eligible riders to schedule rides for up to a 6-month period. However, PCT will not schedule in a subscription context more than fifty percent of the possible/potential trips during any two hour window. These rides are subject to rescheduling or cancellation if required for PCT to remain in compliance with its ADA Policies & Procedures.

City Council Staff Report

Author: Kent Cashel, Asst Pub. Wks Dir.
Eric Nasset, Transportation Manager
Subject: ADA PARA-TRANSIT PROGRAM
AMMENDMENTS
Date: November 20th, 2003
Type of Item: Discussion



Public Works Department

Summary Recommendations:

The Mayor and City Council should review and comment on proposed changes to the City's current ADA Para-transit program. Staff will return on December 4th with draft revisions to the current para-transit program and a public hearing should be held on that date. Staff will prepare a final ADA Para-transit program and request Council adopt that program at the December 11th City Council meeting.

Background:

The American with Disabilities Act (ADA) requires any entity that provides public transportation to also provide a complementary para-transit service to individuals that meet eligibility criteria defined in the act.

The ADA requires that para-transit service provide(at a minimum):

1. Curb-to-curb service must operate the same hours as fixed route service.
2. Service must be provided to any ADA eligible individual that resides within ¾ mile of any fixed route operated by the transit provider.
3. Service area must include all areas within ¾ mile of any fixed route operated by the transit provider.
4. The program must allow individuals to schedule next-day trips (within one hour before or after their requested time). Recent court cases have interpreted denial of any trip within this one-hour time frame a violation of the regulations.

Eligibility requirements included in the ADA:

1. Any individual who as a result of a specific physical or mental impairment is unable to independently ride or disembark from an accessible fixed route vehicle.
2. Any individual who as a result of a specific mental or physical impairment cannot independently travel to or from a bus stop on a regularly scheduled route.

Although it is not required by the ADA the City's current program includes anyone 65 years of age or older (Seniors) in its eligibility criteria. The ADA does not restrict public transit providers from expanding the eligibility requirements for para-transit service. However, if a program includes expanded eligibility criteria (e.g., Seniors) this inclusion must not result in untimely pick-ups, trip denials, missed trips or excessive trip lengths for individuals meeting ADA eligibility requirements.

Park City Transit currently operates its para-transit service using one full time bus driver, and one para-transit bus. To control costs weekend and evening hours service is provided utilizing supervisors or on-call drivers. Para-transit service is provided to, and paid for by, Summit County under an inter-local agreement. Summit County is responsible for Seniors transit needs for County residents. However, under the current para-transit program all County Seniors qualify using the age based qualification criteria.

Seventy-three individuals are currently certified to utilize the City's para-transit program. Fifty-nine (80%) of the certified riders have qualified under the current age criteria (65 years or older). A sample of recent trip logs indicate that Seniors account for approximately 85% of the approx. 3500 annual rides provided by Park City's para-transit service.

The Transit Development Plan adopted by Council on October 30th of 2003 recommended considering the removal of the age based eligibility requirement from Park City's ADA program.

Analysis:

The inclusion of an age based eligibility criteria within the City's para-transit program significantly increases the likelihood that current capacity will be unable to service all requests within the 1 hour time frame required by the ADA during peak times. This exposure will become more acute as the City begins to provide service deeper into Summit County and travel distances become greater. For example, one trip to and from the Silver Lake area to Pinebrook can take 50-60 minutes to service depending on traffic and road conditions.

It is important to note that Summit County pays a portion of the para-transit programs operating expenses based upon ridership generated by County residents. However, Park City residents generate a large portion of all para-transit trips in Summit County.

A cost-effective approach to maintain ADA compliance (while still providing a rich level of service to Park City's Seniors) is to remove the current age eligibility criteria from the City's para-transit program. This would be accomplished by creating two separate programs (ADA para-transit and the Seniors Mobility program). The same vehicle and driver would serve both of these programs until service demands require additional resources.

The table below details key elements of the current and recommended programs. This table provides a quick view of service changes Staff is recommending.

The table shows that the only service change for Park City Seniors is that reservations will be guaranteed only on a space available basis. (i.e., outside the one-hour window required under the ADA if necessary).

	ADA Para-Transit Requirements	Current Para-Transit Program	Recommended Para-Transit Program	Recommended Seniors Mobility Program
Eligibility	Any individual with a physical or mental impairment that restricts their ability to travel to and from bus stops or to board, ride and disembark traditional fixed route service.	- ADA eligibility requirements -Any individual within the service area 65 years of age or older.	- ADA eligibility requirements.	-Any Park City resident 65 years or older.
Service Hours	Same as fixed route service.	Same as fixed route service.	No Change	No Change
Service Area	All areas within ¾ mile of any fixed-route service.	All areas within ¾ mile of any fixed-route service.	No Change	No Change
Service Characteristics	Door to Door or Curb to Curb	Door to Door	No Change	No Change
Next-day reservations	Required	Guaranteed	No Change	Ride provided as close to requested time as space allows.
Same day reservations	Not required	On Space Available Basis (Mon-Fri)	No Change	No Change
Allowable variance from requested reservation	Ride must be provided within one hour before or after requested time	Ride must be provided within one hour before or after requested time	No Change	Ride provided as close to requested time as space allows.

The development of two programs (Seniors and ADA para-transit) will enable the City to continue to adhere to ADA requirements and control costs with minimal, if any, impact to Park City's Senior's mobility needs. These changes while minor in nature will provide Staff with much more flexibility in managing peak loads while limiting the need to add additional equipment and drivers.

It is important to note that those Seniors that have a physical or cognitive condition that prevents them from being able to ride fixed-route service will be eligible to re-certify under the revised ADA para-transit program and will experience no-change in service. Staff anticipates that this will have little if any impact on Senior riders. However, Staff will record and monitor the number of service requests that cannot be served within one-hour of requested reservation time and will take appropriate action if these numbers become significant.

If Council should agree to the separation of the ADA para-transit and Seniors transportation programs Staff will prepare draft program plans and return to Council with those on draft plans on December 4th.

