

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 30, 2006**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 30, 2006.

Closed Session – City Council Chambers

3:30 p.m. Property

Work Session – City Council Chambers

5:00 p.m. Council questions/comments

5:10 p.m. Park City Library – access to electronic books

5:20 p.m. Park City Cemetery

5:50 p.m. Break

Regular Meeting – City Council Chambers

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF NOVEMBER 9, 2006

V CONSENT AGENDA PUBLIC HEARING

1. Amendment to the Park City General Plan to include a general description of, planning objectives and action items for the Park Bonanza District (properties bounded by Kearns Boulevard, Park Avenue, Deer Valley Drive, and Bonanza Drive including properties fronting the east side of Bonanza Drive) **(motion to continue to December 7, 2006)**

2. Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments for Chapter 15- Definitions **(motion to continue to December 21, 2006)**

3. Ordinance approving a plat amendment for 68 Prospect Street, Park City, Utah **(motion to continue to December 14, 2006)**

4. Ordinance approving the Spiro Condominiums Buildings N – R, a record of survey plat, located at 1835 Three Kings Drive, Park City, Utah
5. Ordinance approving a subdivision plat for Marsac Avenue and Chambers Street, Park City, Utah
6. Ordinance amending Title 4, Chapter 9 of the Municipal Code of Park City, Utah to include escort services as sexually oriented businesses and establishing additional requirements for all adult businesses

VI CONSENT AGENDA

1. Ordinance approving the Spiro Condominiums Buildings N – R, a record of survey plat, located at 1835 Three Kings Drive, Park City, Utah
2. Ordinance approving a subdivision plat for Marsac Avenue and Chambers Street, Park City, Utah
3. Ordinance amending Title 4, Chapter 9 of the Municipal Code of Park City, Utah to include escort services as sexually oriented businesses and establishing additional requirements for all adult businesses
4. Authorization to the City Manager to enter into a revised contract with National Benefit Services (NBS), in a form approved by the City Attorney, regarding reimbursement of eligible claims submitted by full time employees participating in the Cafeteria Plan administered by NBS

VII NEW BUSINESS

Master Festival License for the Park *Silly* Sunday Market, including temporary closures of lower Main Street from Heber Avenue north to 8th Street from approximately 7 a.m. to 3 p.m., every Sunday June through October 2007

- (a) Public hearing
- (b) Action

VIII ADJOURNMENT

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

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

Posted: 11/27//06

See: www.parkcity.org

T E N T A T I V E
PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 7, 2006

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 7, 2006.

Closed Session – City Council Chambers

3:00 p.m. Property and personnel

Work Session – City Council Chambers

4:00 p.m. Council questions/comments

4:20 p.m. Land and Water Reinvestment Act

4:30 p.m. 2007 Sundance Film Festival - special event parking discussion

5:00 p.m. Review of regular meeting:

362 Façade Easement

UPCM/PCMR Annexation

General Plan Amendments

5:30 p.m. Prospector - no left turn signs

5:50 p.m. Break

Regular Meeting – City Council Chambers

6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETING

V OLD BUSINESS

1. Reconsideration of 562 Main Street façade easement

2. Re-adoption of an Ordinance annexing approximately 157 acres of property located at the northwest corner of the State Route 248/US40 Interchange in the Quinns Junction Area known as the Intermountain Healthcare/USSA/Burbidge Annexation into the corporate limits of Park City, Utah and amending the Official Zoning Map

(a) Public hearing

(b) Action/direction

3. Amendment to the Park City General Plan to include a general description of, planning objectives and action items for the Park Bonanza District (properties bounded by Kearns Boulevard, Park Avenue, Deer Valley Drive, and Bonanza Drive including properties fronting the east side of Bonanza Drive)

(a) Public hearing

(b) Action/direction

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

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

PARK CITY COUNCIL FIELD TRIP SUMMIT COUNTY, UTAH DECEMBER 13, 2006

PUBLIC NOTICE IS HEREBY GIVEN that member of the Park City Council and Planning Commission will participate in a field trip at _____ a.m. on Wednesday December 13, 2006 at Empire Pass. This site visit is for information purposes only, and no formal business will be conducted.

Posted: 11/13//06

See: www.parkcity.org

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

December 2006

- 14 Historic District inventory - work
Main Street/Historic District solid waste update - Jerry
Recycle Utah presentation (10 min) – 6 p.m.
Acceptance of audit report
Ordinance approving a plat amendment for 68 Prospect Street, Park City, Utah
Resolution replacing and repealing Resolution 11-93, setting forth an administrative policy for cemetery operations and services in Park City, Utah and
Resolution amending Fee Resolution No. 23-06, Section 8.7, Cemetery Fees, and replacing and repealing Resolution No. 23-06 in its entirety
Sundance – supplement to Special Event License
Reacceptance of IHC Annexation Petition
2007 Insurance Recommendation
Transit Mutual Assistance Agreement - Kent
- 21 Ordinance approving amendments to the Land Management Code of Park City, Utah, to address substantive amendments for Chapter 15- Definitions
UMPC/PCMR Annexation - New Business (possible action)
- 28 **No meeting**

January 2007

- 4 **No meeting**
- 11
- 16-17 *Tentative – Council visioning workshop*
- 18 **No meeting** – Sundance premiere
- 25

February 2007

- 1
- 8
- 15
- 22

March 2007

- 1
- 8
- 15
- 22
- 29

Pending Items:

Update on noise/outdoor decks
Strategic plan for ice arena
MOU between Park City and Summit County for Animal Control Services

Air quality discussion
Brewpub lease assignment – RDA
Regional bus service SLC

City Council Staff Report

Author: Linda Tillson
Subject: Electronic Books
Date: November 20, 2006
Type of Item: Informational



Recreation Library
Department

Summary Recommendations:

The library now offers access to electronic books, which may be “checked out” by downloading them to a computer or MP3 player.

Description:

Topic:

Books which can be “checked out” electronically from the library’s web site.

Background:

Many libraries around the country are now offering e-books for library patrons, which may be downloaded for a specified period of time and read or listened to on a home computer or MP3 player. The Park City Library began offering this service in the spring, when the Utah State Library entered in to a contract with NetLibrary and Recorded Books allowing all libraries in Utah the ability to offer electronic books for their local patrons.

Analysis:

Unlike physical books, tapes and CD’s electronic books allow patrons to utilize the library without actually visiting the physical building. They are never damaged or overdue and the number of copies, which may be checked out of a particular title, are unlimited. Nonfiction titles allow users to keyword search making it possible for researchers to read the most applicable passages in a book regarding a certain topic. Currently the number of titles available electronically does not equal the number available in physical formats but for future generations the opposite may be true.

Department Review:

The Recreation Library Team and City Manager have reviewed this report.

Alternatives:

No action is requested. This is an informational report.

City Council Staff Report

Author: Karen Yocum
Subject: CEMETERY PLOTS
Date: November 21, 2006
Type of Item: Informational



RECREATION

Summary Recommendations:

Provide staff with direction regarding Resolution No.11-93. Staff recommends that cemetery plots only be sold to city residents as outlined in the current resolution. Staff also recommends changes to the fees in the current Park City fee schedule, section 8.7. If Council is in agreement with staff's recommendation, staff will return to Council with updates to Resolution No. 11-93 and section 8.7 of the fee schedule.

Description:

Topic: Cemetery Operations

Background:

There are just two cemeteries in the Park City area. The Glenwood cemetery is privately owned and not available to residents of Park City. The other cemetery formally began in 1892 when the Snyder Family sold approximately 4.2 acres of hillside to PCMC for the sum of \$300 for use as a cemetery for the people of Park City. In 1933, additional acreage was acquired when the State realigned Kearns Boulevard. In 1991, City Council allocated \$100,000 to expand the cemetery from seven to nine acres, providing an additional 800 plots. The total number of plots is 1,180.

The operation of the cemetery is governed by Resolution No. 11-93, (exhibit A), that was adopted by City Council in 1993. Section 1.c. of the resolution states that a maximum of 100 plots may be sold to non-residents. As of October 3, 2006, those 100 plots have been sold. There are approximately 350 plots left for sale in the Park City cemetery.

Analysis:

Given the current growth and the number of cemetery plots that have been sold recently, staff projects that all plots will be sold within the next 3 years. As outlined in Resolution No. 11-93, section 1.d. states that anyone owning property, currently residing, or having resided within the City Limits of Park City for a period of more than ten years consecutively, is eligible to purchase cemetery property or may be buried in the Park City Cemetery. Staff recommends that the above language remain in the resolution at this time.

The Park City cemetery is the only public cemetery in Western Summit County. If the City wishes to continue to provide a cemetery for future residents, staff recommends that the City begin to look at potential expansion of the current cemetery or to develop a

cemetery at another undetermined location. The potential for expansion of the current cemetery is somewhat limited given the hillside which is very rocky. The cemetery could potentially expand to the west towards Zions Bank. The city may want to consider parting with Summit County in any expansion or alternative locations for the cemetery.

The current fee schedule has been in effect since 1993. The plot fee was determined to offset the perpetual care of the cemetery. The burial fees were set to offset the direct costs associated with the burial. These fees currently only cover about half of the direct costs. Estimates by Public Works/Parks Department are that the direct costs to do a full casket burial are \$479. Current charges are listed in the chart below as well as recommended increases. If the City Council wants to cover the direct costs associated with burials, staff will return to Council in December with recommended changes to the Park City Fee Schedule.

Service	Current Resident Fee	Current Non Resident Fee	Actual Cost of Providing Service	Proposed Fee
Single adult grave	\$300	\$600	N/A	
Single infant grave	\$150	\$300	N/A	
Open/Close adult grave	\$270	\$370	\$479	\$480
Open/Close infant grave	\$150	\$225	\$359	\$360
Remove adult from one grave to another within cemetery	\$600	\$600	\$958	\$960
Remove infant from one grave to another within cemetery	\$400	\$400	\$718	\$720
Remove adult for interment outside cem.	\$300	\$300	\$479	\$480
Remove infant for interment outside cem.	\$150	\$150	\$359	\$360
Schil for flower bed/grave	N/A	N/A	N/A	N/A
Additional charge after hours burial including weekends, holidays	+ \$200	+ \$300	No changes	N/A
Interment of cremated remains	\$70	\$140	No changes	N/A
Monument grave marker maintenance	\$100	\$100	No changes	N/A

Department Review:

Recreation and Public Works, Parks Department, Legal and the City Manager have worked together to come up with background information, research and recommendations.

Alternatives:**A. Approve the Request:**

Give direction to staff with regard to updating Resolution NO 11-93, changing fees for cemetery services and future expansion of the existing cemetery. Staff recommends that cemetery plots only be sold to city residents as outlined in the current resolution. If Council is supportive staff will return to Council with updates to the resolution.

B. Deny the Request:

Council can deny the request and give alternative direction to staff.

C. Continue the Item:

City Council can direct staff to come back with more information.

D. Do Nothing:

Same consequence as denying the request.

Significant Impacts:

There are a very limited number of plots left in the cemetery. If Council wishes to prolong the availability of plots to city residents staff recommends that Resolution No. 11-93 be updated to reflect that all plots be sold only to City residents as outlined in the resolution. If Council wishes to continue to sell plots to both City and County residents, the cemetery will be sold out within two years if not sooner. Current fees do not cover direct costs associated with burials. Without an increase, the cemetery will continue to incur costs beyond the current fees.

Consequences of not taking the recommended action:

The current resolution 11-93 will remain in effect. The current fee schedule will remain in effect.

Recommendation:

Give staff direction to update Resolution No.11-93, increase fees for cemetery services to cover direct costs and direction regarding any future expansion of the existing cemetery. Staff recommends that cemetery plots only be sold to city residents as outlined in the current resolution. If Council is supportive staff will return to Council with updates to the resolution and Park City fee schedule.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 9, 2006**

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Pace Erickson, Streets Manager; Lloyd Evans, Chief of Police; Eric DeHaan, City Engineer; Max Paap, Special Events Manager; Gary Hill, Budget Manager

Kimberly Kuehn, Jewels Harrison, and Julie Doerr-Arenson, Park Silly Sunday Market; Mike Sweeney and Ken Davis, HMBA

1. Council questions/comments. Joe Kernan discussed the transportation session held at the Richins Building last night. As liaison to MCHT, Roger Harlan reported that all of The Line Condominiums have been sold but not all units have closed. He also attended the transportation meeting which was very informative and productive and encouraged the public to attend high school and collegiate hockey games scheduled at the ice arena. Jim Hier stated that the transportation committee met during the week and produced a booklet containing a variety of statistical information. The process is going well and recommendations will return to Council in a couple of months. Candace Erickson relayed that the Recreation Advisory Board is forming committees consistent with Council direction a couple of weeks ago. She thanked Eric DeHaan for having the right-hand turn arrow re-painted on Deer Valley Drive and Deer Valley Drive. There was discussion about UDOT also installing signage. Ms. Cone expressed her appreciation for the completion of the reconstruction of Prospect Street. In response to a question from Council member Cone about patron parking for Squatters, Mr. DeHaan advised that SR224 is posting no parking signs. Mayor Williams reported that EPA has formally recognized our commitment to renewable energy and has inducted Park City into its Green Power Partnership.

2. Snow removal operations. Pace Erickson reported that the snow removal program was modified before the Olympics and has remained the same for years. An effective change implemented last year was designating an employee to clear parking lots so they are available by 8 a.m. Staff is not proposing changes this year and for the first time in many years, are not adding any streets. Many years of collaboration and effort have been invested to create the current snow plan establishing the priority sequence.

Joe Kernan previously requested information on a revised snow removal plan, eliminating Priority 3. He acknowledged that the 20% to 23% increase in costs outlined in the staff report seems reasonable but asked why two additional loaders are required with this scenario. Pace Erickson explained the challenges with clearing cul-de-sacs

because of equipment limitations. Loaders are very maneuverable and capable of moving snow in about half the time of a truck. They are more expensive but a lot more effective, except for the fact that they can't accommodate a salt box, like plow trucks. The City now has three loaders; one is used to push back snow banks on streets and areas in Old Town, Royal Street, for instance. Another is used to load trucks with salt and grit material, and the remaining loader is stationed at the City's primary snow storage area located at Quinn's Junction. There is no surplus equipment available to support an increased service level for Priority 3, primarily consisting of cul-de-sacs. In order to implement a snow plan with only two priority areas including about 40 cul-de-sacs, staff felt cul-de-sacs would have to be split and assigned equally.

Joe Kernan referred to the snow removal plan map and pointed out that streets in Aspen Springs, part of Thaynes Canyon, Fairway Hills, part of the Oaks, and Chatham Crossing are all designated in Priority 3. He asked for clarification on service levels for Priority 2 and Priority 3. Pace Erickson explained that Priority 1 primarily includes bus routes and there is very little accumulation of snow on those routes. Often Priority 2 routes are serviced at the same time depending on their proximity to Priority 1 streets. Priority 1 streets are almost continually plowed if it is snowing hard and cleared every hour. Priority 2 streets are probably plowed every two to three hours and Priority 3 roadways will also be cleared if located in the same area. Priority 3 streets are cleared at least once in a 24 hour period. If a big storm hits but clears up the next day, all areas can be cleaned up by 11 a.m.

Marianne Cone asked if Public Works receives complaints from residents in the Priority 3 area. Mr. Erickson stated that staff maintains a log of complaints and has not received many complaints from residents in Priority 3. Most complaints are generated from Old Town, primarily regarding snow deposited in front of driveways when plowing streets; complaints generally are not related to the conditions of roads. Joe Kernan referred to the intersection of SR224 and Aspen Springs. The subdivision is a Priority 3 and he asked if additional salting and plowing at the intersection would increase safety. Eric DeHaan responded that salt is applied to sloped areas throughout town to maintain adequate friction levels, however storm drains directly dump into the trout stream and there's very little ability to screen the material. He emphasized that there is no level entry into Aspen Springs. Snow events occur approximately 60 days a year and the crews address any emergency situations that may arise. Council member Kernan felt that Aspen Springs accumulates more snow because of its location by the hillside and he asked about general accident rates. Chief Lloyd Evans relayed that on average there are about 450 motor vehicle accidents a year. From November 1 to mid-May, there are probably 300 incidents and about 40% are attributable to the weather. Candace Erickson felt that the low number of accidents due to snow conditions is remarkable. Marianne Cone pointed out that drivers should be prepared for mountain conditions and suggested that two-wheel drive vehicles use chains, if necessary. She questioned increasing levels of snow removal service when there are other options. Pace Erickson added that dispatchers are in constant contact with plow drivers and immediately respond to emergencies.

Joe Kernan referred to million dollar valuations of homes in Aspen Springs and other Priority 3 neighborhoods and asked the amount of property tax paid to the City per \$100,000 value. Gary Hill responded that the City's rate is about \$109 per \$100,000 of assessed value for primary residences. Mr. Kernan felt the amount of property taxes paid should be considered when determining levels of service and asked if the money could be found to increase service for expensive homes. Mr. Hill responded that if Council directed a change in snow removal services in the upcoming budget, staff would provide that analysis and it would be likely that other levels of service or programs would be re-prioritized. Candace Erickson expressed concerns with the thinking that more expensive houses are entitled to higher levels of service. Mr. Kernan suggested that a minimal level of service for all households be considered, pointing out again that properties paying higher taxes may be receiving less service. Councilmember Cone believes that priorities are based on terrain and accessibility. Pace Erickson agreed and clarified that Old Town, for instance, is a high priority because it has a denser population and the streets are generally narrower and steeper than other areas in the community.

