PARK CITY COUNCIL AND REDEVELOPMENT AGENCY MEETINGS
SUMMIT COUNTY, UTAH
NOVEMBER 29, 2012

PUBLIC NOTICE IS HEREBY GIVEN that the City Council and Redevelopment Agency of Park City, Utah will hold their 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 29, 2012.

City Council Closed Session

2:15 p.m. Personnel, litigation and property

City Council Work Session

4:15 p.m.	Council questions and comments	
4:25 p.m.	General Plan update	Pg. 4
4:45 p.m.	Mine hazard update	Pg. 10
4:55 p.m.	Quarterly goals format	Pg. 13
5:10 p.m.	Municipal lighting and lighting public art	Pg. 48
5:50 p.m.	Break	

Redevelopment Agency Regular Meeting

6:00 p.m.

I ROLL CALL

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

III NEW BUSINESS

1. Consideration of an amendment to the Lower Park Avenue Redevelopment Plan Pg. 66
   (a) Public hearing
   (b) Action

IV ADJOURNMENT

City Council Regular Meeting

I ROLL CALL

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

1. Take One Production Film Permit
2. Take One production Resolution of Appreciation

III MINUTES OF MEETINGS OF NOVEMBER 8, 2012 Pg. 131

IV NEW BUSINESS

1. Consideration of acceptance of 2012 Comprehensive Annual Financial Report for Park City, Utah Pg. 140

(a) Public Hearing
(b) Action

2. Consideration of an Ordinance adopting an additional Resort Cities Sales Tax for Park City, Utah Pg. 144

(a) Public Hearing
(b) Action

3. Consideration of a Real Estate Purchase Contract for 1450 & 1460 Park Ave with GreenPark LLC in the amount of $400,000,, in a form approved by the City Attorney Pg. 152

(a) Public hearing
(b) Action

4. Consideration of an amendment to the Lower Park Avenue Redevelopment Plan Pg. 66

(a) Public hearing
(b) Action

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. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

Posted: 11/26/12
see: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.

December 2012

6 Business recruitment and attraction – study
Water conservation – work (45 min)
City fleet fuel strategy - work
Blue Ribbon Commission on the Soil Ordinance and Soil Disposal Options - work
Risner Ridge open space parcels – work – HD
Resolution – Building permit fee waiver – TP
RMP substation expansion/relocation - work
UPCM affordable housing agreement – work/consent – PR
Professional services contract for the Main Street Streetscape Enhancement Project in the amount of $___, in a form approved by the City Attorney
Interlocal with SBSRD for ice arena – regular
Annual insurance renewals – regular

13

20

27 **Holiday recess**

January 2013

3 **Holiday recess**

10 Resolutions setting forth annual meeting dates and appointment of officers
Appointment of Mayor Pro Tem
Appointment to EDTAB

17 **No meeting - Sundance**

24

31

February 2013

7

14

21

28

Pending Items:

Wasatch Front and Back mountain resort expansions – Mayor Becker team
Latino Community outreach and engagement – study
RDA and other economic districts strategic plan
Resolution establishing a strategic plan for City-owned property with development potential in Park City, Utah and repealing and replacing Resolution No. 22-05 in its entirety
Community bulk solar - TP

City Council
Staff Report

Subject: General Plan Update
Author: Thomas Eddington
Katie Cattan
Date: November 29, 2012
Type of Item: Work Session

PARK CITY 1884 PLANNING DEPARTMENT

Below is the layout for the new General Plan. The elements within the new General Plan will be focused around the specific core values identified during the community visioning process in 2009. The Core Values are those values identified by the community that must be preserved to maintain the *Park City Experience*. The Core Values include: Small Town, Natural Setting, Sense of Community and Historic Character.

Layout of the New General Plan

1. Park City Visioning Outcome
2. Park City Demographics
3. Small Town — PC reviewed on 10.8.2012 and 10.15.2012
    a. Land Use
    b. Regional Land Use Planning
    c. Transportation
4. Natural Setting — PC reviewed on 10.15.2012 and 11.27.2012
    a. Open Space
    b. Resource Conservation
    c. Climate adaptation
5. Sense of Community — PC to review on 11.27.2012 and 12.11.2012
    a. Housing
    b. Parks and Recreation
    c. Special Events
    d. Economy
    e. Community Facility
6. Historic Character — PC to review on 12.11.2012
    a. Historic Preservation
7. The PC Neighborhoods
    a. 1 – 9
    b. Implementation Strategies
8. Indicators

Community Task Force

During the months of August and September, four (4) community Task Force meetings were held to receive feedback on the four (4) sections of the new General plan. Staff had a fifth and final meeting with the Task Force in October to review “what we heard” and review previously thoughtful discussions. The discussions included but were not limited to: land use strategies, environmental mitigation, limits to nightly rental, national chains, and climate adaptation. Recommendations made during these meetings have been incorporated into the draft currently being reviewed by Planning Commission.

The following twelve (12) people/organizations participated in the Task Force:

- Jenni Smith, Park City Mountain Resort
- Bob Wheaton, Deer Valley
- Alison Butz, Historic Park City Alliance (HPCA)
- Kathy Hunter, Arts Community
- Corey Crawford, Local Business Owner and Realtor
- Judie McKie, Historic Preservation Board
- Katie Wright, Park City Foundation
- Tom Wells, Local Resident
- Kimber Gabryszak/Amir Claus, Summit County Planner(s)
- Mark Maziarz, Local Artist
- Dick Roth, Local Resident
- Mike Wong, Local Business Owner

Internal Staff Review

Planning staff has met to review the draft document with internal staff from multiple departments including Public Works, Water, Sustainability, Environmental, Building, Engineering, Parks and Recreation, Budget, the City Attorney, and the Executive Office. Planning staff scheduled internal meetings with staff to review goals, principles, and strategies that were relative to the individual departments. The drafts in review by the Planning Commission incorporate the ideas and edits provided by staff during the multiple department reviews.

Planning Commission

The Planning Commission met on October 8, 2012 and October 15, 2012 to begin the review of the draft goals, principles and strategies for individual chapters of the future General Plan. The Planning Commission provided direction to staff on draft goals, principles and strategies. Staff is in the process of implementing revisions based on Planning Commission direction.

Chapters 3 – 6 of the General Plan include specific goals related to the Park City Core Values. Within the new General Plan, each goal is followed by principles to guide the way in which goals are realized. Strategies are differentiated between action strategies and organizational strategies. Action strategies are recommended strategies to be implemented by the Planning Commission such as amendments to the Land Management Code and the Official Zoning Map. Organizations strategies go beyond the purview of the Planning Commission and may be implemented at the direction of City Council.

The following are the draft goals of the General Plan grouped according to the appropriate core value.

1. Small Town

a. Land Use
    i. Goal 1: Park City will grow inward, strengthening existing neighborhoods while protecting undeveloped land from future development.
b. Regional Land Use Planning
    i. Goal 2: Park City will collaborate with Summit County, Wasatch County and Salt Lake County toward the preservation of place through regional land use and transportation planning.
c. Transportation
    i. Goal 3: Public transit, biking and walking will be a larger percentage of residents' and visitors' utilized mode of transportation.

2. Natural Setting
    a. Open Space
        i. Goal 4: Conserve a meaningful network of open space for continued connection to and respect for the Natural Setting.
    b. Resource Conservation
        i. Goal 5: Park City will be a leader in energy efficiency, conservation of natural resources and reduction of greenhouse gas emissions.
    c. Climate adaptation
        i. Goal 6: Park City shall implement adaptation strategies to enhance the City's resilience to the future impacts of climate change.
3. Sense of Community
    a. Housing
        i. Goal 7: Create a diversity of housing opportunities to accommodate the changing needs of residents.
        ii. Goal 8: Provide affordable housing opportunities for the residents and workforce of Park City.
    b. Parks and Recreation
        i. Goal 9: Park City shall continue to provide unparalleled parks and recreation opportunities for residents.
    c. Special Events
        i. Goal 10: Park City shall provide world-class recreation infrastructure to host local, regional, national and international events, expanding Park City's role as a world-class, multi-seasonal destination resort community.
    d. Economy
        i. Goal 11: Support the continued success of the tourism economy while preserving the community character that adds to the visitor experience.
        ii. Goal 12 Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City.
    e. Community Facility
        i. Goal 13: The future of the City should be planned to include limits (including ecological, qualitative and economic) to foster innovative sustainable development, protect the community vision, or prevent negative impacts to the region.

4. Historic Character
    a. Historic Preservation
        i. Goal 14: Preserve the integrity, scale, and historic fabric of the locally designated historic resources and districts for future generations.
        ii. Goal 15: Maintain Main Street as the heart of the City for cultural tourism for visitors and residents alike.

Role of City Council and the Role of Planning Commission

Utah Code Title 10, Chapter 9a, Section 401 explains the State requirements for a General Plan. Utah state code requires that *each municipality prepare and adopt a comprehensive, long-range general plan for (1) the present and future needs of the municipality; and (b) growth and development of all or any part of the land within the municipality. The Act goes further to say the plan may provide for:*

1) *health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;*
2) *the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;*
3) *the efficient and economical use, conservation, and production of the supply of:*
    a. *food and water; and*
    b. *drainage, sanitary, and other facilities and resources;*
4) *the use of energy conservation and solar and renewable energy resources;*
5) *the protection of urban development;*
6) *the protection or promotion of moderate income housing;*
7) *the protection and promotion of air quality;*
8) *historic preservation;*
9) *identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and*
10) *an official map.*

The Planning Commission will review the general plan and make a recommendation to the City Council. The role of the Planning Commission is to act as a non-political, long-range planning body for the City (LMC 15-12-9). One function of the Planning Commission is review of the City's General Plan and General Plan amendments. LMC Section 15-12-15(B)(1) outlines the scope of review of the General Plan by the Planning Commission as follows:

> *"The Planning Commission shall have the primary responsibility to initiate and update the City General Plan, including planning for adequate streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of sensitive lands, and shall conduct periodic review of existing plans to keep them current."*

Once the City Council has received the Planning Commission's recommendation, the Council will review the General Plan on a broader, organizational level and from the perspective of the Redevelopment Authority and Housing Authority, both of which are influenced by the guiding document. City Council will be the final authority to adopt the General Plan, replacing the current 1997 document.

Next Steps

The Planning Staff will publish the first complete draft of the New General Plan by January 31st, 2012. A joint Planning Commission and City Council will be held in February 2013, following the release of the first complete draft of the new General Plan. Planning Commission review of the General Plan will begin in February 2013. Adoption of the new General Plan depends on the extent of the edits by the Planning Commission and City Council.

Bonanza Park Plan Update

The Bonanza Park Area Plan was published in January 2012, with review by the Planning Commission on February 8, 2012. To date, the Bonanza Park Area Plan has not been adopted as a supplement section of the General Plan, replacing the current 2006 Bonanza Park supplemental section. The Bonanza Park Area Plan introduces a new street layout and public parks to guide future development for a connected, mixed-use neighborhood for locals. The current layout is influenced by the movement of the Rocky Mountain Power (RMP) substation.

RMP approached the City approximately eighteen (18) months ago indicating that the Park City Substation is extremely close to capacity and is in need of expansion. The goal of RMP is to have the substation expansion occur within the next two (2) years – to be up and running in 2015. Staff recognized that this was the opportunity to investigate the possibility of moving the substation. After looking at seven alternative sites and weighing each against a list of criteria, the top two sites for the expansion include the existing substation sight and 1555 Lower Iron Horse Drive.

The Bonanza Park Area Plan in its current configuration supports the movement of the RMP substation from its current location to the 1555 Lower Iron Horse Drive location. The City Council is currently working with RMP to determine the location of the necessary upgrade. If the substation were to be expanded in the existing site, significant revisions to the overall neighborhood layout and Area Plan would be necessary. Staff anticipates a decision will be reached by January 2013. Based on the City Council decision, staff plans to have the Bonanza Park Area Plan adopted concurrently with the Bonanza Park Form Based Code in March of 2013.

Next Neighborhood Plan: Lower Park Ave RDA

The Lower Park Avenue Redevelopment Area (affectionately known by Planning Staff as LOPA), is an area that serves as the "gateway/connection" between Old

Town and Park City Mountain Resort (PCMR). It is also an area that is challenged by a combination of 20 – 40 year old multi-family condo developments with some historic fabric intermingled. This area is the “entry” into Old Town for those visitors coming in from the north on SR224. It is home to the City’s two (2) largest neighborhood parks – City Park and the park near the Library. The PCMR parking lots have significant density potential via an approved Master Planned Development (MPD). Planning Staff believes areas within LOPA should be considered for designation as a Transfer of Density Rights (TDR) receiving zone. Given these opportunities and challenges, Planning Staff believes this area would benefit from an Area Plan. Staff envisions beginning this endeavor in March/April 2013 after the adoption of the Bonanza Park Area Plan and Form Based Code.

City Council
Staff Report

Subject: Park City Municipal Mine Hazard Compliance
Author: Heinrich Deters, Open Space and Trails Project Manager
Department: Sustainability
Date: November 29, 2012
Type of Item: Informational

Summary Recommendations:
This report is for informational purposes.

Topic/Description:
Park City Municipal Compliance with Mine Hazard Ordinance.

Background:
On April 21, 2011, Council adopted the Physical Mine Hazard Mitigation ordinance. The goal of the ordinance is to reduce the potential danger of physical mine hazards, such as open holes or shafts in the ground, that are no longer used for mining purposes. This ordinance requires property owners within the Mine Hazard Mitigation Area, to conduct an evaluation inspection of their property to identify Mine Hazards prior to November 1, 2012. Property owners are required to report the results of their evaluation inspection, in the form of a mitigation plan, to the Building Department by December 1st, 2012. If Mine Hazards are found those hazards are required to be closed or 'mitigated' by December 1st, 2015.

Park City Municipal Corporation received notice, via mailer, as a property owner with multiple parcels in which mitigation obligations under the ordinance were required. Additionally, the City received the necessary forms to complete the mitigation process.

The City's Environmental Coordinator, Jim Blankenau, was identified within the mailing as the City's regulatory contact.

Heinrich Deters, the City's Trails and Open Space Project Manager, represented the City as land owner and worked closely with Jason Christensen formerly of the Sustainability Department (and currently with the Water Department), in carrying out each site inspection and documentation.

Analysis

City parcels identified in the mitigation letters

The ordinance identified thirty-eight city owned parcels with mitigation obligations. Staff reviewed each parcel and used the following resources to help identify the possibility of any known historical mining practices: the 1955 USGS Map, purchase documents, leases, aerial maps and photos, business records and other recorded documents. Additionally, staff used personal historical knowledge of the properties. Staff conducted individual site visits, utilizing available resources to GPS possible locations, to create a photographic log and document the level of hazards, if any, present. Finally, a mitigation level and plan was determined. **In the case of all city-owned parcels, staff did not find any evidence of a hazard that would require any additional mitigation efforts.**

Ordinance notification to property owners
While this report focuses on Park City's compliance with the ordinance, in our role as land owner, Council may in interested in the progress towards compliance of other area landowners:Park City's Environmental Regulatory Department has provided several avenues of notification for property owners, including two mailed notices to property owners. While the deadline for notifying PCMC of compliance has not yet arrived, to date, most of property owners have submitted information. The ordinance does allow property owners to obtain a one year extension from the existing the December 1, 2012 deadline.

Department Review:
This report has been reviewed by the Sustainability, Legal and Executive Departments

Significant Impacts:
Compliance with the adopted ordinance is required of the City and is representative of a due diligence process that limits the City's liability. Furthermore, the process ensures a greater level of public safety on city-owned property.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	**Preserving & Enhancing the Natural Environment (Environmental Impact)**	**An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)**	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs	+ Abundant preserved and publicly-accessible open space		+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive	Very Positive	(Select from List)	Positive
Comments: Management of public property , specifically recreational open space, is vital to the ongoing public support for acquisition and funding of the resource.				

Funding Source:
No additional funding is required.

Consequences of not taking the recommended action:

This report is for informational purposes.

Recommendation:
This report is for informational purposes.

City Council
Staff Report

Subject: **Quarterly Strategic Update**
Author: **Bret Howser**
Department: **Executive**
Date: **November 29, 2012**
Type of Item: **Informational**

Summary Recommendations:
Council should provide staff with direction regarding revisions to the Quarterly Strategic Update.

Topic/Description:
Quarterly Strategic Update

Background:
In August 2012, Council adopted Park City 2030, the City's long-range strategic plan, which consolidated eight Council Goals into four Council Priorities and provided descriptive Desired Outcomes for these priority areas. Park City 2030 also prescribed that each department or team develop a business plan detailing the strategies and action steps that staff will carry out in order to achieve the Desired Outcomes within each Council Priority.

For the past three months, staff has been drafting these business plans. While they aren't quite in final draft state, many of the action steps contained in the plans are ready to be reported. These action steps from the departmental business plans have been compiled into a new Quarterly Strategic Update, which will replace the old Quarterly Goals Update. Not all of the action steps which will be in the final business plans are included in this draft report, but those which are included are in their finalized state.

Analysis:
The attached report is an early draft intended to give Council an idea of what future Quarterly Strategic Updates might look like. The report is quite a bit lengthier than prior goal updates to Council. This is because it is more comprehensive, entailing not only projects that Council has taken an interest in, but all of the action steps that each department is planning to take in the next year to further Council Priorities. Staff is looking for feedback from Council regarding the length and makeup of the report.

Staff proposes a few options for reducing the length of the report:

1. Give full report annually, and update selected items quarterly
    a. City Manager selects the action items for update with input from Council
    b. Department managers identify critical items for update
2. Feature one of the four Council Priorities each quarter with limited information presented on the other three
3. Report only action items with status changes

The Quarterly Strategic Update will serve as an informational tool to help Council be knowledgeable regarding City operations and more effective in their role as ambassadors to the community. Council should not confuse the Quarterly Strategic Update with an invitation to make operational decisions that are not within the purview of the legislative function.

Business Plans will also be made available on the website on document central (http://www.parkcity.org/index.aspx?page=541&parent=10259) for Council and the public to access and read as they are finalized during the final weeks of this calendar year. These plans are primarily a management tool and will facilitate accountability at a staff level. Council may want to be familiar with them as they detail the linkages between day-to-day staff activity and the broader strategies of the City, however staff is not seeking Council approval of these plans. Currently, several plans near-final plans can be located in this repository.

Again, the attached report is not a full quarterly update. Rather, it is a draft report intended to show Council the direction we're heading with quarterly reporting and to solicit Council feedback.

Department Review:
This report has been reviewed by the Executive and Legal Departments.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	**Preserving & Enhancing the Natural Environment (Environmental Impact)**	**An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)**	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?				+ Fiscally and legally sound + Engaged and informed citizenry + Streamlined and flexible operating processes + Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Neutral ⇔	Neutral ⇔	Neutral ⇔	Very Positive ↑

Comments: The reformatted Quarterly Strategic Update reinforces the tie between day-to-day activities of City staff and management and the Counci'ls priorities and Community Vision. It summarizes what we're doing in order to keep Park City "Park City" in an accessible and digestable format. Staff believes it is a key factor in being a Responsive & Effective Government.

Funding Source:
No funding source required

Recommendation:
Council should provide staff with direction regarding revisions to the Quarterly Strategic Update.

Attachments:
A – Draft Quarterly Strategic Update

World Class, Multi-Seasonal Resort Destination

Strategy: Beautification and Cleanliness of Public Spaces **Dept/Team:** Public Works Operations

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Flowers/Holiday Lights/ Beautification				
Action Step - Provide Hanging Basket to Main Street & Prospector area	Streetscape beautification	Clint Dayley Maria Barndt	Jun 2013	
Action Step - Provide Holiday Lighting to City Buildings, Parks & Main Street	Festive City appearance	Clint Dayley Maria Barndt	Dec. 15, 2012	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Ensure the timely maintenance/ replacement of core infrastructure **Dept/Team:** Building, Planning & Engineering

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Deer Valley Drive Reconstruction				
Action Step - Reconstruction project	Reconstruction of Road	City Engineer	Fall 2013	
Program/CIP: Royal Street				
Action Step - Reconstruction project	2013 – repair failed section of Royal Street. 2014 – construction of retaining wall	City Engineer	Summer 2014	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

World Class, Multi-Seasonal Resort Destination

Strategy: Environmentally Sensitive Regional Public Transit **Dept/Team:** Transit & Transportation

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Park City Mobility				
Action Step - Expand mobility capacity or service	Add additional ADA vehicle\driver	Transit-Transportation Manager	TBD based on demand or route expansion	
Program/CIP: Summer Transit Service				
Action Step - Service Expansion	Increase City service core route operating hours to be 7:30-Midnight (June –Sept) 1.5 hour expansion	Transit Operations Team Leader	Jun 2013	
Action Step - Service Expansion	Increase county hours to run until midnight (June - Sept)	Transit Operations Team Leader	Jun 2013	
Action Step - Service Expansion	Expand fixed route service to Quinn's Junction-PC Heights	Transit-Transportation Manager	TBD based upon PC Heights buildout & occupancy	
Program/CIP: Winter Transit Service				
Action Step - Implement transit equipment coordinator	Equipment coordinator position filled.	Transit Admin Team Leader	Jan 2013	
Action Step - Transit Coaches Replacement and renewal	Procure 5 buses and 3 support vehicles	Transit Admin Team Leader	Dec 2013: 3 support vehicles, 3 buses 2014: 2 buses	
Action Step - Service expansion	Expansion Of County service to run until Midnight 1.75 hour expansion	Transit-Admin Team Leader	Jan 2014	
Action Step - Service expansion	Begin service planning coordination with Wasatch County-Heber City	Transit-Transportation Manager	Dec 2013	
Action Step - Route & stop review	Formal review of all routes based upon data generated by AVL system	Transit – Transportation Manager	Oct 2013	
Action Step - Service Expansion	Expand fixed route service to Quinn's Junction-PC Heights	Transit-Transportation Manager	TBD based upon PC Heights buildout & occupancy	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

World Class, Multi-Seasonal Resort Destination

Strategy: Facilitate well defined process regarding special events and safety and code enforcement **Dept/Team:** Building, Planning & Engineering

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Code Amendments				
Action Step - Annual Land Management Code Amendments	Adoption of amended Code by City Council	Planning Director	May 2013	
Program/CIP: Code Enforcement				
Action Step - Special event inspections	Record of site inspections and status for special events	Chief Building Official	End of FY 2013	
Action Step - Increase in inspections	Night and Weekend inspections to increase level or compliance with City regulations	Chief Building Official	End of FY 2013	
Program/CIP: Special Planning Projects				
Action Step - Sundance project management	Manage ambush marketing matrix so that they are properly permitted	Planning Director		

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Historic District Parking **Dept/Team:** Transit & Transportation

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Parking Management				
Action Step - HPCA Parking Program coordination	6 hour time limits China Bridge presented to Council for review and direction.	Transit & Transportation Manager	Nov 2012	
Action Step - Parking Management Technology	Parking Software, Pay-by-Cell Phone, and License Plate Recognition system implemented	Parking & Fleet Team Leader	Jul 2013	
Action Step - China Bridge Capital Maintenance Project	China Bridge South Stairwell Refurbish	Parking & Fleet Team Leader	Dec 2012	
Action Step - HPCA Parking Program coordination	Enforcement program contract or in-house analysis completed	Parking & Fleet Team Leader	Jan 2013	
Action Step - Parking Wayfinding	Coordinate parking wayfinding plan with overall Citywide wayfinding plan.	Transit & Transportation Manager	Oct 2013	
Action Step - Parking Wayfinding	Coordinate implementation with overall wayfinding project	Transit & Transportation Manager	(unspecified)	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

World Class, Multi-Seasonal Resort Destination

Strategy: Maintain Recreation, Cemetery and Open Space Infrastructure **Dept/Team:** Public Works Operations

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Cemetery				
Action Step - Create a headstone Inspection program, repair unsafe monuments	Visitor safety / preservation of monuments	Clint Dayley Jarren Chamberlain	Jun 2013	
Program/CIP: Golf Course Capital Improvement projects				
Action Step - Replace aging driving range fence	Keep range balls within golf course property	Clint Dayley	Oct 2014	
Action Step - Realign cart path away from 2 Green	Improved playing experience	Clint Dayley	Oct 2014	
Program/CIP: Golf Course Equipment Replacement				
Action Step - Purchase 3 new Hybrid Greens Mowers	Reliable, fuel efficient equipment	Clint Dayley	Apr 2013	
Action Step - Replace Bunker Rake	Reliable equipment	Clint Dayley	Apr 2013	
Program/CIP: Golf Course Sprinkler Head Update				
Action Step - Install sprinkler head conversions	Increase sprinkler head efficiency	Clint Dayley	Oct 2013	
Program/CIP: Irrigation controller upgrade in Parks				
Action Step - Replace outdated 20 year old controllers	Reduce system failures due to aging equipment.	Clint Dayley		