Department Review:

The City Manager's Office, The City Attorney's Office and Public Works have reviewed this report.

Alternatives:

Approve the Request:

The Mayor and City Council should review and comment on proposed changes to the City's current ADA Para-transit program. This is Staff's recommendation.

Deny the Request:

The Mayor and City Council could direct Staff to make no changes to the City's current ADA Para-Transit program. Staff does not recommend this alternative.

Continue the Item:

The Mayor and City Council could continue this item. Staff does not recommend this alternative.

Do Nothing:

The Mayor and City Council could continue this item. Staff does not recommend this alternative.

Significant Impacts:

Creating two separate programs for Seniors and ADA eligible riders will mitigate the City's exposure to violating the no trip denial provision of the ADA. However, it may not delay or eliminate the need for additional drivers and equipment to provide both services. This uncertainty exists as many riders currently certified using the age requirement may also be eligible under ADA defined eligibility criteria. The cost savings of these changes will only be clearly known after current riders are required to re-certify under the new program criteria.

Consequences of not taking the recommended action:

If Council should choose to not take the recommended action the City will continue to be exposed to violating ADA requirements. Staff will likely need to include a budget request for an additional vehicle and drivers as part of the 2004 budget process (approx. \$55,000 for a vehicle and \$75,000 annual operating costs).

Recommendation:

The Mayor and City Council should review and comment on proposed changes to the City's current ADA Para-transit program. Staff will return on December 4th with draft revisions to the current para-transit program and a public hearing should be held on that date. Staff will prepare a final ADA Para-transit program and request Council adopt that program at the December 11th City Council meeting.

City Council Staff Report



Author: Alison Butz
Subject: Moose on the Loose
Date: December 4, 2003
Type of Item: Administrative –

Special Events and Facilities
Department
Master Festival License Application, including street closure
of Heber Avenue between Park Avenue and Main Street

Summary Recommendations:

Review the Master Festival License application, conduct a public hearing, and consider approving the license for Moose on the Loose, as conditioned, on December 26 through December 29, 2003, on Heber Avenue.

Description:

Topic:

Moose on the Loose is a fundraiser benefiting the Park City Performing Arts Foundation, Kimball Art Center and Egyptian Theater. Twenty-two life-sized moose will be placed on Heber Avenue from December 26th through the 29th for display and an auction.

Background:

As part of the Moose on the Loose program, the Moose will be auctioned on December 27, 2003. The applicants have requested the street closure of Heber Avenue between Park Avenue and Main Street from noon on December 26th through noon on December 29th.

The evening of December 26th the Kimball Art Center will have their gallery stroll. From 6:00pm through 9:00pm the gallery stroll will take place on Main Street. Heber Avenue will be programmed with music, volunteers will be there to explain the program and the moose, and concessions will be sold.

On December 27th the activities will continue with the volunteer and concession until 4:00pm when the street will be closed to pedestrians to allow for the preparation of the auction. The auction will take place from 7:00pm through 10:00pm and the street will reopen to pedestrians at 10:15pm. A majority of the auction activities will take place within the associated businesses including the Kimball Art Center and Mercato Mediterraneo Restaurant.

On Sunday, December 28th the volunteers will again be present and concessions will be sold. Beginning Monday morning the Moose will be moved and Heber Avenue will be reopened.

Analysis:

The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions or deny the applications. The Moose on the Loose is being reviewed as a new application. This event is being reviewed as a Master Festival due to the fact that portions of it will occur on public property.

Event Schedule:

Listed below is the general outline of events associated with Moose on the Loose.

Friday, December 26	12:00 pm	Heber Avenue Closed
	6:00 pm – 9:00pm	Gallery Stroll and Moose Display
Saturday, December 27	11:00 am - 4:00pm	Moose Display and Activities
	4:00 pm	Heber Avenue Closed to Pedestrians
	7:00 pm - 10:00pm	Auction of the Moose/Ticket Holders
	10:15pm	Heber Avenue Open for Pedestrians
Sunday, December 28	11:00am - 7:00pm	Moose Display and Activities
Monday, December 29	12:00pm	Heber Avenue Opened

Parking and Traffic

Parking for the events and activities will occur within the existing parking available for Main Street. With Park Avenue traffic one-way north in the winter, signs will be placed at both the intersection of Park Avenue and 9th Street and Park Avenue and 7th Street directing Main Street traffic to turn left. Signs will also be placed at each location announcing that Park Avenue businesses are open.

Moose Display and Activities

As part of the event, there will be times where concessions will be sold in associated with activities programmed for Heber Avenue. Music and volunteers are planned to enhance the display of the moose.

Auction

The auction of the Moose is a private event closed to the public, and will run from 7:00pm until 10:00pm. At that time no pedestrian access, other than ticket holders for the event, will be allowed on Heber Avenue. Volunteers will be placed at the entrances to provide information and direct pedestrians to alternate routes to access Park Avenue. All businesses within the closure are participating in the event.

The Lower Main Street merchants have been approached regarding the duration of the closure. At this time Staff has received no negative comments regarding this event from the merchants.

Security

Since the moose will be on display on Heber Avenue from Friday through Monday, the event organizers will hire private security to monitor the herd.

Department Review:

The Moose on the Loose program has been reviewed all applicable City departments.

ALTERNATIVES

- A. Approve the Master Festival License, as conditioned by staff, allowing Moose on the Loose from December 26 through December 29, 2003, on Heber Avenue.
- B. Modify the parameters of the event and approve the Master Festival License allowing Moose on the Loose from December 26 through December 29, 2003 on Heber Avenue.
- C. Deny the Master Festival License, thereby preventing Moose on the Loose from December 26 through December 29, 2003, on Heber Avenue.
- D. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends approval of the Master Festival License for Moose on the Loose from December 26 through December 29, 2003 based on the following:

Findings of Fact:

1. The Moose on the Loose from December 26 through December 29, 2003 on Heber Avenue. The events include music, concessions and auction.
2. The event occurs for a significant duration, which will spread out the attendees allowing the impacts from the event to be limited. The closure of Heber Avenue for the event will be kept for three days and monitoring of those areas closed will occur. The conduct of Moose on the Loose will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The applicant is working with a private security company to provide security for the venue through the evening. The presence of the private security will reduce the number of Police Officers needed to monitor the event. The Moose on the Loose events will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The events associated with the Master Festival a spread out over three days. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival Licenses have been approved for this timeframe. Therefore Moose on the Loose will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
6. The organizer is providing sanitation, security, and adequate insurance for the event.