He explained that the current priority sequence best utilizes resources; it is based on average year data and the program is not over-staffed, for instance, which is important in non-snow years. Mr. Kernan believed that staff has responded appropriately to Council direction but perhaps during the budget review, the snow removal program can again be discussed in the context of surplus tourist dividends. In response to a question from the Mayor about the mentioned surplus, Mr. Kernan explained that because revenues are conservatively projected, there is typically more capital available than expected. Reduction in taxes or increases in services are efforts that are tangible to citizens and perhaps this could be discussed in a broader context at another time. The City Manager felt this is consistent with long-term planning and he will be meeting with Council members Kernan and Hier on this topic next week; it will be addressed by members during the visioning session in January.

Marianne Cone asked about the budget for a two-pronged priority snow removal system. Pace Erickson stated his numbers are preliminary and more work would have to be performed to implement a new program this year. Loaders could be purchased rather than leased, which will require up-front spending. He emphasized that the snow removal crew is staffed now, but transit is struggling to recruit 24 drivers. The dichotomy of the community has changed and more construction companies are working year-round, resulting in a shrinking pool of commercial drivers. Even if Council directs staff to enhance snow removal services, it is uncertain if the program could be staffed. There was discussion about plowing around parked cars which should have been moved during snow emergencies. Pace Erickson explained that there are public service announcements on the radio and electronic signs are used when snow is being hauled. Some people don't listen to the radio or read the paper and another option is purchasing additional electronic signs or other tools to better inform the public. Towing vehicles is not preferred which requires police time and a huge coordination effort. He

added that staff is flexible with regard to service and the City is hauling more snow than ever before because of the lack of vacant lots for storage. Mayor Williams felt the electronic signs worked well in Prospector.

Roger Harlan was pleased to hear about the low number of complaints received and it may be that snow on the streets is expected by residents and visitors, especially at a winter resort. As a resident on a cul-de-sac, he doesn't receive complaints from neighbors. There was discussion about the expense of hauling snow and the technology available to melt snow which is not an economical alternative at this point.

Jim Hier summarized the discussion. Currently there are not a significant number of complaints from Priority 3 residents and the largest number of complaints is generated from Old Town, in Priority 1. He stated that he lives on a cul-de-sac on a hill in a Priority 3 area and his neighbors are not bashful about contacting him about problems with City services. He has yet to receive complaints on snow removal. There are not a significant number of traffic accidents because of inadequate snow removal. He felt that the money could probably be found to eliminate Priority 3, leaving Priorities 1 and 2, but it is unknown whether the man-power is available for the program. For well over an hour, the Council has been discussing solutions in search of a problem. He commended Pace Erickson on his staff report and the continued good job performed by his staff. A broader concept regarding City service priorities should be discussed during the budget review. Council members concurred that the current program should not be modified.

3. Park Silly Sunday Market MFL and street closure proposal. Max Paap explained that the purpose of the work session discussion is for Council to provide staff with direction on the master festival license application. The event is proposed for successive Sundays from June through October 2007 from 9 a.m. to 4 p.m., except the first Sunday in August because of the Art Festival. The application is for an open air market, featuring unique and eclectic local and regional arts, crafts, music, performance art, and a farmers market. The application was received in August and the group initially approached the Marriott Summit to operate on the plaza, but was denied permission. The applicants are now requesting the closure of Main Street between 9th Street and Heber Avenue.

Applicant Kimberly Kuehn spoke about preserving Park City's funkiness and this market is for everybody; they are willing to work with the non-profits and all of Main Street businesses. Jewels Harrison stated that it's important that Old Town and Main Street remain the heart of the community and spoke about the competition of Redstone. Julie Arenson believed the market will create an opportunity for local artists, who can't afford to display in high-end galleries, to show and sell art work. The goal is to revive summers here and to provide something for locals to do on Sundays. Candace Erickson stated that it is important that someone is designated to oversee the weekly event and that responsibilities not fall on the Special Events Manager. Ms. Kuehn responded that they will all be present every week. They are working with the Utah

Farmers Association, Utah Arts Council, Kimball Art Center, etc. In response to questions from Council member Hier about fees and HMBA support, Mr. Paap indicated that no fee waiver is requested. Mike Sweeney stated that merchants on lower Main Street are all very excited about the event, however, the HMBA did not formally vote but generally felt that a one-year trial would be beneficial.

Marianne Cone pointed out that Sunday may be a difficult day to recruit Utah vendors for the Farmers Market and Kimberly Kuehn responded that they have quite a few under contract. There are half and full year memberships and there was discussion about ensuring consistent participation. Ms. Arenson added that most of their advice and research has come from other successful markets like Boulder, Sun Valley, and Aspen. Additionally merchants on lower Main Street could also participate, if desired. Roger Harlan concurred with Ms. Cone's comments about potential challenges in recruiting vendors on Sundays because of the predominant culture in Utah. The event is proposed for five months every Sunday and he wondered if the town is getting to the point of *event fatigue*. Ms. Kuehn noted that most comments she has received are positive and relate to having a market here. Ms. Arenson stressed the forum created for local events; it's about bringing the community together and creating a sense of *self* which she believes Park City doesn't have yet. Jim Hier relayed that this type of event needs to have some regularity in order to be successful and holding it every Sunday is a good feature. Joe Kernan agreed that this weekly event may be a good venue for people to get together. With regard to the five month duration, Ms. Harrison explained that the Chamber was supportive of a Park City event in the May-June and October periods. Candace Erickson stated that she doesn't view this as an event, as described by Council member Harlan, because it's more passive than most special events.

Ken Davis, HMBA, asked what will happen if a *real* event is proposed for lower Main Street. Mayor Williams replied that this is a real event. Mr. Davis stated that the HMBA is generally supportive but pointed out that if the Silly Sunday Market is approved, it may preclude other events on lower Main Street. Tom Bakaly explained that as the master festival license holder, the applicants could agree to allow an event to occur if possible. Ms. Kuehn expressed their openness in considering accommodating tandem events. Marianne Cone suggested that parking in the garage be promoted, as opposed to parking on Park Avenue which is closer to the activities. Max Paap suggested including parking information in promotional material and directional signage. Mayor Dana Williams acknowledged Council support of the event with a one year review. Discussion ensued about the potential of inclement weather in June and the issue of consistency. Jim Hier suggested that the license include language that if the occupancy falls below a certain level during the first three months, then the MFL will be evaluated and possibly rescinded. An expressed occupancy level could be a requirement for continuation. The City Manager stated that the MFL will return to Council for approval on November 30 and a two or three month review could be included as a condition of approval. Defining an appropriate participation level may be difficult. Kimberly Kuehn stated that their contracts with vendors clearly state that snow, rain or shine, the show will go on. Jim Hier recognized that the contract is written for the entire five month

duration and if the City interrupted operations, it would be in violation of these contracts; he dismissed consideration of his earlier suggestion.

Mayor Williams summarized that Council is supportive of the event and the proposed dates. There was discussion about programming unamplified music and Max Paap interject that music will be coordinated with Mountain Town Stages who holds a license for outdoor music on a number of days in the summer.

4. Review of regular meeting – LMC amendments. In response to a question from Marianne Cone, Mark Harrington advised that the side yard exceptions apply to zones outside of the Historic District.

Strike the Motherlode MFL. Tom Bakaly clarified that a public hearing is scheduled, but action appears under the Consent Agenda. It is staff's recommendation that paid parking not be suspended which would be approved as part of the Consent Agenda. If Council decides to provide free parking on Main Street, he suggested that it be removed from the Consent Agenda and moved to New Business for action.

Prepared by Janet M. Scott,

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 9, 2006**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, November 9, 2006. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Max Paap, Special Events Manager; Brian Andersen, Parking Manager; Jonathan Weidenhamer, Planner; Robin Hutcheson, Planner; Brooks Robinson, Planner; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

With regard to the Strike the Motherlode event, Joe Kernan disclosed that both 350 Main and The Spur are his customers.

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

Reconstruction of Prospect Avenue - Bill Hummer, 32 Prospect Avenue, commented on the superior work done on the reconstruction of his street and believed the project turned out great because of the process, initiated five years ago inviting neighborhood input and continued good communication. He specifically thanked Eric DeHaan, David Actor, Stantec, Roger McLain, Steve Jorgensen, Geneva Rock, Shane Robertson, Daryl Olsen, and C & C Construction. He expressed that most all residents are extremely pleased and relayed an interest on behalf of Prospect Street residents to under-ground utilities at some future point.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 19, 2006

There was discussion about jumbled syntax in the work session notes and minutes and the need for the City Recorder to edit them. Roger Harlan, "I move to approve the Work Session Notes and Minutes, as corrected". Jim Hier seconded. Motion carried unanimously.

V RESIGNATIONS AND APPOINTMENTS

Appointment of member(s) to the Historic Preservation Board for terms expiring July 2009 – Mayor Williams recommended appointing Todd Ford and Nancie Putnam to the Historic Preservation Board. Marianne Cone, "I so move". Candace Erickson seconded. Motion unanimously carried.

VI CONSENT AGENDA PUBLIC HEARING

1. Master Festival License and street closure for Strike the Motherlode to be held on December 2, 9 and 16, 2006 - applicant HMBA – Max Paap explained that a closure of lower Main Street between 7th Street and 9th Street is requested on December 16 for an amplified music concert. Other activities include sleigh rides, food and beverage, wreath auction, ice sculpture, tree lighting, etc. The HMBA is also requesting suspension of paid parking on Main Street and the Brew Pub lot which would impact approximately 250 parking spaces in the Main Street core. Staff recommends approval of the Master Festival License, as conditioned, but denial of the request to suspend paid parking from November 23 to December 16, 2006.

Brian Andersen, Parking Manager, explained that last year, suspension of paid parking was approved in consideration of the construction of the garage and the subsequent shortage of parking in the downtown area. He believed it was approved on a one-time basis and explained the confusion caused when parking regulations are changed and the difficulty in enforcing timed parking on Main Street. Without a paid element, enforcement takes twice the time to accomplish. Mr. Andersen stated that it was discovered that 18% of the vehicles parked on Main Street on December 17, 2005 had been issued one or more prior tickets and 8% had three or more tickets, indicating that employees were parking on Main Street. Now that the garage is on-line, 82% of all downtown spaces are free and staff believes that the event can still be marketed as a free parking experience. The Parking Fund will require a substantial contribution from the Transit Fund to cover the impacts of the event. He acknowledged that parking revenues increased during the construction of the garage last year but now revenues are tracking on average and there is no surplus.

Ken Davis, President of HMBA, thanked Council for the parking last year and explained that this will be the third year for the Motherlode event. Last year, there was a 10% increase in sales on the street, even with construction on I-80 and the China Bridge Parking Structure. He commented on the package of events and the lack of funding for the group. One of the enticements for shoppers is free parking and a lot of people from Salt Lake are not familiar with the parking garage. He asked that the license be approved and that the free parking element is supported as it was last year. Anita Wolf, Event Manager, emphasized that free parking gives Main Street merchants a competitive edge because shoppers have so many options.

The Mayor opened the public hearing.

Mike Sweeney, business owner, expressed that his family has invested a lot of time and effort on Main Street, including Strike the Motherlode. He felt that free parking is an integral part to the promotion and he spoke about the money Ms. Wolf has raised for the event. In response to a question from Mayor Williams, Mr. Sweeney indicated that the garages on lower Main Street were free last year and will be this year.

With no further comments, the public hearing was closed.

Jim Hier expressed that it has been a long time since Council received information on geographical sales tax and requested that this be provided. It is pertinent to know how much of the \$30,000 paid parking forfeiture is being offset by sales tax, which unfortunately is not available tonight. Mr. Hier recognized the difficulty in enforcement but the cost of enforcement should remain the same. There was discussion about whether last year was a one-time approval. Jim Hier suggested that the suspension of free parking be granted this year but not in the future.

Marianne Cone disagreed. She observes that many locals know about and parking available in the garage and believes that patrons from Salt Lake want to park closer to Main Street and really don't care about the fee. She emphasized that 82% of the downtown parking is free and she doesn't view this as an issue, especially in consideration of the loss of \$30,000 in parking revenues to the City. Electronic signs are another way to effectively direct visitors to free parking in the garage. Ms. Wolf explained events occurring on December 2 and 9 from 1 p.m. to 5 p.m. and activities on December 16 from 4 p.m. to 7 p.m. Candace Erickson recalled that she supported free Main Street parking last year because parking revenues exceeded the average this time last year when parking was at a premium. She preferred waiving the fees for closing lower Main Street and maintaining paid parking on Main Street while promoting the free 300 spaces, not available last year. Roger Harlan discussed the rerouting of the trolley and marketing free parking, but pointed out his concern about the small number of merchants and employees who continue to park on Main Street given the opportunity. In fact, this very issue led to the implementation of paid parking in the first place. He asked the HMBA if there is a plan to monitor Main Street. Marianne Cone stated that she would support Ms. Erickson's compromise of not charging the HMBA fees for closing lower Main Street in exchange for maintaining paid parking on Main Street.

Candace Erickson again referred to the "surplus" in the parking fund last year when she supported the request. Mr. Andersen agreed that this year, there isn't any leeway in the break-even point of the parking fund. Joe Kernan felt that it would be helpful to have information on Main Street sales tax and property tax revenues. Tom Bakaly suggested that action be pulled off the Consent Agenda and moved to New Business if suspension of paid parking is supported by the majority of members. Jim Hier, "I move to take this off the Consent Agenda so that we can discuss it in the context of making the parking free". Joe Kernan seconded. Motion carried.

Marianne Cone	Aye
Candace Erickson	Aye
Roger Harlan	Nay
Jim Hier	Aye
Joe Kernan	Aye

2. Ordinance approving the Mine Cart Condominium, located at 553 Deer Valley Loop Road, Park City, Utah – Robin Hutcheson, Planner, explained that approval will allow the construction of two condominiums on a single lot. There was no public input rendered at the Planning Commission hearing held on October 25 and the Commission and staff recommend approval. The Mayor opened the public hearing, and with no comments from the audience, closed the hearing.

3. Ordinance approving a Record of survey Plat for the residences at Kings Crown Condominiums, located at 1243 Empire Avenue, Park City, Utah – Ray Milliner explained the application which condominiumizes the project. The Mayor opened the public hearing and with no comments, closed the public hearing.

4. Ordinance approving the Second Amended Record of Survey Map for the Crescent Ridge Condominiums, Park City, Utah – Planner Jonathan Weidenhamer explained the application and the Mayor opened the public hearing. Hearing no comments, the public hearing was closed.

5. An Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments for the following Chapters: Chapter 2.11 SF district, 2.12 R-1 district, 2.13 RD district, 2.14 RDM district, 2.15 RM district, 2.16 RC district, 2.17 RCP district, 2.18 GC district, 2.19 LI district, 2.20 FPC overlay district, and 2.22 PUT district. – Planner Kirsten Whetstone explained that the Ordinance includes a series of amendments to the Land Management Code specific to Chapter 2, Zoning Districts. The remaining sections, the ROS and SLO, will be before Council shortly as the Planning Commission is still discussing some issues. She expressed that as in any dynamic community, the LMC is a living document and further revisions are likely as the General Plan is modified. There are four categories of amendments including: (1) removing all references to the Community Development Department; (2) replacing the Historic District Commission language with Historic Preservation Board; (3) revising provisions to comport with the revised Utah Code; and (4) approving substantive amendments specific to these sections.

With regard to Chapters 2.11, 2.12 and 2.14, Ms. Whetstone explained that there is provision for the Planning Director to determine lot orientation and dimensions for unusual configurations and although currently practiced, this role is now clearly spelled out. Driveway area is proposed to be allowed to extend into a side yard setback to accommodate back-up space. In Chapter 2.15 and 2.16, the HR-1 maximum footprint language is added because projects in the RC Zone are typically Old Town lots. There are no substantive changes in the RCO, the GC or the LI. She added that trails and sidewalks are proposed to be allowed within setback areas in the FPZ with administrative conditional use approval. On October 25, 2006, the Planning Commission forwarded a positive recommendation to approve the amendments based on the findings of fact, conclusions of law and conditions of approval outlined in the

Ordinance. The Mayor opened the public hearing and with no comments rendered from the audience, the public hearing was closed.

VII CONSENT AGENDA

Mayor Williams requested a motion to approve Consent Agenda Items 2 through 6. Marianne Cone, "I so move". Candy Erickson seconded. Motion unanimously carried.

1. Master Festival License and street closure for Strike the Motherlode to be held on December 2, 9 and 16, 2006 - applicant HMBA – See Item 1 under New Business.

2. Ordinance approving the Mine Cart Condominium, located at 553 Deer Valley Loop Road, Park City, Utah – See staff report and public hearing.

3. Ordinance approving a Record of survey Plat for the residences at Kings Crown Condominiums, located at 1243 Empire Avenue, Park City, Utah – See staff report and public hearing.

4. Ordinance approving the Second Amended Record of Survey Map for the Crescent Ridge Condominiums, Park City, Utah – See staff report and public hearing.

5. An Ordinance approving amendments to the Land Management Code of Park City, Utah, to reflect re-organization of the Community Development Department, to comport with revisions to the Utah Code, and to address substantive amendments for the following Chapters: Chapter 2.11 SF district, 2.12 R-1 district, 2.13 RD district, 2.14 RDM district, 2.15 RM district, 2.16 RC district, 2.17 RCP district, 2.18 GC district, 2.19 LI district, 2.20 FPC overlay district, and 2.22 PUT district. – See staff report and public hearing.