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

World Class, Multi-Seasonal Resort Destination

Strategy: Maintain Transportation Network/Infrastructure **Dept/Team:** Public Works Operations

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Pavement Management				
Action Step - Apply 5,000 ton asphalt 60,000 Sq. yrs. Slurry 33 tons crack seal	A City street network with an average RSL (Remaining Service Life) of 10 years	Blake Fonnesbeck; Troy Dayley	Oct 2013	
Program/CIP: Street & Sidewalk Maintenance				
Action Step - Complete an internal street and sidewalk condition assessment	Identify and prioritize repair and maintenance efforts	Troy Dayley; Jake Rudolph	Jun 2013	
Program/CIP: Street Lights & Signs				
Action Step - Inspect / replace regulatory street signage to comply with new MUTCD requirements	Compliance of all city regulatory signs	Troy Dayley	Jan 2014	
Action Step - Retrofit existing lights on Silver King Dr. to LED	Reduce power use by 45%	Troy Dayley	Jul 2013	
Program/CIP: Walkability Maintenance				
Action Step - Perform annual inspection to sidewalks and bike paths, repair potential hazards	Provide safe walkable sidewalks and bike paths	Jake Rudolph	Jun 2013	
Program/CIP: Winter Snow Operations				
Action Step - Continue Implementation of Main Street Mini-haul program	Improved parking, vehicular and pedestrian travel	Troy Dayley	2012/13 winter season	
Action Step - Maintain sequential plow priorities. Plow each street to a minimum of 20ft within 8 hours following a snow event.	Provide safe / drivable streets during winter months - per priority sequence	Troy Dayley	2012/13 winter season	
Action Step - Locate a new snow storage site.	Long term snow storage.	Blake Fonnesbeck; Troy Dayley		

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Mitigation **Dept/Team:** Emergency Management

Program/CIP: Emergency Management

	Deliverable	Who's Responsible	Deadline	Status
Action Step - Update Hazard Inventory & Vulnerability Analysis (HIVA)	Updated section in the CEMP	Emergency Manager, Emergency Management Group	May 2013	
Action Step - Develop a Continuity of Operations Plan (COOP)	Completed Plan	Emergency Manager	Dec 2015	
Action Step - Develop a Critical Infrastructure Protection Plan	Completed plan with list of recommendations for increased security	Emergency Manager	Jun 2014	
Action Step - Review current MAG plan and provide updates	Updated Park City section to the MAG Mitigation Plan	Emergency Manager	Dec 2014	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

World Class, Multi-Seasonal Resort Destination

Strategy: Planning & Operation of State Owned Transportation Corridors **Dept/Team:** Transit & Transportation

Program/CIP: Transportation

	Deliverable	Who's Responsible	Deadline	Status
Action Step - SR 224 Corridor Plan Implementation	Project co-op agreement with UDOT on SR-224 Lame Dog-Homestake signal and intersection improvements	Transit-Transportation Manager	Oct 2013	
Action Step - SR 248 Corridor Plan Implementation	UDOT project scope and Bid documents for $2,000,000 in improvements from Richardson Flats (including Richardson Flat Road intersection) to Comstock.	Transit-Transportation Manager	Feb 2013	
Action Step - SR 224 Corridor Plan Implementation	Survey Homestake\Lame Dog intersection project area for use in easement negotiations and design drawings	Transit-Transportation Manager	Jan 2013	
Action Step - SR 248 Corridor Plan Implementation	Ongoing coordination with UDOT on completion of construction of improvements from Richardson Flats (including Richardson Flat Road intersection) to Comstock.	Transit Transportation Manager	Oct 2013	
Action Step - Intelligent Highways Plan - Wayfinding	Coordinate concept plan with City Staff and negotiate letter of intent to design, fund and build a smart messaging system on SR-224 and SR-248.	Transit-Transportation Manager	Dec 2013	
Action Step - SR-224 Corridor Plan Implementation	Work with UDOT to develop, adopt and begin implementation of an Access Consolidation Plan	Transit-Transportation Manager	Dec 2014	
Action Step - SR 224 Corridor Plan Implementation	CIP Budget request for design of Homestake\Lame Dog Intersection Improvements	Transit Transportation Manager	Mar 2013	

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World Class, Multi-Seasonal Resort Destination

Strategy: Preparedness **Dept/Team:** Police

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: All programs				
Action Step - Physical Fitness Requirements	All officers meet year one requirements according to four year plan.	Department Administration	Year 1: Nov '12 Year 2: Nov '13	
Program/CIP: Community Support				
Action Step - Establish and continue education with Park City Community Anti-bullying Coalition	Continue to meet with community coalition and set yearly agenda.	Wade Carpenter	Jan 2013	
Program/CIP: Emergency Management				
Action Step - Complete Community Wildfire Protection Plan (CWPP)	Completed Plan presented to Council	Emergency Manager; PIO	Dec 2013	
Action Step - Develop an online employee preparedness program	Develop a Power Point with sound program for all employees	Emergency Manager	Jul 2013	
Action Step - Senior elected officials emergency management training.	Completed training	Wade Carpenter & Hugh Daniels	Jul 2013	
Action Step - Maintain and update mandatory ICS training.	Monitor new dates of hire to make sure all new employees complete training	Wade Carpenter, Hugh Daniels, Rick Ryan & Phil Kirk	Ongoing	
Action Step - Implement the CWPP goals	Engage partners to complete goals	Emergency Manager; PIO; Deputy City Manager	Dec 2013	
Action Step - Become a Storm Ready community	Work with NWS to meet the requirements for designation	Emergency Manager	Jun 2013	
Action Step - Continue and expand as able the Be Ready Park City outreach campaign	Complete at least two communitywide outreach programs per year	Emergency Manager; PIO	Dec 2013	
Program/CIP: Patrol, Traffic, Dispatch				
Action Step - Compstat Training	All employees trained on how to utilize Compstat.	Phil Kirk	Jul 2013	

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World Class, Multi-Seasonal Resort Destination

Strategy: Preparedness; Education — **Dept/Team:** Police

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Community Support				
Action Step - Increase social media presence.	1) Report to Chief of Police on new social media developments that could be used by department. 2) Use crime mapping internally to help project crime trends.	Phil Kirk	Jan 2013	

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Strategy: Prevention — **Dept/Team:** Police

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Community Support				
Action Step - Establish victim advocates support.	To have service up and running.	Phil Kirk & Lisa Rogers	Nov 2012	
Program/CIP: Patrol Operations				
Action Step - Continue to evaluate community needs and adapt patrol & investigative tactics accordingly.	Presentation on how they are using data from crime reports to adapt tactics.	Phil Kirk & Rick Ryan	Mar '13, Ongoing	
Program/CIP: Traffic Enforcement				
Action Step - Evaluate traffic enforcement efforts to improve walkability and bike-ability of community.	Report on effectiveness of increased officer presence.	Phil Kirk	Mar '13, Ongoing	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Prevention; Response — **Dept/Team:** Police

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Active Shooter Policy - Run, hide, fight				
Action Step - Train employees on how they should respond in given scenarios. Starts in November 2012.	Finish developing policy, schedule training. Conduct the training exercise.	Rick Ryan	Jan 2013	

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World Class, Multi-Seasonal Resort Destination

Strategy: Provide Exceptional Customer Service — **Dept/Team:** Golf Shop

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Retail				
Action Step - Analysis or retail sales, conduct survey of users for product selection	Retail buying plan	Golf Shop coordinator	April 2013	
Program/CIP: Survey data				
Action Step - Perform annual customer survey	Use results from survey to update programs and future capital projects	Golf Manager	November 2012	
Program/CIP: Training and Feedback				
Action Step - Spring customer service training and product training	Training for current staff and new hires and product training for all employees	Golf Shop coordinator	June 2013	

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Strategy: Provide a Resort Quality Recreation Experience — **Dept/Team:** Golf Shop

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Driving range improvements				
Action Step - Purchase new ball machine, mats, and balls annually update capital replacement program	Improved driving range facilities	First Assistant Golf Professional	April 2013	
Program/CIP: Golf Management Operations				
Action Step - Review rates, fees, and user mix.	Work with budget to design matrix to put together 5 year proforma	Golf Manager	Nov 2012	
Action Step - Provide employee training and feedback	Manual that will include policies and procedures that are not included in the City's P&P manual.	First Assistant Golf Professional	April/ October 2013	
Action Step - Retail Operations	Annually attend local golf retail shows and every other year attend the National PGA retail show in Orlando to keep updated on retail trends in golf industry.	Golf Shop coordinator	Winter / Spring 2013	
Program/CIP: Golf Shop Programs				
Action Step - Volunteer program	Annually asses the program. Create two surveys, one for volunteers and one for users to evaluate program. Utilize results to better program.	Golf Management Team	Fall 2013	

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World Class, Multi-Seasonal Resort Destination

Strategy: Provide Amenities, Facilities, Trails & Infrastructure **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Backcountry Trails Program				
Action Step - Transportation Master Plan Report Card	Report Card	Trails & OS Proj Mgr	Dec 2012	
Action Step - Pave Silver Quinn Trail	Paved Trail	Trails & OS Proj Mgr	Complete	
Program/CIP: Downtown Enhancement Projects				
Action Step - Identify location and complete construction	Build Plaza Downtown	Econ Dev Mgr	Oct 2014	
Action Step - Swede Alley Crosswalks	Completed Crosswalks	Sr. Project Manager	Complete	
Action Step - Sidewalk Reconstruction & Streetscape	Sidewalk & Streetscape Improvements	Sr. Project Manager	Start 2012; complete by 2020	
Action Step - Egyptian Walkway	Completed Walkway	Sr. Project Manager	July 2013	
Action Step - Historic Wall	Preserved Wall	Sr. Project Manager	July 2013	
Action Step - City Hall Plaza	Completed Promenade	Sr. Project Manager	Oct 2014	
Action Step - Coalition Plaza/trailhead	Completed Project	Sr. Project Manager	Oct 2016	
Action Step - Miners Plaza	Completed Project	Sr. Project Manager	Oct 2017	
Program/CIP: Economic & Redevelopment Program				
Action Step - Wi-Fi Network Feasibility Analysis	ID Priority Locations & Cost	Econ Dev Mgr & IT Mgr	Mar 2013	
Action Step - City Way-finding & SMART Messaging	Complete Plan	Econ Dev Mgr	July 2013	
Action Step - Open Space	Methodology for open space procurement	Trails & OS Proj Mgr	Feb 2013	
Action Step - Property Management	Round Valley Mgmt Plan	Trails & OS Proj Mgr	Dec 2012	
Program/CIP: Open Space				
Action Step - Osguthorpe Property	Fences and trail construction	Trails & OS Proj Mgr	Aug 2013	
Program/CIP: Urban Trails & Walkability Program				
Action Step - Dan's to Jan's Implementation	Completed Phase I Projects	Trails & OS Proj Mgr	Oct 2014	
Action Step - Wyatt Earp Implementation	Completed Street Improvements	Trails & OS Proj Mgr	Oct 2013	

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World Class, Multi-Seasonal Resort Destination

Strategy: Provide level of inspection services to ensure quality and safety of housing stock and uses of right-of-way

Dept/Team: Building, Planning & Engineering

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Arson Inspection Equipment				
Action Step - Arson Investigation	Training and certification to allow for ongoing arson investigations	Deputy Fire Marshall	End of FY 2013	
Program/CIP: Inspections				
Action Step - Education of contractor and home owners on Building codes	Seminars and instructional classes	Chief Building Official	Annually	
Action Step - Customer Satisfaction	Overall rating of BPE Team from results of a satisfaction survey	Chief Building Official	Mar 2013	
Action Step - Online services	Creation of computer / input policy for electronic submittals	Chief Building Official	Mar 2013	
Action Step - Architectural inspections	Add required inspections for Planning to sign off prior to issuance of all Final or COOs	Planning Director		

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World Class, Multi-Seasonal Resort Destination

Strategy: Pursue Development and Redevelopment Consistent with General & Area Plans **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: City's Posture on RDA				
Action Step - Use the Input from the 5 joint meetings to inform implementation of the Area and General Plans	Economic Element of the GP completed	Econ Dev Mgr, Planning Director and Sr. Planner	Mar 2013	
Program/CIP: Economic & Redevelopment Program				
Action Step - Parking Redevelopment at PCMR Lot	1) LOI 2) RDA Extension 3) Signed Agreement 4) Phase I - Woodward Facility 5) Parking & Transit Ctr Construction	Econ Dev Manager	1)Complete 2)Complete 3)Feb 2013 4)Oct 2013 5) 2014	
Action Step - Treasure Hill Negotiations	Conclude an agreement to: 1) keep ½ density at Treasure; 2) Move ½ density to a receiving zone; 3) Keep ski & uphill capacity improvements to Treasure; 4) Ensure hot beds are created	City Manager, City Attorney & Econ Dev Mgr	Jun 2013	
Action Step - Develop City role in redevelopment of major buildings on Main St.	Policy Discussion w/ Council	Econ Dev Mgr	Apr 2013	
Program/CIP: General Plan				
Action Step - Update Economic Element	Complete Chapter	Sr. Planner	TBD	
Program/CIP: Implementation of BOPA Plan				
Action Step - Develop Business Retention and Attraction Plan	Adopted Business Retention and Attraction Plan	Strategic Initiatives Mgr	Apr 2013	
Action Step - Identify Preferred Incentive Tools	Incentive Toolbox	Strategic Initiatives Mgr	Apr 2013	
Program/CIP: Implementation of LPA RDA Area Plans				
Action Step - Library Needs Assessment/Expansion	1) Completed Needs Assessment 2) Construction	Lib Director; Econ Dev Mgr, & Sr. Project Mgr	1) Complete 2) Dec 2013	
Action Step - Neighborhood Needs Assessment/Construction	1) Completed Needs Assessment 2) Construction	P.A. Mgr & Sr. Project Mgr	1) Jul 2013 2) Oct 2015	
Program/CIP: Land Mgmt Code				
Action Step - Modify LMC to encourage, support vitality, activity while protecting scale and integrity of historic buildings	TBD	Econ Dev Mgr & Planning Dir	TBD	

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World Class, Multi-Seasonal Resort Destination

Strategy: Recovery — **Dept/Team:** Emergency Management

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Emergency Management				
Action Step - Begin the process of developing a Recovery Plan for a major disaster	Recovery Plan	Emergency Manager	Jun 2014	
Action Step - Update snow removal contracts to include emergency debris removal	Updated contracts	Emergency Manager, Public Works Operations	Dec 2013	

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Strategy: Response — **Dept/Team:** Emergency Management

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Emergency Management				
Action Step - Update the three-year training and exercise plan	New plan as required for EMPG compliance	Emergency Manager, Emergency Management Group (EMG)	Feb 2013	
Action Step - Update the two-year employee training matrix	New compliance matrix for updated CEMP	Emergency Manager, Emergency Management Group (EMG)	Dec 2012	
Action Step - Update EOC equipment as needed	Replace aging equipment according to schedule	Emergency Manager	Jun 2013	
Program/CIP: Emergency Mgt Program Equipment Fund				
Action Step - Add to EOC equipment	Purchase additional equipment	Emergency Manager	Jun 2013	
Action Step - Add to Response & Building equipment	Purchase additional equipment	Emergency Manager	Jun 2013	
Program/CIP: Patrol Operations				
Action Step - Increase use of Compstat technology.	Increased officer accountability for reducing crime for their sector. Evaluate Compstat technology.	Phil Kirk	Jan 2014	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

World Class, Multi-Seasonal Resort Destination

Strategy: Security — **Dept/Team:** Emergency Management

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Emergency Management				
Action Step - Convert and update all closed circuit video systems to centralized network	Centralized digital camera system	Emergency Manager, IT, Building Maintenance	Jun 2015	
Action Step - Convert, update and add electronic access control (electronic locks) to centralized network	Centralized Access control System	Emergency Manager, IT, Building Maintenance	Dec 2016	
Program/CIP: Security Measures & Equipment				
Action Step - Purchase necessary equipment and upgrade to digital where possible	All systems moved to the central network	Emergency Manager, IT, Building Maintenance	Jun 2015	
Action Step - Purchase new electronic locks and move towards a centralized system	Convert buildings one at a time to centralized system	Emergency Manager, IT, Building Maintenance	Dec 2016	

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Strategy: Support & Manage World Class Events — **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Special Events Program				
Action Step - Refine the event process and calendar to balance community goals and ROI	Report to Council concurrent with Economic Health Report	Econ. Dev. Mgr	April 2013	
Action Step - Secure Sundance Agreement thru 2028 & Address MLK Conflict	Study Session Code Changes Possible Changes to Agreement	City Manager and Econ. Dev. Mgr	Apr 2013 May 2013 End 2013	
Action Step - Event Overhaul	1) Admin Process/ Fee Changes 2) Temporary Bus Licensing	Econ. Dev. Mgr and Event Project Manager	1) Done 2) May '13	

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World Class, Multi-Seasonal Resort Destination

Strategy: Utilize facilities as Economic Development Tool — **Dept/Team:** Recreation

Program/CIP: Youth & Adult Programs, Tennis Tournaments, Tennis Programming,

	Deliverable	Who's Responsible	Deadline	Status
Action Step - More welcoming to visiting tennis players	Tennis Concierge program; Walk-In Tennis Lessons/Clinics; Destination tennis camps	Tennis Director	Spring 2013	
Action Step - Increase/Offer destination tennis tournaments.	Submit bid for Husband/Wife National Indoor Championships; Include prize money to attract top level recreational players; Apply for Wheelchair Tennis tournament; Apply for additional youth sectional tournament	Tennis Director	Fall 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Utilize Facility as an Economic Development Tool — **Dept/Team:** Ice Arena

Program/CIP: Economic Development

	Deliverable	Who's Responsible	Deadline	Status
Action Step - Implement Sales and Marketing Plan	Compensation Plan, price list, recruit for PT sales position	Operations Manager	November, 2012	
Action Step - Host Chamber Kick-Off Event	Plan and Host the Winter 2013 Chamber Kick-off Event	Front Desk Supervisor	Nov 2013	
Action Step - Recreation Master Plan	Work with RAB, Recreation Dept. to Produce a Recreation Master Plan for Park City	Operations Manager, Business Development Manager	Dec 2012	

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Preserve & Enhance the Natural Environment

Strategy: Annual update of infrastructure studies and programs — **Dept/Team:** Building, Planning & Engineering

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Storm Water Utility Study				
Action Step - Storm Water Utility Study	Study to look at the issues associated with creating and maintaining a storm water utility	City Engineer	Jun 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Enhance Municipal and Community Carbon Mitigation, Energy Reduction and Conservation — **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Carbon Reduction				
Action Step - Municipal Carbon Footprint Reductions, including Financial Analysis and Savings	1) Annual carbon footprint and ENERGY STAR 2) 2007-2012 muni carbon footprint goal and next steps 3) Facility, fleet, and maintenance (RFP)	Environmental Project Mgr	1) Apr 2013 2) May 2013 3) Jun 2013	
Action Step - Community Carbon Footprint Updates and Mitigation Initiatives	1) Permitting improvements and rebates for residential solar PV – clean tech econ 2) Launch and support car sharing program – outreach & mktg. 3) Communications Initiatives: Websites, Social Media, TV, Radio	Environmental Sustainability Manager	1) Mar 2013 2) Nov 2012 3) Apr-Aug 2013	
Program/CIP: Community and Large-scale Municipal Programs				
Action Step - Receive policy direction on Dark Skies, Green Biz Program, LEED, ISI, City Codes, and Solar PV	Analysis and recommendation to Council – Assist Capital Projects	Environmental Sustainability Manager	Nov 2012 – Oct 2013	
Program/CIP: Low Carbon Diet				
Action Step - Ongoing program implementation and partner procurement	Household carbon emissions reductions	Environmental Project Mgr	Sept 2013 Update	

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Preserve & Enhance the Natural Environment

Strategy: Mitigate Mining Legacy Including Mine Waste, Soils and Physical Hazards **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Mine Hazard Ordinance				
Action Step - Submittal of Mine Hazard Mitigation Plans	Mine hazard mitigation plans	Environmental Reg. Program Manager	Dec 2012	
Action Step - Implementation of Plans	Completed Mitigation	Environmental Reg. Program Manager	Dec 2013	
Program/CIP: Prospector Drain				
Action Step - Administrative Order of Consent (AOC)	AOC ready for Council approval	Environmental Regulatory Affairs	Dec 2012	
Program/CIP: Soils Ordinance				
Action Step - GIS Update	New GIS Environmental Information Resource	Environmental Reg. Program Manager	Feb 2013	
Action Step - Develop better public outreach	Public Outreach Plan	Environmental Reg. Program Manager	May 2012	
Program/CIP: Triangle VCP				
Action Step - Evaluate future uses and when those uses will be needed.	Analysis and recommendation to Council.	Environmental Reg. Program Manager	TBD	

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Inclusive Community of Diverse Economic & Cultural Opportunities

Strategy: Education — **Dept/Team:** Police

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Community Support				
Action Step - Train citizens on public safety. (11 week program)	Understanding of how police department functions, tactical training, etc.	Phil Kirk & Terry Knechtel	May 2013	
Program/CIP: Emergency Management				
Action Step - Prepare personal safety training for city employees.	Completed training and set dates.	Wade Carpenter, Phil Kirk & Rick Ryan	Jul 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Emphasize & Expand Educational Aspect of Libraries (Programs, Exhibits, Classes & Book Clubs) — **Dept/Team:** Library

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Adult Services				
Action Step - Assess community interest and needs for programs, classes & exhibits and capitalize on partnerships to minimize expenses	Roster of programs and classes that match community interests and needs utilizing partnerships when possible	Jasmina	Sep '12 - Ongoing	
Action Step - Tailor DVD Collection purchases to more closely align with community preferences	Survey users and report findings to Library Management Team	Trish	Oct 2012	
Action Step - Refresh collection by systematically removing out-of-date and low use items from library collection	Develop de-selection schedule and run reports to identify items to be considered for removal from collection	Linda, Jasmina, Trish & Brianna	Dec 2013	
Program/CIP: Youth Services				
Action Step - Adjust early literacy programming to target current needs and future trends	Programming that meets needs & incorporates learning that will prepare children with 21st Century Skills	Tegan	Dec 2012	
Action Step - Assess community interest and needs for programs, classes & exhibits and capitalize on partnerships to minimize expenses	Roster of programs and classes that match community interests and needs utilizing partnerships when possible	Tegan	Sep '12 - Ongoing	
Action Step - Implement Utah Kids Ready to Read	Storytimes that incorporate UKRTR principles	Tegan	Sep '12 - Ongoing	

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Inclusive Community of Diverse Economic & Cultural Opportunities

Strategy: Foster Affordable Housing and Senior Services — **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Affordable Housing				
Action Step - Complete feasibility analysis for mortgage assistance program	Feasibility Study	Rhoda Stauffer	Apr 2013	
Action Step - Identify current physical and financial condition of deed-restricted housing.	Asset Study	Rhoda Stauffer	Sep 2013	
Program/CIP: Senior Services				
Action Step - Expand program and service options to encourage wider participation	1) Partnerships such as Health Dept for Med Education 2) Identify existing age-in-place services and meet with MAG to discuss expansion 3) Develop community service hours program for high school	Rhoda Stauffer & ReNae Rezac	1) Jul 2013 2) Jan 2013 3) Sep 2013	
Action Step - Facilitate the development of more housing options for seniors	Include senior housing needs in PC and County General Plans	Rhoda Stauffer; Planning Staff	Dec 2012	
Action Step - Facilitate the development of more housing options for seniors	Seek opportunities for housing suitable for senior households	Rhoda Stauffer; Planning Staff	Mar 2013	

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Inclusive Community of Diverse Economic & Cultural Opportunities

Strategy: Historic Preservation ensured through nationally and locally recognized preservation standards

Dept/Team: Building, Planning & Engineering

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Historic District Design Review				
Action Step - Annual Historic Site Inventory update	Updated Historic Site Inventory and individual property site forms adopted by the Historic Preservation Board	Planning Director	End of FY 2013	
Action Step - Annual Historic Guidelines update	Updated Historic Guidelines adopted by the Historic Preservation Board and daily utilization by Planning Staff	Planning Director	End of FY 2013 (Biennial)	
Action Step - Historic Preservation Guarantee Policy	Written policy outlining procedure for the historic preservation guarantee requirements for construction on Historic Sites	Chief Building Official	Mar 2013	
Action Step - Annual Historic Award	Historic Preservation Board to designate an awardee, commission an artist to illustrate the awardee, and present the award at a function	Planning Director	End of FY 2013	
Program/CIP: Historic Preservation				
Action Step - Intensive Level Survey of Main Street Historic District	An intensive level survey of each historically designated site to identify important characteristics for preservation	Planning Director	End of FY 2014	
Program/CIP: Historic Structure Abatement Fund				
Action Step - Establishment of revolving fund for abatement of dangerous buildings	Report presenting abatement projects	Chief Building Official	End of FY 2013	