7. With the security provisions proposed the events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses. The Mass Gathering Permit for this event has been approved by Summit County.
10. The applicant shows significant reasons, such as the nature of the races as an event which promotes Park City as a Winter destination as well as maintains Park City's status as a World Class Resort, for a partial waiver of all City Services fees.
11. The Moose on the Loose events are consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintain its status as a World Class Resort which hosts such events as this.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review.
2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.
5. All signs shall be reviewed and approved by the Special Events Department and shall comply with Title 12 of the Municipal Code.

Exhibits

Exhibit A - Approval Document



MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License: ☐ Special Event ☒ Master Festival
Event Name: **Moose on the Loose**
Event Date(s): **December 26 through December 29, 2003**
Event Location: **Heber Avenue**
Licensee: **Park City Performing Arts Foundation**
Contact Person: **Teri Orr**
Approved By: ☐ Special Events Manager ☒ City Council of Park City
Approval Date: **December 4, 2003**

The City Council has approved the Master Festival License for Moose on the Loose from December 26 through December 29, 2003. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Moose on the Loose from December 26 through December 29, 2003 on Heber Avenue. The events include music, concessions and auction.
2. The event occurs for a significant duration, which will spread out the attendees allowing the impacts from the event to be limited. The closure of Heber Avenue for the event will be kept for three days and monitoring of those areas closed will occur. The conduct of Moose on the Loose will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The applicant is working with a private security company to provide security for the venue through the evening. The presence of the private security will reduce the number of Police Officers needed to monitor the event. The Moose on the Loose events will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The events associated with the Master Festival a spread out over three days. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival Licenses have been approved for this timeframe. Therefore Moose on the Loose will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.

6. The organizer is providing sanitation, security, and adequate insurance for the event.
7. With the security provisions proposed the events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses. The Mass Gathering Permit for this event has been approved by Summit County.
10. The applicant shows significant reasons, such as the nature of the races as an event which promotes Park City as a Winter destination as well as maintains Park City's status as a World Class Resort, for a partial waiver of all City Services fees.
11. The Moose on the Loose events are consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintain its status as a World Class Resort which hosts such events as this.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review.
2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.
5. All signs shall be reviewed and approved by the Special Events Department and shall comply with Title 12 of the Municipal Code.

PASSED AND APPROVED this 4th day of December, 2003.

City Council Staff Report



Author: Alison Butz
Subject: Village at the Lift - MFL
Date: December 4, 2003
Type of Item: Administrative –
Special Events License Application

Special Events and Facilities
Department

Summary Recommendations:

Review and deny the appeal of the condition prohibiting the display or parking of vehicles on the upper plaza or Main Street entrance and that all signs be reviewed and approved by the Special Events Department and shall comply with Title 12 of the Municipal Code, for the Special Events License application for the Village at the Lift event from January 15 through January 25, 2004.

Description:

Topic:

Special Events License Application for the Village at the Lift event from January 15 through January 25, 2004.

Background:

Staff has reviewed the application and has given approval for the location of the tent and activities within. However, Staff has conditioned the approval to not allow the ability to park and display a vehicle on both the upper plaza and on the Main Street level entrance plaza. The applicant has appealed Staff's determination that the display of a vehicle on the upper deck and outside the Main Street Level entrance.

Staff has denied this component of the request for several reasons. First, it is not allowed under City Code. Second, the display of the vehicle is an ambush marketing activity during the City's largest event, the Sundance Film Festival. Third, the vehicle display undermines the Master Festival License process and will likely allow other businesses to further erode the Master Festival License process. Fourth, the vehicle display is for a private party and proceeds are not used to mitigate public obligations (transit and public safety), as is the case for Master Festival Licenses.

Staff is concerned that by reversing Staff's conditions on the Special Event permit will detract from accomplishing Council's Goal to become a World Class Resort Community as Master Festivals are a principle way of attracting events and promoting cultural tourism.

On October 30th, Council reviewed the request to uphold Staff's condition and deny the appeal of the Special Event License. Please refer to Exhibit D, October 30, 2003 staff report. Since the Code did not give Council the ability to approve a condition contrary to existing code Staff was directed to present the Planning Commission with a modification to the Sign Code allowing for the display of vehicles for both Master Festival Licenses and Special Event Licenses.

At the November 12, 2003 Planning Commission meeting the Planning Commissioners discussed the proposed amendment to the sign code. At that time a majority of the Planning Commission seemed inclined to not allow the vehicle displays for Special Events. Please refer to Exhibit E. The Planning Commissioners voted to continue the item to the December 10th meeting allowing Staff time to gather information on the overall impacts of the proposed Sign Code change not just for the Sundance Film Festival. Council provided direction to make the changes as specific as possible so as not to cause a proliferation of this type of ambush activity.

On November 20th Council requested Staff to return on December 4th with the Appeal of the Special Event License prior to the Planning Commission making a recommendation on Sign Code changes.

Please note that Staff plans to return to the Planning Commission to continue to discuss allowing year round vehicle displays at Deer Valley and Park City Mountain Resort. These locations are in different zones, do not impede pedestrian traffic and are not event based.

Analysis:

The Code has not been amended to allow for the vehicle displays outside of a designated parking space. Staff has approved the event and allowed it to take place with the condition to eliminate the request to display vehicles on the property. The applicant still retains the ability to display the vehicle within a structure as done in January 2002. A structure or building has been interpreted to be a covered shelter that is enclosed on three sides.