VIII NEW BUSINESS

1. Master Festival License and street closure for Strike the Motherlode to be held on December 2, 9 and 16, 2006 - applicant HMBA – This item was moved from the Consent Agenda, see motion above. Ken Davis, HMBA, expressed his disappointment about the previous paid parking discussion, citing that the HMBA is going to have problems pitching this to its members who have already made an investment. He didn't perceive that owners and employees are parking in front of their stores. If so, it's maybe for 15 minutes, but not all day. He emphasized that a revenue stream is created for the City as a result of merchants operating businesses on the street and they are asking for a waiver to be put in effect for this three week period. The City views parking revenues as an entitlement and it may be that the City should eliminate the meters altogether and go back to timed parking. He expressed the work involved in selling this event to merchants and his frustration with the lack of interest from the HMBA membership. Free parking is key to the event, and he and other volunteers don't get paid for the work involved.

Candace Erickson stated that she wished the budget numbers were available because that was what swayed her last year in approving the suspension because of the surplus. Covering the \$30,000 in lost revenue has to be borrowed some place else. In response to a comment made by Mr. Davis, Brian Andersen clarified that there is no surplus this year and the windfall in revenues last year was attributable to increased use of Main Street during garage construction. There is less revenue this year. Mr. Andersen emphasized that unfortunately paid parking seems to result in a negative discussion. Parking management is actually not unique to Park City and is implemented in many commercial areas to turn spaces. Turn-over results in more parked vehicles and customers and there are many people who like paid parking because they can easily find a space. In general, parking management is a difficult profession especially in Park City and he hoped that there can be consideration of the benefits of turning spaces rather than dwelling on the perception that paid parking is the lynch pin for people avoiding downtown.

Jim Hier agreed with Mr. Andersen's comments but pointed out that the request is not in a busy time of year and he believed that free parking on Main Street is important to market the event. It might not be the right thing to do every year and if it's not hugely successful this year then this waiver should not be considered if requested next year. Roger Harlan understood Mr. Hier's comments to mean that the criteria for suspending paid parking is that event must meet expectations. Mr. Hier stated that he intended to recommend making it free this year, because it helps promote the event, and if the event can not support itself by this time next year, it probably shouldn't be subsidized. Discussion ensued about this point and the marketing efforts supported by restaurant tax funding. Anita Wolf felt this is a bench mark year and its success will impact participation and interest next year. Parking is free in Salt Lake City. Marianne Cone disagreed and commented that there is little street parking available in Salt Lake where the situation is very different. There is a lot of free parking in a small downtown area in Park City available to shoppers.

Jim Hier, "I move we approve the Master Festival License and allow the free parking as we did last year". Joe Kernan seconded. Roger Harlan indicated that he will change his position and his vote to support the request because he wants the event to be successful, however merchants need to cooperate. Marianne Cone explained that she agrees with staff on this issue, noting that she will be supporting the event by way of donating a wreath. Roger Harlan hoped that this discussion is not forgotten next year. Ms. Erickson felt that subsidizing the event for three years is appropriate and is not inclined to do this every year. The City spent a lot of money building the parking structure and the whole concept was in response to providing free parking for Main Street. She suggested that perhaps it's time to re-think the paid parking program and schedule it as an annual visioning topic. Jim Hier stated that the staff recommendation was appropriate; this is more of a philosophical decision regarding investing in the HMBA. Brian Andersen emphasized that the parking management staff absolutely wants Main Street to succeed. He personally felt it is time to start uniquely marketing

Main Street. Joe Kernan relayed that he doesn't feel it will be easier for people to park on Main Street during the event. Tom Bakaly understood that the motion is a one-time approval of suspension of paid parking on Main Street. Jim Hier affirmed. With no further discussion, the Mayor requested a vote.

Marianne Cone	Nay
Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

2. Reacceptance of annexation petition of approximately 2,800 acres of property located at the Park City Mountain Resort – United park City Mines Company – Joe Kernan disclosed that Talisker, East-West, Royal Street, PCMR, and Powdr Corp are his customers. Brooks Robinson, Planner, explained that action is reacceptance of an annexation petition for property leased by Park City Mountain Resort. The initial petition was filed in January 2006 and reacceptance triggers a 30 day period requiring notification to affected entities, including taxing agencies and to move forward with the annexation as outlined by state statute. In the meantime, the Planning Commission is reviewing the associated master planned development application and conditional use permit for Phase 1, The Montage Hotel. The subdivision application is expected to be submitted shortly for review. Jim Hier stated that he appreciated receiving scheduling and phasing information he requested. Elements of the development agreement are extremely important, and he asked that these are agreed to by all parties before any related subsequent approvals are granted. Mr. Robinson noted that it has been staff's recommendation to the Planning Commission that approvals be tied to the annexation agreement.

Jim Hier, "I move that we approve the reacceptance of the petition for annexation as defined in the staff report". Roger Harlan seconded. Motion unanimously carried.

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Tom Daley, Assistant City Attorney; and Mark Harrington, City Attorney. Marianne Cone, "I move to close the meeting to discuss personnel and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Roger Harlan, "I move to open the meeting". Jim Hier seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council Staff Report



Author: Kirsten Whetstone
Subject: Spiro Condominiums-
Buildings N, O, P, Q, and R
Date: November 30, 2006
Type of Item: Administrative – Record of Survey Plat

PLANNING DEPARTMENT

Summary Recommendation

The Planning Department recommends the City Council conduct a public hearing, consider any input, and adopt an ordinance approving the Spiro Condominiums Buildings N-R record of survey plat, based on the findings of fact, conclusions of law, and conditions of approval as outlined in the ordinance.

Description

Project Name:	Spiro Condominiums Buildings N-R (Silver Star)
Applicant:	Rory Murphy for Paladin, LLC
Location:	1835 Three Kings Drive
Zoning:	Residential Development (RD) and RDM (Residential Development Medium Density) as part of the Spiro Tunnel MPD Master Planned Development (MPD)
Adjacent Land Uses:	Park City Mountain Resort, Condominiums, City Golf Course, single family residences

Background

The subject property is a portion of the Spiro Tunnel Master Planned Development. The Spiro MPD property is located on Three Kings Drive and consists of a total of 19.96 acres. The property is subject to the Spiro Tunnel Annexation Agreement (August 12, 2004) and the Spiro Tunnel MPD Development Agreement (ratified by the Planning Commission on February 23, 2005).

A subdivision plat, known as the Silver Star Subdivision was approved by the City Council on March 31, 2005. The subdivision plat created 4 platted lots for the Spiro Tunnel MPD. The subdivision plat was recorded on June 10, 2005. The property subject to this record of survey plat amendment consists of Buildings N-R, located on Lot 2 of the Silver Star subdivision (Exhibit A).

The Spiro Tunnel MPD and conditional use permit set forth further conditions regarding the specific development of the Spiro Tunnel site. The Spiro Tunnel MPD was approved for 22 cottage units, 1 single family residence with guest house, 75 condominium units, as well as 14.5 commercial Unit Equivalents (UEs) of office and retail, support commercial, and 14-18 employee housing units to satisfy the affordable housing component of the MPD.

The purpose of a condominium record of survey plat is to identify private, limited common and common areas within a project, and/or phase of a project. Recordation of a condominium record of survey enables the owner to sell individual condominium units. This record of survey plat identifies 5 buildings. Three of them are renovated historic buildings containing a total of 8,255 sf of commercial uses, currently including a sales office for the Silver Star development and offices for the non-profit Sundance Institute. The remaining 2 buildings contain a total of 21 residential, affordable housing units ranging in size from 426 sf to 1,241 sf and 3,965 sf of support commercial space currently used for an artist-in-residence program associated with the Sundance Institute. The 2 affordable housing buildings (N and O) are at the permitting stage of construction. The 21 affordable housing units are held in common by the developer and subject to deed restrictions approved by the City.

On November 8, 2006, the Planning Commission conducted a public hearing and voted to forward a positive recommendation to the City Council to approve this record of survey plat. There was no public input.

Analysis

The project is located at 1835 Three Kings Drive within the Park City limits. The property is zoned RD, Residential Development, and is subject to the Spiro Tunnel MPD. The proposed condominiums are consistent with the zoning district and the MPD.

Primary access to all five buildings is from Three Kings Drive via Silver Star Court, a private street within the Silver Star project. The plat is consistent with the Spiro Tunnel MPD, in terms of size and location of the buildings, proposed uses, access, and required parking. This application meets the requisite subdivision requirements of Title 15-7 of the Park City Municipal Code. All conditions of approval of the Spiro Tunnel MPD and Silver Star Subdivision plat approval continue to apply.

The condominium record of survey plat identifies private, common, and limited common areas for these buildings.

Building N consists of 10 affordable housing residential units ranging in size from 426 sf to 820 sf with 3,965 sf of commercial space and 410 sf of storage space. These rental units are platted as private and will be held by the developer as seasonal rental housing under a master lease. Currently, the Sundance Institute will hold the lease; however this may change over time.

Building O consists of 11 affordable housing residential units ranging in size from 611 sf to 1,241 sf. These units are platted as private and will be for sale subject to the affordable housing deed restriction. Unit O-101 is identified on the plat as an ADA unit, to be constructed in compliance with the Americans with Disabilities Act. This unit is platted as private.

Buildings P, Q, and R are platted as private and consist of a total of 8,255 sf of commercial space.

The commercial space within Building N is for office and artist-in-residence use. The commercial spaces in P, Q, and R are currently used by the Sundance Institute and the Silver Star Development for offices. These uses are consistent with the Spiro Tunnel MPD.

A total of 110 surface parking spaces are provided for these uses, per the Master Planned Development. Twenty one spaces are for the residential units and 89 spaces are provided for the commercial uses, including the seasonal use for the Sundance Institute. All parking spaces are identified as common area. The Code requires between 36 and 40 spaces for office uses. The additional 49-53 spaces are provided per an agreement with the Sundance Institute to meet the higher demand during the Festival, to meet a parking demand by Public Works that is currently occurring on Three Kings Drive, to provide trailhead parking for the Spiro Trail, and for uses within Building A. The lower lot closest to Three Kings Drive includes approximately 28 spaces, subject to a parking easement and agreement with the City, for use by City employees of the Public Works department. These parking spaces may also be used for trail head parking. Staff recommends that prior to plat recordation, a parking agreement between Park City and the Applicant, shall be executed and recorded to address parking issues related to the 110 surface parking spaces at the Silver Star development. Specifically, these issues include spill over parking onto Three Kings Drive and restrictions on use by day skiers.

At the Council meeting on November 16, 2006, Claire Jackson, a neighbor in the Thaynes Canyon subdivision, commented about the on-street parking situation along Three Kings Drive. The parking lots being provided by the Silver Star Development will resolve much of conflicts. The applicant will provide hang tags for people who are permitted to park in the Silver Star lots. The City may need to post Three Kings Drive as no-parking if the problem continues. The City Engineer and Public Works department will need to review the situation for a season and determine whether this is necessary.

Prior to recordation, the plat and condominium declaration and CCR's will be reviewed as to form, by the City Engineer and City Attorney. Unit O-101 shall be identified on the plat as an ADA unit. This unit is within the affordable for-sale building, but is not part of the affordable housing equivalent. As the ADA unit is appurtenant to all other units and is not counted towards the Unit Equivalents, the ADA unit cannot be separately rented, without increasing the total UE for the project. It can be leased with lease of another unit within the project. This unit shall be constructed according to all ADA requirements.

A note is required on the plat identifying the residential units as affordable housing units and shall reference the affordable housing mitigation plan approved on March 23, 2006, consistent with the Spiro Tunnel MPD, and compliant with requirements of the City's housing resolution. Deed restrictions consistent with the housing mitigation plan shall be recorded as a precedent to plat recordation.

Notice

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

Department Review

This project was reviewed at the interdepartmental review meetings on August 22nd and September 26th, 2006. Traffic on Three Kings Drive will be heavily affected by construction of these buildings and the utilities serving them.

Alternatives

- A. Council may approve the Spiro Condominiums Buildings N- R record of survey plat based on the findings of fact, conclusions of law, and conditions of approval stated in the attached Ordinance; or
- B. Council may deny the record of survey plat and direct and guide staff to make specific findings for this decision; or
- C. Council may continue discussion on this condominium plat to a specific date, providing clear direction on issues to be resolved.

Significant Impacts

The most significant impact to the City, resulting from this application is the establishment of individual owner units. These units are being constructed to satisfy the affordable housing requirement of the Spiro Tunnel MPD. In order to provide for sale units, this plat must first be approved and recorded at Summit County. There are no environmental impacts as a direct result of this condominium plat as the buildings can be physically constructed, or already exist, without this condominium plat. The historic buildings have been renovated and are currently being used for office uses for the Sundance Institute and the Silver Star Development, as contemplated with the Spiro Tunnel MPD.

Consequences of Not Following the Recommendation

The Applicant can not sell individual residential or commercial units if this plat is approved and recorded.

Recommendation

The Planning Department recommends the City Council conduct a public hearing for the Spiro Condominiums Buildings N, O, P, Q, and R record of survey plat, consider any input, and approve the record of survey plat based on the findings of fact, conclusions of law and conditions of approval as stated in the attached Ordinance.

Exhibits

Exhibit A – Record of Survey plat sheets 1-8- (larger versions have been attached to the Council packet under separate cover and are also available at the Planning Department or by e-mail)

Ordinance attached.

Ordinance No. 06-

**AN ORDINANCE APPROVING THE SPIRO CONDOMINIUMS
BUILDINGS N - R, RECORD OF SURVEY PLAT,
LOCATED AT 1835 THREE KINGS DRIVE, PARK CITY, UTAH**

WHEREAS, the owner of lot 2 of the Silver Star Subdivision, located at 1835 Three Kings Drive, petitioned the City Council for approval of a condominium record of survey plat, 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 8, 2006, to receive input on the proposed condominium record of survey plat; and

WHEREAS, the Planning Commission, on November 8, 2006, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 30, 2006, the City Council held a public hearing and approved the condominium record of survey plat; and

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

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

Findings of Fact:

1. The property is located in the RDM zoning district.
2. The property is subject to the 2004 Spiro Tunnel MPD Development Agreement.
3. The Spiro Tunnel MPD Development Agreement sets forth a maximum density of 97 unit equivalents (UE), 14.5 UE of support commercial/office uses, and 14-18 affordable housing units. This condominium plat identifies private area for 21 affordable housing units and 12,220 sf of support commercial/office uses. The residential units range in size from 426 to 1,241 square feet. The remaining floor area is designated as either common area or limited common area (exclusive use of a particular unit).
4. A total of 110 parking spaces are required for these uses and have been provided at the site. These surface parking spaces are identified as common area on the plat. A parking agreement between Park City Municipal and the Applicant is required to

address restricting day skier parking and enforcement of parking to prevent daily spill over parking onto Three Kings Drive.

5. A lower surface parking lot of 28 spaces is subject to a parking agreement between the City and the Applicant for the purpose of seasonal employee parking for Public Works, as well as trailhead parking for the general public.
6. Record of survey plats for Building A, Buildings B-F, Buildings G-M, and Cottage Units 1-22 have been previously approved and recorded.

Conclusions of Law:

1. There is good cause for this Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey, as conditioned.
4. Approval of the Record of Survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. The proposed record of survey plat is consistent with the approved Spiro Tunnel MPD Development Agreement.

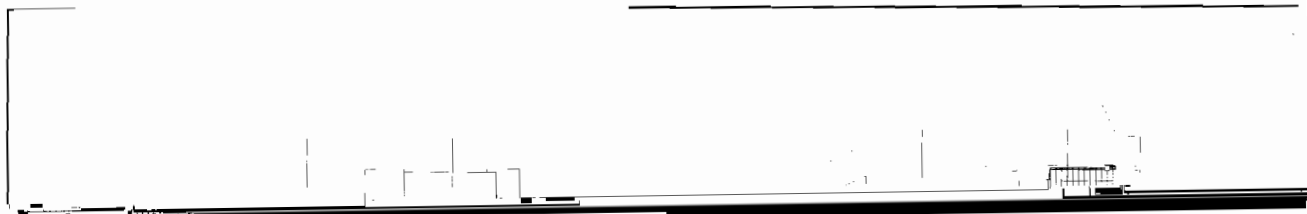
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey for compliance with State law, the Land Management Code, and the conditions of approval, as a condition subsequent to plat recordation.
2. The City Attorney will review and approve the final form of the Condominium Declaration and CCRs, as a condition subsequent to plat recordation, including compliance with any ADA requirements.
3. The applicant will record the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All conditions of approval of the Spiro Tunnel MPD continue to apply.
5. All conditions of approval of the Silver Star subdivision plat continue to apply.
6. The Owner shall certify on the plat that the condominium project will be built substantially as shown.
7. A financial guarantee for 125% of the value of any public improvements shall be submitted prior to plat recordation, in an amount approved by the City Engineer and in a form approved by the City Attorney.
8. The lower surface parking lot, containing approximately 28 parking spaces, is subject to a parking agreement between PCMC and Paladin LLC (Applicant) for the trail head and Public Works employee parking areas. As a condition precedent to plat recordation, an amendment to the parking agreement between Park City and the Applicant, shall be executed and recorded, to address parking issues related to the 110 surface parking spaces. Those issues include enforcement to prevent daily spill over parking onto Three Kings Drive and restrictions on use of the surface parking by day skiers. The agreement should outline a yearly review of the parking situation and identify complaints and problems.