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Inclusive Community of Diverse Economic & Cultural Opportunities

Strategy: Long Range Planning Practices **Dept/Team:** Building, Planning & Engineering

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: General Plan Update				
Action Step - General Plan	Draft of an updated General Plan presented to Planning Commission	Planning Director	Jan 2013	
Program/CIP: Landscaping				
Action Step - Landscaping Ordinance	Adopt an ordinance to better guide the community and staff when adding or changing landscaping	Planning Director	Dec 2013	
Program/CIP: Long Range Planning				
Action Step - Bonanza Park Redevelopment Area Plan	Implementation of Form Based Code for BOPA as adopted by City Council	Planning Director	End of FY 2013	
Action Step - General Plan	Draft of an updated General Plan presented to Planning Commission	Planning Director	Jan 2013	
Action Step - Rocky Mountain Power System Upgrade	1) Approvals for new substation 2) Replacement of overhead power lines 3) Judge Station upgrade	City Engineer	1) 2015 2) 2023 3) 2023	

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Strategy: Outreach to Underserved Populations (Latinos, Seniors, and Low Income) **Dept/Team:** Library

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Adult Services				
Action Step - Invite key individuals in underserved communities to library board meeting(s) to discuss needs	Compile ideas for programming based upon input received	Library Board & Library Management Team	Dec 2012	
Action Step - Evaluate & Update Book Donations for Special Groups	Donations aligned with stated group needs	Jasmina & Val	Nov 2012	
Program/CIP: Youth Services				
Action Step - Work with current outreach coordinator to identify needs & adjust as well as implement new programming for Latinos	Programming that builds attendance & raises awareness of library services	Tegan	Spring 2013	

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Inclusive Community of Diverse Economic & Cultural Opportunities

Strategy: Promote City Branding & Promotion **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Economic & Redevelopment Program				
Action Step - Participate in Ski Resort Interconnect Concept Plan when Invited	N/A	Econ Dev Mgr	N/A	
Program/CIP: Reusable bag program				
Action Step - ID if Council is interested in pursuing a program with event banners	Frame policy and resource discussion	ED Manager	April 2013	

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Inclusive Community of Diverse Economic & Cultural Opportunities

Strategy: Provide a Variety of High Quality Recreational Opportunities **Dept/Team:** Recreation

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Basketball Courts				
Action Step - PC MARC Basketball Courts	Replace old side backboards with larger glass backboards	Recreation Supervisor	Fall 2013	
Program/CIP: Tennis Courts				
Action Step - City Park Tennis Court Expansion	New Courts	Recreation Manager	Jul 2013	
Action Step - PC MARC Tennis Court Expansion	New Courts	Recreation Manager	Oct 2013	
Program/CIP: Youth & Adult Programming				
Action Step - Get Out and Play	Plan logistics of providing safe instruction for 80 skaters	Skating Director	November, 2012	
Action Step - Dryland Training	Develop a dryland training program that meets the needs of Hockey players and speed skaters	Skating Director	November, 2013	
Action Step - Minority Outreach Programming	Work with the PC School District to identify and invite multicultural youth who want to learn to skate and/or play ice hockey.	Hockey Director	November, 2013	
Action Step - Therapeutic Skating Program	Develop a Skating program tailored to disabled participants	Skating Director	November, 2013	
Action Step - Adult Sized Hockey Rental Equipment	Purchase adult sized hockey equipment for rental to beginner hockey players	Hockey Director	July, 2013	
Program/CIP: Youth & Adult Programs; Tennis Programs; Childcare				
Action Step - Tennis will develop a program pathways	Talent identification and appropriate class placement	Tennis Director	Fall 2013	
Action Step - Community Wellness	Monthly lunch & learn; Wellness fair	Recreation Supervisor	Fall 2012	
Action Step - Expanded Childcare	Hrs to meet the needs of working families	PC MARC Coordinator	Fall 2012	
Action Step - Expanded Scholarship program	Create mechanism for department to receive donations from public to fund scholarships	Business & Marketing Coordinator	Fall 2012	
Action Step - Expanded group Fitness Schedule	Additional classes added	Recreation Coordinator	Fall 2012	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Inclusive Community of Diverse Economic & Cultural Opportunities

Strategy: Provide Adequate & Inviting Physical Space for Library Services & Operations **Dept/Team:** Library

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Lower Park Avenue RDA Plan				
Action Step - Select architect & begin planning for library expansion project if approved for funding by City Council	Completed architecture and engineering plans.	Linda	Dec 2012	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Provide Community Programs and Opportunities to "Grow the Game" **Dept/Team:** Golf Shop

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Golf Camps, clinics, private lessons				
Action Step - Assess the need for additional Jr. clinics	Needs assessment for additional clinics	Assistant Golf Professional	May 2013	
Action Step - Teaching staff clinics	Conduct monthly staff teaching clinics	First Assistant Golf Professional	May 2013	
Program/CIP: Leagues				
Action Step - Assess Men's league programs and participation	Survey members to implement new programs and tournaments	Assistant Golf Professional	May 15 2013	
Action Step - Assess Women's / Couples league programs and participation	Survey members to implement new programs and tournaments	Golf Shop Coordinator	May 15 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Provide Exceptional Customer Service **Dept/Team:** Ice Arena

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Operations				
Action Step - Provide Wi-Fi Access for Our Guests	Installation of Wi-Fi equipment, landing page agreement, public access	Arena Operations Manager	Nov 2012	
Action Step - Replace Existing Arena Management Software	Replacement of Class Software	Front Desk Supervisor	Jul 2013	
Action Step - Determine Policy Direction for Arena Scheduling	Revenue and Usage Comparisons/Projections, Staff Report, Council Meeting	Operations Manager	March, 2013	
Action Step - Increase Rentable Equipment Locker Inventory	Purchase and install lockers in the east hallway	Building Maintenance Coordinator	August, 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Inclusive Community of Diverse Economic & Cultural Opportunities

Strategy: Retain & Attract Diversified Business Types **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Economic & Redevelopment Program				
Action Step - Define & Test City's Role in High Altitude Destination	Study Session	Ice Business Mgr	Complete	
Action Step - Identify target properties and Development of a Direct Business Recruitment Plan	Business Recruitment Program	Strategic Initiatives Mgr	April 2013	
Action Step - Annual Economic Health Update	Presentation to Council & Updated Metrics	Econ Dev Mgr	April 2013	
Action Step - County Economic Development Task Force	Presentation to Council	Econ Dev Mgr	Complete	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Select Print & Electronic Material which Meet the Needs of the Community **Dept/Team:** Library

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Adult Services				
Action Step - Offer a greater variety of e-books to the community	Increase e-book collection by 25%	Linda, Jasmina, Tegan & Trish	Dec 2012	
Action Step - Tailor DVD Collection purchases to more closely align with community preferences	Survey users and report findings to Library Management Team	Trish	Oct 2012	
Action Step - Refresh collection by systematically removing out-of-date and low use items from library collection	Develop de-selection schedule and run reports to identify items to be considered for removal from collection	Linda, Jasmina, Trish & Brianna	Dec 2013	
Program/CIP: Youth Services				
Action Step - Refresh collection by systematically removing out-of-date and low use items from library collection	Develop de-selection schedule and run reports to identify items to be considered for removal from collection	Tegan	Dec 2013	
Action Step - Offer a greater variety of e-books to the community	Increase e-book collection by 25%	Tegan	Dec 2012	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Responsive, Cutting-Edge & Effective Government

Strategy: Access to and Functionality of public facilities — **Dept/Team:** Public Works Operations

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: ADA Implementation				
Action Step - Install truncated domes to Prospector bike path at intersections	Handicap accessible / ADA compliance	Jake Rudolph	Oct 2013	
Program/CIP: Asset Management				
Action Step - Complete a Building Assessment of all City owned buildings	Preservation of city assets / allocation of current and future funding	Mike Lennon; CH2MHILL	Dec 2012	
Action Step - Exterior coatings for Parks and Golf, Public Works, Swede Alley compactor & Transit Center buildings	Preservation of exterior finishes on buildings	Mike Lennon	Oct 2013	
Program/CIP: Inspections and Contract Supervision				
Action Step - Elevator Inspection	Safety, regulatory compliance	Mike Lennon	Jul 2013	
Action Step - Implementation of building security access cards(FOB) for Public Works, Marsac and Spiro Water Plant	Improved building security and safety	Mike Lennon; Hugh Daniels; Scott Robertson	Jul 2014	
Action Step - Fire suppression inspection	Safety, regulatory compliance	Mike Lennon	Aug 2013	
Program/CIP: Janitorial Services				
Action Step - Re-Bid Janitorial Service Contract	New Contract	Mike Lennon	Jul 2013	
Program/CIP: Spriggs Barn				
Action Step - Implement engineering designs for temporary building stabilization	Preserve structural integrity of building	Mike Lennon; Dave Gustafson	Jan 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Responsive, Cutting-Edge & Effective Government

Strategy: Current planning/zoning and regulation practices **Dept/Team:** Building, Planning & Engineering

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Code Amendments				
Action Step - Annual Land Management Code Amendments	Adoption of amended Code by City Council	Planning Director	May 2013	
Program/CIP: Customer Service				
Action Step - Customer Satisfaction	Overall rating of BPE Team from results of a satisfaction survey	Chief Building Official	Mar 2013	
Program/CIP: Plan/Application Review				
Action Step - Assessment of turn around time in plan review	Report comparing FY 2012 and FY 2013 turn around time	Planning Director	End of FY 2013	
Action Step - Education of contractor and home owners on Building codes	Seminars and instructional classes	Chief Building Official	Biennial	
Action Step - Electronic building plans	Create an adopted policy for storage of electronic building plans	Chief Building Official	Jun 2013	
Action Step - Staff Report routing	Updated staff report routing for Planning Commission reports. Creation of routing policy for staff reports for HPB/BOA reports.	Planning Director	Jun 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Efficient Use of Resources **Dept/Team:** Recreation

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Youth & Adult Programs, Tennis Programming; Operations; Marketing				
Action Step - Utilize tennis courts more efficiently	U10 Tennis Lines on all indoor courts	Tennis Director	Winter 2013	
Action Step - Utilize Gymnasium more efficiently	Marketing of space to be rented by private groups	Recreation Supervisor	Fall 2012	
Action Step - Web based marketing	Ad Taxi & targeted display ads on the web.	Business & Marketing Coordinator	Winter 2013	

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Responsive, Cutting-Edge & Effective Government

Strategy: Ensure the timely maintenance/ replacement of core infrastructure **Dept/Team:** Building, Planning & Engineering

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Engineering Project Management				
Action Step - Safety program	Development of a safety program for work performed on Right-of-way. Program starts in FY 2013 and carries through to 2014	City Engineer	FY 2014	
Action Step - ROW Landscape Guideline	Guidelines adopted by City Council to help reduce the water used to maintain landscaping in the ROW	City Engineer	Jun 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Facilitate Citizen Engagement, Public Participation and Timely Communication **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Community Outreach and Citizen Engagement				
Action Step - Develop Virtual Town Hall	Launch Mind Mixer	Phyllis Robinson	Dec 2013	
Action Step - Research, develop and implement 2013-15 Communications Plan	Communication Plan	Phyllis Robinson	Feb 2013	
Action Step - Conduct citizen education programs to increase public participation	Public Participation Training	Phyllis Robinson; Legal Staff	Winter 2013	
Action Step - Enhance Consumer Confidence in Water	Water PI contract and program management	Phyllis Robinson; Water Staff	October 2012 – December 2013	
Action Step - Develop and Implement Public Information Campaigns for Capital Projects (e.g., Water line, substation, DVD)	Project PI plans and collateral.	Phyllis Robinson; Project Manager	October 2012 – December 2013	
Action Step - Citizen Satisfaction Survey	National Citizen Survey Complete	Phyllis Robinson	Jul 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Responsive, Cutting-Edge & Effective Government

Strategy: Fiscally Responsible, Self Sustaining Enterprise Fund — **Dept/Team:** Golf Shop

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Budget management				
Action Step - Meet with staff, Friends of Golf and budget department annually to review rates and player mix	Use data from golf course model for future rate changes	Golf Manager	Feb 2013	
Program/CIP: Finance management				
Action Step - Work with finance department and State auditors to accurately report daily sales	New checkout procedure	Golf Manager	Nov. 15 2013	
Program/CIP: Staff Management				
Action Step - Monitor spring and fall staffing. Assess necessity of each position	Shoulder season staffing plan	Golf Manager	March 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Focus on Efficient Use of Resources — **Dept/Team:** Ice Arena

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Operations				
Action Step - Utilize Lobby More Effectively	Rearrange layout of lobby, purchase new furniture and set up to be more welcoming and comfortable	Front Desk Supervisor	November, 2012	
Action Step - Complete Operations Training Videos	Develop and produce training videos for operations staff to improve standardization and efficiency of training process	Operations Assistant	October, 2012	
Action Step - Replace Rubber Flooring Throughout Facility	Design Layout, Issue Bids and Choose Vendor to Provide/Install Flooring	Operations Manager	Jul 2013	
Action Step - Implement the Use of “Tablets” for Operations Staff	Purchase tablets/software, train staff and have staff use tablets to improve operational efficiency	Building Maintenance Coordinator	January, 2013	
Action Step - Renovate the “Concessions” Room	Remove walls and plumbing from the room, determine best use of space and outfit for that function	Building Maintenance Supervisor	Aug 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Responsive, Cutting-Edge & Effective Government

Strategy: Promote Emergency Preparedness and Community Response — **Dept/Team:** Sustainability

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Emergency Communications				
Action Step - Develop and implement annual preparedness campaign	Multi-media campaign	Phyllis Robinson; Hugh Daniels	Jun 2013	
Action Step - Update Emergency Communications Plan	Updated plans with templates	Phyllis Robinson	Feb 2013	
Action Step - Staff training for crisis communications	Training and resource sheet	Phyllis Robinson	Mar 2013	
Action Step - Conduct a JIC Drill to enhance PIO skills for SCECN	Drill and evaluation	Phyllis Robinson; Katie Mullaly	Jun 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Provide Exceptional Customer Service — **Dept/Team:** Recreation

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Operations				
Action Step - Determine Policy Direction for Memorial wall plaques	Develop policies & procedures; present to RAB & Council	Recreation Supervisor	March, 2013	
Program/CIP: Operations; Cemetery				
Action Step - Replace existing recreation registration software	Replacement of Class Software	Recreation Supervisor	Fall 2013	
Action Step - Memorial Wall	Complete Memorial wall in cemetery along with policies and procedures for selling plaques.	Recreation Supervisor	Spring 2013	
Program/CIP: Tennis & PC MARC operations, Pro Shop; Youth & Adult programs; Childcare; Parks & Fields				
Action Step - Provide Wi-Fi Access for Our Guests	Installation of Wi-Fi equipment, landing page agreement, public access	Recreation Manager	Spring 2013	
Action Step - Recreation Master Plan	Work with RAB & SBSRD to develop a Recreation Master Plan	Recreation Manager	August, 2013	
Action Step - Recreation Website	Revamped user friendly recreation website	Recreation Supervisor & Business Marketing Coordinator	Fall 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Responsive, Cutting-Edge & Effective Government

Strategy: Provide Up-to-Date Technology — **Dept/Team:** Library

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Technical Services				
Action Step - Research similar projects in other libraries and make recommendations for Park City Library	Plan for technology hub	Library Management Team	Nov 2012	
Action Step - Research the feasibility of checking out e-readers to library patrons	Recommendations regarding checking out e-readers to library users	Jasmina	Dec 2012	
Action Step - Send a library staff person to Internet Librarian or Computers in Libraries Conference	Report findings to Library Management Team and Director	Linda	Dec 2013	
Program/CIP: Youth Services				
Action Step - Purchase equipment and software and train staff	Starter Digital Media Lab	Jasmina, Tegan & Chris	Jun 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

Strategy: Vehicle & Equipment Fleet — **Dept/Team:** Transit & Transportation

	Deliverable	Who's Responsible	Deadline	Status
Program/CIP: Fleet Management & Maintenance				
Action Step - Shop safety	OSHA compliance program. All program documentation and training complete	Transit & Transportation Manager	Mar 2013	
Action Step - Asset Management Program	Inventory and evaluate all shop equipment , develop replacement schedule and request funding during City budget process	Fleet Team Leaders	Apr 2013	
Action Step - Fleet software	Evaluate current fleet management software, implement improvements or replace current software	Parking & Fleet Team Leader	Oct 2013	
Action Step - Greening fleet and shop	Investigate fleet vehicle and shop practices and procedures to determine options and formal plan for reducing carbon footprint in vehicles and in the shop	Transit & Transportation Manager	Dec 2013	

Comments: *This is the initial Quarterly Strategic Update which establishes the strategies and action steps which will be pursued in the upcoming year. In future updates, comments may be included here to describe progress on action steps for this strategy.*

City Council Study Session

Subject: Municipal Outdoor Lighting and Lighting Public Art
Authors: Tyler Poulson, Thomas Eddington, and Anya Graham
Department: Sustainability and Planning
Date: November 29, 2012

Summary Recommendation:
Staff recommends that City Council direct staff to pursue amendments to the Land Management Code (LMC) that would allow for up-lighting certain public features, with restrictions. Staff also recommends that Council review details on municipal lighting and not direct staff to pursue a professional assessment or retrofit of existing outdoor lighting.

Background:
During Study Session on July 26, 2012 City Council discussed various aspects of outdoor lighting, including dark skies and up-lighting for public art. Staff was directed to return with more information on both topics and details are included in this Staff Report. City Council requested more information on municipal-owned lighting before considering a more stringent community-wide dark skies program. This Staff Report does not attempt to assess staff and/or monetary resources needed to launch a more restrictive, and retroactively applied, community-wide effort. Staff has previously advised that even pursuing a dark skies retrofit of existing municipal lighting would be a costly endeavor. More information is included in the Analysis section.

Park City has an existing light pollution ordinance as part of its LMC. The ordinance generally requires lighting to be down-directed and shielded on new residential and commercial construction and remodels. This dark skies-friendly ordinance intends to provide for safe and energy efficient lighting, while also protecting the night sky from light pollution. Detailed information on the ordinance is available in Title 15 Chapter 5 of the LMC on outdoor lighting (Exhibit A). Note that staff continues to enforce the existing Dark Skies-related code of the LMC on new construction and major remodels. Code enforcement responds to ordinance violations on an as-reported basis.

The Technical Director of International Dark-Skies Association previously visited Park City and led a community presentation. He gave the City generally high marks for dark-skies friendly lighting, but pointed out that there was some room for improvement, such as the lights on Main Street. Under current City code, light fixtures in the historic district that replicate a historic fixture can be installed without partial shields when approval is received from the Planning Director. The City's Historic Preservation Advisor recommends that the current lights and fixtures should either be refurbished or replaced in-kind to maintain the same look and that this could be included in upcoming Main Street improvements.

On October 25, 2012, City Council met for Work Session to discuss the permitting of year-round "seasonal" lighting on Main Street. Currently, the use of seasonal lights year-round is prohibited. Nevertheless, a number of buildings on historic Main Street, as well as throughout the City, currently have "seasonal" lights that either frame buildings, trim balconies, or wrap windows year-round. Based on Council feedback, staff agreed to come back to Council with new definitions for building lighting, seasonal lighting, outdoor lighting, signage lighting, etc. In addition, Staff agreed to return with a proposal to allow lighting in areas outside of the HRC and

HCB (Main Street) zoning districts based upon new criteria to be included in the LMC. This work is currently underway and will be presented to City Council at a later date.

Analysis:
As part of General Plan updates, Planning staff has taken a second look at the existing outdoor lighting ordinance and compared it to model Dark Skies ordinances. Overall, the current outdoor lighting ordinance is generally effective in protecting citizens and wildlife from the impacts of obtrusive lighting. The current ordinance does not include a multitude of exceptions often allowed by special permit within model dark sky ordinances. Each community must analyze what exceptions are acceptable within their community, while also being cognizant of their core values, dominant land uses, safety, and priorities regarding light pollution and viewing the night sky. The Model Lighting Ordinance produced by International Dark-Sky Association and the Illuminating Engineering Society lists the following exceptions allowed by special permit:

> sports facilities; construction lighting; lighting for industrial sites having special requirements; parking structures; urban parks; ornamental and architectural lighting of bridges, public monuments, statuary and public buildings; themes and amusement parks; correctional facilities

Based on industry Best Practices and consideration of a multitude of priorities, staff is recommending that City Council approve amendments to the LMC that would allow up-lighting in certain situations. This recommendation is based on a holistic consideration of Council priorities such as enhancing community character, supporting public art and Park City's status as a multi-seasonal resort destination. Staff does not believe that this particular LMC change will have a significant impact on local dark skies. This is due to its limited scope and the City's ability to use discretion when up-lighting publicly owned statues, monuments and public art.

Staff has prepared the below updates to the LMC that would allow for up-lighting in certain situations (see public art examples in Exhibit B). Restrictions and guidance has been included to mitigate impacts to dark skies and the City's municipal carbon footprint. Staff is recommending that City Council provide direction to move towards adopting modifications to the LMC indicated in *red italic text* below. If Council is supportive of these amendments, Staff will bring them back to Council after the Planning Commission has reviewed them and made a recommendation.

(16) **OTHER EXEMPTIONS**.

(a) **Nonconformance**. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

(b) **Fossil Fuel Light**. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

*(c) **Up-lighting.** Up-lighting is permitted under the following conditions:*

(i) The use of luminaires for up-lighting on any residentially or commercially zoned lot is permitted only for public statues, public monuments, ground-mounted public art, or flags of the United States of America.

(ii) All up-lighting shall be shielded and/or have beam-angle control and shall be aimed to limit the directed light to the illuminated object only.

(iii) Up-lighting is permitted 30 minutes before sunset and until 11:00 p.m.; or, one hour after the close of location based on normal hours of operation, whichever is later.

Assessing and Retrofitting Municipal Lighting
Considering a major retrofit of municipal lighting requires balancing numerous environmental, economic and community implications. While a full-scale retrofit could deliver positive impacts in terms of darker skies, such an endeavor would require significant staff time and financial investment while also affecting recreational, historic, and other elements of the community.

Park City's LMC allows for balancing myriad goals by using conditional language. Section15-5-5 (a) of the LMC accommodates historic lighting elements while section 15.5.11 facilitates the introduction of recreational lighting that may not meet the strictest dark skies guidelines. A full text of the outdoor lighting portion of the LMC is included in Exhibit A for reference. Staff feels that the current language provides an appropriate balance of community objectives and municipal lighting needs.

Hiring a consultant to conduct a lighting review of our LMC or to develop a comprehensive municipal lighting plan would cost money that is currently unbudgeted. Staff estimates that a thorough assessment of municipal lighting from a technical, financial, and holistic impact perspective would cost upwards of $30,000. This estimate is based on previous energy-related studies of similar scope. It is challenging to provide an exact cost estimate because very rarely have other Utah municipalities completed a dark skies-related inventory. There would also be staff time requirements from departments such as Building, Planning, Public Works, Recreation and Sustainability. Environmental Sustainability staff would need to delay certain other municipal and community-wide environmental initiatives in order to dedicate time to overseeing such an endeavor.

From an environmental and financial perspective, staff anticipates that a full-scale retrofit for dark skies purposes would not deliver tremendous results (and may in fact create net negative outcomes). One reason for this concern is the consideration of lifecycle impacts. Retrofitting certain lights to allow less light into the night sky would require a new fixture and/or new pole being installed. This retrofit would require significant energy and materials upstream and could create a negative lifecycle emissions and environmental impact. Additionally, the City would likely not incur a financial payback on most labor and material-intensive retrofits. One example is the recreation lighting at Quinn's Junction. Staff communicated in an October 2010 Manager's Report to Council that the entire light pole would need to be replaced, due to added wind loading, in order to integrate light-shielding visors. The lights already contain a shield, but this visor would restrict even more light into the night sky. The estimated cost to remove the 13 existing poles and reinstall new poles with shields was in excess of $250,000.

In order for staff to complete a thorough retrofit of all publicly-owned outdoor lighting within Park City, staff would need to engage Rocky Mountain Power and other entities. Park City Municipal does not own many of the streetlights within City limits and, in order to develop an all-encompassing dark skies retrofit, we would need to work with these other entities. The exact feasibility and costs of completing such an endeavor are unclear, but would add a layer of complication and financial impact to the process.