The applicant has appealed Staff determination and wishes to display the vehicles outside of a structure or building. The City Council shall hear appeals at a duly noticed public hearing of the City Council. The City Council shall review the application for compliance the standards set forth at Section 4-8-5, and shall record its decision with written findings of fact, conclusions of law, and conditions of approval, if applicable. Written notice of the City Council's decision shall be delivered to the Applicant within ten (10) days of the date of decisions.

The Special Event License also requested the placement of signs to be hung on the deck railings facing Park Avenue and Main Street, listed as F and G within the supplemental plan. These signs are directed outward of the venue and not to the interior of the venue. The Municipal Code allows for banner exceptions for Master Festival Licenses, but does not permit banners for Special Event Licenses.

Department Review:

The Special Event Application has been reviewed by all applicable City departments.

Alternatives:**Affirm:**

Affirm Staff's approval of the application with the condition to prohibit the display and parking of vehicles on the property.

Reverse:

Reverse Staff's condition, thereby allowing the display of vehicles on the property and direct Staff to prepare appropriate findings and conclusions.

Continue the Item:

The City Council may continue the item to December 11, 2003 to allow for possible Planning Commission action at their December 10th meeting.

Consequences of not taking the recommended action:

Staff's determination is based upon a clear reading and consistent application of the Code. Should Council make a different determination, Council may direct Staff to return with an amendment to the Sign Code, so that the Code may be clarified accordingly. If Council does grant the appeal, Staff recommends conditioning the approval by requiring the vehicles to be parked continuously for the event to minimize pedestrian conflicts.

Recommendation:

Review and deny the appeal of conditional of approval for the Special Event License for the Village at the Lift event from January 15 through January 25, 2004, based on the following:

Findings of Fact:

1. The Village at the Lift event requires additional licensing beyond the scope of normal business licensing due to the anticipated event scope.
2. On October 16th the Special Events Department administratively approved the Special Event License for the Village at the Lift event and is incorporated herein as Exhibit B.
3. The Village at the Lift event has included a request to park and display two vehicles, one on the upper plaza and one at the Main Street entrance, which does not comply with the Land Management Code Section 15-2.6-12 provisions for display of Outdoor Merchandise nor the Sign Code.
4. The Town Lift plaza serves as a pedestrian gathering space and circulation connection between Main Street, the Town Lift, and adjacent commercial and residential uses.

5. The Special Event application submitted states that vehicles will drive to the plazas throughout the day and park in a designate area on the plaza when the vehicle is not in use.
6. The movement and display of the vehicles in designated pedestrian areas will disrupt the pedestrian traffic on the property.
7. Section 12-7-1(b) of the Municipal Code allows for banner exceptions for Master Festival Licenses.
8. The signs F and G within supplemental plan submitted by the applicant are directed outside of the venue and the Municipal Code does not allow for external banners for Special Events.
9. The applicant's equity concerns regarding loss of revenue have no merit in that the application was cited last year for having the vehicle outside an approved display tent, and so they had an entire year to prepare for this event.

Conclusion of Law

1. The appellant failed to demonstrate that Staff erred in its application of the Municipal Code in adoption of Conditions of Approval #3.

Exhibits:

- Exhibit A – Special Events License Application
- Exhibit B – Administrative Approval of Special Event License
- Exhibit C – Letter requesting Council's review of appeal
- Exhibit D – October 30, 2003 Staff Report
- Exhibit E – November 12, 2003 Planning Commission Minutes

Park City Municipal Corporation
Master Festival and Special Events Application
A completed electronic copy submitted to the Special Events Department is preferred

EVENT NAME: Village At The Lift

EVENT DATE(S): 1/15/04 to 1/25/04

TYPE OF EVENT: please check one of the following

- ☐ **Special Event**, applications require a 60 day review period.
Any event, public or private, with either public or private venues, which creates significant public impacts through the use of public property or employees, or could reasonably be interpreted to cause significant public impacts via disturbance, crowd, traffic/parking, disruption of the normal routine of the community or affected neighborhood, or necessitates temporary business or liquor licensing in conjunction with the public impacts.
- ☒ **Master Festival**, applications require a 90 day review period.
Any event held on public or private property in which the general public is invited with or without charge and which creates significant public impacts through any of the following: (a) the attraction of large crowds, (b) necessity for street closures, (c) use of public property, (d) use of City transportation services, (e) use of off-site parking facility, (f) use of amplified music in or adjacent to a residential neighborhood.

APPLICANT: (name of organization) Brothers III, Town Lift Café, Seasons Day Spa

CONTACTS

Event Manager: Ed Sweeney
Address: 825 Main Street
Phone: 435-615-8852 Fax: 435-615-9852
Cell Phone: 801-509-6726
E-Mail: ed@fundgrup.com

Assistant Event Manager: Mike Sweeney
Address: 825 Main Street
Phone: 435-658-2639 Fax: 435-615-9852
Cell Phone: 801-244-9696
E-Mail: mesgold@yahoo.com

CORPORATE SPONSORS:

INSURANCE

submitted: ☐ yes ☒ no
if no, then when: Insurance is in place.