9. The affordable housing units are subject to an affordable housing mitigation plan, approved by the Housing Authority on March 23, 2006. The housing units shall comply with all applicable affordable housing requirements and deed restrictions as required by the plan and all applicable Park City affordable housing resolutions and requirements.
10. Deed restrictions consistent with the housing mitigation plan shall be recorded as a precedent to plat recordation.
11. All required ADA units shall be identified on the plat.

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

PASSED AND ADOPTED this 30th day of November, 2006.



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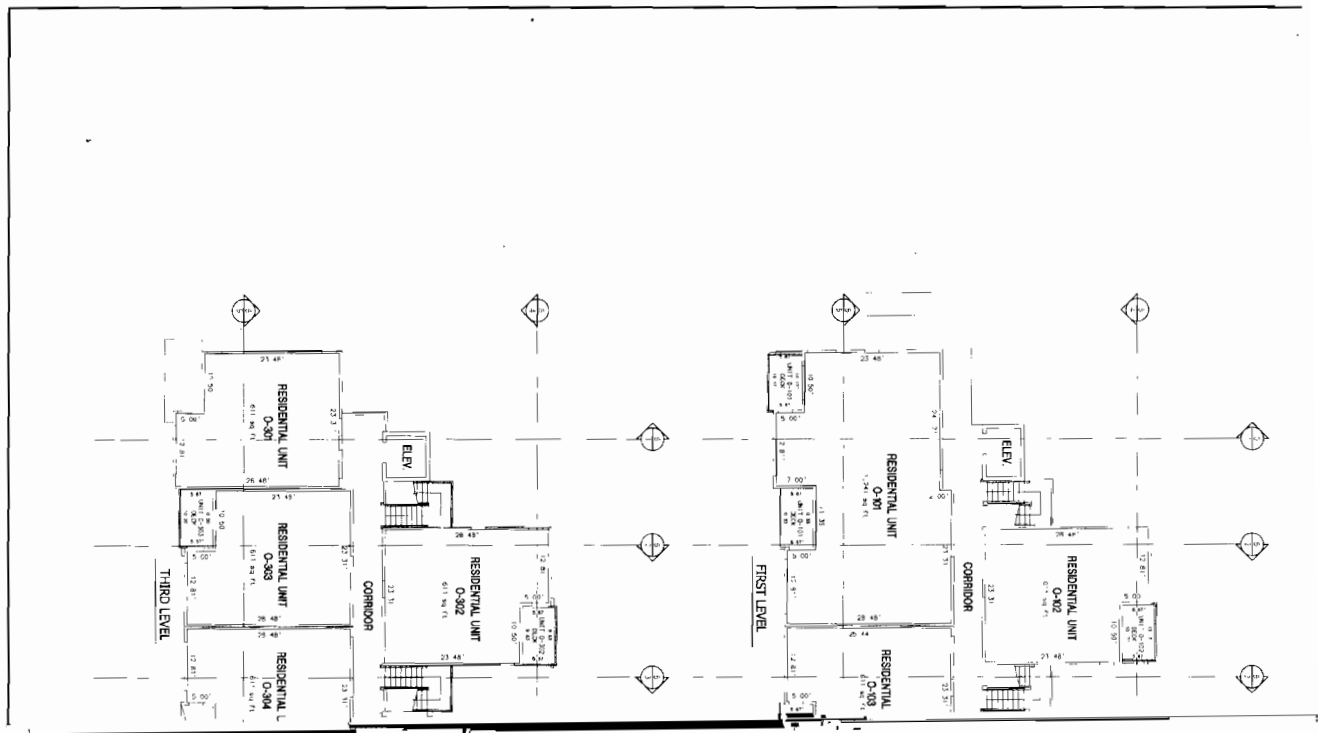
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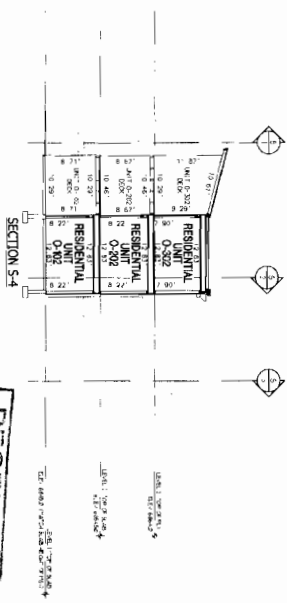
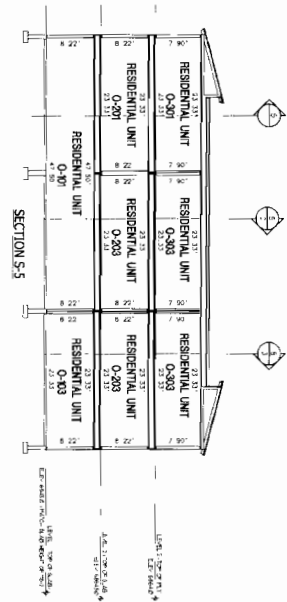
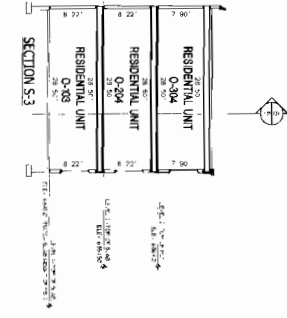
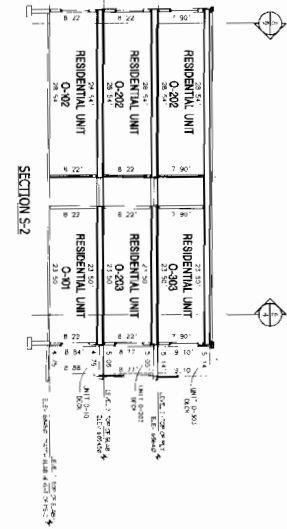
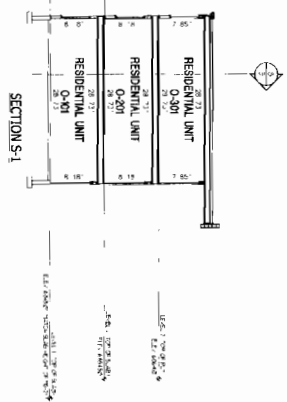
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PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "O"
A UTAH CONDOMINIUM PROJECT
THE SPIRO CONDOMINIUMS PROJECT
TOWNSHIP 5 SOUTH RANGE 10 EAST SALT LAKE BASIN 2 WESTMAN
PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED
OCT 25 2006
PARK CITY
PLANNING DEPT.

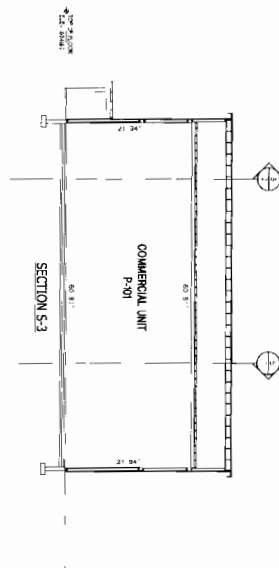
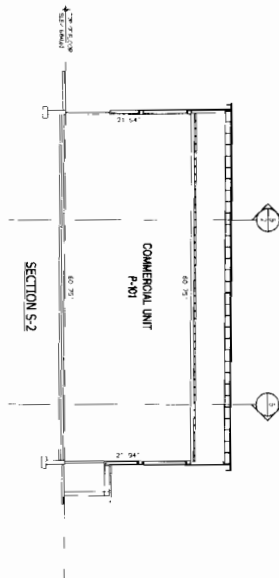
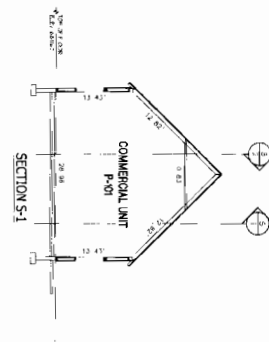
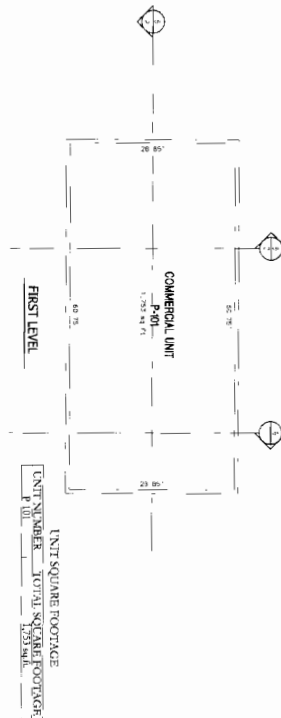
SHEET 5 OF 8

DATE: _____ BY: _____

COUNTY OF _____

RECORDED AND FILED AT THE REQUEST OF _____

COUNTY RECORDER _____



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "P"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6,
TOWNSHIP 2 SOUTH, RANGE 12 EAST, 10TH PRINCIPAL MERIDIAN,
PAINE CITY, STANLEY COUNTY, UTAH

RECEIVED
OCT 25 2006
PAINE CITY
PLANNING DEPT.

SHEET 6 OF 8

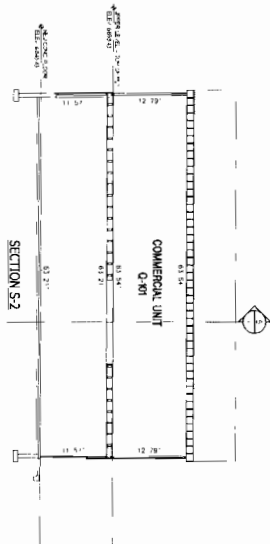
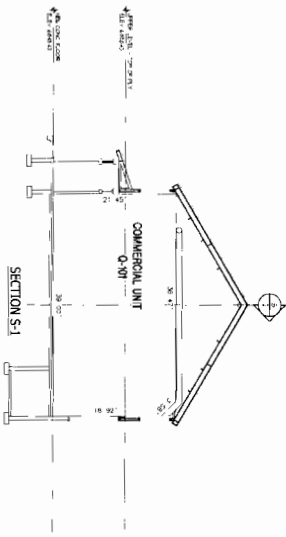
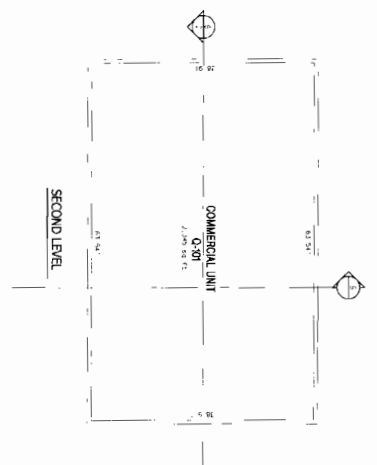
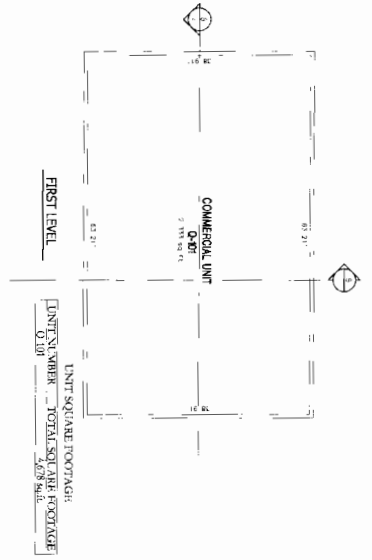
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PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "Q"
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16,
TOWNSHIP 2 S. RANGE 10 E. SALT LAKE COUNTY, UTAH
PARK CITY, STANLEY COUNTY, UTAH

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SHEET 7 OF 8

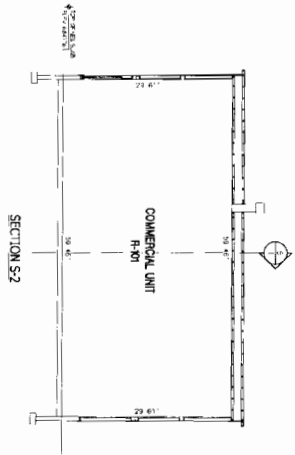
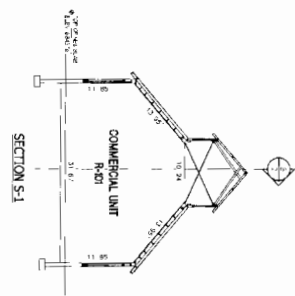
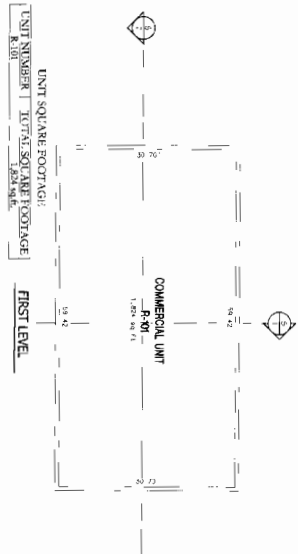
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COUNTY RECORDER _____



PRIVATE OWNERSHIP
COMMON AREAS AND
FACILITIES
LIMITED COMMON AREAS AND
FACILITIES

CONDOMINIUM PLAT
THE SPIRO CONDOMINIUMS
BUILDING "R"

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 12 EAST, SALT LAKE COUNTY, UTAH
PARK CITY, SHERATT CONSTRUCTION, UTAH

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PARK CITY
PLANNING DEPT.

SHEET 8 OF 8

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DATE: NO. _____ BOOK _____ PAGE _____

COUNTY OF _____

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CONTRACT RECORDED

City Council Staff Report



Author: Brooks T. Robinson
Subject: Marsac Avenue and
Chambers Street Rights of Way
Date: November 30, 2006
Type of Item: Legislative – Final Plat

Summary Recommendations

Staff recommends the City Council hold a public hearing for the Marsac Avenue and Chambers Street Rights of Way final plat and approve the final plat based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant:	United Park City Mines Company
Location:	Marsac Avenue from Hillside Avenue to the Guardsman connection road, including Chambers Street.
Zoning:	Adjacent to HR-1, Estate, and Recreation Open Space
Adjacent Land Uses:	Residential at the north end, open space for most of the rest.
Reason for Review:	Final Plats require Planning Commission review and City Council approval

Background

On October 12, 2006, the City received a completed application for the Marsac Avenue and Chambers Street Rights of Way final plat. The plat creates the right of way for the relocated Marsac Avenue (aka State Route 224, aka the Mine Road) from just north (downhill) of the Hillside Avenue intersection to the Guardsman connection road just west of Deer Valley's Silver Lake area. The plat also creates Chambers Street right of way at the intersection with Hillside Avenue and Prospect Street.

The current road alignment is not within the platted Marsac Avenue right of way south of the Sandridge parking lots and is not wholly within the recorded UDOT right of way further south of the Park City Survey.

The City Council approved a previous version of this plat on August 12, 2004; however the plat was never recorded and expired after one year.

The Planning Commission held a public hearing at its regular meeting of November 8, 2006, and forwards a positive recommendation.

Analysis

The proposal is consistent with the Flagstaff Development Agreement and the Land Management Code regarding subdivisions. Staff finds good cause for this subdivision as the plat will formally dedicate the unplatted rights-of-way to the public.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

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

Public Input

No public input was received at the Planning Commission hearing. Several noticed property owners inquired as to the nature of the application.

Alternatives

- The City Council may approve the final plat for the Marsac Avenue and Chambers Street Rights of Way final plat as conditioned or amended, or
- The City Council may deny the final plat for the Marsac Avenue and Chambers Street Rights of Way final plat and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on Marsac Avenue and Chambers Street Rights of Way final plat.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The existing Marsac Avenue would remain outside of a platted right-of-way. After the recent realignment, Chambers Street is mostly within its previous right-of-way although the intersection with Hillside Avenue has changed.

Recommendation

Staff recommends the City Council hold a public hearing for the Marsac Avenue and Chambers Street Rights of Way final plat and approve the final plat based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Ordinance No. 06-

AN ORDINANCE APPROVING A SUBDIVISION PLAT FOR MARSAC AVENUE AND CHAMBERS STREET, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Flagstaff Annexation have petitioned the City Council for approval of the subdivision plat; 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 8, 2006, to receive input on the subdivision;

WHEREAS, the Planning Commission, on November 8, 2006, forwarded a positive recommendation to the City Council; and,

WHEREAS, on November 30, 2006, the City Council approved the subdivision; and

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

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

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

Findings of Fact:

1. The property is located between platted Marsac Avenue at the Sandridge parking lots and the Guardsman Connection to Silver Lake.
2. The zoning along the road is HR-1 and ROS.
3. The City Council adopted Ordinance 99-30 On June 24, 1999, approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area.
4. The Flagstaff Annexation Development Agreement section 2.10.2 stipulates certain road and intersection improvements, including widening the road, drainage improvements, a passing lane and runaway truck ramp.
5. The Planning Commission and City Council previously approved this plat, but it was never recorded and expired.