While staff is not recommending municipal lighting amendments for dark skies purposes, staff has been integrating energy efficient lighting into projects, when feasible. All recent new City buildings have taken advantage of efficient, cost-effective lighting and staff has begun integrating LEDs for certain lighting needs. Some examples of LED integration include tunnel lighting, lights for certain park restrooms, lighting along Silver King Drive, and a LED streetlight at Marsac Avenue and Guardsman. Staff has also piloted LED technology for the cobra-head lights in the south City Hall parking lot and globe fixtures in the north City Hall parking lot. The pilot project revealed some concerns in the shade of lighting that would need to be remedied via available technology modifications. However, staff did not find compelling energy or financial savings to complete the project at this time.

The LED market for efficient lighting continues to evolve at a rapid pace. Staff is hesitant to move forward with a robust retrofit at this point given high upfront costs, limited projected energy savings versus certain existing City lights, and long life span of LEDs. A 25-year anticipated life of LEDs means that any retrofits completed today would need to remain in place for many years in order to accrue maximum environmental and economic benefit. Despite hesitancies to move forward with a full-scale retrofit, staff from various departments will continue to integrate efficient lighting (e.g., LEDs) in new projects as well as certain lighting replacements where financial and environmental benefits are clear.

Department Review:
Legal, Planning, Public Works, Sustainability, and the Interim City Manager reviewed this report and their feedback was incorporated.

Alternatives:

A. Approve:
City Council supports the Staff Recommendation to amend the LMC for up-lighting of certain public features. Staff will not pursue a full-scale dark skies retrofit for municipal lighting under this option.

B. Deny:
City Council rejects the Staff Recommendation and chooses to not pursue code amendments at this time. Council may request additional staff attention and direct financial resources for municipal lighting changes.

C. Modify:
City Council approves the Staff Recommendation, with some edits provided by Council.

D. Continue the Item:
City Council asks for more information and/or chooses to not make a decision at this time.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Accessible and world-class recreational facilities, parks and programs + Balance between tourism and local quality of life	~ Reduced municipal, business and community carbon footprints	+ Community gathering spaces and places	+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Neutral ⇔	Positive ⇧	Positive ⇧

Comments: The Staff Recommendation advances a variety of goals and is responsive to local art while enhancing community character. Up-lighting has the potential to improve the profile of public art and other public features. Allowing more lighting to be installed for uplighting certain public features will result in a very slight increase in electricity usage. Despite staff not recommending a dark skies retrofit, the City will continue to integrate high efficiency lighting into new municipal projects and major retrofits, where feasible. Avoiding a full-scale retrofit of municipal lighting saves energy and environmental resources upstream that would otherwise be needed to manufacture new lighting poles, fixtures, etc.

Consequences of Not Taking Recommended Action:
Staff is recommending that Council allow up-lighting for public art and certain other public features. Continuing the status quo of not allowing up-lighting would mean that these community features are not reaching their full potential, visibility and value.

Staff recommends not pursuing a comprehensive, professional review of all public lighting for dark skies purposes. This review would be time-intensive and require currently unbudgeted funds, plus staff believes that pursuing full-scale retrofits would be cost-prohibitive. The City will continue to integrate LEDs and other efficient lighting into projects, where environmentally beneficial and financially feasible.

Recommendation:
Staff recommends that City Council direct staff to pursue amendments to the Land Management Code (LMC) that would allow for up-lighting certain public features, with restrictions. Staff also recommends that Council review details on municipal lighting and not direct staff to pursue a professional assessment or retrofit of existing outdoor lighting.

Exhibits:
Exhibit A – Current PCMC Lighting Ordinances
Exhibit B – Public Art Installations within PCMC Limits
Exhibit C – Minutes from July 26, 2012 Study Session

TITLE 12. SIGN CODE

12- 4- 9. ILLUMINATION.

The purpose of regulating sign illumination is to prevent light trespass and provide clear illumination of signs without causing potential hazards to pedestrians and vehicles.

(A) **EXTERNALLY ILLUMINATED SIGNS**. Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs or lighting tubes used for illuminating a sign shall be simple in form and should not clutter the building or structure. Light bulbs or lighting tubes should be shielded so as to not be physically visible from adjacent public right-of-ways or residential properties.

The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area as directed in Chapter 15-5 of the Land Management Code.

(1) **FIXTURES**. Lighting fixtures shall be simple in form and should not clutter the building. The fixtures must be directed only at the sign and comply with Chapter 15-5.

(2) **COMPONENT PAINTING**. All light fixtures, conduit, and shielding shall be painted to match either the building or the supporting structure that serves as the background of the sign.

(B) **INTERNALLY ILLUMINATED SIGNS**. Internally illuminated signs include **PARK CITY** any sign face that is lit or outlined by a light source located within the sign.

(1) **LETTERS**. Individual pan-channel letters with a plastic face or individual cutout letter, letters routed out of the face of an opaque cabinet sign, are permitted. Cutout letters shall consist of a single line with a maximum stroke width of one and one-half inch (1 ½”). Variations in stroke width may be reviewed and approved by the Planning Director. The plastic face of backing of the letters must be ivory colored.

Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for “halo” or “silhouette” lighting. Internally illuminated pan-channel letters are prohibited on free-standing signs.

(2) **LIGHT SOURCE**. The light source for internally illuminated signs must be white.

(3) **WATTAGE**. Wattage for internally illuminated signs shall be specified on the sign application.

(4) **ZONING RESTRICTIONS**. Individual pan-channel letters and individual reversed pan-channel letters are prohibited within the Historic District.

(C) **SEASONAL**. Strings of lights that outline buildings, building architectural features, and surrounding trees, shall be allowed from the 1st of November through the 15th of April only. These lights shall not flash, blink, or simulate motion. These restrictions apply to all zones except residential uses within the HR-1, HR-2, HRL, SF, RM, R-1, RDM, and RD Districts.

(D) **PROHIBITED LIGHTING**. Lights that flash or move in any manner are prohibited.

(Amended by Ord. No. 02-50; 05-79

CHAPTER 9 - PERMITTED SIGN REGULATIONS 12- 9- 1. TYPES OF SIGNS ALLOWED.

(A) **AWNING AND CANOPY SIGNS**.

(7) **ILLUMINATION**. Illuminated/back-lit translucent awnings or translucent letters on opaque backgrounds are prohibited. Canvas awnings illuminated in the traditional manner with high pressure sodium or fluorescent lighting are permitted.

(B) **CHANGEABLE COPY SIGNS**. Changeable copy signs are permitted provided they comply with the following regulations.

(6) **ILLUMINATION**. Illumination of changeable copy signs shall be enclosed in the case.

(C) **DISPLAY BOXES**. Display boxes will be included in the total sign area for a building facade. Display boxes may contain an establishment's current menu, current entertainment information and merchandise and must be compatible with the architectural features of the building.

(6) **ILLUMINATION**. Lighting of the display box is permitted within the display case. Lighting shall be down directed towards the items displayed.

(E) **ENTRANCE/EXIT SIGNS**. Entrance/exit signs are not included into the total sign area allowed for a structure. Entrance/exit signs are for the facilitation of traffic onto and off a site.

(7) **ILLUMINATION**. Illumination of entrance/exit signs is permitted, provided that the lighting complies with Chapter 15-5.

(F) **FLAGS**. Flags and flag poles are prohibited when they are the only man made structure on the premise where it is placed.

(8) **ILLUMINATION**. Uplighting of all flags, except the flag of the United States of America, is prohibited.

(G) **FREE-STANDING SIGN**.

(7) **ILLUMINATION**. Lighting of free-standing signs is permitted, provided that the lighting complies with Section 12-4-9. However, internally illuminated pan-channel letters are not permitted on free-standing signs. Any exterior lighting proposed for the signs shall be included in the sign application.

(H) **HANGING AND PROJECTING SIGNS**.

(7) **ILLUMINATION**. Lighting of hanging and projecting signs is permitted, provided that the lighting complies with Section 12-4-9.

(I) **LUMINOUS TUBE SIGNS (NEON)**. Luminous tubes (LT) used to draw attention in any manner, are considered signs and shall be regulated according to the provisions of this Code as follows:

(7) **ILLUMINATION**. No additional illumination is permitted.

(J) **MENU SIGNS**.

(7) **ILLUMINATION**. Lighting of the menu or event display is permitted within the display. Lighting shall be down directed towards the text.

(K) **MUNICIPAL IDENTIFICATION SIGNS**. Municipal identification signs are a conditional use subject to review pursuant to Land Management Code Section 15-1-10, in addition to the following criteria:

(7) **ILLUMINATION**. Lighting of municipal identification signs is permitted provided the lighting complies with the City's lighting ordinance.

(M) **WALL SIGNS**. Wall signs may be placed upon a building provided that they meet the following conditions of approval.

(7) **ILLUMINATION**. Lighting of wall signs is permitted, provided that the lighting complies with Section 12-4-9. Any exterior lighting proposed for the signs shall be included in the sign application.

TITLE 15 - LAND MANAGEMENT CODE

15-4-5. OUTDOOR DISPLAY OF WORKS OF ART ON CITY-OWNED PROPERTY

(B) **<u>REVIEW CRITERIA.</u>** The outdoor display of works of art on City-owned Property shall be reviewed by the Planning, Engineering, and Building Departments for compliance with the following criteria:

(7) All lighting shall conform to the lighting regulations in Land Management Code Chapter 15-5-5 (1) Lighting.

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.

(I) **<u>LIGHTING</u>**.

(1) **PURPOSE**. The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use. The number of fixtures shall be limited to provide for safe entry and egress and for sign and Business identification. Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.

With the exception of Americans with Disabilities Act lighting requirements, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES), are observed by this Code.

(2) **CONFORMANCE WITH APPLICABLE CODES**. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the International Building Code, the Electrical Code, and the Sign Code inspection. When discrepancies in these Codes exist, the most restrictive shall apply.

(3) **APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION**. The provisions of this Code are not intended to prevent the Use of any design, material or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The Chief Building Official may approve any such proposed alternate providing he/she finds that:

(a) The alternative provides approximate equivalence to the applicable specific requirement of this Code;

(b) The alternative is otherwise satisfactory and complies with the intent of this Code; or

(c) The alternate has been designed or approved by a registered professional engineer and the content and function promotes the intent of this Code.

(4) **SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE WITH CODE**.

(a) The Applicant for any permit required by any provisions of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the Application for permit, evidence that the proposed lighting fixtures and Light Source will comply with this Code. The submission shall contain the following:

(i) Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, and installation and electrical details;

(ii) Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers, and drawings, including section where required;

(iii) Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may also be required to determine the adequacy of lighting over the entire Site.

Additional information may be required elsewhere in the laws of this jurisdiction upon Application for the required permit.

(b) **Lamp or Fixture Substitution**. On commercial Structures if any outdoor light fixture or the type of Light Source therein is proposed to be changed after the permit has been issued, a change request must be submitted to the Planning Department for approval.

Adequate information to assure compliance with this Code must be provided and the request must be received prior to substitution.

(5) **SHIELDING**. All non-exempt outdoor lighting fixtures shall have shielding as required by Table 1 of this Chapter below.

(a) **Historic District Shielding and Fixture Exemption**. Fixtures in the HR-L, HR-1, HR-2, HCB, HRM, and HRC Zoning Districts that replicate a Historic fixture shall be permitted to be installed without partial shields with the approval of the Planning Director. All fixtures shall be filtered and refractors that direct the light downward shall be installed if the bulb is exposed.

Historic fixtures that are fifty (50) years or older and contribute to the architectural and cultural character of the Historic District, are exempt from these requirements. Architectural features on Historic Structures may be illuminated with fully shielded fixtures.

(6) **WATTAGE/FIXTURE AND LIGHT SOURCE REQUIREMENTS.** Wattage, fixture and Light Source requirements as outlined in the following Table 1 apply to all zones throughout the City:

Table 1

Light Source	Fully Shielded	Partially Shielded	Watts (Maximum Per Fixture)
High Pressure Sodium 1		X	50
Low Pressure Sodium		X	55
Metal Halide 2	X		1,500
Low Voltage/ Halogen 3		X	50
Compact Fluorescent		X	75

Other Sources: As approved by the Planning Director
Note: “x” indicates the required standard.
1 This is the standard Light Source for Park City and Summit County unless otherwise noted in a specific section. Fully shielded fixtures are preferred but not required with this Light Source. Other sources are only permitted as noted. Residential porch lights and exterior garage and post lights may utilize incandescent bulbs, provided that the bulbs are Shielded. Lighting for signs may use halogen bulbs, provided that they are Shielded and directed at the sign face. Wattages outlined are the maximum and can be decreased under the Building Permit review process depending on the number and location of the fixture on each project. In no case shall the levels be reduced to levels below the Illuminating Engineering Society (IES) minimum standards.

2 Metal Halide sources shall be permitted only for recreational sport field or ski Area Uses and installed only in one hundred percent (100%) fully enclosed Luminaries. Metal Halide lights shall also be filtered.

3 Low voltage/halogen sources are permitted in landscaping lighting only.

(7) **GAS STATION CANOPIES**. Gas station canopies may not exceed an average horizontal luminance level of eight (8) Foot Candles across the Site and the maximum point levels should not exceed fifteen (15) Foot Candles within the Area directly underneath the canopy.

(8) **AREA LIGHTING - BUILDING CANOPY AND SOFFIT, WALL MOUNTED**. Area, stand alone or wall mounted fixtures shall not be mounted above eighteen feet (18') as measured from the top of the fixture to the adjacent Grade or horizontal plane being lit by the fixture. The horizontal luminance level along the sidewalk or Building Facade shall not exceed one (1) Horizontal Foot Candle with a uniformity ratio of 4:1.

(9) **CONSTRUCTION SITES**. All commercial construction Sites shall submit a lighting plan as part of the Construction Mitigation Plan for the project prior to Building Permit issuance. Criteria for review shall include duration, number, location, height, Light Source, and hours of operation.

(10) **LANDSCAPE LIGHTING**. The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to Buildings.

(a) **Pathway Lighting**. Two types of lights can be selected: Three foot (3') bollards with louvers and ten foot (10') pole mounted, down directed Luminaries. Bollard lights shall be low voltage. The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be illuminated for safety. The maximum Foot Candle permitted on the ground is one (1) Horizontal Foot Candle or less.

(b) **Highlighting, Backlighting**. Only low voltage systems are permitted. Lights must be partially shielded and light must not be directly off the Property. A maximum Foot Candle permitted at ten feet (10') is 0.6 Horizontal Foot Candles from the Light Source. Up-lighting is prohibited.

(c) **Moonlighting**. Low voltage systems may be placed in trees or on Buildings to give the effect of moonlight. Lights must be down-directed and partially shielded. A maximum Foot Candle permitted at ten feet (10') is 0.25 Horizontal Foot Candle from the Light Source. Up-lighting is prohibited.

(11) **RECREATIONAL LIGHTING**. Because of their unique requirements for nighttime visibility and their limited hours of operation, baseball diamonds, playing fields, tennis courts and ski area runs may Use the Light Source permitted under Table 1 above with the following conditions and exceptions:

(a) The height of outdoor recreational posts shall not exceed seventy feet (70') above Natural Grade. The average Horizontal Foot Candle shall not exceed 3.6 across the Area boundary with a uniformity ratio of 4:1. Ski area lighting may require higher illumination levels in some instances. Those levels shall be reviewed and approved by the Planning Commission under the Conditional Use process outlined in the LMC.

(b) All fixtures used for event lighting shall be fully shielded as defined in Section (4) herein, or be designed or provided with sharp, cutoff capability, so as to minimize up-light, spill light and glare.

(c) Recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In general, recreational lighting shall be turned off after 11:00 p.m., unless an exception is granted by the Planning Director for a specific event or as approved as part of a Master Festival license.

(12) **RESIDENTIAL LIGHTING**.

(a) All exterior lights on porches, garage doors or entryways shall be shielded to prevent glare onto adjacent Property or public right of ways and light trespass in to the night sky. Lights shall be directed at walkways or entries and shall not be directed into the night sky.

(b) Compact fluorescent fixtures are the recommended Light Source. High pressure sodium and incandescent bulbs may be permitted, provided the wattage is low and the light is Shielded and down-directed.

(c) Bare bulb light fixtures such as flood or spotlights are not permitted.

(d) Lighting exterior Building features for architectural interest is prohibited.

(e) Security lighting shall be fully shielded and shall be set on a timer or motion detector. Infrared sensor spotlights are the recommended light type for security.

(f) Private sport court facilities shall Use fully shielded fixtures and shall not Use the lights past 11 p.m.

(13) **SEASONAL DISPLAY OF LIGHTS**. Seasonal restrictions apply to the HCB, GC, LI and HRC zones. Residential Uses in the HR-1, HR-2, E, HRL, SF, RM, R-1, RDM, and RD zones are exempt from these requirements. Winter seasonal displays are permitted from the first of November to the 31st of March.

Displays should be turned off at midnight. Any color of lights may be used; however, the lights shall not be used to create advertising messages or signs. Spelling out the name of a Business is prohibited.

(14) **OUTDOOR DISPLAY LOTS**. Any Light Source permitted by this Code may be used for lighting of outdoor display Lots such as, but not limited to, automobile sales or rental, recreational vehicle sales, Building material sales, and seasonal goods, provided all the following conditions are met:

(a) All fixtures shall be Fully Shielded as defined in LMC Chapter 15-15.

(b) The maximum horizontal illumination across the Site shall not exceed an average Foot Candle of two (2) across the Site with a uniformity ratio of 4:1.

(c) Display lighting shall be turned off within thirty (30) minutes of closing of the Business. Lighting used after 11 p.m. shall be security lighting. Security lighting shall be required to be motion sensitive not permanently illuminated. Infrared sensor security lights are the only type of security light permitted.

(15) **PROHIBITIONS**. The following light fixtures and Light Sources are prohibited: mercury vapor lamps, laser Light Sources, unshielded floodlights or spotlights, metal halide, except for recreational Uses, see Section (10), and searchlights.

(16) **OTHER EXEMPTIONS**.

(a) **Nonconformance**. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

(b) **Fossil Fuel Light**. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

Proposed language additions for up-lighting

*(c) **Up-lighting.** Up-lighting is permitted under the following conditions:*

(i) The use of luminaires for up-lighting on any residentially or commercially zoned lot is permitted only for public statues, public monuments, ground-mounted public art, or flags of the United States of America.

(ii) All up-lighting shall be shielded and/or have beam-angle control and shall be aimed to limit the directed light to the illuminated object only.

(iii) Up-lighting is permitted 30 minutes before sunset and until 11:00 p.m.; or, one hour after the close of location based on normal hours of operation, whichever is later.

(17) **TEMPORARY EXEMPTION**.

(a) **Requests**. Any Person may submit a written request to the Planning Director for a temporary exemption. A temporary exemption request shall contain the following information:

(i) Specific exemption or exemption request;

(ii) Type and Use of outdoor light fixtures involved;

(iii) Duration of time for requested exemption;

(iv) Total wattage;

(v) Proposed location on Site;

(vi) Description of event or reason for need of exemption; and

(vii) Other data as deemed necessary to adequately review and made a determination on the request.

(b) **Approval; Duration**. The Planning Department shall have ten (10) Business days from the date of a complete submission of the temporary request to act, in writing, on the request. The Planning Department shall approve the request if it finds that the exemption is necessary for public safety, security or other public necessity and the exemption does not materially subvert the purpose of this Chapter.

If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Planning Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the intent of this Chapter is present. Each such renewed exemption shall be valid for not more than thirty (30) days.

(c) **Denial/Appeal**. If the request for a temporary exemption is denied, the Person making the request, in writing, may appeal the decision to the Planning Commission within ten (10) days of the denial as provided for in LMC Chapter 15-1.

DESIGN GUIDELINES FOR HISTORIC DISTRICTS AND HISTORIC SITES

Specific Guidelines

J. EXTERIOR LIGHTING (building mounted)

J.1 Exterior light fixtures should be compatible with the building's style, period and materials, but should also be down-directed and shielded.

Main Street National Register Historic District

MSHS5. Lighting elements (not building mounted) should be compatible in design, scale, and material with the historic character of the district.

DESIGN GUIDELINES FOR NEW CONSTRUCTION IN PARK CITY'S HISTORIC DISTRICTS

Specific Guidelines

G. EXTERIOR LIGHTING

G.1 Exterior, building-mounted light fixtures should be compatible with the building's style and materials.

G.2 Exterior lighting schemes should complement the overall building and site design.

G.3 Indirect lighting should be used to identify entrances and to illuminate signs.

Exhibit B – Public Art Installations within PCMC Limits

PARK CITY COUNCIL STUDY SESSION MINUTES
SUMMIT COUNTY, UTAH

JULY 26, 2012

Present: Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek; and Liza Simpson Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tyler Poulson, Sustainability Manager; Thomas Eddington, Planning Manager; and Katie Cattan, Planner

Dark Sky Ordinance – Tyler Poulson explained that this topic was originally brought to Council during the 2011 Visioning Session where alternatives to the existing ordinance for outdoor lighting were presented. One option was applying the current outdoor lighting regulations to existing lighting. Currently, the regulations only apply to new construction and remodels and the LMC specifies that residential lighting needs to be down-directed and shielded and commercial lighting needs to be shielded and meet other provisions. The current code for new construction and remodels is essentially considered *dark skies friendly*. Prior to Visioning, the City was visited by Pete Strausser who is the technical director of the International Dark Skies Association. He ascertained that Park City is doing pretty well from a *dark skies* perspective.

Mr. Poulson stated that most recently, staff has reviewed the model lighting ordinance on the IDSA webpage and compared it to the City's LMC and one major difference is that the IDSA's lighting ordinance is based on different zones in terms of applying regulations were Park City's is more broad-based. There were not many other disconnects.

He pointed out that there are some exceptions to the lighting ordinance including the Historic District, seasonal display, and recreation. There is interest in discussing adding public art as an exemption.

Mayor Williams asked for clarity that some options might not be compliant with the Illuminating Engineering Society's standards. Mr. Poulson relayed that the statement was in an original paper for Visioning which he doesn't recall drafting, but the existing Code addresses lighting standards generally applied and recommended by the IES.

Dana Williams felt there is inconsistency in our lighting and some City lighting does not comply with our own ordinance. There are issues with park projects. There should be consensus among members about City compliance and about addressing noncompliant areas of town. Thomas Eddington explained that some communities implement amortization or sunset ordinances as a way to resolve the issue in two to three years. Katie Cattan added that they also set separate regulations for residential and commercial so that commercial has to be compliant but residential is allowed to continue until a remodel, for instance. This is based on the level of lighting impacts of a commercial structure.

Liza Simpson referred to the Johnson Controls audit where some lighting was identified as inefficient but it was going to cost the City more to change out the lighting than the amount of money saved in switching to more efficient fixtures. A decision was made to make upgrades as lighting needed to be replaced. She supported a sunset clause for the public and the Mayor felt that it would only mean replacing a few fixtures per residence for the general public.

Andy Beerman relayed that he took a walk around Old Town and felt the City is the biggest culprit and it would be inappropriate to ask residents or businesses to come into compliance until the City is willing to do so. The Mayor again asked if City lighting should come into compliance and Mr. Beerman believed that the City needs to lead by example. However, there should be an analysis of the cost of retro-fitting fixtures. The Mayor pointed out two lights standards located by KPCW that are capped and probably compliant and another one at the Marsac Building stairs that is non-compliant. Tom Bakaly emphasized that retrofitting is the policy question.

For the benefit of Mr. Butwinski, Mr. Eddington explained that bollards are the low lights that prevent cars from going onto pedestrian plazas. Alex Butwinski continued that the discussion was triggered by the uproar over up-lighting the Marsac Building tree sculpture. Down-lighting is allowed and he referred to the exemptions in the ordinance and proposed that technically the sculpture could be lit seasonally. Ms. Cattan explained that seasonal lighting is more like Christmas lights. Cindy Matsumoto believed that the issue was not prompted by the tree sculpture. Alex Butwinski felt that there must be a way to measure candle power at certain heights and felt that low landscape lighting should be accommodated. Mr. Eddington stated that lighting standards can be based on foot candles, height or distance from source.

Mr. Butwinski pointed out that the night sky ordinance is totally corrupted because of reflected light. The City can go through a lot of effort to down-shield lighting when the problem is the reflection of light going upward which is ignored in the Code. The uplighting of landscaping would be lost in the reflected light. He asked what other members thought and suggested looking at the exemptions granted that benefit the City like lighting fields. He felt that the Council is not interested in art but the Mayor felt his statement is a leap. Mr. Butwinski again pointed out the high candle power at Quinns. Dana Williams did not feel he was accurate about the reflection of light off of the fields and he felt that Mr. Butwinski is taking lighting art too personally. Mr. Butwinski emphasized that his proposal applies in general to landscape lighting.