EVENT INFORMATION

General

- location(s): 825 Main Street (includes Main Street Level and Town Lift Plaza Level) and 875 Main Street small commercial space. Applicant Brothers III, LLC is owner of 825 Main Street and will submit permission from owners of 875 Main Street later.
written permission from the private property owner included? ☐yes ☒no ☐n/a
- anticipated attendance: Over the 10 days, not including skiers and boarders using the Town Lift, between 5,000 to 6,000 (average of 600 persons per day). Because the activities are spread over the day at any point in time the concentration of people will vary. During the evening hours are when the greatest number of people will be at the Village.
estimated length of stay for attendees: 2 to 6 hours
- event times: Morning (beginning 10 am), Lunch (beginning 12:00 noon), Afternoon (beginning 4:00pm), Dinner (beginning 6:00pm), Evening (beginning 7:00pm) and Late Night (beginning 10:00 pm ending 1:00am). This are the same times as last year.
- event description: The Village will host private activities such as, video games, access to the internet, press junkets, luncheons, cocktails, and other events including parties (with live performances/entertainment), after premier parties, film forms (discussion), areas where film industry person can conduct quiet business meetings, areas for relaxing, a viewing party for TV or late night films.
- parking for event: (location) Town Lift Garage, Town Lift Deck & Main Street Level for Official Village Vehicles to transport Village guests. As in the past parking has never been a problem, most people arrive by walking to the Village, ride public transportation, are dropped off or are chauffeured to the Village.
written permission from private property owners included? ☐yes ☐no ☒n/a
will there be transportation services to and from parking lots? ☐yes ☐no ☒n/a
if yes, who is the transportation provider?
if an evening event, is there lighting in the parking lot? ☒yes ☐no
- admission charge for the event? ☐yes ☒no
if yes, then how much:
- ☐ profit or ☐ non-profit event (sponsored private parties)
- coordination with the Park City Chamber Bureau and Visitor's Center? ☐
yes ☒no
- volunteers needed for the event? ☐yes ☒no
if yes, describe number and general duties of volunteers:

Sales and Food Vending

- does the applicant have a current Park City Business License? ☒yes ☐no
- will there be the sale of merchandise and/or concessions? ☐yes ☒no
if yes, describe the items for sale and location of sales:
have the individual vendors filled out the local sales tax form? ☐yes ☐no
if yes, describe the number of food vendor, types of food to be served and cooking performed on site:
have the food vendors received a Summit County Temporary Food Service Permit? ☐yes ☐no
have the individual vendors filled out the local sales tax form? ☐yes ☐no
- will there be beer, wine and/or liquor sales during the event? ☐yes ☒no
if yes, describe the location, hours, type of containers and control of sales:
do the alcoholic beverage servers have state certified server training? ☐yes ☐no
is the application for a Park City beer or liquor license attached? ☐yes ☐no

City Services

- request for street closures? ☐yes ☒no
if yes, then list streets and closure times and dates:
is paid parking in place on the closed street? ☐yes ☐no
if yes, is the public parking facilities form completed and attached? ☐yes ☐no
- has the ambulance service been contacted regarding your event? ☐yes ☒no
if yes, will there be an ambulance or EMS assets on stand-by at the event? ☐yes ☒no
if yes, how many EMS personnel on site:
list Fire District contact person:
- will you be using a city park or city building? ☐yes ☒no
if yes, has a reservation been made? ☐yes ☐no
do you need extra trash containers supplies? ☐yes ☐no
- do you desire law enforcement services beyond routine periodic patrol? ☐yes ☒no
if yes, for what purpose (security, traffic control, parking control)?
- where should bills be sent for any associated City and Health Department fees?

Address:

Phone:

Fax:

- will there be a request for a fee waiver of any or all fees? ☐yes ☒no
if yes, is the request for a fee waiver attached? ☐yes ☐no

Temporary Improvements, Structures and Other Items

- using or storing flammable materials, including fuels, gasses, or fireworks? ☐
yes ☒no
if yes, describe storage locations and indicate those locations on attached site plan:
- will you be requesting permits for fireworks? ☐yes ☒no
if yes, then describe location of fireworks display, times and types of fireworks:
- any electrical needs? ☐yes ☒no
if yes, then describe the source and indicate those locations on attached site plan: As with last year, "par cans" will be used for low-level lighting at night on the Town Lift Deck and Main Street Patio, Source Four par 46 specialty lighting to used at night illuminatin Village and tent -- same as last year.
if an evening event, will there be temporary lights installed? ☒yes ☐no
if yes, are the plans attached? ☐yes ☐no
- list the number of trash containers and dumpsters at the location: 10+
will additional trash containers and dumpsters be rented?
if yes, how many: 3 to 4 small dumpsters -- same as last year.

name of provider and phone number: BFI (435) 615-8311
installation date and time: 5th of January 2004, whenever BFI delievers them to the Town Lift Garage.
removal date and time: 30th of January 2004, whenever BFI picks them up from the Town Lift Garage.
- provide the number and description of existing toilets at the location: Five Restrooms.
will portable toilets be rented? ☐yes ☒no
if yes, how many and what locations:
name of provider and phone number:
installation date and time:
removal date and time:
- will there be the installation of temporary signs for event? ☒yes ☐no
if yes, list your anticipated signage needs: Signage will be placed over existing signs as last year, will work with Planning Department to develop a sign plan as was done last year.
is there a sign plan attached? ☐yes ☒no

- will there be temporary structures such as grandstands, tents, etc? ☒yes ☐no
if yes, is the Building Permit attached? ☐yes ☒no
if using tents, will any exceed 200 square feet in size? ☒yes ☐no
- will there be animals present at gathering? ☐yes ☒no
if yes, is the plan attached to address nuisances or health hazards associated with the condition? ☐yes ☐no
- will there be the installation of antenna for communications? ☐yes ☒no
if yes, is the site plan and specifications of antenna attached? ☐yes ☐no

SUBMITTAL REQUIREMENTS

- ☐ completed application form, *a completed electronic copy is preferred*
- ☐ application fees (new event \$100, returning event \$50; additional fees for other services, including Health Department, will be estimated and provided to the applicant)
- ☐ insurance
- ☐ site plan detailing the following must be attached to the application:

street closures	signs	supply trucks
barricades	tents	activities
portable toilets	bleachers	other temporary structures
water stations	headquarters	solid waste containers
entrance/exits	walkways	
- ☐ Emergency Procedure Plan (sample available upon request)