Conclusions of Law:

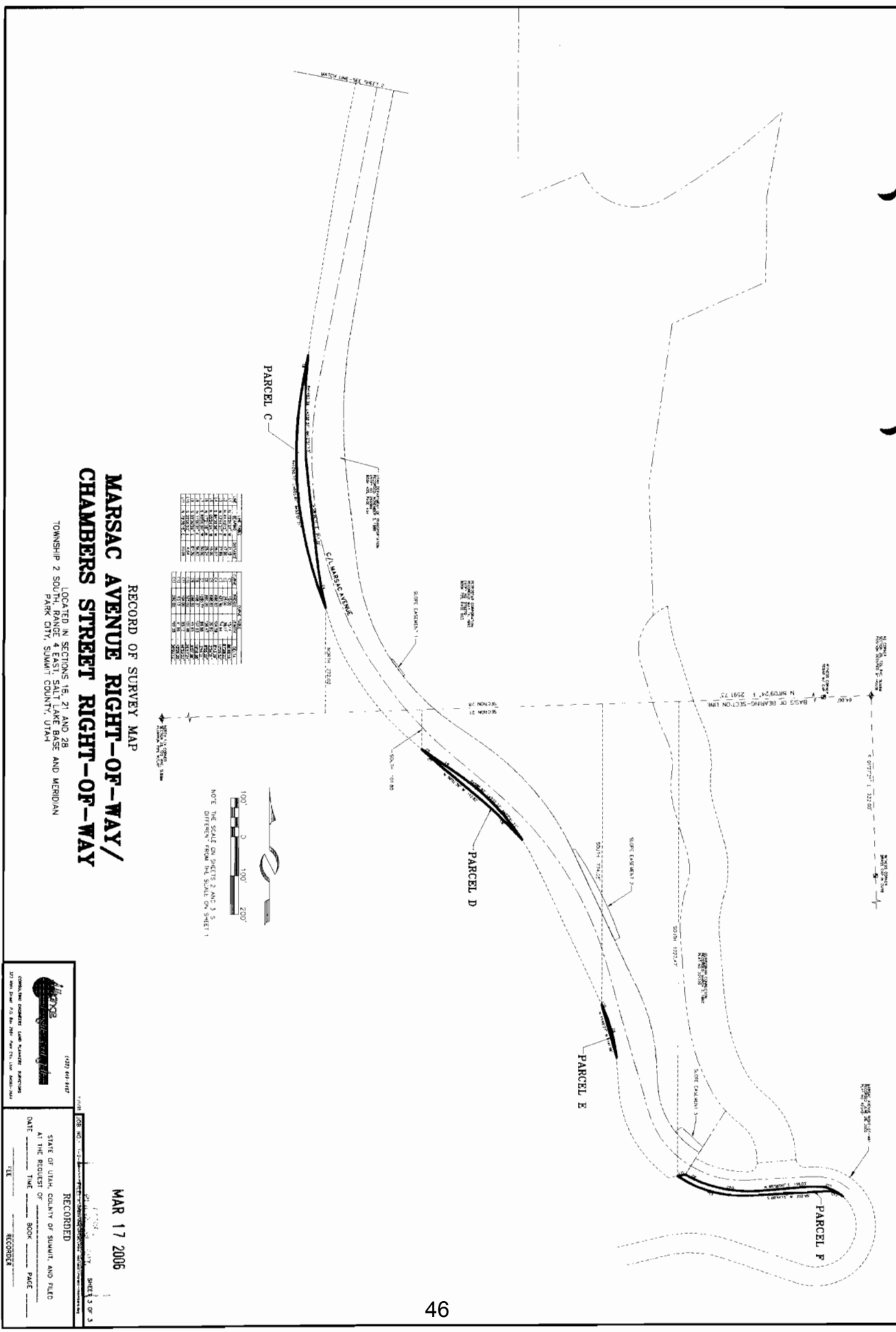
1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Master Plan Development Agreement, Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. The applicant shall submit "as-built" construction plans showing that all improvements lie within the platted rights-of-way prior to plat recordation.
4. Nothing herein obligates Park City to accept the jurisdictional transfer of State Route 224.

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

PASSED AND ADOPTED this 30th day of November, 2006.





City Council Staff Report

POLICE DEPARTMENT

Author: Chief Lloyd D. Evans, Sr., Police Department
Subject: **Municipal Code Revisions – Sexually Oriented Businesses**
Date: November 30, 2006
Type of Item: **Legislative**

Summary Recommendations:

Hold a public hearing and adopt the proposed ordinance, which amends Title 4, Licensing Code, Chapter 9, Sexually Oriented Businesses.

Description:

Topic:

Staff recommends revisions to Park City's Licensing Code found in Chapter 9, Sexually Oriented Business, which identifies escorts services as such and establishes additional requirements for all adult businesses.

Background:

The City currently does not require a separate adult business license for escort services, and does not require licenses for employees who work for an adult business. Escort services wishing to do business in Park City currently only need a regular office license. Apparently due to stricter regulations recently enacted in other municipalities, Park City has seen an increase in escort services. Staff received information from Salt Lake jurisdictions that their businesses were using our lack of SOB licensing to get around their regulations. As well, Park City and surrounding law enforcement agencies have observed the local secondary effects of unregulated escort services, such as prostitution and other increased crime in connection with these types of businesses as evidences by recent, successful sting operations.

Analysis:

Here is a brief summary of the changes made to the Sexually Oriented Business (SOB) ordinance:

- Adds definitions of "Business Premises", "Employee", "Escort", "Escort Service", and "Licensee".
- Requires Employees of SOBs to be licensed (and defines "Employees" as anyone working for the Escort Service)
- Adds Escort Services as an SOB business category, and prohibits a non-escort service SOB to provide escort services

- Requires SOB business license applicants to provide a physical business address, including locations where phone calls are forwarded and all websites operated by the business
- Requires all applicants to meet with the Police Chief or his designee as part of the application process
- Includes requirements for employee license applications including
 - o a proof of age of at least 21 years
 - o a number of items relating to the individual's identity such as photos, fingerprints, statement of licensing history, and a criminal history disclosure
- Makes it unlawful to employ unlicensed persons, or to assist in the employment of unlicensed persons
- Provides 45 days for the Police Chief to review a completed application
- Provides an incomplete application as a basis for denial
- Provides that any violation of the Utah Controlled Substances Act, any crime of violence, or any felony as a grounds for license denial (certain time limitations apply)
- Prohibits any Employee from appearing in a state of nudity
- Provides operational requirements for Escort Services such as keeping copies of the written contracts with patrons, keeping an open office and prohibiting advertisements which suggest that the escorts are prostitutes
- Allows 45 days for compliance by present licensees
- Appeals will be handled the same as appeals of business license denials
- Requires employee license to be on or about the employee while working

Department Review:

Proposed changes have been reviewed and approved by the Police Department, Legal Department and Business Licensing and City Manager.

Alternatives:

- A. Approve the Request:** This action should allow the city to regulate Escort Services as well as lessen any adverse secondary effects Adult Businesses may have on the community.
- B. Deny the Request:** This action would leave the city with less comprehensive ordinances that may attract adverse activity.
- C. Continue the Item:** Continue the item and request more information from staff. Continuing this item would not allow for a smooth transition of the new ordinance in relationship to the license renewal process which occurs in January of each year.

Significant Impacts:

The changes should have a significant impact in preventing the adverse secondary effects of Adult Business, such as prostitution, drug use/distribution, and larceny in addition; it will raise awareness within escort businesses that enforcement will occur. As well, it will increase the available avenues of enforcement to law enforcement when

addressing SOB business that may violate other ordinances or state laws in the course of their business operations.

These ordinance revisions will increase the amount to staff time needed by the police department to facilitate the application and approval process, as well as additional staff time to institute enforcement strategies for this increase in service level. The most recent fee schedule was amended to include an increase in this type of business license fees to offset the staff costs. However, the police department will monitor the staff costs over the next year to determine if fee adjustments would be needed in the following years.

Consequences of not taking the recommended action:

This action would continue to leave Park City vulnerable to adverse secondary effects of Adult Businesses that are drawn to the jurisdiction due to less restrictive regulation. Businesses that operate as Escort Services would be allowed to continue to operate without obtaining a Sexually Oriented Business license.

Recommendation:

Staff recommends that Council hold a public hearing and adopt the proposed ordinance, which amends Title 4, Licensing Code, Chapter 9, Sexually Oriented Businesses.

Ordinance No. 06-_____

AN ORDINANCE AMENDING TITLE 4, CHAPTER 9 OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO INCLUDE ESCORT SERVICES AS SEXUALLY ORIENTED BUSINESSES AND ESTABLISHES ADDITIONAL REQUIREMENTS FOR ALL ADULT BUSINESSES .

WHEREAS, the Municipal Code does not require an adult business license for escort services or a license for any employees who work for sexually oriented businesses; and

WHEREAS, Park City has seen an increase in escort services engaging in business in Park City; and

WHEREAS, the City Council finds that there are local secondary effects of unregulated escort services and their employees such as evidenced by recent, successful sting operations; and

WHEREAS, escort service employees tend to have access to private residences; and

WHEREAS, the City Council finds that it is in the public interest to regulate escort services and employees of sexually oriented businesses; and

WHEREAS, public hearings were duly held before the City Council on November 30, 2006; and

WHEREAS, public notice and opportunity to comment were provided, pursuant to the Municipal Code; and

WHEREAS, the City Council finds and determines that requiring business licenses for escort services and employees of sexually oriented businesses will diminish the secondary effects of unregulated escort services; and

WHEREAS, the City Council finds the proposed amendments in the best interest of the residents of Park City;

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

SECTION I. FINDINGS AND AMENDMENT. The above-recitals are hereby incorporated herein as findings. Title 4, Chapter 9, of the Municipal Code is hereby amended as described in Exhibit A:

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

PASSED AND ADOPTED this 30th day of November, 2006.

EXHIBIT A

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CHAPTER 9 - SEXUALLY ORIENTED BUSINESSES

4- 9- 1. TITLE FOR CITATION.

This ~~section~~ Chapter shall be known and may be referred to as the sSexually oOriented bBusiness lLicensing oOrdinance.

4- 9- 2. PURPOSE: REASONABLE LICENSING PROCEDURES.

It is the purpose and object of this ~~section~~ Chapter that the City establish reasonable and uniform regulations governing the licensing and manner of operations of sSexually oOriented bBusinesses and their eEmployees in Park City. This ~~section~~ Chapter shall be construed to protect the governmental interests recognized by this ~~section~~ Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of sSexually oOriented bBusinesses within the City in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects of sSexually oOriented bBusinesses, while providing to those who desire to patronize sSexually oOriented bBusinesses the opportunity to do so. Sexually oOriented bBusinesses are frequently used for unlawful sexual activities, including prostitution. Licensing of sSexually oOriented bBusinesses and Employees is a legitimate and reasonable means of ensuring that oOperators and Employees of sSexually oOriented bBusinesses comply with reasonable regulations and that oOperators do not knowingly allow their businesses to be used for illegal sexual activity or solicitation. There is convincing documented evidence that sSexually oOriented bBusinesses, because of their nature, have a deleterious effect on both the existing neighboring businesses and surrounding residential areas, causing increased crime and downgrading of property values. The purpose of this Chapter is to control the adverse effects of sSexually oOriented bBusinesses and thereby to protect the health, safety, and welfare of the citizens and guests of Park City, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods, and deter the spread of urban blight.

4- 9- 3. APPLICATION OF PROVISIONS.

This ~~section~~ Chapter imposes regulatory standards and license requirements on certain business activities, which are characterized as "sSexually oOriented bBusinesses." It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of sSexually oOriented bBusinesses. Nothing in this Chapter is intended to supersede or nullify any other related ordinances including, but not limited to, the Municipal Code of Park City, Utah, or the Park City Land Management Code.

4- 9 -4. DEFINITIONS.

For the purpose of this section the following words shall have the following meanings:

(A) **ADULT BUSINESS.** An ~~a~~Adult ~~t~~Theater, ~~a~~Adult ~~m~~Motion ~~p~~Picture ~~t~~Theater, ~~a~~Adult ~~b~~Bookstore ~~or~~ ~~a~~Adult ~~v~~Video ~~s~~Store, or Escort Service.

(B) **ADULT BOOKSTORE or ADULT VIDEO STORE.** A business which:

- (1) holds itself out as such a business; or
- (2) for more than thirty percent (30%) of the retail floor or shelf space of the premises, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes ~~s~~Specified ~~s~~Sexual ~~a~~Activities or ~~s~~Specified ~~a~~Anatomical ~~a~~Areas, or instruments, devices or paraphernalia which are designated for use in connection with ~~s~~Specified ~~s~~Sexual ~~a~~Activities, except for legitimate medically-recognized contraceptives.

(C) **ADULT MOTION PICTURE THEATER.** A business which:

- (1) holds itself out as such a business; or
- (2) as its principal business, regularly shows films, motion pictures, video cassettes, slides or similar photographic reproductions which are primarily characterized by the depiction or description of ~~s~~Specified ~~s~~Sexual ~~a~~Activities or ~~s~~Specified ~~a~~Anatomical ~~a~~Areas.

(D) **ADULT THEATER.** A business which:

- (1) holds itself out as such a business; or
- (2) regularly features persons who appear in a ~~s~~State of ~~n~~Nudity or live performances which are primarily characterized by the exposure of ~~s~~Specified ~~a~~Anatomical ~~a~~Areas or by ~~s~~Specified ~~s~~Sexual ~~a~~Activities.

(E) **BUSINESS PREMISES.** The real property upon which the Sexually Oriented Business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the Sexually Oriented Business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the Licensee, as described in the application for a business license;

(F) **EMPLOYEE.** A person who performs any service on the premises or render any services directly related to the operation of any Sexually Oriented Business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an

employee, independent contractor, agent, or otherwise, whether or not on a temporary or permanent basis, and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. “Employee” shall also include a Licensee’s designated agent. “Employee” does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does “Employee” include a person exclusively on the premises as a patron or customer.

(G) **ESCORT.** Any person who, for consideration, accompanies other persons to or about social affairs, entertainments or places of amusement or consorts with others about any place of public resort or within any private quarters, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(H) **ESCORT SERVICES.** A business, contractor, agency or person which:

(1) holds itself out as such a business; or

(2) for a fee, commission, hire, reward or profit furnishes or offers to furnish names of persons or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement or who may consort with others about any place of public resort or within any private quarters.

(I) **LICENSEE.** A person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

(~~E~~J) **NUDITY** or **STATE OF NUDITY.** A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of Semi-Nude.

(~~F~~K) **OBSCENE.** Any material or performance is obscene if:

(1) the average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;

(2) it is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and

(3) taken as a whole, it does not have serious literary, artistic, political or scientific value.

(~~G~~L) **OPERATOR.** The manager or other natural person principally in charge of a sSexually oOriented bBusiness.

(~~H~~M) **SEMI-NUDE or SEMI-NUDITY.** A state of dress in which a person wears opaque clothing covering:

(1) only the male or female genitals, pubic region, anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point; and if applicable,

(2) the nipple and areola of the female breast.

(~~FN~~) **SEMI-NUDE ENTERTAINMENT BUSINESS**. A business, including an Adult Theater, where ~~e~~Employees perform or appear in the presence of patrons of the business in a state of ~~s~~Semi-~~n~~Nudity. A business shall also be presumed to be a ~~s~~Semi-~~n~~Nude ~~e~~Entertainment ~~b~~Business if the business holds itself out as such a business.

(~~JO~~) **SEXUALLY ORIENTED BUSINESS**. Semi-~~n~~Nude ~~e~~Entertainment ~~b~~Businesses and ~~a~~Adult ~~b~~Businesses, ~~and semi-nude dancing agencies~~ as defined by this Chapter.

(~~KP~~) **SPECIFIED ANATOMICAL AREAS**. The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.

(~~LQ~~) **SPECIFIED SEXUAL ACTIVITIES** means:

(1) acts of:

(~~i~~a) masturbation;

(~~ii~~b) human sexual intercourse; or

(~~iii~~c) sodomy

(2) manipulating, caressing or fondling by any person of:

(~~i~~a) the genitals of a human;

(~~ii~~b) the pubic area of a human; or

(~~iii~~c) the breast or breasts of a human female.

(3) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

4- 9- 5. OBSCENITY AND LEWDNESS - STATUTORY PROVISIONS.

Notwithstanding anything contained in this section, nothing in this section shall be deemed to permit or allow the showing or display of any matter, which is contrary to applicable federal or state statutes prohibiting obscenity.

Notwithstanding anything contained in this section, nothing in this section shall be deemed to permit or allow conduct or the showing or display of any matter which is contrary to the provisions of the Criminal Code, Section 8-4-20 Lewdness. Provided, however, that for the purpose of this sSexually eOriented bBusiness Chapter, the definition of private parts shall be construed to mean nNudity as defined in this Chapter.

**4- 9- 6. BUSINESS LICENSE REQUIRED, EMPLOYEE LICENSE REQUIRED
APPEAL PROCEDURE.**

It shall be unlawful for any person to ~~operate~~engage in a sSexually eOriented bBusiness, as specified herein, without first obtaining a sSexually eOriented bBusiness license. Providing Escort Services within Park City shall be considered Engaging in Business. The business license shall specify the type of sSexually eOriented bBusiness for which it is obtained. It shall be unlawful of any Employee of a Sexually Oriented Business to perform any services without first obtaining a Sexually Oriented Business Employee license. Any person operating as an independent contractor shall obtain both a Sexually Oriented Business license and an Employee license. Any applicant denied a Sexually Oriented Business license may appeal to the City Council pursuant to Section 4-2-11, provided such request is filed within ten (10) days after receipt of notice of denial.

4- 9- 7. EXEMPTIONS FROM LICENSE REQUIREMENTS.

The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the State of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State of Utah for activities in the classroom.

4- 9- 8. ARTISTIC MODELING.