Andy Beerman suggested that lighting public art could be addressed specifically where it would only be on a few hours at night and at a certain level. Mayor Williams felt that lighting should be down-lit. Dick Peek believed that the City should come into compliance with the Code and adjust the Code for lighting art. Thomas Eddington explained that the sport lights are in compliance and meet the eight foot candles requirement at the property lines. The lights are shielded so the light source is not visible at a 90° angle and they are in compliance. He suggested a compromise where there are exceptions for art, flagpoles, certain landscaping and architectural features. He also suggested putting parking lot lighting on a timer which would make a significant difference.

Cindy Matsumoto agreed with Mr. Beerman that before citizens are asked to change out lighting that the City fix our issues. She stated that the lighting for the soccer fields is very bright and impacts some residences. Tom Bakaly felt that the approach is better described as holding the City to a higher standard because City lighting is in compliance with the current ordinance. The City held itself to a higher standard regarding art because an exception was not pursued. He felt holding the City to a higher standard is the question and/or holding everyone to a higher standard.

Liza Simpson asked if members are philosophically in favor of working toward doing the best we can and if we are, setting a sunset clause for the City and then setting one for the rest of the community. It would be nice to have a long and short term plan. Dana Williams pointed out that the IES model dark skies ordinance has exceptions allowed by special permit. Katie Cattan explained that for each exception in the model ordinance, there are lumen standards.

Mayor Williams referred to the information produced by Johnson Controls and felt that it may be used to reach our potential. Cindy Matsumoto believed that the current Code provides an exemption for public art and the bigger issue is lighting fields and impacting people's lives.

Alex Butwinski suggested that there should be an exception for lighting public art and each application should be reviewed individually. He agreed with Ms. Matsumoto on the bigger issue of lighting fields and Ms. Simpson on a sunset clause to bring the City into compliance. However he recalled that the retrofit for fully shielded lights at the soccer fields was $200,000 and became a budgetary issue. The Code could be amended to fix some things.

Dick Peek suggested that a special permit be obtained through an administrative conditional use permit process which could include public art and architectural features. Andy Beerman felt that if the City pursues a sunset clause, new efficient technologies should be explored. Tyler Poulson agreed and added that with regard to energy consumption, staff looked at replacing Main Street's high pressure sodium lights with LEDs but staff learned that they didn't deliver great energy savings relative to the existing lighting. The payback was over 100 years. He acknowledged his limited experience with outdoor lighting, lumens, and lighting technologies but relayed that new fixtures are very expensive. In order to determine the cost, the City would need to hire a professional and it is not unrealistic to estimate a comprehensive retrofit project at millions of dollars. Ms. Cattan added that another cost to consider is managing a sunset program for residential which will require a lot of manpower to monitor.

Mayor Williams stated that he doesn't really know how much of an issue it is. He felt that all members philosophically buy-in but he doesn't know how big of a problem it really is. Mr. Eddington advised that there are specialists who can come in and assess the City which may be a place to start. Andy Beerman felt the Mayor brings up a good point which is *environmental triage*. In consideration of issues like carbon footprint, water conservation, and air quality, night sky falls at the bottom of the list for him. He suggested that as a group; decide sustainability priorities and dark sky might not be worth investing millions. Mr. Poulson clarified that another way of assessing the problem is how often this is brought up or how many complaints are received on the topic by community members. He stated that since Visioning 2011, this subject has not been brought up until now.

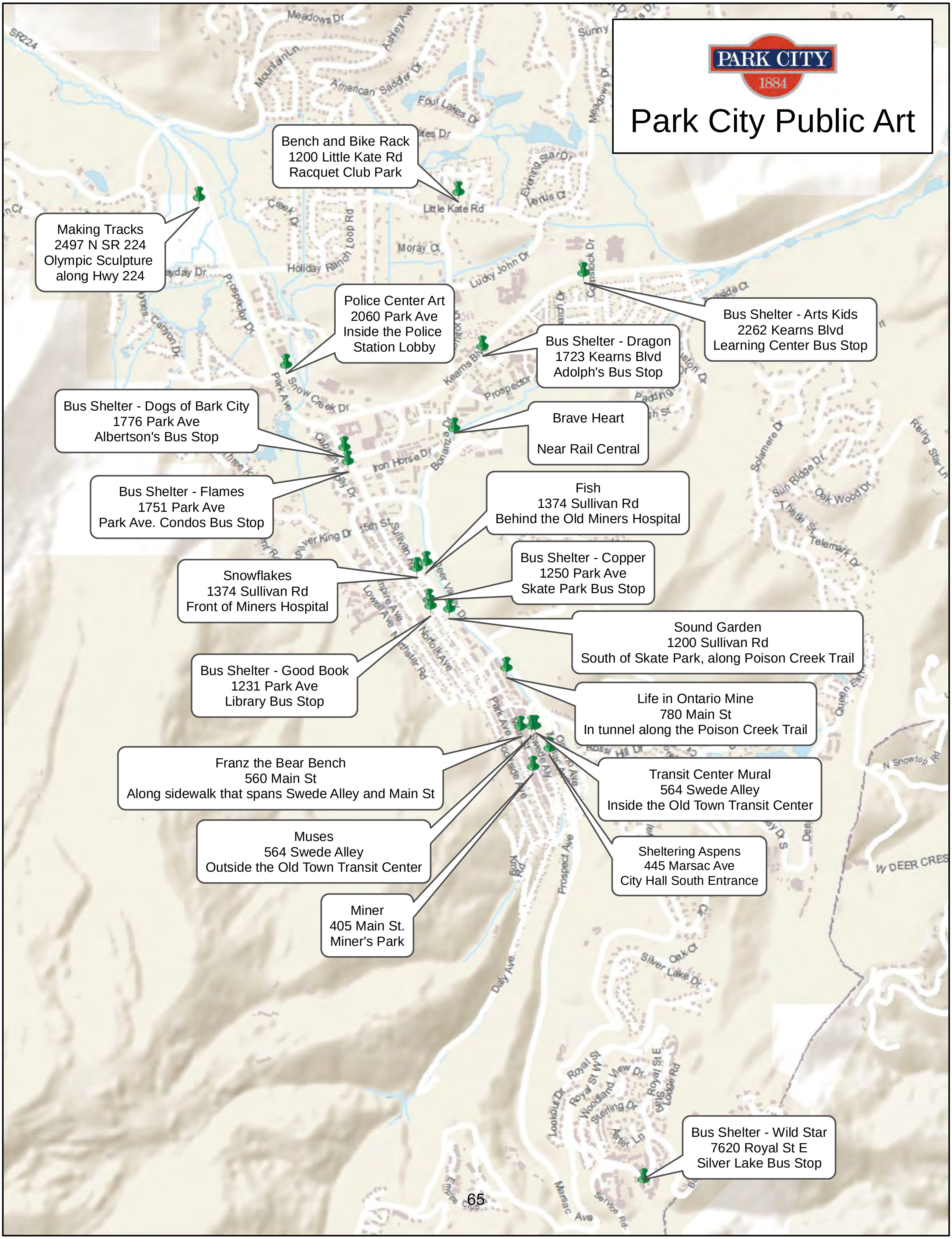
Liza Simpson discussed receiving complaints from Old Town residents on seasonal lighting not being turned off by midnight. Mr. Bakaly felt this sounds like an order of magnitude, where members are interested in looking at the bigger or seasonal lights and up-lighting art. This is a change in policy as Council directed staff not to proceed on a variance for up-lighting art. He suggested returning in a work session to get clearer direction. Diane Foster relayed that holding the City to a higher standard would mean changing out the historic light standards on Main Street. Thomas Eddington explained that those historic lights are currently exempted.

Mayor Williams emphasized that our level of compliance with dark skies is unknown and suggested that a consultant be hired to identify issues. Ms. Simpson felt this would be worthwhile if it isn't too expensive. She agreed with Mr. Beerman's comments and suggested talking with our supermarkets about lighting lots. Mayor Williams pointed out that the reason for this discussion was not over up-lighting art but goes back to installing the Olympic way-finding tower. Tom Bakaly suggested that staff explore the issues and consulting work. Dick Peek referred to his conditional use permit idea for exceptions.

Mark Harrington pointed out that the community agrees upon the ethic that the City wants to preserve dark skies as much as possible, but the stakeholders have not been engaged across the board in a collaborative process to accomplish this. He pointed out competing interests including public safety, business promotion, field activities, night skiing, etc. and suggested appointing a task force comprised of stakeholders charged with reducing their own night light pollution which may result in amendments to our ordinance. He didn't recommend hiring a consultant but rather engaging the big users. The inconsistency of turning off the Pay Day ski run lights was discussed. Katie Cattan stated that the ordinance includes a provision that the ski lights be turned off at a certain time but it hasn't been enforced.

Prepared by Janet M. Scott, City Recorder

Park City Public Art



Park City Redevelopment Authority
Staff Report

Executive

Subject: **Lower Park Avenue Redevelopment Plan Extension**
Author: **Bret Howser**
Department: **Executive**
Date: **November 29, 2012**
Type of Item: **Legislative**

Summary Recommendation: The Governing Board of the Park City Redevelopment Authority (RDA) should hold a public hearing and adopt the attached resolution amending the project plan for the Lower Park Avenue Redevelopment Area (LPA RDA). Subsequently, the Park City Council should hold a public hearing and approve the attached ordinance amending the project plan for the Lower Park Avenue Redevelopment Area (LPA RDA).

Topic/Description: Lower Park Avenue Redevelopment Plan Extension

Background:
The Park City Redevelopment Authority (RDA) created the Lower Park Avenue Redevelopment Area (LPA RDA) in 1990 for the purpose of spurring community and economic investment in an area of the City that might otherwise suffer from blight and localized economic depression. The initial term of the LPA RDA extended through 2015.

On September 18, 2012, the LPA RDA was extended through 2030 by vote of the Taxing Entity Committee (TEC). This action necessitates that existing Redevelopment Plan also be extended through 2030.

Analysis:
On October 11, Council approved public notice to be sent directly to property owners in the RDA as well as TEC members to let them know that this amendment to the Project Area Plan would be coming up on the 29th. Staff has received a few dozen calls resulting from that notice which exhibit some common misunderstanding regarding the Council action scheduled for the 29th. The following analysis should help to clarify some of these misunderstandings.

The RDA does not have any impact on the amount of property tax that a homeowner pays. It simply designates that the property taxes collected in that area must be reinvested in that area. This extension is also unrelated to specific projects that may be pursued by the RDA. The public will have an opportunity to consider and give input on specific projects as they arise in the future.

Here are some pertinent RDA facts:

- Lower Park RDA created in 1990
- Existing property taxes in the area (which would otherwise go to the City, County, Fire, etc.) are instead re-invested within the area for redevelopment

- About $30M of tax increment has been re-invested in the area since 1990 on projects like City Park, Library, Snow Creek, etc.
- This does not increase taxes, it just designates how/where a portion of the tax dollars are spent – in this case in the LPA RDA
- RDA was set to expire in 2015 - Taxing entities met in September and agreed to extend the RDA through 2030 in order to continue investing in infrastructure and the long-term success of the Lower Park area.
- The public notice which was sent was required to let people know that the “Project Area Plan” is being extended through 2030, not to specify precisely what projects will be happening in the RDA over the next 15 years. As those projects come up, there will be public hearings to discuss the details.

The original 1990 Lower Park Avenue Redevelopment Plan (attached) is largely a legal document which specifies how the LPA RDA will be administered rather than delineating particular projects. The amendment proposed simply changes the language to allow for RDA activity to continue past 2015.

Again, the TEC approved the extension of the LPA RDA on September 18. The following steps were required to be followed to be in compliance with state statute as well as the stipulations of the TEC Resolution:

- RDA adopts resolution approving Mitigation Agreement Amendment and authorizing the publication/sending of notices and the calling of a public hearing (October 11 – completed)
- Agency mails notice of the public hearing to property owners and taxing entities at least 30 days before the public hearing (completed)
- Notice of the public hearing is published once in the newspaper at least 14 days before the public hearing (completed)
- The School District approves the Mitigation Agreement Amendment (completed)
- Agency provides a copy of the Mitigation Agreement Amendment to the State Board of Education (completed)
- The Agency holds the public hearing (November 29)
- Agency adopts a resolution to approve the project area plan amendment (November 29)
- City adopts an ordinance to adopt the project area plan amendment (November 29)
- Summary of the ordinance printed once in the newspaper
- Notices of the project area plan recorded/transmitted

Staff will be present on November 29 to answer any questions with regard to this process or the proposed resolution.

Department Review: Legal, City Manager

Alternatives:

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

B. Deny the Request:
Council must approve an extension of the Redevelopment Plan to be in compliance with the TEC Resolution and state statute. Approving this resolution is a necessary step in the process.

C. Continue the Item:
Same as B

D. Do Nothing:
Same as B

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	**Preserving & Enhancing the Natural Environment** (Environmental Impact)	**An Inclusive Community of Diverse Economic & Cultural Opportunities** (Social Equity Impact)	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?				+ Engaged and informed citizenry
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Neutral	Neutral	Neutral	Positive ⇧

Comments: This resolution sets forth noticing stipulations for RDA action whcih would help to inform Park City residents .

Funding: The cost associated with noticing, etc., will be handled within existing appropriations in the RDA Operations accounts.

Recommendation: The Governing Board of the Park City Redevelopment Authority (RDA) should hold a public hearing and adopt the attached resolution amending the project plan for the Lower Park Avenue Redevelopment Area (LPA RDA). Subsequently, the Park City Council should hold a public hearing and approve the attached ordinance amending the project plan for the Lower Park Avenue Redevelopment Area (LPA RDA).

Attachments:
A – RDA Resolution
B – Park City Council Ordinance
C – 1990 Lower Park Avenue Redevelopment Plan

Attachment “A”
Park City, Utah

November 29, 2012

The governing board (the “Board”) of the Redevelopment Agency of Park City, Utah (the “Agency”), met in regular public session at its regular meeting place in Park City, Utah, on November 29, 2012, at the hour of 6:00 p.m., with the following members of the Board being present:

Dana Williams	Chair
Andy Beerman	Member
Alex Butwinski	Member
Cindy Matsumoto	Member
Richard Peek	Member
Liza Simpson	Member

Also present:

Mark D. Harrington	City Attorney
Janet M. Scott	Secretary
Bret Howser	Strategic Initiatives Manager

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the Secretary presented to the Board a Certificate of Compliance with Open Meeting Law with respect to this November 29, 2012, meeting, a copy of which is attached hereto as <u>Exhibit A</u>.

It was then noted that a public hearing had been called with respect to an Amendment to the Redevelopment Plan for the Lower Park Avenue Redevelopment Project adopted October 18, 1990 in order to accommodate the extension of the time for the receipt of tax increment revenues and notice has been duly given for the holding of such hearing at this time. The hearing was then opened and anyone interested in commenting was invited to come forward.

After each person desiring to speak had been heard, the hearing was closed.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Member ________________ and seconded by Member ________________, was adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Chair and recorded by the Secretary in the official records of the Agency. The resolution is as follows:

RESOLUTION NO. __________

A RESOLUTION OF THE GOVERNING BOARD OF THE PARK CITY REDEVELOPMENT AGENCY APPROVING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE LOWER PARK AVENUE REDEVELOPMENT PROJECT FOR THE LOWER PARK AVENUE REDEVELOPMENT PROJECT AREA.

WHEREAS, the Park City Redevelopment Agency (the "Agency") is a community development and renewal agency (a public body, corporate and politic) duly created, established, and authorized to transact business and exercise its powers, all under and pursuant to the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended (the "Act"); and

WHEREAS, the Governing Board of the Agency has authorized the preparation of the Amendment to the Redevelopment Plan for the Lower Park Avenue Redevelopment Project adopted October 18, 1990 (the "Project Plan Amendment") for the Lower Park Avenue Redevelopment Project Area (the "Project Area") located in Park City, Utah, in the form attached hereto as Exhibit B; and

WHEREAS, the Agency has prepared the Project Plan Amendment in order to accommodate the extension of the time for the receipt of tax increment revenues; and

WHEREAS, in connection with the extension of the receipt of tax increment revenues, the Governing Board has authorized the Agency to enter into an Amendment to Agreement of Mitigation and Consent in order to extend the mitigation payments under the Agreement of Mitigation and Consent entered into September 11, 1990 by and between the Agency and the Board of Education of the Park City School District, Summit County, Utah (the "Board"); and

WHEREAS, as required by Utah Code Section 17C-1-410 the Agency has given notice of the intent to make a mitigation payment to the Board and has received no election contemplated by such Section from any of the taxing entities; and

WHEREAS, pursuant to the Act, the Agency held the public hearing (noted above) to receive comment regarding the Project Plan Amendment and provided notice of such hearing in accordance with the Act; and

WHEREAS, the Governing Board now desires to approve the draft Project Plan Amendment without revisions and submit the Project Plan Amendment to the City Council of Park City, Utah (the "City Council") for adoption;

NOW, THEREFORE, It Is Hereby Resolved by the Governing Board of the Redevelopment Agency of Park City, Utah, as follows:

Section 1. All terms defined in the recitals hereto shall have the same meaning when used herein. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Governing Board and by the officers of the Agency directed toward the preparation of the draft Project Plan Amendment are hereby ratified, approved, and confirmed.

Section 2. The Governing Board hereby finds and determines that (a) there is a need to effectuate a public purpose; (b) there is a public benefit under the analysis shown by the Project Plan Amendment; (c) it is economically sound and feasible to adopt and carry out the Project Plan Amendment; (d) the Project Plan Amendment conforms to the general plan of Park City, Utah; and (e) carrying out the Project Plan Amendment will promote the public peace, health, safety, and welfare of the community in which the Project Area is located.

Section 3. The Governing Board hereby approves the Project Plan Amendment, without revision, as the amended plan for the Project Area, in the form attached hereto as Exhibit B, and submits the Project Plan Amendment for adoption by the City Council.

Section 4. The appropriate officers of the Agency are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. If any one or more sections, sentences, clauses, or parts of this Resolution shall, for any reason, be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Resolution so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause, or part of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Resolution in any other instances.

Section 6. All resolutions of the Agency in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution, by-law or regulation, or part thereof, heretofore repealed.

PASSED AND APPROVED this November 29, 2012.

(SEAL)

By:___________________________________
Chair

ATTEST:

By:___________________________________
Secretary

Pursuant to motion duly made and seconded, the meeting was adjourned.

(SEAL)

By:______________________________
Chair

ATTEST:

By:______________________________
Secretary

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

I, Janet M. Scott, the duly qualified and acting Secretary of the Redevelopment Agency of Park City, Utah (the "Agency") do hereby certify according to the records of the Agency in my possession that the foregoing constitutes a true, correct, and complete copy of the minutes of the regular meeting of the Agency's governing board (the "Board") held on November 29, 2012, as it pertains to a resolution (the "Resolution") adopted by the Board at said meeting, including the Resolution, as said minutes and Resolution are officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of the Agency, this November 29, 2012.

(SEAL)

By:______________________________
Secretary

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Janet M. Scott, the undersigned Secretary of the Redevelopment Agency of Park City, Utah (the "Agency"), do hereby certify, according to the records of the Agency in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the public meeting, held on November 29, 2012, by the Agency as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Agency's principal offices on November ___, 2012, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Park Record on November ___, 2012, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted on the Utah Public Meeting Notice website (http://pmn.utah.gov) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2012 Annual Meeting Schedule for the Agency (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Agency to be held during the year, by causing said Notice to be (i) posted on ____________, 2012 at the principal office of the Agency, (ii) provided to at least one newspaper of general circulation within the geographic jurisdiction of the Agency on ___________, 2012 and (iii) published on the Utah Public Notice Website (http://pmn.utah.gov) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this November 29, 2012.

(SEAL)

By:___________________________________
Secretary

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

<u>EXHIBIT B</u>

AMENDMENT TO REDEVELOPMENT PLAN
FOR THE
LOWER PARK AVENUE REDEVELOPMENT PROJECT

THIS AMENDMENT TO REDEVELOPMENT PLAN FOR THE LOWER PARK AVENUE REDEVELOPMENT PROJECT (the “Amendment”) adopted on __________, 2012, amends the Redevelopment Plan for the Lower Park Avenue Redevelopment Project adopted October 18, 1990 (the “Project Area Plan”);

W I T N E S S E T H:

WHEREAS, the Redevelopment Agency of Park City, Utah (the “Agency”) receives tax increment revenue from the Agency’s Lower Park Avenue Redevelopment Project Area (the “Project Area”); and

WHEREAS, the Agency has determined that it would be in furtherance of its public purposes to extend the final date for receipt of tax increment revenues within the Project Area; and

WHEREAS, pursuant to Section 17C-1-403 of the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, being Title 17C, Utah Code Annotated 1953, as amended (the “Act”), the Taxing Entity Committee has approved the extension of the time for the receipt of tax increment revenues within the Project Area; and

WHEREAS, in order to extend the time for the receipt of tax increment revenues and to eliminate certain restrictions in the Project Area Plan that are no longer required by the Act, the Agency desires to amend the Project Area Plan as described herein; and

NOW, THEREFORE, the Agency hereby amends the Project Area Plan as follows:

ARTICLE I

AMENDMENTS

Section 1.1 Amendment of Section VI of the Project Area Plan. Section VI(B)(d) of the Project Area Plan is hereby amended to read as follows:(d) Notwithstanding anything herein to the contrary, in accordance with Utah Code § 17C-1-403, the Agency may be paid any percentage of tax increment up to 100% and for any length of time that the taxing entity committee approves.

Section 1.2 Amendment of Section IX of the Project Area Plan. The second and third paragraphs of Section IX of the Project Area Plan are no longer required by the Act and are hereby deleted in their entirety.ARTICLE II

MISCELLANEOUS

Section 2.1 Severability. In the event any provision of this Amendment shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof or of the Project Area Plan.Section 2.2 Applicable Law. This Amendment shall be governed by and construed in accordance with the laws of the State of Utah.Section 2.3 Captions. The captions or headings in this Amendment are for convenience only and in no way define, limit or describe the scope or intent of any provisions or Sections of this Amendment.Section 2.4 Project Area Plan to Remain in Effect. Except as amended or supplemented hereby the Project Area Plan shall remain in full force and effect.Section 2.5 Amendment Construed with Project Area Plan. All of the provisions of this Amendment shall be deemed to be and construed as part of the Project Area Plan and the provisions of the Project Area Plan are hereby incorporated by reference into this Amendment.

Attachment “B”
Park City, Utah

November 29, 2012

The City Council (the “City Council”) of Park City, Utah (the “City”) met in regular public session at its regular meeting place in Park City, Utah, on November 29, 2012, at 6:00 p.m. The meeting was called to order by the Mayor of the City Council with the following being present, and constituting a quorum:

Dana Williams	Mayor
Andy Beerman	Councilmember
Alex Butwinski	Councilmember
Cindy Matsumoto	Councilmember
Liza Simpson	Councilmember
Dick Peek	Councilmember

Also present:

Diane Foster	Interim City Manager
Janet M. Scott	City Recorder

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this Ordinance had been discussed, a Certificate of Compliance with Open Meeting Law with respect to this November 29, 2012, meeting was presented to the City Council, a copy of which is attached hereto as <u>Exhibit A</u>.

Thereupon, the following Ordinance was approved and adopted on the following recorded vote:

AYE:

NAY:

The Ordinance is as follows:

ORDINANCE NO. _______

AN ORDINANCE OF THE CITY COUNCIL OF PARK CITY, UTAH ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE LOWER PARK AVENUE REDEVELOPMENT PROJECT FOR THE LOWER PARK AVENUE REDEVELOPMENT PROJECT AREA.

WHEREAS, the Park City Redevelopment Agency (the "Agency") is a community development and renewal agency (a public body, corporate and politic) duly created, established, and authorized to transact business and exercise its powers, all under and pursuant to the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended (the "Act"); and

WHEREAS, the Governing Board of the Agency has authorized the preparation of the Amendment to the Redevelopment Plan for the Lower Park Avenue Redevelopment Project adopted October 18, 1990 (the "Project Plan Amendment") for the Lower Park Avenue Redevelopment Project Area (the "Project Area") located in Park City, Utah, in the form attached hereto as Exhibit B; and

WHEREAS, the Agency has prepared the Project Plan Amendment in order to accommodate the extension of the time for the receipt of tax increment revenues; and

WHEREAS, in connection with the extension of the receipt of tax increment revenues, the Governing Board has authorized the Agency to enter into an Amendment to Agreement of Mitigation and Consent in order to extend the mitigation payments under the Agreement of Mitigation and Consent entered into September 11, 1990 by and between the Agency and the Board of Education of the Park City School District, Summit County, Utah (the "Board"); and

WHEREAS, as required by Utah Code Section 17C-1-410 the Agency has given notice of the intent to make a mitigation payment to the Board and has received no election contemplated by such Section from any of the taxing entities; and

WHEREAS, pursuant to the Act, the Agency held a public hearing to receive comment regarding the Project Plan Amendment on November 29, 2012, and provided notice of such hearing in accordance with the Act; and

WHEREAS, the Agency has found and determined that (a) there is a need to effectuate a public purpose; (b) there is a public benefit under the analysis shown by the Project Plan Amendment; (c) it is economically sound and feasible to adopt and carry out the Project Plan Amendment; (d) the Project Plan Amendment conforms to the general plan of Park City, Utah; and (e) carrying out the Project Plan Amendment will promote the public peace, health, safety, and welfare of the community in which the Project Area is located.