Other information required where applicable

- ☐ attached or ☒ n/a special use for public parking facilities application
- ☐ attached or ☒ n/a Park City application for beer, wine and liquor sales and local consent form
- ☐ attached or ☒ n/a business license application
- ☐ attached or ☒ n/a Summit County temporary food service permit
- ☐ attached or ☐ n/a sign plan (pending)
- ☐ attached or ☐ n/a building permits (pending)
- ☐ attached or ☐ n/a structural information for tents over 200 square feet (pending)
- ☐ attached or ☒ n/a request for fee waiver
- ☐ attached or ☒ n/a copies of the local sales tax form, for each vendor, submitted to the state



MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License: ☒ Special Event ☐ Master Festival
Event Name: Village at the Lift
Event Date(s): January 15 through January 25, 2004
Event Location: 825 Main Street
Licensee: Brothers III
Contact Person: Ed Sweeney
Approved By: ☒ Special Events Manager ☐ City Council of Park City
Approval Date: October 16, 2003

The Special Events Manager has approved the Special Event License for the Village at the Lift at 825 Main Street to be held from January 15, 2004 through January 25, 2004. This Special Event License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(C) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The Village at the Lift is a ten (10) day event on the plaza within a tent which includes private activities from video games, access to the internet, press junkets, luncheons, cocktails and other events including parties (with live performance/entertainment, after premier parties, film forums (discussion), areas where film industry person can conduct quiet business meetings, areas for relaxing and a viewing party for TV or late night films.
2. The Village at the Lift will use the underground parking at the facility for the attendees of the event as well as rely on Park City's public transportation system to get people to the location. The Village at the Lift will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area.
3. The Village at the Lift event anticipates no more than 450 attendees for the planned activities. Police and other public employees will be used but not to an extent where there will be a diversion of so great a number of police, fire or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The crowd associated with the Village at the Lift will be located within a tent on a private plaza. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other

emergency vehicles on the streets or with the provision of other public health or safety concerns.

5. The Village at the Lift event has included a request to park and display two vehicles, one on the upper plaza and one at the Main Street entrance, which does not comply with the Land Management Code provisions for display of Outdoor Merchandise.
6. The Town Lift plaza serves as a pedestrian gathering space and circulation connection between Main Street, the Town Lift, and adjacent commercial and residential uses.
7. The Special Event application submitted states that vehicles will drive to the plazas throughout the day and park in a designated area on the plaza when the vehicle is not in use.
8. The movement and display of the vehicles in designated pedestrian areas will disrupt the pedestrian traffic on the property.
9. The Sundance Film Festival has been issued a Master Festival License for the same time period. The Village at the Lift will not substantially interfere with the logistics and venues for the Sundance Film Festival for which a license has already been granted and with the provision of City services in support of other such events or governmental functions based on the following:
 - a. While Village at the Lift is located on Main Street where Sundance Film Festival has venues, the event at the lift is above the Main Street level and will be contained within a tent;
 - b. The Village at the Lift and Sundance Film Festival will overlap in time periods, but the event at the lift is not open to the general public and will not be taking away the draw from the Sundance Film Festival;
 - c. The Village at the Lift cannot accommodate more than 450 people within the tent and will be a small impact to the Main Street area;
 - d. The maximum crowd allowed within the tent is 450 people and all activities associated with the Village at the Lift will be located within the tent. There is no necessity for public personnel, equipment, and/or transportation services at the event; and,
 - e. The Village at the Lift is located above a parking garage designated for the building tenants and public parking. Due to the anticipated size of the event adequate parking can be accommodated on site.
10. The organizer is providing adequate insurance for the event.
11. Due to the nature of the Village at the Lift, the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
12. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting.
2. All signs shall be reviewed and approved by the Special Events Department and shall comply with Title 12 of the Municipal Code.
3. No display or parking of vehicles shall occur on the upper plaza or Main Street entrance.
4. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
5. The Applicant shall provide to the Special Events Manager proof of liability insurance as required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

APPROVED this 16th day of October, 2003.

PARK CITY MUNICIPAL CORPORATION

Alison Butz, Special Events Manager

**Supplemental Material for
Village at the Lift ("Village")**

- I. Events (to be specified in a later document)
 - a. Private events to be held at the Village (to include the Sweeney Bros' Town Lift Café, Deck, Tent, Seasons Day Spa, The Lower Main Arcade, Flying Sumo, Town Lift Plaza Main Street Patio, 875 Main interior commercial space) between January 15, 2004 to January 25, 2004.
 - b. Times: Morning (beginning 10 am)
Lunch (beginning 12:00 noon)
Afternoon (beginning 4:00 pm)
Dinner (beginning 6:00 pm)
Evening (beginning 7:00 pm)
Late Night (beginning 10:00 pm)
- II. Filming – The Village will allow the following as long as the Companies or individuals have the appropriate permits, i.e. they must get the appropriate permits from Park City.
 - a. Live TV shots permitted from all Village sites.
 - b. TV Crew access to film interviews, live shots, etc from Village.
- III. Music (**intermittent – compliant with code**)
 - a. Outdoor amplification of music from 10:00 am – 10:00 pm (as currently permitted for Town Lift Café).
 - b. Live amplified and acoustic music (performances) inside tent and interior buildings from 10:00 am – 1:00 am (same as last year). In reviewing the Code the only requirements for in door music is to keep the door closed and not exceed 65db A weighted scale – 50 feet from property line. **Applicant is not asking for a variance from the Code.** The tent (either a one level 30' x 60' or two level 30' x 60') will contain sound proofing to minimize sound coming from the tent. As in the past noise levels will be compliant with Code and measured on a regular basis. Last year sound meter readings were taken during the evening when music was playing.
 - c. Live amplified music on and around deck to be play on an intermittent bases between the hours of 10:00 am – 10:00 pm. Similar to what was done on the deck this summer and last winter during the Olympic Anniversary (sound level not to exceed 85db on A weighted scale).
- IV. Photographs (same as last year)
 - a. Photo shoots at Village and Town Lift Plaza locations.
 - b. Press wall photographers allowed for any private event held at Village.
- V. Signage (Same as last year – work with Planning Dept. for Sign Permit)
 - a. Village & sponsor signage to cover all of Brothers III (Lower Main Arcade, Flying Sumo, Town Lift Cafe and Seasons Day Spa) signage on Main Street side.