The City does not intend to unreasonably or improperly prohibit legitimate modeling or exhibitions, which may occur in a sState of nNudity for purposes protected by the First Amendment or similar State protections.

4- 9- 9. BUSINESS CATEGORIES; SINGLE LICENSE.

It is unlawful for any Business Premises to operate or be licensed for more than one category of sSexually eOriented bBusiness. The categories of sSexually eOriented bBusinesses are:

- (A) Adult Bookstore or Adult Video Store;
- (B) Adult Motion Picture Theater;
- (C) Adult Theater;
- (D) Semi-Nude Entertainment Businesses; and

(E) Escort Service.

4- 9-10. BUSINESS LICENSE APPLICATION; DISCLOSURE;

Before any applicant may be licensed to operate a ~~sSexually o~~Business pursuant to this Chapter, the applicant shall submit to the Business License Clerk, on a form to be supplied by the Park City ~~bBusiness L~~icense officerClerk, the following:

(A) The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.

(B) If the applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name the information required below for individual applicants shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company, or any entity holding more than ten percent of an applicant, shall be considered an applicant for purposes of disclosure under this Chapter.

(C) All corporations, partnerships or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership or non-corporate entity to sign the checks for such corporation, partnership or non-corporate entity.

(D) For all applicants the application must also state:

- (1) any other names or aliases used by the individual;
- (2) present ~~business~~physical address and telephone number of the Business Premises;
- (3) any internet websites that the business operates;
- (~~34~~) present residence and telephone number;
- (~~45~~) Utah drivers license or identification number; and
- (~~56~~) Social security number.

(E) Acceptable written proof that any individual is at least twenty-one (21) years of age;

~~(F) A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant possessed or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated a sexually oriented business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city state, or territory. In the event of any such denial, revocation or suspension, state the date, the name or issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.~~

~~(G) — All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual or entity subject to disclosure under this chapter for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses, any traffic offense designated as a felony shall not be construed as a minor traffic offense; stating the date, place, nature of each conviction and plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for a sexually oriented business shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license;~~

~~(HF)~~ In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located;

~~(IG)~~ A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the ~~h~~Licensee and any rules, regulations or employment guidelines under or by which the ~~s~~Sexually ~~e~~Oriented ~~b~~Business intends to operate. This description shall also include:

- ~~(1)~~ the hours that the business or service will be open to the public and the methods of promoting the health and safety of ~~e~~Employees and patrons and preventing them from engaging in illegal activity;
- ~~(2)~~ the methods of supervision preventing the ~~e~~Employees from engaging in acts of prostitution or other related criminal activities;
- ~~(3)~~ the methods of supervising ~~e~~Employees and patrons to prevent ~~e~~Employees and patrons from charging or receiving fees for services or acts prohibited by this ~~e~~Chapter or other statutes or ordinances;
- ~~(4)~~ the methods of screening ~~e~~Employees and customers in order to promote the health and safety of ~~e~~Employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

~~(H)~~ Each applicant is required to attach to the application form the additional items listed in under Section 4- 9-12 of this Chapter.

~~(I)~~ Each applicant is required to meet with the Police Chief or his/her designee.

~~J) It is unlawful to knowingly submit false or materially misleading information on or with a Sexually Oriented Business license application or to fail to disclose or omit information for the purpose of obtaining a Sexually Oriented Business license.~~

4- 9-11 EMPLOYEE LICENSE APPLICATION.

(A) Applications for an Employee license to work and/or perform services in a Sexually Oriented Business, whether original or renewal, must be made to the Park City Business License Clerk by the person to whom the Employee license shall issue. Each application for an Employee license shall be accompanied by payment of the application fee in full. Application forms shall be supplied by the Park City Business License Clerk. Applications must be submitted to the office of the Park City Business License Clerk during regular working hours. Each applicant shall be required to give the following information on the application form:

- (1) The correct legal name of the applicant, and any other names or aliases used by the applicant or by which the applicant is known;
- (2) Present resident address and telephone number;
- (3) Present business name, address and telephone number;
- (4) Utah drivers license or identification number;
- (5) Social security number;
- (6) Age, date and place of birth; and
- (7) Height, weight, hair color, and eye color.

(B) Each applicant shall provide acceptable written proof that the applicant is at least twenty-one (21) years of age;

(C) Each applicant is required to attach to the application form the additional items listed in under Section 4- 9-12 of this Chapter.

(D) Each applicant is required to meet with the Police Chief or his/her designee.

4- 9-12 ADDITIONAL APPLICATION REQUIREMENTS.

Attached to the application form for any license under this ordinance shall be the following:

(A) Two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Park City Police Department. For persons not residing in Park City, the photographs and fingerprints shall be on a form from the law

enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency.

(B) A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant possessed or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated, or presently owns or operates a Sexually Oriented Business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city state, or territory. In the event of any such denial, revocation or suspension, state the date, the name or issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application; and

(C) A statement detailing all criminal convictions, pleas of no contest except those which have been expunged, and pleas that are currently being held in abeyance and have not yet been dismissed, for the applicant, individual or entity subject to disclosure under this Chapter for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses, any traffic offense designated as a felony shall not be construed as a minor traffic offense; stating the date, place, nature of each conviction, plea of no contest, except those which have been expunged, and plea that is currently being held in abeyance and has not yet been dismissed, and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers.

4-9-1113. CONSENT FOR BACKGROUND CHECK.

Submission of an application for a Sexually Oriented Business license or Employee license shall constitute voluntary consent for criminal background checks by the Park City Police Department, the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation pursuant to any proceeding involving the Sexually Oriented Business license or Employee license.

4-9-1114. LICENSE FEES.

Each applicant for a Sexually Oriented Business license and Sexually Oriented Business Employee license shall be required to pay regulatory license fee pursuant to the schedule established by resolution of the Park City Council.

4-9-15 FALSE OR MISLEADING INFORMATION; DISCLOSURE.

It is unlawful to knowingly:

(A) Submit false or materially misleading information on a Sexually Oriented Business license or Employee license application;

(B) Provide false or materially misleading information to a Park City Business License Clerk or Police Chief or his/her designee for the purpose of obtaining a Sexually Oriented Business license; or

(C) Fail to disclose or omit information for the purpose of obtaining a Sexually Oriented Business license or Employee license.

4-9-16 EMPLOYMENT OF PERSONS WITHOUT PERMITS UNLAWFUL.

It is unlawful for any Sexually Oriented Business to employ, retain or contract, or for any individual to be employed or contracted by a Sexually Oriented Business in the capacity of a Sexually Oriented Business Employee, unless that Employee first obtains and possesses a Sexually Oriented Business Employee license.

For purposes of this Section, all owners, corporations, partnerships, or anyone who has any ownership interest in the Sexually Oriented Business shall be criminally liable as a party to any violation of this Section. In addition, any manager or person with supervisory status over the unlicensed Employee shall be criminally liable as a party to any violation of this Section.

Any Employee who knowingly, intentionally, recklessly, or with criminal negligence introduces, furnishes, arranges, transports, assists or refers, or offers to introduce, furnish, arrange, transport, assist or refer any unlicensed Employee to provide, or for the purpose of providing, Escort Services shall be criminally liable.

4- 9-1217. SINGLE LOCATION AND NAME.

(A) ~~It is unlawful to conduct business~~Conducting Business, as defined in this Title, under a license issued pursuant to this Chapter at any location other than the licensed Business p~~Premises is unlawful. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.~~

(B) ~~It is unlawful for any s~~Sexually o~~riented b~~Business to do business under any name other than the business name specified in the application.

4- 9-1318. LICENSE - ISSUANCE CONDITIONS.

~~The Police Chief or his designee shall approve or deny the issuance of a license to the applicant within thirty days of receipt of a completed application. The Police Chief shall not deny the issuance of a license pursuant to this Chapter unless the he/she finds one or more of the following:~~

(A) The Park City Business License Clerk or his/her designated representative, shall refer all applications for licenses to the Police Chief for his investigation and recommendations.

(B) The Police Chief shall recommend the approval of a license pursuant to this Chapter unless he/she finds one or more of the following:

~~(A)~~(1) The applicant is under twenty-one (21) years of age;

~~(B)~~(2) The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed upon the applicant in relation to a ~~s~~Sexually~~e~~Oriented bBusiness;

~~(C)~~(3) The applicant has falsely answered a material question or request for information as authorized by this Chapter;

~~(D)~~(4) The applicant has violated a provision of this Chapter or similar provisions found in statutes or ordinances from any jurisdiction within two (2) years immediately preceding the application. A criminal conviction for a violation of a provision of this ~~e~~Chapter or similar provisions from any jurisdiction, whether or not being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;

~~(E)~~(5) The Business p~~Premises~~ to be used ~~for the business~~ has been disapproved by the Summit County Health Department, the Fire ~~Department~~ Marshal, the ~~Police Department~~, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinances of the City. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain an extension of time of no more than fifteen (15) days for its review. ~~The total time for the City to approve or deny a license shall not exceed forty five (45) days from the receipt of a completed application and payment of all fees.~~

~~(F)~~(6) The All required license fees have not been paid;

~~(G)~~(7) All applicable sales and use taxes have not been paid;

~~(H)~~(8) An applicant for the proposed business is in violation of or not in compliance with this Chapter or similar provisions found in state statutes or ordinances from any other jurisdiction;

~~(I)~~(9) An applicant has been convicted or pled no contest to a crime involving:

~~(1)~~(a) Prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; contributing to the delinquency of a minor; possession of child pornography; lewdness; obscenity; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; any felony; any violation under the Utah Controlled Substances Act or substantially similar state

or federal statute; any crime of violence; criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:

~~(a)~~(i) Less than two (2) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five (5) years if the convictions are of two (2) or more misdemeanors within the five (5) years; or

~~(b)~~(ii) Less than five (5) years have elapsed from the date of conviction if the offense is a felony;

~~(2)~~(b) The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Chapter.

(10) An applicant has not provided the Park City Business License Clerk with a complete application. An application is not complete until the applicant has provided all applicable requirements of Sections of 4-9-10; 4-9-11; and 4-9-12; met with the Police Chief or his/her designee; and paid all fees.

(C) The Police Chief shall make a report of his findings to the Park City Business License Clerk together with his recommendation, if any, within forty-five (45) days of receipt of a completed application including payment of all fees. If the Police Chief or his/her designee cannot complete his/her review within the forty-five (45) day approval or denial period, the Police Chief or his/her designee may obtain an extension of time of no more than fifteen (15) days for his/her review. The total time for the City to approve or deny a license shall not exceed sixty (60) days from the receipt of a completed application and payment of all fees.

4-9-19. APPEALS OF LICENSE DENIAL

Any applicant denied a Sexually Oriented Business license or Employee license may appeal pursuant to Section 4-2-11(A), provided such request is filed within ten (10) days after receipt of notice of denial.

4-9-20. POSSESSION AND DISPLAY OF EMPLOYEE LICENSE

It is unlawful for any individual licensed pursuant to this Chapter to fail to, at all times while engaged in licensed activities within the corporate boundaries of the City, carry their employee license on their person. If the individual is Semi-Nude, such license shall be visibly displayed within the same room as the employee is performing. When requested by police, city licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the city.

~~4- 9-14~~21. CHANGES IN INFORMATION.

Any change in the information required to be submitted under this Chapter for a ~~s~~Sexually ~~o~~Oriented ~~b~~Business license shall be given, in writing, to the Park City Business Licensing Clerk, within fourteen (14) days after such change.

~~4- 9-15~~22. TRANSFER LIMITATIONS.

~~s~~Sexually ~~o~~Oriented ~~b~~Business licenses granted under this Chapter are not transferable. It is unlawful for an individual to transfer a ~~s~~Sexually ~~o~~Oriented ~~b~~Business license. It shall be unlawful for a ~~s~~Sexually ~~o~~Oriented ~~b~~Business license held by a corporation, partnership or other non-corporate entity to transfer any part in excess of ten percent (10%) thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a ~~s~~Sexually ~~o~~Oriented ~~b~~Business licensee occurs, the license is immediately null and void and the ~~s~~Sexually ~~o~~Oriented ~~b~~Business shall not operate until a separate new license has been properly issued by the City as herein provided.

~~4- 9-16~~23. GENERAL REGULATIONS.

It is unlawful for any ~~s~~Sexually ~~o~~Oriented ~~b~~Business to:

(A) Allow persons under the age of eighteen (18) years, or the age of twenty one (21) years if required by applicable liquor ordinance, on the licensed Business p~~re~~mises, except that in a~~Adult b~~Businesses, which exclude minors from less than all of the b~~Business p~~remises, minors shall not be permitted in excluded areas

(B) Allow, offer or agree to conduct any Escort Services with persons under the age of eighteen (18) years;

~~(B)~~(C) Allow, offer or agree to allow any alcohol being stored, used or consumed on or in the licensed Business p~~re~~mises;

~~(C)~~(D) Allow the outside door to the premises to be locked while any customer is in the Business p~~re~~mises;

~~(D)~~(E) Allow, offer or agree to gambling on the licensed Business p~~re~~mises;

~~(E)~~(F) Allow, offer or agree to any e~~Employee of a s~~Sexually ~~o~~Oriented ~~b~~Business touching any patron or customer;

~~(F)~~(G) Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed Business p~~re~~mises;

~~(G)~~(H) Allow s~~Sexually ~~o~~Oriented ~~b~~Business e~~Employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;~~~~

~~(H)~~(I) Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the ~~licensed Business p~~Premises, or in the event of an Escort or Escort Services, the Escort or Employee committing, offering or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor;

~~(I)~~(J) Allow, offer, commit or agree to any ~~s~~Specified s~~Sexual a~~Activity in the presence of any customer or patron;

~~(J)~~(K) Allow, offer or agree to allow a patron or customer to ~~masturbate~~ commit Specified Sexual Activities in the presence of an ~~e~~Employee or on the Business p~~Premises of a sexually oriented business~~;

(L) Allow, offer or agree to any Employee of a Sexually Oriented Business appearing before any customer or patron in a State of Nudity;

~~(K)~~(M) Allow, offer, or agree to commit an act of lewdness as defined in Section 8-4-20 of this Code; or

~~(L)~~(N) Not permit the Police Department or other proper City official to have access at all times to all premises licensed or applying for a license under this ~~e~~Chapter, or to make periodic inspection of said Business p~~Premises~~ whether the officer or official is in uniform or plain clothes.

4-9-2024. ESCORT SERVICE OPERATION REQUIREMENTS

It is unlawful for any business or Employee providing Escort Services contracted for or provided in Park City, to fail to comply with the following requirements:

(A) All businesses licensed to provide Escort Services pursuant to this Chapter shall provide to each patron a written contract in receipt of consideration for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business Operator shall keep and maintain a copy of each written contract entered into pursuant to this section for a period not less than one year from the date of provision of services. The contracts shall be numbered and entered into a register listing the contract number, date, names of all Employees involved in the contract and pecuniary compensation paid.

(B) All Escort Services licensed pursuant to this Chapter shall maintain an open office at which at least one responsible Employee conducts the affairs of the business and acts as manager and Licensee's designated agent and may be personally contacted during all hours Escorts are working. The address and phone number of the Business Premises shall appear and be included in all patron contracts and published advertisements.

(C) Escort Services shall not advertise in such a manner that would lead a reasonably prudent person to conclude that Specified Sexual Activities would be performed by the Escort. The business Operator shall keep and maintain copies of all published advertisements for a period not less than one year from the date of publishing.

4- 9-~~17~~25. ADULT BUSINESS, DESIGN OF PREMISES.

(A) In addition to the general requirements of disclosure for a ~~s~~Sexually o~~riented b~~Business, any applicant for a license as an ~~a~~Adult bBusiness shall also submit a diagram, drawn to scale, of the Business p~~P~~remises of the license. The design and construction, prior to granting a license or opening for business shall conform to the following:

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;

(2) Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one (1) person be allowed in the restroom per stall and only one (1) person in any stall at a time and requiring that patrons shall not be allowed access to manager's station areas;

(3) For businesses which exclude minors from the entire premises all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses, which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded;

(4) The diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.

(B) It shall be the duty of ~~l~~Licensee and licensee's ~~e~~Employees to insure that the views from the manager's station of all areas specified in section (1) above remain unobstructed by any doors, walls, merchandise, display racks or any other materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(C) The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) footcandle measured at floor level. It shall be the duty of ~~l~~Licensee and licensee's ~~e~~Employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

4- 9-~~18~~26. SEMI-NUDE ENTERTAINMENT BUSINESS; INTERIOR DESIGN.

Adult ~~t~~Theaters shall require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by a physical barrier at least

three feet (3') high. It is unlawful for ~~b~~Business ~~p~~Premises licensed for ~~s~~Semi-~~n~~Nude ~~e~~Entertainment to:

- (A) permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an Adult Theater such items may be on the stage as part of a performance;
- (B) allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside;
- (C) provide any room in which the ~~e~~Employee or ~~e~~Employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet (3') high and six inches (6") wide. The patron or patrons shall remain on one side of the barrier and the ~~e~~Employee or ~~e~~Employees shall remain on the other side of the barrier;

4- 9-1927. ALCOHOL PROHIBITED.

It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the Business ~~p~~Premises. It is unlawful for any person to possess or consume any alcoholic beverage on the Business ~~p~~Premises of any ~~s~~Sexually ~~e~~Oriented ~~b~~Business.

4- 9- 28. SEVERABILITY.