WHEREAS, by resolution adopted November 29, 2012, the Agency has approved the Plan, without revision, as the economic development project area plan for the Project Area; and

WHEREAS, pursuant to the Act, the City Council of Park City, Utah (the "City Council") now desires to adopt the Plan as approved by the Agency;

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

Section 1. All terms defined in the recitals hereto shall have the same meaning when used herein. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Governing Board and by the officers of the Agency directed toward the preparation of the draft Project Plan Amendment are hereby ratified, approved, and confirmed.

Section 2. The City Council hereby adopts the Project Plan Amendment for the Project Area, the legal description of which is attached hereto as Exhibit B.

Section 3. Immediately after its adoption, this Ordinance shall be signed by the Mayor and attested by the City Recorder and shall be recorded in the ordinance book kept for that purpose. A summary of this Ordinance, in substantially the form attached hereto as Exhibit C, shall be published (A) one time in the Park Record, a newspaper of general circulation within the Agency's and City's boundaries, (B) on the Utah Public Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended, and (C) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, with such publication to take place as soon as possible after the adoption of this Ordinance; and shall cause a copy of this Ordinance (together with all exhibits hereto) and the Project Plan Amendment to be kept on file in the office of the City Recorder for public examination during the regular business hours of the City Recorder for a period of at least thirty (30) days from and after the last date of publication thereof. This Ordinance shall take effect immediately upon its passage and approval and publication as required by law.

Section 4. The appropriate officers of the City and the Agency are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 5. If any one or more sections, sentences, clauses, or parts of this Ordinance shall, for any reason, be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Ordinance so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause, or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

Section 6. All resolutions or ordinances of the City in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, ordinance, by-law or regulation, or part thereof, heretofore repealed.

ADOPTED BY THE CITY COUNCIL OF PARK CITY, UTAH THIS NOVEMBER 29, 2012.

(SEAL)

By:___________________________________
Mayor

ATTEST:

By:___________________________________
City Recorder

(Here follows business not pertinent to the above.)

Pursuant to motion duly made and seconded, the City Council adjourned.

(SEAL)

By:__________________________________
Mayor

ATTEST:

By:__________________________________
City Recorder

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

I, Janet M. Scott, the duly qualified and acting City Recorder of Park City, Utah (the "City"), do hereby certify according to the records of the City in my possession that the foregoing constitutes a true, correct, and complete copy of the minutes of the regular meeting of the City Council of the City (the "City Council ") held on November 29, 2012, as it pertains to an ordinance (the "Ordinance") adopted by the City Council at said meeting, including the Ordinance, as said minutes and Ordinance are officially of record in my possession.

I further certify that a Summary of Ordinance was published one time in the Park Record on November __, 2012.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the City this November __, 2012.

(SEAL)

By:________________________________

City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Janet M. Scott, the undersigned City Recorder of Park City, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the November 29, 2012, public meeting held by the City Council of the City (the "City Council") as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the principal offices of the City on November __, 2012, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Park Record, on November __, 2012, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (http://pmn.utah.gov).

[In addition, the Notice of 2012 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (i) posted on ________________ at the principal office of the City Council, (ii) provided to at least one newspaper of general circulation within the City on ________________, and (iii) published on the Utah Public Notice Website (http://pmn.utah.gov) during the current calendar year.]

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this November 29, 2012.

(SEAL)

By:___________________________________

City Recorder

[To be attached:]
SCHEDULE 1–NOTICE OF MEETING
SCHEDULE 2–NOTICE OF ANNUAL MEETING SCHEDULE

<u>SCHEDULE 1</u>

NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B

PROJECT PLAN AMENDMENT

EXHIBIT C

SUMMARY OF ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that on November 29, 2012, the City Council of Park City, Utah (the "City Council"), adopted an ordinance (the "Ordinance") approving the Amendment to the Redevelopment Plain for the Lower Park Avenue Redevelopment Project (the "Project Plan Amendment") for the Lower Park Avenue Redevelopment Project Area (the "Project Area"). The Park City Redevelopment Agency has found and determined that (a) there is a need to effectuate a public purpose; (b) there is a public benefit under the analysis shown by the Project Plan Amendment; (c) it is economically sound and feasible to adopt and carry out the Project Plan Amendment; (d) the Project Plan Amendment conforms to the general plan of Park City, Utah; and (e) carrying out the Project Plan Amendment will promote the public peace, health, safety, and welfare of the community in which the Project Area is located.

Complete copies of the Ordinance and the Plan are available for public inspection in the office of the Park City Recorder at the City offices at 445 Marsac Avenue, Park City, Utah where they may be examined during regular business hours of the City Recorder from ____ a.m. to ____ p.m., Monday through Friday for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the Project Plan Amendment or the procedure used to adopt the Project Plan Amendment, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

DATED this __th day of November, 2012.

/s/ Janet M. Scott
City Recorder

REDEVELOPMENT AGENCY OF PARK CITY

RESOLUTION NO. RDA-RES08-90

RESOLUTION ACCEPTING AND APPROVING THE REPORT TO ACCOMPANY THE REDEVELOPMENT PLAN FOR THE LOWER PARK AVENUE REDEVELOPMENT PROJECT, CONCURRING IN, ACCEPTING AND MAKING THE FINDINGS CONTAINED IN THE REPORT, RECOMMENDING ADOPTION OF THE PROPOSED REDEVELOPMENT PLAN, AND AUTHORIZING THE PLAN AND THE REPORT TO BE SUBMITTED TO THE PARK CITY CITY COUNCIL FOR ITS CONSIDERATION.

WHEREAS, the Redevelopment Agency of Park City (the "Agency") has adopted its Resolution No. ___ creating, formulating and adopting a Preliminary Plan for the Lower Park Avenue Redevelopment Project ("Preliminary Plan");

WHEREAS, the Agency has prepared a proposed Redevelopment Plan for the Lower Park Avenue Redevelopment Project, a copy of which is attached hereto and incorporated herein by this reference ("Proposed Plan"), and given notice of a public hearing to be held on said Plan as required by law;

WHEREAS, the Agency, its staff and consultants have prepared a Report to Accompany the Redevelopment Plan for the Lower Park Avenue Redevelopment Project, and the Agency has reviewed and considered the Report;

WHEREAS, the Park City Planning Commission (the "Planning Commission") has cooperated and consulted with the Agency regarding the Preliminary Plan, and has reviewed the Proposed Plan and Report; has prepared and approved its Report and Recommendations of the Park City Planning Commission on the Proposed Redevelopment Plan for the Lower Park Avenue Redevelopment Project ("Planning Commission Report") (a copy of which is attached hereto and incorporated herein by this reference) concurring in the findings made in Report and making various recommendations; and has transmitted the Planning Commission Report to the Agency;

WHEREAS, the Agency desires now to approve the Report and to make such changes, if any, as may be appropriate after hearing all objections, evidence and testimony regarding Proposed Plan and Report; and

WHEREAS, the Agency desires to recommend that the City Council adopt Proposed Plan;

BE IT RESOLVED BY THE PARK CITY REDEVELOPMENT AGENCY:

1. The Agency hereby accepts and approves the Planning Commission Report and incorporates the Planning Commission Report in the Agency's Report.

2. The Agency hereby makes such revisions in the Report, if any, which are indicated on Exhibit A, which is attached hereto if needed and incorporated herein by this reference.

3. The Agency hereby accepts and approves the Report in its current form, including changes made pursuant to paragraph 2 hereof, if any, and concurs in, accepts and makes the findings contained in Report.

4. The Agency hereby recommends that the City Council approve and adopt Redevelopment Plan, after making such modifications if any, as the Agency has recommended.

5. The Agency hereby authorizes and directs its Chairman or Secretary to submit Proposed Plan, Report and any recommended modifications to the Park City City Council for its consideration.

6. This Resolution shall be effective on the date of adoption.

APPROVED AND ADOPTED this 18th day of October, 1990.

Chairman

Attest:

Secretary

PARK CITY REDEVELOPMENT AGENCY
SEAL
APRIL 20, 1978

REDEVELOPMENT AGENCY OF PARK CITY

PARK CITY, UTAH

REDEVELOPMENT PLAN

FOR THE

LOWER PARK AVENUE REDEVELOPMENT PROJECT

Adopted

October 18, 1990

REDEVELOPMENT PLAN FOR THE

LOWER PARK AVENUE REDEVELOPMENT PROJECT

TABLE OF CONTENTS

REDEVELOPMENT PLAN

FOR THE

LOWER PARK AVENUE REDEVELOPMENT PROJECT

I. [§ 100] INTRODUCTION

The Redevelopment Plan ("Redevelopment Plan" or "Plan") for the Lower Park Avenue Redevelopment Project ("Project") has been prepared in consultation with the Park City Planning Commission by the Redevelopment Agency of Park City ("Agency") pursuant to the Utah Neighborhood Development Act, as amended, Utah Code Annotated § 17A-2-1201 et seq., the Utah Constitution, the United States Constitution, and all applicable local laws and ordinances.

II. [§ 200] PROJECT AREA BOUNDARIES

The boundaries of the Lower Park Avenue Redevelopment Project ("Project Area") are located entirely within Park City, Utah ("City") and are illustrated on the map entitled "Area Map," which is attached hereto as Exhibit A and made a part hereof by this reference. The legal description of the boundaries of the Project Area is attached hereto and made a part hereof as Exhibit B. A list of the property owners and properties at the time of the adoption of the Plan is attached hereto and made a part hereof as Exhibit C.

III. [§ 300] PROPOSED REDEVELOPMENT ACTIONS

A. [§ 301] <u>General</u>

The Agency proposes to eliminate and prevent the spread of blight in the Project Area by some or all of the following actions:

1. Installation, construction or reconstruction of streets, utilities, and other public improvements;

2. Redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan;

3. Rehabilitation of buildings and structures;

4. Acquisition of real property;

5. Demolition or removal of buildings and improvements;

6. Relocation assistance to residential, commercial and other occupants displaced by the Project activities, if any;

7. Disposition of property acquired by the Agency;

8. Participation by persons or entities engaged in business or holding interests in property within the Project Area through remaining in or re-entering the Project Area.

B. [§ 302] Property Acquisition

1. [§ 303] Acquisition of Real Property

Most of the property in the Project Area will not be purchased by the Agency, but the Agency will be assisting and encouraging public and private entities to eliminate blight, install needed utilities, rehabilitate property, and develop property in the Project Area consistent with the Redevelopment Plan. A principal objective of this Plan is to promote redevelopment by stimulating private development within the Project Area. As is more particularly specified in Section 601 hereof, the Agency will not acquire property unless or until the Agency determines that the specific project involved is feasible in light of investments or commitments made or reasonably likely to be made by developers or participants in the Plan, or by other parties. Usually, this will occur only when the Agency has an agreement assuring that the property will be disposed of to a public or private developer or participant.

The Agency is authorized to acquire (but is not required to acquire) real property located in the Project Area. The Agency is authorized to acquire such property by gift, devise, exchange, purchase, or any other lawful method, including eminent domain.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interests in real property.

2. [§ 304] Acquisition of Personal Property

Generally personal property will not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area in connection with acquisitions of interests in real property.

C. [§ 305] Participation Opportunities and Preferences

1. [§ 306] Participation and Preference Rules

The Rules Governing Participation and Preferences by Owners, Operators of Businesses, and Tenants in the Lower Park Avenue Redevelopment Project were adopted by the Redevelopment Agency of Park City on October 4, 1990. Those rules as they exist or as they may subsequently be amended (the "Participation Rules"), shall govern participation opportunities and preferences granted to persons or entities engaged in business or holding interests in property within the Lower Park Avenue Redevelopment Project Area.

2. [§ 307] Opportunities for Participation by Owners, Operators of Businesses and Other Persons or Entities with Property Interests in the Project Area

The Agency shall extend preferences to persons or entities who are engaged in business or hold interests in property within the Project Area and who sell, terminate, or otherwise transfer those interests and who re-enter the Project Area if they otherwise meet the requirements prescribed by the Plan and the Participation Rules.

The Agency may permit persons who are owners of real property in the Project Area to be given the opportunity to participate in redevelopment by rehabilitation, by retention of improvements or land, or by new development by retaining all or a portion of their properties, by acquiring adjacent or other properties from the Agency or purchasing other properties in the Project Area.

If conflicts develop between participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences between and among participants, in accordance with the Participation Rules. This may include but is not limited to determining a solution by consideration of such factors as length of time in the area; accommodation of as many participants as possible; ability to perform; and conformity with intent and purpose of this Plan.

In addition to opportunities for participation by persons and firms individually, participation to the extent it is feasible shall also be available for two or more persons, firms, or institutions, to join together in partnerships, corporations, or other joint entities as indicated in the Participation Rules.

The Agency and the City desire as much participation as possible in the redevelopment of the Project Area by owners and tenants in the Project Area.

3. [§ 308] Participation Agreements

When deemed necessary by the Agency to carry out the Plan, each owner and tenant may be required to enter into a binding participation agreement with the Agency by which the participant agrees to rehabilitate, develop, or use the property in conformance with such agreements and to be subject to the provisions thereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of the agreement applicable to their properties.

D. [§ 309] Cooperation with Public Bodies

Many public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency may seek the aid and cooperation of such public bodies and attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the parallel purposes of the redevelopment and the highest public good. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area and may enter into contracts or other arrangements with such bodies as permitted by law in furtherance of this plan. Any public body which owns or leases property in the Project Area will be afforded all the privileges of participation if such public body is willing to enter into a participation agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval. The Agency is authorized to assist financially (and otherwise) any public entity with the costs of public land, buildings, facilities, structures, or other improvements if such land, building, facilities, structures or other improvements are of benefit to the Project.

The Agency may pay to any taxing entity with territory located within the Project Area any amounts of money which, in the Agency's determination, are appropriate pursuant to Utah Code Annotated § 17A-2-1258 (1990 Supp.)

E. [§ 310] Property Management

During such time as property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

In any year during which the Agency owns property in the Project Area, the Agency may, but is not required, to make compensating payments to taxing agencies which would have received tax revenues from the property were it not exempt by virtue of Agency ownership. The total amount of such compensating payments shall not exceed the tax increments the Agency actually receives from the Project and the payments to particular taxing agencies shall not exceed the amount the entity would have received but for the property's exempt status.

F. [§ 311] Relocation of Persons Displaced by the Project

1. [§ 312] Relocation Rules

The Relocation Rules and Regulations for Implementation of the Utah Relocation Assistance Act for the Lower Park Avenue Redevelopment Project were adopted by the Park City Redevelopment Agency on October 4, 1990. The rules as they exist or as they may subsequently be amended (the "Relocation Rules") shall govern relocation of persons, businesses, and other entities displaced by Agency action.

2. [§ 313] Assistance in Finding Other Locations

The Agency shall assist all persons and entities, if any, (including families, business concerns, and others) displaced by Agency acquisition of property in the Project Area in finding other locations and facilities. The Agency shall structure redevelopment efforts, to the greatest extent possible consistent with Agency objectives, to minimize the need to displace persons or entities. The Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonably convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing or to arrange for the provision of housing inside or outside the Project Area for displaced persons, and to provide such other assistance as may be necessary or appropriate under the Relocation Rules.

3. [§ 314] Relocation Payments

The Agency shall pay all relocation payments required by law. In addition, the Agency may make any additional relocation payments which in the opinion of the Agency's Governing Board may be reasonably necessary to carry out the purposes of this Plan. Such additional relocation payments shall be subject to the availability of funds for this purpose.

G. [§ 315] Public Improvements, Demolition and Land Clearance, and Site Preparation

1. [§ 316] Public Improvements, Public Facilities and Public Utilities

The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities (within or outside the Project Area) as appropriate or necessary to carry out the Plan or to benefit the Project. Such improvements, facilities, and utilities may be paid for in whole or in part by the Agency, by private developers or by participants in the Redevelopment Plan. They may be financed by any means available to the Agency and/or developers or participants which are authorized or permitted by law.

2. [§ 317] Demolition and Land Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property in the Project Area that the Agency owns or acquires, as necessary to carry out the purposes of this Plan.

3. [§ 318] Preparation of Sites

The Agency is authorized to prepare or cause to be prepared as sites any real property in the Project Area that the Agency owns or acquires.

H. [§ 319] Rehabilitation, Conservation and Moving of Structures by the Agency

1. [§ 320] Rehabilitation and Conservation

It shall be the purpose of this Plan to allow for the retention of existing homes and businesses and to add to the economic life of businesses by a program of voluntary participation in their conservation and rehabilitation. The Agency is authorized to conduct a program of assistance to encourage owners of property within the area to upgrade and maintain their property consistent with property rehabilitation standards to be adopted for the Project Area by the Agency Board.

The extent of rehabilitation in the Project Area shall be subject to the following limitations:

a. The rehabilitation of the structure must be compatible with land uses as provided for in this Plan.

b. Rehabilitation and conservation activities on a structure must be carried out in an expeditious manner and in conformance with property rehabilitation standards to be adopted by the Agency.

c. The expansion of public facilities, improvements and structures.

d. The assembly and development of areas in accordance with this Plan.

The Agency is authorized to rehabilitate and conserve or cause to be rehabilitated and conserved buildings and structures in the Project Area. The Agency is also authorized and directed to advise, encourage and assist in the rehabilitation and conservation of property in the Project Area.

2. [§ 321] Moving of Structures

With respect to buildings or structures owned or acquired by the Agency, the Agency is authorized to move or to cause to be moved any structure or building or any structure or building which can be rehabilitated to a location within or outside the Project Area as necessary in carrying out this Plan.

I. [§ 322] Property Disposition and Development

1. [§ 323] Real Property Disposition and Development

a. [§ 324] General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiation through leases or sales without public bidding.

Real or personal property of the Agency, or any interest herein, may be sold or leased to a private person or private entity for an amount less than its fair value for uses in accordance with this Redevelopment Plan and the covenants and controls recorded against the property by the Agency.

All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the City or any other public body without charge. The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes before development and to insure that development is carried out pursuant to this Plan. All purchasers or lessees of property shall be obligated to use the property for the purpose designated in this Plan, and in accordance with any additional requirements imposed by participation agreements, development agreements, or any other covenants or agreements that affect the property in question. They shall begin and complete development of the property within a period of time which the Agency fixes as reasonable, and comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

b. [§ 325] Purchase and Development by Participants

Pursuant to the provisions of this Plan and the Participation Rules adopted by the Agency, the Agency shall to the greatest extent feasible offer real property acquired by the Agency for disposition and development to persons or entities engaged in business or holding other interests in the property in the Project Area on a preference basis over other persons or entities.

c. [§ 326] Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, condition subsequent, equitable servitude, or any other provision necessary to carry out this Plan.

All property in the Project Area is hereby made subject to the restrictions of Section 416 of this Plan. All deeds, leases, or contracts for the sale, lease, sublease or other transfer of land in the Project Area and all participation agreements dealing with land in the Project Area may contain nondiscrimination and nonsegregation clauses consistent with the provisions of Section 416 of this Plan.

d. [§ 327] <u>Development</u>

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement either inside or outside the Project Area for itself or for any public body or public entity to the extent that such improvement would be of benefit to the Project Area and to the extent permitted by law.

During the period of development in the Project Area, the Agency shall insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

Development plans, both public and private, shall be submitted to the Agency for approval and architectural review. The Agency shall develop architectural and design standards and submit them to the City Council for its consideration and approval. All development must conform to this Plan, such Agency architectural and design standards as may be approved by the City Council and all applicable laws.

2. [§ 328] <u>Personal Property Disposition</u>

The Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property that has been acquired by the Agency.

J. [§ 329] <u>Compensation of the Agency's Governing Board, Its Officers, and Executive Director</u>

The members of the Agency's Governing Board and its officers shall receive no compensation for their services as Board members and officers in addition to compensation received as members of the City Council. If the Executive Director of the Agency is also an employee of the City, the Executive Director shall receive no compensation for service as Executive Director in addition to compensation received as City Manager or as an employee of the City. However, the Park City City Council may determine the percentage of the City Manager's or other employee's time that is devoted to redevelopment matters, and may require that the City be reimbursed by the Agency for an amount which corresponds to the percentage thus determined, multiplied by the total of the City Manager's salary or salaries of other employees of the City and the cost of fringe benefits. The City Council may provide such amount as a loan or grant to the Agency.

IV. [§ 400] USES PERMITTED IN THE PROJECT AREA

A. [§ 401] Land Use Map and Uses Generally

The zoning map and Comprehensive plan of Park City as presently adopted or hereafter amended which indicate type and location of land uses to be permitted in the Project Area and roads serving the area are made a part hereof by this reference. A map of the project area is attached as Exhibit A and incorporated by this reference.

This Plan does not supplant the need for compliance with established procedures for securing the approval of the City Council, the Planning Commission, or other officials or bodies within the City as required by law and by normal City practice.

B. [§ 402] Permitted Uses

The Redevelopment Agency proposes to stimulate growth in the Project Area by providing financial incentives to attract new investment and support for the elimination of blight and by providing and/or encouraging vital improvements in the Project Area. In particular, the Agency plans to cooperate with the City of Park City in bringing about residential and commercial development that may include any or all of the following: retail and commercial development, institutional, recreational, service, and other developments which will help provide quality for Park City. It is anticipated that existing residential uses may remain in the Project Area and some additional residential uses may be located in the area. Redevelopment would provide a certain percentage of the cost of making these improvements. The Redevelopment Agency could also provide land and building cost incentives to businesses wishing to located in Park City, and could assist with infrastructure and a number of other costs in order to stimulate development.

In general, existing uses will be allowed to continue. Other uses defined herein may be permitted to the extent they are permitted by zoning regulations as they currently exist or as they may hereafter be amended. In addition, accessory uses to existing uses shall also be permitted.

The zoning map and Comprehensive plan show the primary anticipated use of each area in the Project Area. Before any area may be used for an alternative use, approval of the City Council must be secured by complying with normal City procedures for any necessary zoning changes or by obtaining other necessary approvals or decisions.

It is contemplated that the land uses in the Project Area may include the following:

1. Public and Semi-Public
2. Institutional
3. Residential
4. Recreational
5. Retail
6. General Commercial
7. Light Industrial

Uses within the project area include all those available under current zoning regulation and the conditional use process including general commercial.

C. [§ 404] Public, Semi-Public, Recreational and Institutional Uses

Public and semi-public uses include, but are not limited to schools, parks, community centers, churches, health care facilities, landscaped areas and walkways, recreational facilities, City, state and federal offices, libraries, and other public and semi-public uses.

1. [§ 405] Roads and Rights-of-Way

It is anticipated that the main entrance to the Project Area will continue to be Park Avenue. Deer Valley Drive will also continue to be a main thoroughfare. In general, roads and traffic will remain as currently configured with improvements to meet needs within the Project Area. As redevelopment goes forward, it may be necessary to reconfigure actual locations of some of the existing streets or construct new streets. The lack of streets which meet current standards is one problem facing the area.

All or part of any street and alley in the Project Area may be abandoned or closed as necessary for proper development of the Project Area. Additional public streets, alleys and easements may be created in the Project Area as needed for proper development. All streets and alleys in the Project Area may be widened, altered as necessary or appropriate for proper development of the Project Area.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities and activities typically found in public rights-of-way.

Nothing herein shall be construed as authorizing the Agency to abandon, close, create, widen, or otherwise alter any streets, alleys, easements or other rights-of-way without following procedures established by applicable federal, state and local law.

D. [§ 406] General Commercial and Retail Uses

Retail uses include only those uses permitted in the zoning map and Land Management Code of Park City, as it currently exists or as it may be amended from time to time, and any other applicable land use ordinances or regulations.

E. [§ 407] Residential Uses

The areas shown on the zoning map or otherwise permitted as residential uses may be developed, maintained, rehabilitated or preserved as permitted in the Residential and Multiple residential Districts as defined and permitted in the Land Management Code of Park City, as it currently exists or as it may be amended from time to time, and any other applicable land use ordinances or regulations. Residential uses shall be encouraged in those portions of the Project Area designated for residential uses.