- b. Village & sponsor signage to cover all signage on Main Street side of building that was formerly This and That (875 Main).
- c. Village & sponsor signage to cover all Brothers III signage on Park Avenue side of building (Flying Sumo and Town Lift Café).
- d. Village & sponsor signage to cover all signage on space that reads Town Lift Café on Town Lift Plaza Deck.
- e. Village & sponsor signage to be displayed in entrance of parking garage of Town Lift Plaza & / or to be hung below existing signage. (same as last year – inside of garage)
- f. Banners to be hung on Tent located on Town Lift deck. (same as last year)
- g. Banners to be hung from deck facing Main Street. (If allowed pursuant Permitted Master Festival License)
- h. Banners to be hung from deck facing Park Street. (If allowed pursuant to Permitted Master Festival License)
- i. Outdoor back lighting for deck, tent and Town Lift Plaza at night. (same as last year)
- j. Press wall to be installed and displayed inside lower level hallway of Town Lift Plaza and lit by specialty lighting at night. (for information only – does not require a permit)
- k. Press wall to be installed and displayed on deck of Town Lift Plaza and lit by special back lighting at night. (If allowed pursuant to Permitted Master Festival License)
- l. Press wall to be installed and displayed in front of tent on deck of Town Lift Plaza and illuminated by special back lighting at night.
- m. Village and sponsor signage to be installed and displayed in all windows facing Main Street (subject to code).
- n. Village and sponsor signage to be installed and displayed in all windows facing Park Street (subject to code).
- o. Village signage to be hung below signs of current store fronts (pending approval of Village store owners adjacent to Village (e.g. Destination Sport).
- p. Source Four par 46 special high lighting to be used at night illuminating Village and inside tent. These lights low level lights that high light an object. They were used last year and proposed no excessive lighting.
- q. Colored bulbs to be installed in current street lights on and around Village and Town Lift Plaza (color tbd). (same as last year)

VI. Village Vehicles & Parking (These vehicles will be transporting Village guests to and from the Village. They will be parked for undetermined periods of time depending on utilization.)

- a. Parking space of Official Village Vehicle on deck (see plan).
- b. Parking space of Official Village Vehicle in next to fountain on Main Street (see plan).
- c. Official Village vehicles to be lit by special low level back lighting at night.

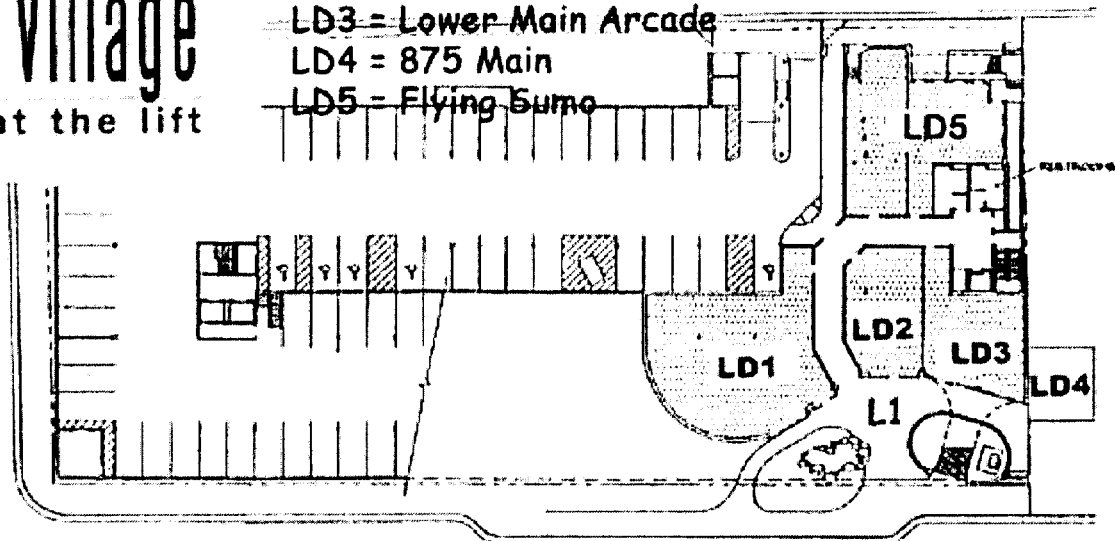
VII. Tent and Interview Booth

- a. Tent Permit in progress – working on engineering details of 30' x 60' two level tent for Building Department, in case two level tent is not acceptable to Building Department, at the same time will permit one level 30' x 60' tent same as last year. The 30' x 60' one level tent capacity is 300 persons, the two level deck 30' x 60' (subject to Building Dept. approval) 450 persons.

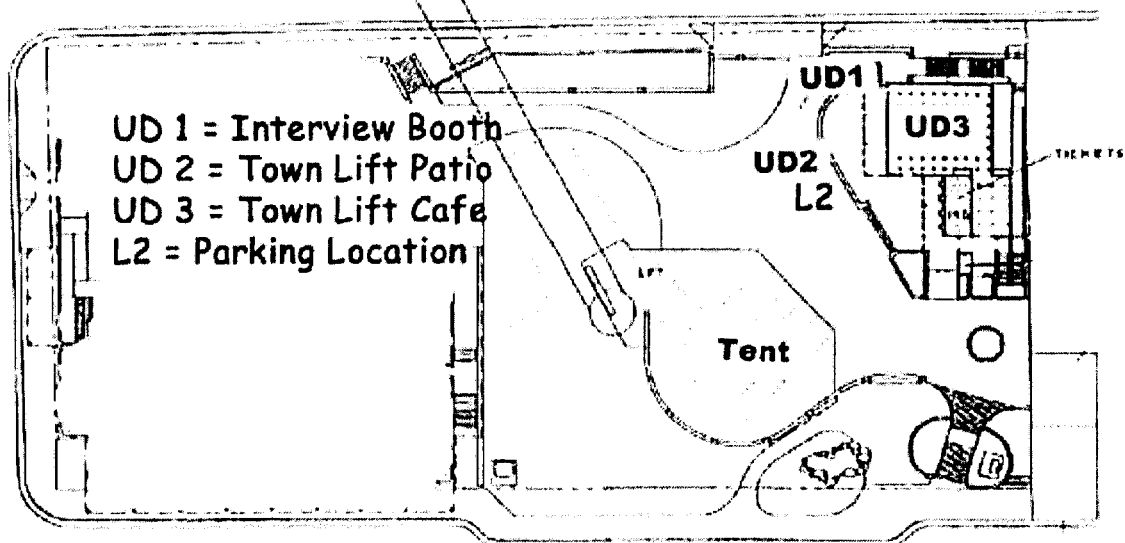
Interview booth (similar as last year) – engineering details will be provided to Building Dept. – Permitting in progress.