In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

4- 9- 29. COMPLIANCE BY PRESENT LICENSEES.

Any person, firm or corporation which held any business license from Park City which lawfully permits the activities regulated hereby or was doing business on the effective date of this amendment, shall have forty-five (45) days from the effective date of this amendment to submit the application required in this Chapter or be deemed as operating as Sexually Oriented Business without a license. Additionally, Employees of businesses designated by this Chapter who are required to obtain an Employee license shall have forty-five (45) days from passage of this amendment to submit application for an Employee license or be deemed as operating without a license.

City Council Staff Report



Author: Brooke Moss
Human Resources
Subject: Change to Employee Cafeteria Plan
per IRS Notice 2005-42

Date: November 30, 2006

HUMAN RESOURCES

Type of Item: Administrative

Summary Recommendations: Authorization to the City Manager to enter into a revised contract with National Benefit Services (NBS), in a form approved by the City Attorney, regarding reimbursement of eligible claims submitted by full time employees participating in the Cafeteria Plan administered by NBS.

Description:

Due to IRS Notice 2005-42, which allows for an additional “grace period” be added to the cafeteria plan year, Human Resources requests that the City Council adopt the new guideline for the plan offered by Park City Municipal Corporation for full time regular employees. A permanent contract change is requested.

Topic:

A cafeteria plan allows employees to pay medical and child care expenses with funds that are not subject to Federal income or social security taxes. The money elected by employees is placed in an account and is reimbursable to them once their medical expenses have been paid and receipts have been submitted.

IRS Notice 2005-42 permits cafeteria plan documents be amended at the employer’s option to provide for a grace period immediately following the end of the plan year “during which unused benefits or contributions remaining at the end of the plan year may be paid or reimbursed to plan participants for qualified benefit expenses incurred during the grace period” (see IRS Notice 2005-42). Nothing in the notice prohibits an employer that has added a grace period from later amending the plan again to drop the grace period.

Background:

Under IRS Notice 2005-42 issued in May 2005, cafeteria plans may allow participants to access unused amounts after the end of a plan year to pay or reimburse expenses for qualified benefits incurred during a “grace period” of up to 2 months and 15 days after the close of the plan year. On 10/19/2005 the Human Resources Department requested an extension of the 2005 year cafeteria plan, in order to better judge the impact on the administration of the plan by both the Finance and Human Resources Departments. The impact was found to be minimal, so a permanent contract change is now recommended. Such a change must be signed by the City Council to be made

permanent, with contract changes becoming effective immediately, and lasts until any further updates. See attached Amendment to the Cafeteria Plan.

Before IRS Notice 2005-42, a cafeteria plan could only pay or reimburse expenses incurred during a plan year (a 12-month period) from that year's contributions or benefits. Under the amendment, employees will now have until March 15 (a 14.5 month period) to incur medical expenses and until April 15 of the following year to submit those claims.

Analysis:

If an employee doesn't timely use the plan and file for reimbursement, by law they must forfeit their withholdings. Last year the City retained approximately \$237.00 in unused funds. Therefore, the change in the plan offers the potential to reduce participant forfeitures and may even encourage more employees to participate. The administrative impact is minimal.

Department Review:

Finance Department
Legal Department
Human Resources
City Manager

Alternatives:

A. Approve the Request:

Council is being asked to sign the change in contract with National Benefits Services approving the allowable grace period.

B. Deny the Request:

Without formal approval the contract will remain unchanged.

C. Continue the Item:

Provide the staff with direction on any additional information that the City Council needs to render a decision.

Significant Impacts:

There are no significant impacts or additional costs to the City from this action.

Consequences of not taking the recommended action:

Failure to make the proposed amendment would leave the current cafeteria plan unchanged.

Recommendation:

Authorization to the City Manager to enter into a revised contract with National Benefit Services (NBS), in a form approved by the City Attorney, regarding reimbursement of eligible claims submitted by full time employees participating in the Cafeteria Plan administered by NBS.

Amendment To The
Cafeteria Plan

For

Park City Municipal Corporation

WITNESSETH:

WHEREAS, Park City Municipal Corporation has previously adopted a Cafeteria Plan and;

WHEREAS, certain changes are now desirable;

NOW, THEREFORE, the Park City Municipal Corporation Cafeteria Plan is hereby amended in the following particulars only;

and

FURTHER, the effective date of this amendment is November 1, 2005.

I

Section 2.1 Definitions

"Grace Period" means the period following the Plan Year End in which expenses for qualified benefits incurred during the grace period may be paid or reimbursed from benefits or contributions remaining unused at the end of the immediately preceding plan year. The grace period must not extend beyond the fifteenth day of the third calendar month after the end of the immediately preceding plan year.

II

Section 7.7 Reimbursement Procedure

(b) *Claims Substantiation.* A Participant who has elected to receive Health FSA Benefits for a Period of Coverage may apply for reimbursement by submitting an application in writing to the Administrator in such form as the Administrator may prescribe, before 105 Days following the close of the Plan Year in which the Medical Care Expense was incurred, setting forth:

- (1) the person or persons on whose behalf Medical Care Expenses have been incurred;
- (2) the nature and date of the Expenses so incurred;
- (3) the amount of the requested reimbursement; and
- (4) a statement that such Expenses have not otherwise been reimbursed and are not reimbursable through any other source.

The application shall be accompanied by bills, invoices, or other statements from an independent third party showing that the expense has been reimbursed and the amount of such Medical Care Expense, together with any additional documentation that the Administrator may request. Except for the final reimbursement claim for a Period of Coverage, no claim for reimbursement may be made unless and until the aggregate claims for reimbursement is at least \$25.

III

Section 7.8 Reimbursement After Termination; COBRA

When a Participant ceases to be a Participant under Section 3.2, the Participant's Salary Reductions will terminate, as will the Participant's election to receive reimbursements. The Participant will not be able to receive reimbursements for Medical Care Expenses incurred after his or her participation terminates. However, such Participant (or the Participant's estate) may claim reimbursement for any Medical Care Expenses incurred during the Period of Coverage prior to termination, provided that the Participant (or the Participant's estate) files a claim within 105 Days following the close of the Plan Year in which the expense arose.

Notwithstanding any provision to the contrary in this Plan, to the extent required by COBRA, a Participant and his or her Spouse and Dependents, whose coverage terminates under the Health FSA Component because of a COBRA qualifying event, shall be given the opportunity to continue coverage under the Health FSA Component on an after-tax basis for the periods prescribed by COBRA (subject to all conditions and limitations under COBRA). Specifically, such individuals will be eligible for COBRA continuation coverage only if, under Section 7.5, they have a positive Health FSA Account balance at the time of a COBRA qualifying event (taking into account all claims submitted before the date of the qualifying event). Such individuals will be notified if they are eligible for COBRA continuation coverage. If COBRA is elected, it will be available only for the year in which the qualifying event occurs; such COBRA coverage for the Health FSA Component will cease at the end of the year and cannot be continued for the next Plan Year.

IV

Section 8.7 Reimbursement Procedure

- (b) *Claims Substantiation.* A Participant who has elected to receive Dependent Care FSA Benefits for a Period of Coverage may apply for reimbursement by submitting an application in writing to the Administrator in such form as the Administrator may prescribe, within 105 Days following the close of the Plan Year in which the Dependent Care Expense was incurred, setting forth:
- (1) the person or persons on whose behalf Dependent Care Expenses have been incurred;
 - (2) the nature and date of the Dependent Care Expenses so incurred;
 - (3) the amount of the requested reimbursement;
 - (4) the name of the person, organization or entity to whom the Dependent Care Expense was or is to be paid, and taxpayer identification number (Social Security number, if an individual); and
 - (5) a statement that such Expenses have not otherwise been paid and are not expected to be paid through any other source.

The application shall be accompanied by bills, invoices, or other statements from an independent third party showing the amounts of such Dependent Care Expenses, together with any additional documentation that the Administrator may request. Except for the final reimbursement claim for a Period of Coverage, no claim for reimbursement may be made unless and until the aggregate claims for reimbursement is at least \$25.

Section 8.8 Reimbursements After Termination

When a Participant ceases to be a Participant as defined under Section 3.2, the Participant's Salary Reductions will terminate, as will the Participant's election to receive reimbursements, subject to the following: such Participant (or the Participant's estate) may claim reimbursement for any Dependent Care Expenses incurred during the Period of Coverage prior to termination, including expenses incurred in the month following termination if such month is in the current Plan Year, provided that the Participant (or the Participant's estate) files a claim before 105 Days following the close of the Plan Year in which the expense arose.

IN WITNESS WHEREOF, the employer and the trustee have caused this amendment to be executed as of this _____ day of _____, 200

Park City Municipal Corporation

BY: _____

Title: _____

City Council Staff Report

Author: Max J. Paap
Subject: Park “Silly” Sunday Market
Date: November 30, 2006
Type of Item: Administrative – Master Festival License



Special Events and
Facilities Department

Summary Recommendations:

1. Review the Master Festival License application, conduct a public hearing, and approve the Master Festival License for the Park City Silly Sunday Market, as conditioned, to be held on Main Street, between Heber Avenue and 9th Street on successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival.
2. Consider the staff recommendation to: a) evaluate the Festival on an on-going basis based on certain vendor participation criteria with the ability to modify or revoke the MFL; and b) retain the ability to move the Festival for one Sunday upon a finding of conflict with another proposed MFL that needs use of lower Main St. provided sufficient advance notice and an alternate location is given to the applicant.

Description:

Topic:

Review the Master Festival License Application, submitted by Park “Silly” Sunday Market, L.L.C., for the Park “Silly” Sunday Market on successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5, 2007.

Background:

The Park “Silly” Sunday Market, produced by Park “Silly” Sunday Market, L.L.C. is requesting to be scheduled for successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival. The event organizers submitted an application in August of 2006 to hold an eco-friendly, open air market that would feature unique and eclectic local and regional arts and crafts, music and performance art, antiques, imports, and one-of-a-kind finds, gourmet foods and a farmers market with fruits and vegetables. The template for this event is similar to that of other such markets in western mountain ski towns.

The original event application indicated the proposal for the market to be held on the Marriott Summit Watch Plaza. The owners of the plaza have since indicated that the market could not be held at that location. The organizers have sought to explore the possibility of closing portions of lower Main Street to host the market. The Park “Silly” Sunday Market is consistent with the City Council’s Goal #4 which is to promote Park City as a multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

Analysis:**Park "Silly" Sunday Market**

The event would take place on successive Sundays during June, July, August, September, and October of 2007 with the exception of August 5th for the Park City Kimball Arts Festival. The event would include the closure of Main Street between Heber Avenue and 9th Street from 9:00 am until 4:00 pm, on all dates. The organizers have proposed a very comprehensive business plan to prospective vendors/performers that includes information on licensing, permitting, and information to ensure participants understand the responsibilities of conducting business in Park City. There will be non-profit community involvement during each market. Given the first time nature of this endeavor and the impacts of closing portions of Main Street for each Sunday during the Summer, staff recommends Council has the ability to review the MFL if vendor participation falls below 75% of its highest Sunday. This will allow the applicant to secure vendors for the whole Summer by contract, but give the City the ability to review the MFL if vendors do not attend on a reasonable basis. Vendor applications will be available to any interested party and selection review will be conducted by the organizers. The applicant has been in contact with Mountain Town Stages to explore the feasibility of either acoustic or amplified music

Parking

Staff's personal observation is that the area parking is under utilized during the proposed times. Parking Services agrees with this assessment. The China Bridge Parking Structure, adjacent paid parking structures, and surface parking along Swede Alley should accommodate all participants at the market at that time of day. Should market-goers choose, there are on-street parking and pay parking spaces in very close proximity to the proposed venue.

Department Review:

All applicable departments have reviewed the Park "Silly" Sunday Market. Comments from PCMC staff include both Parks and Streets Departments having adequate access to perform routine watering and street cleaning activities on those proposed days. The Parking Department has indicated that there is a cost to purchase the pay-and-display spaces for the duration of the market. HMBA has been presented with the new location, and subsequent closure, and had no dissenting comments at their recent board meeting.

Alternatives:**Approve the Request:**

Approve the Master Festival License allowing the Park "Silly" Sunday Market as described. This is staff's recommendation

Deny the Request:

Deny the Master Festival License, preventing the addition of the Park "Silly" Sunday Market to Park City's schedule of events.

Continue the Item:

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

Significant Impacts:

Park City has held many similar events to the Park “Silly” Sunday Market. Impacts to City staff would include the Streets department staffing for delivery of barricades and trash cans or need to powerwash the street post-event and Special Events staff time for logistical coordination on event days. The activities will be contained within described venues and will conclude by 4:00pm.

Consequences of not taking the recommended action:

The Park “Silly” Sunday Market would not take place in Park City, unless they could find another suitable location.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival License for the Park “Silly” Sunday Market for successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Park “Silly” Sunday Market will be held on successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival. The event will last from 9:00 am to 4:00 pm and will occur at described locations. The Council hereby finds that the expected public and vendor participation and community benefits consistent with the General Plan justify the requested street closure.
2. Parking for the anticipated crowd of 100 people (at a time) can be accommodated with the existing parking in and around the venue. Public sidewalk use will not be restricted and the Transit Department has approved the changes to Trolley route. No other bus routes are effected. Therefore, the conduct of the Park “Silly” Sunday Market 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 event is oriented towards families and youth. The events associated with the Park “Silly” Sunday Market 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. [Barricades would either be provided to the applicant by the City at a cost or the applicant could provide pre-approved barricades. The applicants shall be responsible for set up and take down of any required barricades of other crowd control barriers.
4. The event will be held on lower Main Street. 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. Police and Fire have been notified and have not indicated any negative impacts.
5. No other Master Festival and Special Event License has been issued for successive Sundays during June, July, August, September, and October of 2007, with the exception of August 5th for the Park City Kimball Arts Festival.

6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. 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 and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
8. Additional Staff finding: In order to avoid limiting the use of the public property to the exclusion of other events for such a long time period, it is necessary to allow flexibility in scheduling so that the City may approve one other event during the license period. The Applicant has also committed to working in good faith with the City if other events deemed appropriate by the City are proposed.
9. Main Street, between Heber Avenue and 9th Street will be closed to public traffic between 6:00 am and 4:00 PM on event days.

Conclusions of Law:

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

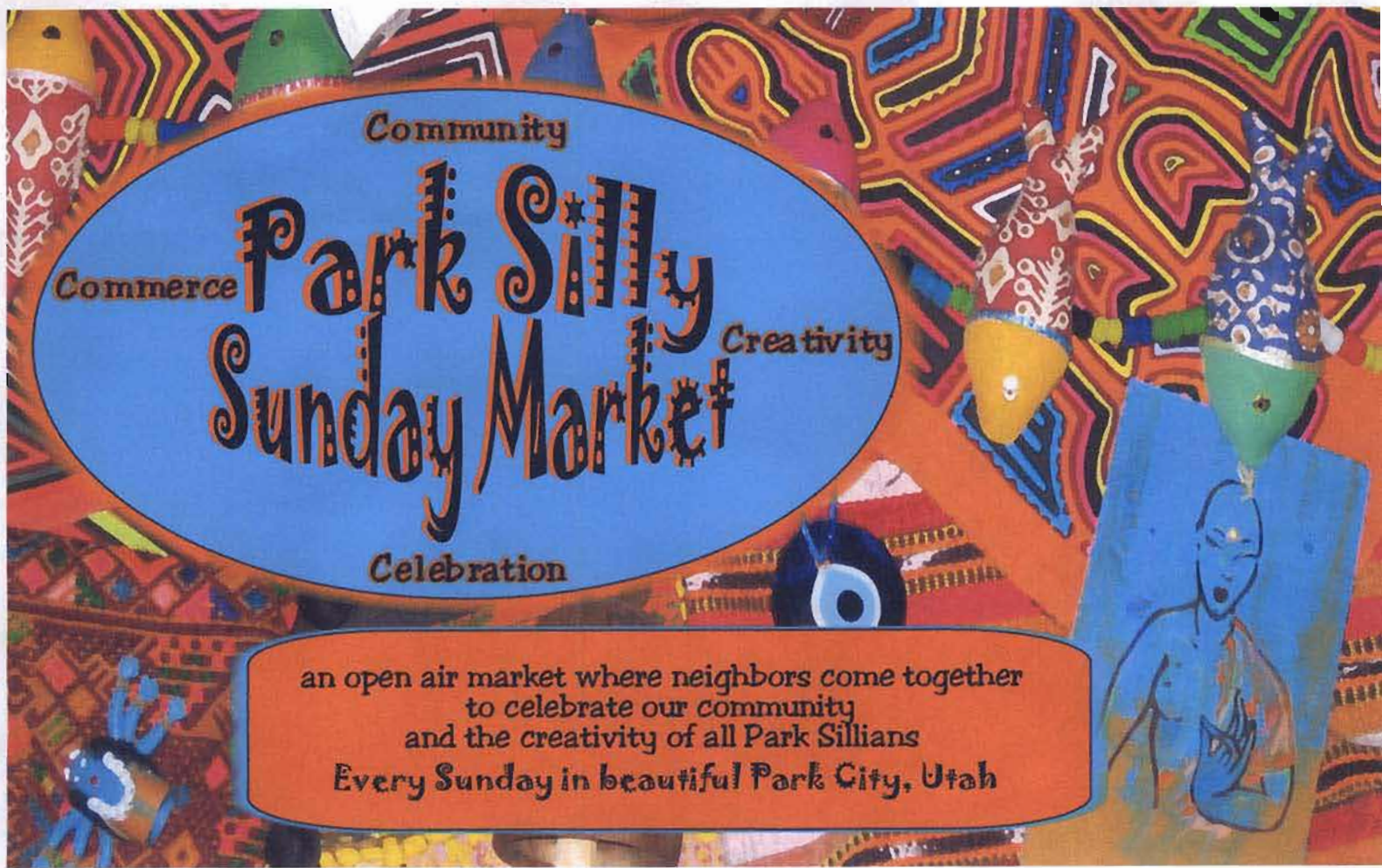
Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by 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.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars (\$2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. Applicant shall notify all adjacent neighbors 48 hours prior to the event in June. The applicant shall provide to the City a list of all vendors that participated in the event for each Sunday during the license period on the Monday following the event.
4. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by May 15, 2007.
5. At the current time, the applicant has not applied for amplified music and this approval does not grant approval of..
6. If at any time, the vendor or public participation drops to below 75% of its highest point, the City Council shall conduct a review of the MFL at the first available Council meeting. Event staff and public safety shall provide an assessment of success of the event pursuant to the criteria listed in MCPC Title 4, Chapter 8 and whether the findings, conclusions and conditions are still correct and/or being implemented. Upon one or more findings that the MFL is no longer meeting the anticipated vendor/public participation levels justifying the street closure, the above MFL criteria, or conditions approval, the City Council may amend or revoke this approval accordingly.