F. [§ 408] Light Industrial

Light industrial uses are those which are compatible with the neighborhood and allowed by zoning ordinances.

G. [§ 409] Federal, State and Local Controls and Limitations

No real property shall be developed, constructed, rehabilitated, modified, altered, repaired, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of Federal law, State law, or the ordinances of Park City City, all as they currently exist or as they may hereafter be amended.

1. [§ 410] Construction

All construction shall comply with applicable State and local laws as they exist or may be amended, including without limitation the Uniform Building Code, the Uniform Plumbing Code, the Uniform Fire Code, the Uniform Mechanical Code, and the National Electrical Code, all as adopted in Park City, and the Park City Land Management Code, Zoning and Subdivision Ordinances.

2. [§ 411] Nonconforming Uses

The Agency may permit nonconforming uses to remain in the Project Area to the extent they are permitted by State and local laws as they exist or may hereafter be amended.

3. [§ 412] Rehabilitation

The Agency may approve any existing structure within the Project Area for retention and rehabilitation, repair, alteration, reconstruction, in such manner that it will be safe and sound in all physical respects and be attractive in appearance and not detrimental to the surrounding areas.

4. [§ 413] Landscaping, Light, Air, and Privacy

It is the intent of this Plan that a high standard of landscaping be developed and maintained within the Project Area. In all areas sufficient space shall be maintained between buildings to provide adequate light, air, and privacy.

5. [§ 414] Signs

The Agency shall follow the existing Park City Sign Code or as it is amended in the future. The mechanism for review and approval of signs shall be the same in the project area as in all other portions of Park City under the Sign Code.

6. [§ 415] Utilities

The Agency may require that all utilities for any new development or any remodeling which would require the issuance of a building permit under the Uniform Building Code shall be in compliance with the Park City City Ordinances regarding underground utilities.

7. [§ 416] Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon sex, race, color, creed, religion, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. Nothing herein shall be construed to preclude religious or religiously affiliated institutions from engaging in activities which uniquely benefit adherents of the religion in question or foster or advance the religious mission of the institution.

8. [§ 417] Subdivision of Parcels

No parcel in the Project Area, shall be subdivided or resubdivided without the approval of the City.

9. [§ 418] Variations

Variations from State and local law shall be permitted only pursuant to the processes, procedures, and standards of the State or local law from which a variation is being sought.

H. [§ 419] Quality of Development

The objective of this Plan is to create an attractive and pleasant environment in the Project Area.

I. [§ 420] Building Permits

Building permits shall be issued for the construction of any new building or for any construction on an existing building in the Project Area only after compliance with normal City requirements for obtaining a building permit.

If a building permit is being sought with respect to construction undertaken pursuant to a participation or development agreement with the Agency, the building permit shall not be issued until the Agency determines that the proposed construction complies with the terms of the participation or development agreement in question.

J. [§ 422] Buffering

Appropriate buffering shall be provided wherever, in the judgment of the Agency, buffering is necessary to protect adjacent properties.

V. [§ 500] AESTHETICS, LANDSCAPING

The Project Area is located at the entrance to Park City from Highway 224. It is a goal of this Plan to promote development which will enhance the visual attractiveness of this entrance into Park City. The Agency is authorized to submit standards to the City Council for consideration and approval which shall govern aesthetic requirements for structures, site improvements and landscaping within the Project Area.

VI. [§ 600] METHODS FOR FINANCING THE PROJECT

A. [§ 601] General Description of the Proposed Financing Methods

The Agency is authorized to finance this Project with financial assistance from the City, State of Utah, the Federal government, property tax increments which accrue within the

Project Area, interest income, Agency bonds, or any other available source.

The property tax increments referred to in the preceding paragraph shall be as set forth in Section 602 below. Briefly stated, the tax increments that will be available under this Plan are determined in the following manner. After the Plan is adopted, the total taxable value of property within the Project Area is determined using the taxable values shown on the last equalized assessment roll prior to adoption of the Plan. This provides a base figure. To the extent the taxable values of property within the Project Area increase above this base figure, application of prevailing tax rates to the increased value above the base figure yields "tax increments." These tax increments arise only with respect to property located in the Project Area. Other taxing entities continue to be entitled to receive the tax revenues that result from application of prevailing tax rates to the base figure of taxable value, so long as the total of taxable values in the project area exceed the base figure. The tax increments are made available for financing or assisting with the financing of redevelopment within the Project Area. Such financing can be accomplished through the use of tax increment bonds or other borrowing including borrowing from Park City Municipal Corporation. These bonds or other borrowing are retired using the tax increments generated from increased taxable values within the Project Area. Bond holders and other creditors have no recourse against anything but such tax increments for payment of such bonds or other borrowing to the extent such bonds or other borrowing are based solely on tax increments. In particular, they have no claims against City funds.

Advances and loans for the processes in creating the Agency and adopting this plan for survey and planning, and for the operating capital for administration of this Project have been and are to be provided by the City until adequate tax increments or other funds are available or sufficiently assured to repay the loans and/or to permit borrowing adequate working capital from sources other than the City. The City as it is able is authorized to supply additional assistance through City loans and grants for various public facilities. All advances and loans from the City shall bear a reasonable rate of interest.

The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.

The Agency is authorized to obtain advances, to borrow funds and to create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.

It is the intent of this Plan that the Agency will usually purchase property only when the Agency has an agreement assuring that the property will be disposed of to a public or private developer or participant. Thus this Redevelopment Project will proceed and be carried out only if and when financing becomes available. The financing of this project is primarily based upon the willingness of public and private entities to invest and develop in the Project Area.

The financing of the Project can also occur through advances from private developers and from purchase prices and rental payments paid by developers and participants.

B. [§ 602] Tax Increments

Pursuant to Section 17A-2-1247 of the Utah Code, as amended, all taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of Utah, County of Summit, Park City, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Redevelopment Plan, shall be divided as follows:

> Property taxes, if any, levied upon taxable property in the Project Area each year by or for the benefit of the state of Utah, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:
>
> (a) [See Utah Code § 17A-2-1247(a)] That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the taxable value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized prior to the effective date of the ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of the ordinance but to which the territory is annexed or otherwise

included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the taxable value of the taxable property in the project on the effective date); and

(b) [See Utah Code § 17A-12-1247(e)] That portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a) shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency according to the limits established in Subsection (c) to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the redevelopment agency after April 1, 1983, to finance or refinance, in whole or in part, the redevelopment project. Payment of tax revenues to the redevelopment agency shall be subject to and shall except uncollected or delinquent taxes in the same manner as payments of taxes to other taxing agencies are subject to collection. Unless and until the total taxable value of the taxable property in the project exceeds the total taxable value of the taxable property in the project as shown by the last equalized assessment roll referred to in Subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the redevelopment project shall be paid into the funds of the respective taxing agencies. When the loans, advances, and indebtedness, if any, and any interest have been paid, all moneys received from taxes upon the taxable property in the redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) [See Utah Code § 17A-2-1247(f)] For purposes of Subsection (b) the maximum amounts which shall be allocated to and when collected shall be paid into the special fund of the redevelopment agency may not exceed the following percentages:

(i) For a period of the first five tax years commencing from the first tax year a redevelopment agency accepts an amount allocated to and when collected paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) which loans, advances, or indebtedness are incurred by the redevelopment agency after April 1, 1983, 100% of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a);

(ii) For a period of the next five tax years 80% of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a);

(iii) For a period of the next five tax years 75% of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a);

(iv) For a period of the next five tax years 70% of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a); and

(v) For a period of the next five tax years 60% of that portion of the levied taxes each year in excess of the amount allocated to and when collected paid into the funds of the respective taxing agencies under Subsection (a);

(d) [See Utah Code § 17A-12-1247(g)] Nothing contained in Subsections (b) and (c) prevents an agency from receiving a greater percentage than those established in Subsection (c) of the levied taxes of any local taxing agency each year in excess of the amount allocated to and when collected paid into the funds of the respective local taxing agency if the governing body of the local taxing agency consents in writing.

The Agency is authorized to make pledges of portions of taxes allocated to the Agency pursuant to Section 602 above as to specific advances, loans and indebtedness as appropriate in carrying out the Project. Such pledges may be irrevocably pledged by the Agency for the payment of the principal of and interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

Taxes shall be allocated and paid to the Agency consistent with the provisions of this Plan only to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Redevelopment Project.

C. [§ 603] Other Loans and Grants

Any other loans grants, guarantees, or financial assistance from the United States or any other public or private source will be utilized if available as appropriate in carrying out the Project.

D. [§ 604] No Encumbrances on Private Property Without Owner Consent

The Agency shall not be entitled to create any indebtedness which would encumber or lien any privately owned property within the Project Area without the express written consent of the owner of such property. Nothing herein shall be construed to preclude the Agency from issuing revenue bonds secured by pledges of portions of taxes allocated to the Agency pursuant to Section 602 above. Further, nothing herein shall be construed as a limitation or waiver of any of the normal powers of the City of Park City or any other governmental entity that may have authority with respect to one or more properties in the Project Area.

VII. [§ 700] ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Subject to the provisions of applicable federal, state and local law, action by the City shall include, but not be limited to, the following:

a. Institution and completion of proceedings for openings, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-ways, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area.

b. The requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out the Plan.

c. Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within the project area.

d. Revision of zoning within the Project Area to permit the land uses and development authorized by this Plan.

e. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the project area to be commenced and carried to completion without unnecessary delays.

f. The undertaking and completing of any other actions or proceedings necessary to carry out the Project.

VIII.[§ 800] ADMINISTRATION AND ENFORCEMENT OF THE PLAN

Authority to take action or enter into agreements under this Plan shall be vested exclusively in the Agency's Governing Board.

The Administration and enforcement of this Plan and any documents implementing this Plan shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

The City Council shall have the financial affairs of the Agency audited annually by an independent auditing firm.

Prior to approving any development within the Project Area, the Agency may determine whether the proposed development is likely to have significant impacts on traffic or other aspects of the environment in Park City, and in the event that significant impacts are found to be likely, may conduct (or cause to be conducted) such studies as it may deem necessary to determine the extent of such impacts, and may require that appropriate and reasonable steps are taken to mitigate the impacts identified.

IX. [§ 900] DURATION OF THIS PLAN AND VARIOUS PLAN PROVISIONS

The nondiscrimination and nonsegregation provisions of this Plan shall run in perpetuity. With respect to property which is sold, conveyed, leased or otherwise disposed of by the Agency pursuant to this Plan, the Agency shall retain controls and establish restrictions and covenants running with the land sold or leased for private use for not more than 25 years from the date of such sale or lease and under such conditions as are provided in the Plan.

The Agency may not issue bonds for redevelopment projects undertaken pursuant to this Plan after fifteen years from the date of the approval of this Plan.

No tax increment from the Project Area may be allocated to or used by the Agency after thirty-two years from the date of the approval of this Plan.

X. [§ 1000] PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Section 17A-2-1229 of the Utah Neighborhood Development Act or by any other procedure established by law.

XI. [§ 1100] CONSENT OF TAXING ENTITIES

It is anticipated that the creation of this Project Area will cause more than 15% of locally assessed property in Park City to be within Redevelopment project areas. In order to secure consent of other taxing entities pursuant to § 17A-2-1210 of the Utah Neighborhood Development Act to take tax increment, the Agency may enter into agreements with taxing entities pursuant to § 17A-2-1258 of the Neighborhood Development Act to make payments in lieu of taxes to such entities.

XII. [§ 1200] PORTION OF AREA IN THE NEIGHBORHOOD DEVELOPMENT PLAN PROJECT AREA

A portion of the Project Area has been a part of the Neighborhood Development Plan Project Area adopted by Ordinance No. 82-3 on January 28, 1982. In order to redevelop that area and fulfill the goals and objectives herein, it is necessary to amend the Neighborhood Project Plan to delete that portion of the Neighborhood Development Project Area and place it in the Lower Park Avenue Project Area.

EXHIBIT A

MAP

Lower Park Avenue Redevelopment Plan

EXHIBIT B

LEGAL DESCRIPTION OF THE

BOUNDARY OF

THE AREA INCLUDED IN THE

PARK CITY REDEVELOPMENT PLAN

Resolution No. 8-90 - Adopting Plan and Report for Lower Park Avenue RDA - See RDA File

______________ __, 2012

TO: Automated Geographic Reference Center

Re: Amendment to the Redevelopment Plan for the Lower Park Avenue Redevelopment Project

In accordance that in accordance with the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended, Park City, Utah adopted on November 29, 2012 an Amendment to the Redevelopment Plan for the Lower Park Avenue Redevelopment Project adopted October 18, 1990 (the "Project Plan Amendment") for the Lower Park Avenue Redevelopment Project Area (the "Project Area"). Included herewith is a description of the land within the Project Area and a map indicating the boundaries of the Project Area.

Sincerely,

____

Janet M. Scott
Park City Redevelopment Agency

Attachments:

Legal Description of the Project Area
Map of the Project Area

LEGAL DESCRIPTION OF THE PROJECT AREA

WHEN RECORDED, RETURN TO:
Mark D. Harrington
City Attorney
445 Marsac Ave.
Park City, Utah 84060

NOTICE OF ADOPTION OF AMENDMENT TO REDEVELOPMENT PROJECT AREA PLAN

PLEASE TAKE NOTICE that in accordance with the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended, Park City, Utah adopted on November 29, 2012 an Amendment to the Redevelopment Plan for the Lower Park Avenue Redevelopment Project adopted October 18, 1990 (the "Project Plan Amendment") for the Lower Park Avenue Redevelopment Project Area (the "Project Area").

A description of the Project Area is attached hereto as Exhibit A. A copy of the Project Plan Amendment is attached hereto as Exhibit B.

DATED as of this ___________ __, 2012.

PARK CITY REDEVELOPMENT AGENCY

____

Janet M. Scott
Park City Recorder

STATE OF UTAH)
: ss.
COUNTY OF DAVIS)

On this __________ ___, 2012 personally appeared before me Janet M. Scott, who being by me duly sworn did state that she is the City Recorder of Park City, Utah, and that the foregoing instrument was signed on behalf of the Park City Redevelopment Agency.

____
NOTARY PUBLIC

EXHIBIT A

LEGAL DESCRIPTION OF THE PROJECT AREA

EXHIBIT B

PROJECT PLAN AMENDMENT

PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
NOVEMBER 8, 2012

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek; and Liza Simpson**

Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Matt Twombly, Project Manager; Max Paap, Special Events Manager; Jon Weidenhamer, Economic Development Manager; Linda Tillson, Library Director; Dave Gustafsen, Project Manager

Wally Cooper, CRSA

1. **Council questions/comments.** Andy Beerman reported that he and the Mayor attended the Central Wasatch Region Planning Meeting which has grown out of the Mountain Transportation group. Various governmental entities along with the ski areas, forest service, and UTA are working on a plan for the Wasatch Front. The plan is very preliminary at this point and intended to cover water, wilderness, recreational expansion and transportation. He relayed that the Mayor represented Park City well. He also attended a Recreation Advisory Board meeting where the new memorial wall was discussed as well as creating a new master plan. Dick Peek attended the HPB meeting where a historic grant was awarded to a property on Prospect. He stated that the fund is getting low and members considered asking for more grant money. The group also reviewed proposed changes to the LMC and the board's input will be provided to the Planning Commission. One of the elements is the Heber Avenue subzone. Mr. Peek expressed that the memorial wall looks great but it appears it has been damaged by a piece of equipment used to install it. Matt Twombly confirmed that the surface of the piece was intentionally distressed but he will follow-up. Benches will also be installed as part of the project.

Liza Simpson attended the Mountainlands Community Housing Trust, Lodging Association and Fire District Board meetings. There are three seats opening up on the Fire District Board and the Summit County Council will be interviewing applicants next week. She complained about the number of political signs still being displayed and many of them illegally placed. Alex Butwinski attended a Quality Growth Commission briefing with John Bennett. An increase of one million people in the Wasatch Front by 2040 is forecasted. The Commission has a modest amount of funding for open space which is leveraged with private partnerships and his first meeting is scheduled in December.

The Mayor announced that Sunday is Veterans Day and an event will be held at the NAC. He suggested that it may be helpful for staff to create a brochure for special event applicants and Max Paap relayed that a brochure is already available. Jon Weidenhamer explained a plan to meet with hotels and major partners to inform them of special event requirements. The Mayor commended staff for trying to help facilitate events and making the process easier. He congratulated the new County Councilors and thanked John Hanrahan and Sally Elliott for their service. He acknowledged the support of the increase in the Resort Cities Sales Tax for Park City.

2. Woodward Tahoe debrief. Jon Weidenhamer explained that the traveling tour included Chad Root, Nate Rockwood, Alex Butwinski, Liza Simpson, and Andy Beerman. Dick Peek visited the facility last June.

A Power Point presentation was shown and Mr. Butwinski narrated the slides. Alex Butwinski expressed that touring Truckee was an interesting experience. He spoke about Truckee's historic district which reminded him of our Old Town 30 years ago. Woodward has a progressive learning program and is an amenity that could provide PCMR with an activities and training center. He spoke about how Truckee revitalized its downtown sidewalks with pavers and pointed out old fashioned signs painted on the sides of historic buildings that could be considered public art. North Star has been significantly upgraded since Vail took it over, however designers did not take advantage of framing views and streets dead end looking at another building. Converting the ice rink for other uses was pointed out.

Liza Simpson stated that a lot of investment took place in Tahoe City where the group visited after North Star. Improvements were made to the lake front over 11 years with lots of features. Tahoe City seemed packed with visitors and business seemed good. Mr. Butwinski stated that the group also visited Squaw Valley where the streets were laid out to maximize the views which brought Bonanza Park to mind. Slides of the features of the Woodward Training Center were presented and activities lend themselves to skiing or biking training exercises. Alex Butwinski felt the trip was very informative with regard to what activities could be added to the resort experience. This facility is also great for family members, visiting Park City, who might not want to ski. Dick Peek noted that there is also a digital media component in the basement of the facility. Mr. Butwinski spoke about the success of summer camps at Woodward for kids.

Liza Simpson commented on the confidence individuals can gain with progressive training whether they want to be gymnasts, aerial skiers, etc. She explained that one really needs to see it to understand the programs and there are multitudes of applications. Andy Beerman stated that economic diversity is talked about a lot but this type of facility is a nice fit for Park City in the sense that it complements our resort economy, our visitors and local athletes or kids who want to learn these skills. It also provides year-round activities. He felt progressive training is amazing; the Center was very orderly in a chaotic sense because the kids self-police. The Mayor felt this would be a great addition to town; it takes recreation to a whole new level and would be a good economic development tool.

3. Lower Park Avenue RDA update. Jon Weidenhamer stated that Council last reviewed this topic on July 26, 2012. Projects include parking lot, traffic, transit, circulation, walkability and the last element is community and neighborhood redevelopment. Properties include the Library, current Senior Center, some land owned by Elliott Workgroup, the vacated Park Avenue fire station which is used for storage and bus driver housing, and Miners Hospital. He understood from the July meeting that members were supportive of moving forward with a multi-generational affordable housing project at the current Senior Center location and exploring a joint venture with the adjacent property owner. This would necessitate a temporary relocation of the Senior Center and the top floor of the Library and Education Center is suggested as a possible space. Through illustration of slides, he pointed out that the new Senior Community Center could be located at the vacated fire station site. If housing is dedicated to the current Senior Center site, the seniors will need to be relocated in spring 2014. Mr. Weidenhamer stated that the Senior Community Center should be constructed concurrently with the housing projects to reduce relocation time for the seniors, realize efficiencies with construction, especially for underground parking, and minimize neighborhood impacts. Consolidating time lines is in the City's best interest and the Iron Horse bus driver housing is scheduled to be completed in May 2014.

Mr. Weidenhamer stated that expanding the Library function is related to moving the Co-op which is located on the second floor. Staff is recommending moving it to the third floor so the third floor space needs to be completed first. This allows for a temporary Senior Center which can be shared.

Option 3, estimated at about $600,000, is the lowest impact alternative which involves only remodeling the third floor to make it available for seniors. Staff is recommending a new roof, HVAC and replacing the carpeting. Option 2 allows the Library to expand its space and take over the second floor but doesn't include efficiencies in programming and/or an enhanced level of service. He stated that staff is recommending Option 1 to completely renovate the entire building which is estimated at $2 million and includes about $500,000 for a geo-thermal system. Peer city construction comparisons are included in the staff report and many communities are investing heavily at $300 to $400 per square foot while CRSA has estimated $100 per square foot for this project.

He asked members if they are comfortable renovating all three floors, including two floors dedicated to the Library and the third floor for a temporary Senior Center. A broad stakeholder process will be conducted but it needs to begin now. He felt that oversight of the housing project and Senior Community Center will require hiring a project manager.

Liza Simpson pointed out the eating area contemplated for the Library and felt that the commercial kitchen space on the third floor could be shared. Cindy Matsumoto interjected that using the third floor may be out of the way. Linda Tillson explained that the designated area is not a café but an area for vending machines available to people who want to work in the technical area. Ms. Simpson asked about the space designated as museum storage and Ms. Tillson explained that the architect specified the current uses on the plans. It will probably remain a storage area for City use. Wally

Cooper stated that the Library lacks adequate storage and this is a place that can be used by the Library once the Museum's storage is relocated.

Andy Beerman felt that the timeline for transit housing should be sooner and understood that the expansion was stubbed out and prepared. Dave Gustafsen noted that everything has been stubbed out, but the project is still being designed by the architect and the completion date is estimated to November 2013. Mr. Beerman asked about hiring a project manager and Mr. Weidenhamer explained that the strategy has not been worked out but staff will return in December with more details. Diane Foster asked members if there is interest in staff exploring hiring a project manager. Mr. Weidenhamer stated that the Library project can be managed with City staff. Cindy Matsumoto asked if that person should be brought in early in the process. Jon Weidenhamer felt that if a project manager is hired earlier, it would be high level and limited input on the front end. Ms. Foster emphasized that this plan involves a number of projects and adding expertise is advised to take advantage of efficiencies of scale with construction.

Cindy Matsumoto felt community outreach is a good idea to ensure that the third floor meets the needs of a variety of non-profits. Alex Butwinski expressed concerns about providing adequate parking. Jon Weidenhamer commented on the potential for underground parking. Liza Simpson agreed with Ms. Matsumoto's comments regarding stakeholder input on the third floor, but felt that the whole project needs to be discussed by the community.

Ms. Matsumoto stated that she has witnessed people parking in the Library parking lot and walking to PCMR and it appears they are resort workers. Eliminating resort parking at the Library would free up a lot of parking and underground parking may not be needed.

Dick Peek agreed with Council members' comments. He stated that the peer construction costs should distinguish between remodels and additions. Wally Cooper explained that the number basically represents an interior remodel like carpet, paint, ceiling grid, lighting, etc. Mr. Peek pointed out that Aspen's and Jackson's projects are additions and Steamboat's number includes land.

The Mayor thanked architect Wally Cooper and Jon Weidenhamer for a good report. Wally Cooper added that the Library and Education Center is a solid building and the Library can be very successful in that space. Mayor Williams agreed that the stakeholder meeting is probably a major element and he invited public input.

Linda Perkins, Park City Co-op, thanked Council and staff for their respectful approach and stated that the school will be cooperative in this effort. Ms. Simpson thanked her for her patience but felt that it is worthwhile taking the extra time.

Diane Foster summarized that staff will move forward on the design of the renovation and will return in December with a discussion of the project management piece.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 8, 2012

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 8, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Sayre Brennan, Engineering Project Manager; Max Paap, Special Events Coordinator; Dave Gustafson, Project Manager; Nate Rockwood, Capital Budget, Debt & Grants Manager

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV MINUTES OF MEETING OF OCTOBER 25, 2012

Liza Simpson, "I move we approve the Minutes from October 25th". Alex Butwinski seconded. Motion unanimously carried.

V NEW BUSINESS

1. Consideration of a Service Provider/Professional Services Agreement with Alliance Engineering for construction engineering management and post construction services related to the 2013 reconstruction of 10th and 11th Streets in the amount of $56,885. Sayre Brennan explained that this will be funded out of OTIS Phase 2 Capital Improvement Projects and will cover road and drainage design, utilities coordination, public involvement and construction management. Alex Butwinski criticized the comment *enhancing the natural environment* in the matrix in the staff report, describing it as a stretch. Mr. Brennan responded that currently there aren't storm water facilities and his thought was funneling storm water run-off into the system improves the current situation of run-off onto properties. In response to a comment from Cindy Matsumoto about neighborhood outreach, Mr. Brennan responded that residents within 300 feet will be notified. Dick Peek stated that he worked on the houses at 10th and Woodside and witnessed severe run-off on a few occasions and it will be good to get the water into a storm drain system. Mr. Butwinski asked about the scope of project management and Mr. Brennan explained that Alliance will have its own inspector on site. The Mayor invited public input; there was none. Andy Beerman, "I move to authorize the interim City Manager to sign the Service Provider/Professional Services Agreement with Alliance Engineering for design, construction engineering management and post-

construction services related to the 2013 reconstruction of 10^{th} and 11^{th} Streets in the amount of $56,885". Liza Simpson seconded. Motion unanimously carried.