the
village
at the lift

LD1 = Seasons Day Spa
LD2 = Lower Main Arcade
LD3 = Lower Main Arcade
LD4 = 875 Main
LD5 = Flying Sumo



Official Village Parking Locations: L1 and L2



Brothers III, LLC**PO Box 2429****Park City, Utah 8 4060****Tel: (801) 244-9696 or (801) 509-6726 Fax: (435) 649-6215****Email mesgold@yahoo.com or ed@fundgroup.com**

October 27, 2003

Alison Butz, Facilities and Special Events Manager
Park City Municipal Corporation
445 Marsac Avenue
PO Box 1480
Park City, Utah 84060-1480

Re: Special Event Permit Appeal

Dear Alison:

This letter is Brothers III, LLC's appeal to the Council of a portion of the Special Event Permit Conditions of Approval, in particular, Conditions 2 and 3. The following sets forth our reasons for the appeal.

Condition 2: "All signs shall be reviewed and approved by the Special Events Department and shall comply with Title 12 of the Municipal Code."

- We need clarification that a Special Event Permit is treated the same as a Master Festival Permit with respect to allowing corporate sponsor banners pursuant to Section 12-11-6 (C).

Condition 3: "No display or parking of vehicles shall occur on the upper plaza or Main Street entrance."

Sweeneys Position:

Corporate underwritings "sponsorships" are a necessary component in bringing special events to Park City. Without corporate sponsors, it is doubtful that any of the major special events would take place in the City. For example, General Motors has been a corporate sponsor for America's Cup for a number of years at the Park City Mountain Resort. Ken Garff Automobile dealership was a corporate sponsor for the 2003 Park City Art Festival. Volkswagen is a major corporate sponsor for the 2004 Sundance Festival. It is in the best interest, therefore, of the City to allow corporate sponsors to display products and signage during these events in a tasteful manner.

The foregoing is consistent with the economic development goals the City Council is currently working on. The Vision Statement reads: "To provide long-term economic health for the greater Park City region through a proper balance of tourism initiatives and quality of life ..." Goal One reads, "Make Park City more inviting and 'User-Friendly' for organizers to throw events and for attendees to enjoy them." Goal Two reads, "Maintain and improve upon the Quality of Life." Corporate sponsorship clearly supports Goal One as discussed in the preceding paragraph. Events such as the Village at the Lift clearly support Goal Two by moving private parties and event venues out of residential neighborhoods.

The Sweeneys believe every owner of private property has the right to benefit economically from the reasonable use of their property. We know that Sundance Institute is upset that our client, Best Events, has corporate sponsors that underwrite the Village at the Lift. However, without corporate sponsors, venues such as the Village at Lift will not be available and private parties and events that otherwise would happen on Main Street will once again happen in residential areas and Main Street will lose business.

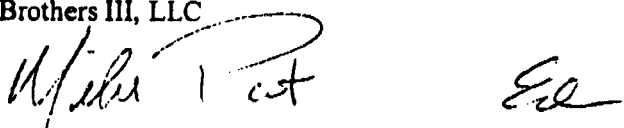
We have tried to work with Sundance Institute to resolve their issue with corporate sponsors at the Town Lift Plaza. Just as a reminder, we offered in 2002 the use of our Town Lift Plaza deck to Sundance Institute for Sundance 2003. They turned the offer down. Then this year, we met with Sundance Institute to see if we, along with Jeffery Best of Best Events, could somehow work with Sundance Institute. Jeffery even offered to get his sponsors to contribute to Sundance Institute. That offer was turned down as well. Bottom line, the Sundance Institute, in our opinion, wants to control marketing in Town during the Festival for the benefit of its sponsors and to the exclusion of their sponsor's competitors. Although we support and applaud the efforts of the Sundance Institute with respect to the Festival and the good it brings to Town, we believe it is inappropriate for the City to limit corporate sponsorship of activities on private property during the Festival to a select list determined by Sundance.

Furthermore, we are troubled by the Staff's position that we registered a complaint against Deer Valley and the Mountain Resort for violating Park City Codes with the display of vehicles outside of designated parking spaces. By way of clarification, we simply made the Staff aware that other businesses in Park City, e.g. Deer Valley, the Mountain Resort and Sundance (see picture) have been displaying vehicles of their corporate underwriters for years and have not been cited for a Code violation. Our position is just opposite of that portrayed by the Staff, we believe Deer Valley, the Mountain Resort, the Sweeneys and others should have this right to park corporate sponsored vehicles on private property provided such does not jeopardize the health, welfare, and safety of Park City residents and visitors and that such is consistent with the above mentioned City Council economic development goals.

In conclusion, we respectfully request that the City Council allow corporate display of signage or product on our private property during the period of time and location applied for in our special event permit application.

We appreciate working with you and we will endeavor to move forward in a positive manner.

Sincerely,
Brothers III, LLC


Michael E. Sweeney, Patrick J. Sweeney, Edward S. Sweeney
Members

Cc: Dana Williams, Mayor
Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, Fred Jones, City Council
Tom Bakaly, City Manager