7. The City Council retains the ability to approve a different MFL at the location of lower Main used herein on one Sunday during the approval period, provided that the City gives the Applicant 30 days written notice, and the City provides an alternative location for the Sunday Silly Market, such as next to the Library or City Park.

Attachments

- A- Applicants Summary of Activities
- B- Applicants Business Plan



Park Silly Sunday Market

Our intention for the Park Silly Sunday Market is to create:

- a weekly opportunity for our community to connect and celebrate with each other.
- a forum for non-profit groups and already existing events to promote themselves to our community.
- a tool of exposure for businesses and restaurants in the community.
- a venue for funky and fun art, crafts, antiques, music, and food.
- recognition of Park City's commitment to being green by demonstrating a no trace left behind/zero waste market.

Julie, Jewels and Kimberly have been working since February 2006 on the concepts of the market; researching and being mentored by other successful markets across the country.

We have been working with Mayor Dana Williams, Bob Koehler at the Chamber of Commerce and Special Events Planner, Max Papp. We have conferred with all of them including Ron Ivie and Kurt Simister on proposed locations and have narrowed down the best possible location to the lower part of Main Street from Heber Avenue to the round about.

We have become members of the Main Street Alliance and have been working with the Marriot, Commerce CRG/Triple Net Properties, Mike Sweeny and the Kimball Arts Center to gain their support and approval.

Towns such as Vail, Aspen, Sun Valley and Taos all offer weekend open air markets to their guests, second home owners and locals. It is imperative that if Park City is to prove itself as -the best year round destination and place to live- we must showcase the spirit of our community, which is what separates us from these other ski towns. The Park Silly Sunday Market is the perfect opportunity to do just that.

We will be requesting a work session with the counsel members to cover any and all questions and concerns and to gain your approval to begin the Park Silly Sunday Market at our proposed location in June 2007.

Bio Page

The creators of the Park Silly Sunday Market are:

Kimberly Kuehn: Kimberly has been living in Park City for 5 years. She is currently a new, full-time mom and has a background in Marketing Development and Public Relations. Kimberly has sat on the board of several committees in Park City and is a volunteer for many of the Non-profit groups in the community. She is currently participating in the 2006 Leadership Program. Kimberly and her husband Jeff are well known members of the community because of their success with developing the Halloween Dog Parade, Summerween and the Solstice Ride that take place every year.

Julie Doerr-Arenson: Julie has lived in Park City for 3 years. She has a background in Urban Regional Systems Planning specializing in Historic Preservation Planning, Retail and Fashion Merchandising. Julie currently works with her husband Todd designing and landscaping the beautiful homes they build here in Park City. She has worked with many of the Non-profit groups and has been a volunteer for ArtsKids.

Jewels Harrison: Jewels and her family moved to Park City 4 years ago, so her husband, Walt, could train as a member of the US Skeleton Team. She is a full-time mom, a personal trainer at the Silver Mountain Spa, a massage therapist and fitness educator. Jewels, also has a background in writing, directing and acting in theatre and film. Jewels volunteers at the Colby School, Recycle Utah and donates her time and services to local fundraising efforts.

2007

The Park Silly Sunday Market

The Park Silly Sunday Market is an eco friendly, open air market that features: unique and eclectic- local and regional arts and crafts, music and performance art, antiques, imports and one of a kind finds, delicious gourmet foods and farmers market fruits and vegetables.

The market is a combination of the following categories of vendors:

- Arts, Crafts, Antiques, Collectibles and Imports
- Fun
- Gourmet, Specialty and Locally Grown Foods
- Tag/Yard Sale Items

All vendors are admitted based on the type of product that is needed at the Market and according to the theme of any particular week. We look very carefully at the entire range of products being offered by our vendors. Food vendors are admitted based on what type of product we feel will enhance Market operations. All products should be attractive to Market customers without diluting the existing product base or competing directly with the restaurants and stores located in the Lo Main area.

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IMPORTANT INFORMATION!

Please read the Market Rules & Regulations thoroughly before filling out your application!

Please print a copy of the Rules & Regulations for your records.

Applications are processed on a first come, first serve basis. So get them to us as soon as you can.

Application Deadline: PSSM must receive your application one month prior to the date or dates you have selected.

Note that all vendors are chosen to fit the specific theme of each market week. We will try to accommodate your preferred dates as best as possible.

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Dates and Times

Park Silly Sunday Market will be every Sunday beginning June 3 through October 7,14,21,28?

Market Hours

9am-3pm Snow, Rain or Shine the show must go on.

You will need to have Adobe Acrobat Reader installed on your computer to view and download the Rules & Regulations and the Application. If you do not have Adobe Acrobat Reader, you can download it for free here:

<http://www.adobe.com/products/acrobat/readstep2.html>

V

****Important Note:** All vendor applications will be scrupulously reviewed by the PSSM administration and placed according to weekly themes and space availability.

Non-Discrimination

The PSSM welcome all regardless of race, creed, color, sex, religion, sexual orientation, age, nationality or marital status.

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How to become a Park Silly Sunday Market Vendor

Art and Product vendor

Fill out an application from our Web site. Product vendors must have a Park City Business License and a Temporary Sales Tax License. Additionally, each item you wish to include at your booth will be reviewed by the PSSM Committee and chosen based on certain criteria that include quality and uniqueness. With the application, you are required to submit a photograph of each type of item you wish to sell. The committee will review the applications, after which you will be notified of your status. We look carefully for a broad range of products that will enhance the Market experience. The acceptance of every application requires our approval of the applicant's merchandise and artists work, and no payment is processed until an application is accepted.

We don't accept such items as guns or ammunition, pornographic or adult materials (this is a family event).

(Link to Product Vendor Application)

(Link to Park City Business License)

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Food and baked goods vendors

Fill out an application from our Web site. Make sure that you are in compliance with the Health Department's rules. Your application will be reviewed by the PSSM Committee, after which you will be notified of your status. Be sure to provide information about your power needs. We are limited in the number of food vendors we will choose and choices will coincide with the themes we have chosen each week.

Health Department

All food vendors are required to be in compliance with Summit County Health Department and/or the Utah Department of Agriculture regulations. Food vendors preparing or sampling on site are required to have a Food Handler's Permit and a Temporary Food Service Permit for Seasonal Events. If you are accepted into the market and are subject to these regulations, you must display both permits in your booth or you will not be allowed to sell food prepared or sampled on site.

([Link to Health Department](#))
([Link to Food Vendor Application](#))
([Link to Park City Business Liscence](#))

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Nonprofit organizations

Fill out an application from our Web site indicating which Sundays you would like to attend the Market. We will review all nonprofit applications and notify you which weekends are available. Groups that take advantage of this are treated to a very special outreach opportunity.

(Link to Nonprofit Application)

Special Events & Entertainment

To enhance the Market and to provide added value for our customers, we welcome performers of all kinds to the market. Note: all music must be unplugged.

Becoming a performer

Fill out an application. You will be contacted regarding your approval, dates, times and location in the Market.
(Link to Performer/Entertainment application)

Missing the Application Deadline

Priority is given to applications that are received by the deadline. Once these applications have been considered, any that arrived after the deadline will be looked at- if there are spaces still available.

Sales Taxes

All vendors, with the exception of farmers that sell only freshly grown produce and/or plants grown by

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them, are subject to collecting sales tax from their customers and remitting the sales tax to the Utah State Tax Commission. This is accomplished through a Special Event Sales Tax Form; you cannot remit these taxes on your usual form. If you are accepted into the market and are subject to sales tax collection, the form and/or instructions on how, where and when to file will be included in your acceptance letter. All required sales tax collection and remittance is the sole responsibility of each individual vendor.

Vendor Structures

Temporary structures (vendor canopies, etc.) over 120 square feet in area are required to obtain a building permit from Summit County. ALL structures must be secure enough to withstand sustained winds of 50 MPH, NO EXEPTIONS! Summit County Code requires anchors of 50 lbs. per leg. You will not be allowed to set up your booth structure if you do not meet these requirements!

Noncompliance

There will be strict enforcement of all Market Rules & Regulations! Market Management reserves the right to refuse acceptance or deny continued participation of any vendor or product that is not in complete compliance with all Market Rules &

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Regulations. Market Management has the authority to ask any vendor to remove themselves or any product not previously approved by management from the market. Market Management reserves the right to move or reassign vendor locations to enhance or facilitate the market structure and/or safety as deemed necessary.

LIABILITY

The Park Silly Sunday Market is not liable for any injury, theft or damage to either the buyer or the seller or their property, arising out of or pertaining to preparation for or participation in The Park Silly Sunday Market; whether such injury, theft or damage occurred prior to, during, or after the hours of operation of The Park Silly Sunday Market. Seller further agrees to indemnify and hold harmless both The Park Silly Sunday Market for and against any and all claims for such injury, theft and/or damages. Seller assumes full liability for their vehicles, structures, fixtures and the product(s) they market or sell and by participation in The Park Silly Sunday Market hereby agree to hold The Park Silly Sunday Market/or their representatives harmless against any and all claims such as but not limited to injury, theft or damage by any buyer, seller, or other persons resulting from or pertaining to the

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use, consumption, marketing tactics, display, negligence or disposition of seller's products, vehicles, fixtures or structures.

If you do not have liability insurance and need some help with this, call Richard Boulder at 435-654-0353 and tell him Park Silly Sunday Market referred you.

Sellers at the Booths

Items sold at the Market are to be sold by the applicant. We feel that is important for the consumer to be able to connect with the vendor and their products. Family members or farm representatives are also allowed to sell at your booth. If you have a Market day where you or a member of your family/farm cannot be present, please contact the Market administration to make other arrangements. No refunds without 24 hours advance notification.

Presentation and Signage

We strongly encourage you to make your space as clever and charming as possible. Making your own signs to create as strong a presentation as possible. Not only do colorful and eye-catching signs add to the visual sense of the market, but research at Markets indicates

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that those vendors whose presentation is organized and whose signage is clear and easy to read sell more products. Remember consider your neighbors when creating your unique signs.

General Market Policies

1. The PSSM reserves the right to refuse participation to vendors who do not comply with market rules and regulations or do not meet market standards which include, but are not limited to, following all local, city, state, and federal laws and regulations.
2. Participation in the Market means you accept and agree to partner with all marketers in creating a fun, friendly, No Trace Left Behind event.
3. Vendors must pay a one-time, non-refundable registration fee.
4. Booth size is approximately 10' x 10' or 10' x 20' space and priced accordingly. Larger than 10' x 20' must be approved of by PSSM.
5. Spaces will be forfeited for the day if vendor does not show by your designated drop off time if

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you have not contacted market staff. Failure to show up, begin on time or stay to the end of the day will result in future denial of participation in the Market.

6. Market staff has the authority to move and reassign vendor spots to enhance or facilitate market operations.

7. Any required sales tax collections and remittances are the sole responsibility of the sellers.

8. Price, terms of sale, bartering etc. are between buyer and seller only. All sellers agree to abide by fair business practices.

9. Vendors may not sell any items not approved of or shown in their market application. Reselling products is especially sensitive and must be approved of in the application process. PSSM has the right to ask vendor to remove products.

10. Any vendor who the market staff feels is not complying with the market rules may be asked to leave. No Refunds.

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11. Seller assumes full liability for the products they market or sell and hereby agrees to hold The Park Silly Sunday Market and Summit Watch Plaza harmless against any claim of injury or damage by any buyer, seller, or other persons resulting from the use, consumption, disposition, display, or marketing of seller's products.

12. The Park Silly Sunday Market is not liable for any injury, theft, or damage to either the buyer or seller, or their property, arising from or pertaining to preparation for or participation in the Park Silly Sunday Market. Regardless of whether such injury, theft, or damage occurred prior, during, or after the Park Silly Sunday Market.

13. Sellers further agree to indemnify and hold The Park Silly Sunday Market harmless for and against any claims for such injury, theft, or damage.

14. The market opens at 9:00am. *Please do not sell products before this time!*

15. See the market staff if you do not have an assigned space. Do not choose your own space.

16. Vendor must unload at their designated time and park vendor vehicles in the designated area for vendors.

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17. No refunds. Market will go on rain, shine, or snow.

18. All permits (business license, temporary sales tax license, and food handlers permits) are the sole responsibility of the vendors.

19. PSSM believes your participation is critical to all of our events. We will try to accommodate your needs and requests to the best of our ability. The efforts you take in preparing for each one of our events is greatly appreciated.

Important Contact Information

Salt Lake Valley Health Department

Food Protection

788 East Woodoak Lane (5380 South)

Murray, UT 84107

Contact-

Phone (801) 313-6625

Fax (801) 313-6609

Web Site- www.slvhealth.org

Park City Business Licensing

Contact- 435-615-5220

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Mention it is for the Park Silly Sunday Market and processing will be expedited.

Web Site-

State of Utah Tax Commission

Special Events Division

210 North 1950 West

Salt Lake City, UT 84134

Contact-

Phone (801) 297-6303

Fax (801) 297-6358

Salt Lake City, Utah 84111

Contact-

Phone (801) 333-1103

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ATTACHMENT A

**PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION-PART I**

A completed electronic copy submitted to the Special Events Department



Special Events and Facilities
Department
435.615.5150
specialevents@parkcity.org

APPLICATION FORM

Part I of the application form (pages 1 and 2) must be completed and submitted to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. Parts I and II of the application must be sent electronically to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

EVENT NAME: Park "Silly" Sunday Market

EVENT DATE(S): June 3,10,17,24 July 1,8,15,22,29 August 12,19,26 September 2,9,16,23,30 October 7,14,21,28

EVENT TIME(S): 9:00AM-4:00PM

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
Lower Main Street between Heber Ave & 9th Street

ANTICIPATED ATTENDANCE: 200-600 throughout the day

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*

Arts, crafts, collectables, music, food, & performance art

APPLICANT: *(name of organization)* Park Silly Sunday Market

CONTACTS

Event Manager: Kimberly Keuhn, Julie Doerr-Arenson, Jewels Harrison
Mailing Address: PO Box 684229, Park City, UT 84068-4229
Phone: 901-0511 (KK), 729-0990 (JDA), 602-9481 (JH)
Fax:
Cell Phone:
E-Mail: kimberly@parksillysundaymarket.com,
julie@parksillysundaymarket.com, jewels@parksillysundaymarket.com

Assistant Event Manager:
Mailing Address:
Phone:
Cell Phone:
E-Mail:

Fax:

TYPE OF EVENT: *to be confirmed by the Special Events Department*

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*

A public event which any one of the following:

☒ attraction of large crowds, (Over 500)

☒ street closure,

☐ use of City park, building or property,

☐ use of off-site parking facility,

☐ use of amplified music.

☐ **Special Event;**

A private or public event, which creates significant public impacts through:

☐ causes significant public impacts via disturbance, crowd, traffic/parking,

☐ disruption of the normal routine of the community or affected neighborhood,

☐ necessitates temporary business or liquor licensing

☐ event signs, visible from public property

☐ temporary structures

CITY SERVICES

- request for street closure(s)? ☒yes ☐no
if yes, then list street(s) and closure time and date: Main Street from Heber Ave to 9th Street, 7th Street to Parking Garage 7:00AM-5:00PM
- request for closure of or access to any public parking spaces? ☒yes ☐no
if yes, then list lot and closure times and dates: Marriott Main Street Access
if yes, complete and attach [Request for Special Use of Public Parking](#) form.
- request for use of any City owned bleachers? ☐yes ☒no

SALES AND FOOD VENDING

- will there be beer, wine and/or liquor sales during the event? ☒yes ☐no
if yes, have you filed a [Beer and Liquor License Application](#) with Park City Finance Department? ☒yes ☐no
if yes, have you filed a [Single Event or Temporary Beer Permit](#) application w/ UDABC? ☒yes ☐no

APPLICATION FEES

All new applications require a \$100 processing fee, all applications for returning events require a \$50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:

Park City Municipal Corporation
Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

INSURANCE

Park City Municipal requires proof of liability insurance in the amount of two million dollars (\$2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.