2. Consideration of a Master Festival License for Skull Candy's request to use City property on November 15, 2012. Special Events Coordinator Max Paap introduced the applicant Evan Miller from Skull Candy. Mr. Paap explained that this event is a international sales meeting being hosted at The Canyons. It was desired to bring the global sales team into historic Old Town on November 15, 2012. They have an activation trailer that they would like to set up in the Brew Pub parking lot for a few hours on the night of the 15^{th}. Councilman Beerman asked about amplified sound; Mr. Miller explained that the vehicle does have expandable abilities to include sound although they did not apply for an amplified noise permit. Councilman Butwinski had a few questions regarding the trailer, it's size, the eight parking spaces it will take up and pedestrian access. Mr. Paap explained that the footprint of the trailer is 30'x40', pedestrains wll not have problems accessing the trailer.

Additionaly Mr. Butwinski wanted clarification of an additional bond provided by an applicant when city property was invlolved. Mr Glidden, Business Development Manager for Park City stated that he had just completed research on this topic. The City can require a bond deposit for events to cover city services that could include although not limited to trash clean-up, street sweeping, barricades, crowd control and possibly the need for police officers. Mr. Glidden felt that the bond deposit if required for this event would be approximately $2000. Mr. Glidden further stated that if the City services were not utilized the bond would be returned to the applicant. Councilwoman Simpson felt that this topic required a full discussion at some point in the future. Ms. Simpson noted she was not worried about this event. She stated she did not think there was a need for the bond for this event due to the following: the event involoves 125 people, it's scheduled for off season, it's a free parking night and Public Works is emptying the trash. Mr. Butwinski also felt the need for a policy discussion. Mayor Williams asked if there were other thoughts from Council. Mr. Beerman stated he liked the idea although wanted to know if it was too late to implement the bond. Mr. Glidden stated that if Council directed them they were ready to implement the bond. He also stated that he's in favor of coming back to Council to discuss further. Councilwomen Matsumoto mentioned she also agreed with Ms. Simpson that a discussion at a later date should take place. Mayor Williams indicated that it appeared as though Councilman Beerman was still on the fence about requesting the bond; Councilman Beerman stated that this was correct. Mayor Willliams opened the public hearing and with no comments from the public he requested a motion.

Liza Simpson, "I move we approve a Master Festival License for Skull Candy's request to use City property on November 15^{th}". Dick Peek seconded. Motion unanimously carried.

3. Consideration of the 2013 Sundance Film Festival Supplemental Plan. Project Manager Dave Gustafson greeted Council and introduced the Sundance Film Festival Supplemental Plan for 2013. Sundance Film Festival is requesting the City to allow

them to move their day one opening to the MARC which will require access to the MARC one day earlier than last year. This means there will be two screenings on Thursday, opening night. The last two years they have had the premiere at the Santy. Because of the MARC's fabulous theater Sundance would like to hold this years opening night at the MARC, which adds another day to the contract and to have two screenings on Thursday.

Councilwoman Matsumoto mentioned that last year during the Film Festival's Supplemental Plan discussion it was decided to try that year to hold a second screening at 8:30 pm and evaluate feedback from all parties; she asked if the debrief had taken place. Jonathan Weidenhamer Economic Development Director, responded to Councilwoman Matsumoto that the debrief had taken place in April, 2012 with the result being positive.

Mayor Williams asked Council if they had any further questions. Councilman Butwinski had a few questions regarding the verbiage on the parking agreement for the Santy Auditorium and the parking on Park Avenue. Mr. Gustafson stated that the Santy Auditorium parking would be manned by AMPCO to keep skiing guests from parking in the Santy lot and walking up to Park City Mountain Resort and also to keep festival goers from parking in the Santy lot. In regard to the parking management of Park Avenue Dave Gustafson clarified that between Heber Ave. and 9th Street they have made both sides of the street 15 minute drop and loads. Mr. Gustafson continued that the west side of Park Avenue from 9th Street to 15th Street would be restricted to facilitate the City busses.

Mr. Butwinski also had a question regarding outside working hours during the festival. Mr. Gustafson clarified that work can go on until 10pm and that it was in line with the city code. Councilman Beerman wanted to know if this approved the same plan for removal of parking and barricades and pedstrains down Main Street.

Mayor Willliams opened the public hearing and with no comments from the public he requested a motion. Liza Simpson, "<u>I move we approve the 2013 Sundance Film Festival Supplemental Plan".</u> Alex Butwinski seconded. <u>Motion unanimously carried.</u>

4. <u>Consideration of a Resolution authorizing the issuance and sale of up to $9,100,000 aggregate principal amount of water revenue and refunding bonds of the City; and providing for related matters</u>. Nate Rockwood, Capital Budget, Debt & Grants Manager gave Council a brief review of the background for this resolution. During the FY 2013 Budget process, City Council approved the Capital Improvement Plan (CIP) for FY 2013. The CIP included budgeted water revenue bond funding for the following FY2013 projects: Judge Water Treatment Plant Improvements; Water Department Deficiency Correction Projects; Old Town Infrastructure Study (OTIS) Water Pipeline Replacement Projects; Deer Valley Drive - Water Infrastructure; Raw Water Pipeline and Storage; and other water infrastructure improvement projects. The amount needed in this current fiscal year in bond revenue is $4.6M. This amount was anticipated in the budget.

Mr. Rockwood went on to state that the 2006 Water (CIP) Bonds were up for refunding; this resolution authorizes the refund of the remaining balance of those bonds in January of the next calendar year. The amount of the refunding is minimal, $300,000 although it is a savings and is a significant savings over the 3.5% that the City originally issued the bonds for. The bonds will be used for a range of projects listed in the staff report.

Mayor Williams asked Council if they had any questions. Ms. Simpson asked a question regarding bonds being sold at a competitive sale. Mr. Rockwood explained that typically with the water bonds the City has done negotiated sales. For the last water bond the City went outside the box and pursued a competitive sale. Because this worked out extremely well for the City, Staff wanted to continue with this. Mayor Williams wanted to know if the benefit was a lower rate when pursuing the competitive sale. Mr. Rockwood explained that the higher the rating and the more standard the bond offering, the competitive sales will could result in a better rate. Mayor Williams had questions regarding the city's rating. Mr. Rockwood stated that the City's water bonds rating was AA. Mayor Willliams opened the public hearing and with no comments from the public he requested a motion.

Andy Beerman, "<u>I move we authorize the issuance and sale of up to $9,100,000 aggregate principal amount of water revenue and refunding bonds of the City; and providing for related matters"</u>. Alex Butwinski seconded. <u>Motion unanimously carried.</u>

VI 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 3:15 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, Interim City Manager; Thomas Eddington, Plannng Manager; Bret Howser, Budet Manager; Tom Daley, Deputy City Attorney, Phyllis Robinson, Communications and Public Affairs Manager; Brooke Moss, Human Resources Manager; and Mark Harrington, City Attorney. Liza Simpson, "<u>I move to close the meeting to discuss property and litigation</u>". Andy Beerman seconded. <u>Motion carried unanimously</u>. The meeting opened at approximately 4:40 p.m. Liza Simpson, "<u>I move to open the meeting</u>". Andy Beerman seconded. <u>Motion unanimously carried</u>.

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

Prepared by Janet M. Scott, City Recorder and Jody L. Morrison Assistant City Recorder

City Council
Staff Report

PARK CITY 1884

FINANCE DEPARTMENT

Subject:	**FY 2012 Audit Report**
Authors:	**Lori W. Collett, Finance Manager**
Date:	**November 29, 2012**
Type of Item:	**Administrative**

Summary Recommendations:
City Council should review the Comprehensive Annual Financial Report (CAFR) and formally accept the Audit for the Fiscal Year Ended June 30, 2012.

Please note: Due to the very large size of the CAFR, a hard copy of the report will be placed in Council's mailboxes at City Hall. Members of the public should contact the Finance Department for a copy. Once the audit has been accepted by Council, the CAFR will be available online at www.parkcity.org.

Description:
A. Topic: Audit report for the Fiscal Year Ended June 30, 2012.

B. Background: City of Park City Comprehensive Annual Financial Report (CAFR) and Independent Auditor's Report

State law requires Park City to follow the Uniform Fiscal Procedures Act for Utah Cities, UCA § 10-6-101 et seq., which requires an independent audit of the City's finances annually. These are performed by certified public accountants (Piercy, Bowler, Taylor & Kern). The Council must accept the audit within 180 days of the end of the fiscal year. After acceptance, a copy is filed with the State Auditor and filed with the City Recorder as a public document.

The CAFR includes all funds of the City of Park City (City) and is presented in four sections: Introductory, Financial, Statistical, and Single Audit, Internal Control and Compliance Reports.

The Introductory Section contains a letter of transmittal, a directory of principal officials and an organizational chart of the City. The Financial Section contains management's discussion and analysis (MD&A), the basic financial statements, notes to the financial statements, individual fund statements for which data are not provided separately within the basic financial statements, as well as the independent auditor's report on these financial statements and schedules. The Statistical Section includes selected financial and demographic information, generally presented on a multi-year basis. The Single Audit, Internal Control and Compliance Reports include the independent auditors' reports on internal control and compliance as required by *Government Auditing Standards*, Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and state compliance as required by the *State of Utah Legal Compliance Audit Guide*.

The CAFR is the major document used to communicate the City's financial condition. It is distributed to various bond-rating agencies, investors in City debt and the State Auditor for use in evaluating City finances. The first two basic financial statements, the Statement of Net Assets (Page 23-24) and the Statement of Activities (Page 25-26), now present information on a government-wide, full-accrual accounting basis which reflect the overall financial position of the City and its various funds, not just the amounts available for budgetary purposes. Fiscal operations in the government-wide statements are organized into two major activities: governmental and business-type.

Fund information is also presented for major funds individually and nonmajor funds combined in a single column in the basic financial statement (Pages 29 through 41). Because the focus is so different between fund statements and government-wide statements, a reconciliation between the two types of statements is necessary to understand how the numbers differ. Such reconciliations are provided on pages 30 and 32. Comparisons of "budget-to-actual" results for the General Fund are presented on Page 33.

Staff suggests attention be focused on the MD&A (Pages 4 through 21) and the notes to the basic financial statements (Pages 43 through 77). The notes to the basic financial statements in the Financial Section provide required detailed disclosures and a description of the financial statements.

The Statement of Net Assets (Page 23-24) may serve as a useful indicator of a government's financial position. The City had positive net assets of $260.0 million at fiscal year end. The largest portion of the net assets, $192.0 million, represents the investment in capital assets. Restricted net assets of $5.9 million are resources that are subject to external restrictions on how they may be used. The remaining $62.1 million in net assets are unrestricted and may be used to meet the City's ongoing obligations. Again, this is an overall financial position indicator and is not the amount of current resources available for budgetary purposes.

Looking at results on a fund basis (Page 29), the City's governmental funds reported combined ending fund balance of $38.7 million, a decrease of $6.1 million compared to the beginning of year fund balance amount, due to capital project expenditures.

Utah State code establishes a 5.0 percent minimum ($1,302,580) and an 18.0 percent maximum ($4,689,288) limit to the amount that may be accumulated as the fund balance in the General Fund. As of June 30, 2012 the unassigned fund balance of the General Fund was $4,011,625 and was $677,663 below the 18.0 percent limit. This is consistent with City policies that establish the 18.0 percent as the target for year-end fund balance in the general fund.

General Obligation Bonds - Audit of Bond Expenditures

Resolution No.16-98, *Resolution to Appoint a Citizens Committee to Advise the City Council on Community Priorities for Open Space Acquisition, Methods to Permanently Preserve Open Space, and to Account for Expenditure of Open Space Bond Proceeds should Voters Approve a General Obligation Bond to Preserve Open Space*, requires the City to annually audit bond expenditures and report the results of such audit to the public.

Single Audit Report
As a recipient of Federal and State funds, the City it responsible for ensuring that an adequate internal control structure is in place in order to maintain compliance with applicable laws and regulations related to the purpose of the funds.

As a part of the City's single audit, tests were made to determine the adequacy of the internal control structure, including that portion of the structure related to Federal financial assistance programs, as well as to determine that the City complied with all applicable laws and regulations. The results of the City's single audit for fiscal year 2011-12 indicated no instances of material weaknesses in the internal control structure or violation of applicable laws and regulations.

Comments from the City's Audit Firm of Piercy, Bowler, Taylor & Kern
The auditors identified no major improvement areas or areas involving material weakness in the operations or internal control structure of the City.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?				+ Fiscally and legally sound
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*				Very Positive ↑

Comments:
State law requires Park City to follow the Uniform Fiscal Procedures Act for Utah Cities, UCA § 10-6-101 et seq., which requires an independent audit of the City's finances annually.

Consequences of Not Taking Recommended Action: The audit must be approved and accepted by Council by December 31, 2012. Failure to approve the audit would make Park City Municipal non-compliant under Utah State Law. In addition, if Council does not accept the audit or delays action, this may impact the upcoming issuance of the Water Revenue and Refunding Bonds in early December. Staff needs to release the

CAFR to bond rating agencies and cannot do so without Council first accepting the audit.

Summary Recommendations:
City Council should review the Comprehensive Annual Financial Report (CAFR) and formally accept the Audit for the Fiscal Year Ended June 30, 2012.

City Council Staff Report

Subject: Resort Communities Sales and Use Tax Ordinance
Authors: Nate Rockwood
Department: Budget, Debt, & Grants
Date: November 29, 2012
Type of Item: Legislative

Summary Recommendations:
Staff recommends City Council pass an ordinance adopting an additional .5% Resort Communities Sales and Use Tax to be levied beginning April 1, 2013.

Topic/Description:
Resort Communities Sales and Use Tax Ordinance

Background:
On May 17th and 24th staff presented City Council with the Capital Improvement Plan (CIP) as part of the City Manager's Recommended Budget. The proposed plan did not include funding for several large projects including the remaining OTIS projects, Historic District/Main Street Improvement projects, storm drain improvements and additional open space acquisition. At that time City Council expressed interest in pursuing an additional .5% Resort Communities Sales Tax. On May 24th, June 7th and June 14th Council directed staff to prepare additional project and revenue modeling showing the potential programing of Resort Communities Sales Tax funds.

On May 24th staff outlined the process and timeline involved in adjusting the Resort Communities Sales Tax. Because the Resort Communities Sales Tax required voter approval and a waiting period, the earliest that the tax could be applied would be April 2013, which would only allow for three months of collections in FY 2013 and would be after the large collection months in the winter. Therefore the Resort Communities Sales Tax revenue and potential project plan was not included in the FY2013 Adopted Budget but was included in the FY 2014 Budget Plan and 5 year Capital Improvement Plan. It was also noted that because the funding scenario began in FY 2014, City Council would have the FY 2014 budget process to make adjustment and modifications before any project funding was implemented.

Staff recommended that all revenue generated with the additional .5% Resort Communities Sales Tax be received directly in to the Capital Improvement Fund (Fund 31) to be used for but not limited to the following capital projects, Historic Park City/ Main Street & Downtown Projects, OTIS, Storm Drain Improvements, Open Space Acquisition and other capital improvement projects as determined appropriate by City Council. It is staff's recommendation that this will allow all funds to be programed towards capital improvement projects and will allow City Council the flexibility to determine, on a yearly basis, the most appropriate use of the additional funds.

Analysis:

Resort Communities Tax

Some resort cities and towns are eligible to charge an additional general sales tax known as the Resort Communities Tax. This tax was first approved by the Legislature in 1988. It provided for an optional 1% tax in any city or town with a transient room capacity equal to or greater than its census population. In 1997, the eligibility requirements were adjusted, and the available tax was increased. Currently, any city or town with a transient room capacity that is equal to or greater than 66% of its census population may charge an additional 1.6% Resort Communities Sales Tax.

The rationale behind the tax is to allow those cities and towns with higher than normal tourist populations to recoup some of the expense of providing basic municipal services to out-of-state visitors. Sales on items such as automobiles, watercraft and manufactured homes are exempt under the assumption that most purchases of this type are made by citizens of the municipality. Like the Local Option Sales Tax, the Resort Communities Sales Tax is not charged on the sale of unprepared food or food ingredients.

On November 6, 2012 Park City voters approved a ballot question:

> Shall Park City, Utah be authorized to levy an Additional Resort Communities Sales and Use Tax in the amount of .5% (one-half of a percent) for the primary purpose of funding capital improvement projects and open space acquisition?

The question passed 58.45% (for) 41.55% (against).

The following details the timeline required for initiating the Additional Resort Communities Sales Tax:

1. (June) City Council must first pass a resolution approving the tax
2. (November) The Municipality must then hold an “additional resort communities sales tax election” during:
   (i) a regular general election; or
   (ii) a municipal general election; and publish notice of the election:
      (i) 15 days or more before the day on which the election is held; and
      (ii) in a newspaper of general circulation in the municipality
3. (November) With voter approval Council shall pass an ordinance approving an additional resort communities sales tax and provide an effective date for the tax
4. (January 1st) The City must notify the Utah State Tax Commission of the ordinance approving the tax
5. The Tax Commission must then allow a 90 day contest period before enacting the tax on the next available tax quarter.
6. (April 1st) Tax levy is applied to all qualifying sales

Passing an ordinance adopting the tax is the next step in increasing the Resort Communities Sales Tax. Once an ordinance is adopted staff will inform the State Tax

Commission of City Council's intent to levy the tax starting April 1st. This will allow the Tax Commission to begin the 90 day contest period before enacting the tax during the next available tax quarter (April 1, 2013).

As part of the implementation process, the State Tax Commission will issue a tax bulletin to all Park City business regarding the application of the tax. This bulletin is anticipated to be sent out in mid-January. The City has received several questions from the business community about the application of the tax. The City is currently compiling a fact sheet which will be made available to Park City business in advance of the tax bulletin.

Council has requested a work session to follow up on the May 24th, June 7th and June 14th Council discussions of possible capital project and open space expenditures. Staff is planning an initial follow-up presentation to Council in work session in mid-December 2012.

Department Review:
This report has been reviewed by the Budget, Legal, and City Manager departments.

Alternatives:

A. Approve:
Pass an ordinance adopting an additional .5% Resort Communities Sales and Use Tax to be instated beginning April 1, 2013.

B. Deny:
Passing an ordinance adopting the tax is the next step in increasing the Resort Communities Sales Tax. Without an ordinance the Tax Commission will not begin the 90 day contest period which would ultimately delay the implementation of the tax and possibly delay the start date of the identified capital projects.

C. Modify:
Council may modify the language of the ordinance.

D. Continue the Item:
This would have the same effect as alternative B.

E. Do Nothing
This would have the same effect as alternative B.

Significant Impacts:
Passing an ordinance adopting the tax is the next step in increasing the Resort Communities Sales Tax. The tax was identified by City Council in the 5-year Capital Improvement Plan as funding the following capital projects: Historic Park City/ Main Street & Downtown Projects, OTIS, Storm Drain Improvements, Open Space Acquisitions and other capital improvement projects as determined appropriate by City Council. Without this funding source it is unlikely that Council would be able to move forward with the majority of these projects.

Recommendation:

Staff recommends City Council pass an ordinance adopting an additional .5% Resort Communities Sales and Use Tax to be instated beginning April 1, 2013.

Attachments:

A – Ordinance adopting a .5% Additional Resort Communities Sales Tax
B- Resolution 20-12

Ordinance No. 12-

AN ORDINANCE INCREASING THE RESORT COMMUNITY SALES AND USE TAX WITHIN THE CITY OF PARK CITY, UT, FROM ONE AND ONE-TENTH OF ONE PERCENT (1.1%) TO ONE AND SIX-TENTHS OF ONE PERCENT (1.6%).

WHEREAS, the City Council has the power to establish a sales tax on retail sales where the city has a transient room capacity greater than or equal to 66% pursuant to UCA Section 59-12-402; and

WHEREAS, Park City has a permanent census population of 7,558 and a transient room capacity of 27,178; and

WHEREAS, Park City enacted a resort community sales tax of 1% in 1986 and increased the tax to 1.1% in 2007; and

WHEREAS, the State of Utah enables cities to increase the resort community sales tax by an additional .5% pursuant to UCA Section 59-12-402, provided such increase is voter approved at the next regular or municipal general election; and

WHEREAS, Park City passed a resolution 20-12 on June 28, 2012, approving the tax; and

WHEREAS, pursuant to a full reprioritization of the 5 Year Capital Plan, the City Council intends to allocate all revenue generated with the additional .5% Resort Communities Sales Tax directly in to the Capital Improvement Fund (Fund 31) to be used for but not limited to the following capital projects: Historic Park City/ Main Street & Downtown Projects, OTIS, Storm Drain Improvements, Open Space Acquisitions and other capital improvement projects as determined appropriate by City Council; and

WHEREAS, on November 6, 2012, during the general election, Park City voters approved the ballot question: “Shall Park City, Utah be authorized to levy an Additional Resort Communities Sales and Use Tax in the amount of .5% (one-half of a percent) for the primary purpose of funding capital improvement projects and open space acquisition?”

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

<u>SECTION 1. REPEALER</u>: Ordinance No. 07-37 levying a one percent resort community sales tax hereby is repealed.

<u>SECTION 2. ESTABLISHMENT OF A 1.6% RESORT COMMUNITY SALES TAX:</u> In addition to any other tax authorized by the laws of the State of Utah and/or of this municipality, there hereby is established, approved, and levied a sales and use tax upon the retail sales, as defined and included in UCA Subsection 59-12-103(1) and as

restricted in UCA Subsection 59-12-401(1)(b), as amended, of one and six-tenths of one percent (1.6%).

SECTION 3. EFFECTIVE DATE**.** This Ordinance shall become effective on April 1, 2013.

PASSED AND ADOPTED this 29th day of November, 2012

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, City Attorney

Resolution No. 20-12

A RESOLUTION APPROVING AN ADDITIONAL RESORT COMMUNITIES SALES AND USE TAX IN PARK CITY UTAH AND AUTHORIZING STAFF TO PLACE THE MATTER FOR VOTER APPROVAL DURING THE NOVEMBER 2012 GENERAL ELECTION

WHEREAS, the City Council has the power to establish a sales tax on retail sales where the city has a transient room capacity greater than or equal to 66% pursuant to UCA Section 59-12-402; and

WHEREAS, Park City has a permanent census population of 7,558 and a transient room capacity of 27,178; and

WHEREAS, Park City enacted a resort community sales tax of 1% in 1986 and increased the tax to 1.1% in 2007; and

WHEREAS, the State of Utah enables cities to increase the resort community sales tax by an additional .5% pursuant to UCA Section 59-12-402, provided such increase is voter approved at the next regular or municipal general election; and

WHEREAS, pursuant to a full reprioritization of the 5 Year Capital Plan, the City Council intends to allocate all revenue generated with the additional .5% Resort Communities Sales Tax directly in to the Capital Improvement Fund (Fund 31) to be used for but not limited to the following capital projects: Historic Park City/ Main Street & Downtown Projects, OTIS, Storm Drain Improvements, Open Space Acquisitions and other capital improvement projects as determined appropriate by City Council.

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

<u>SECTION 1. APPROVAL.</u> In addition to any other tax authorized by the laws of the State of Utah and/or of this municipality, the City Council hereby approves an additional .5% resort communities sales and use tax on the transactions described in UCA Subsection 59-12-103(1) located within the municipality, as authorized by UCA Subsection 59-12-402(1) and as limited in UCA Subsection 59-12-402(2), for a total resort sales tax of one and sixth tenths percent (1.6%).

<u>SECTION 2. AUTHORITY TO PLACE VOTER QUESTION ON THE BALLOT.</u> City staff is hereby authorized to take all necessary steps to place the matter on the 2012 General Election ballot and publish voter information including pros and cons of the question.

<u>SECTION 3. EFFECTIVE DATE.</u> This Resolution shall become effective immediately.

PASSED AND ADOPTED this 28th day of June, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

City Council
Staff Report

Subject: Sale of 1450 & 1460 Park Avenue
Author: Bret Howser
Department: Executive
Date: November 29, 2012
Type of Item: Administrative

Summary Recommendations:
Staff recommends that Council approve the sale of 1450 & 1460 Park Avenue to Greenpark Cohousing, LLC, according to the terms outlined in the attached contract.

Topic/Description:
Sale of 1450 & 1460 Park Avenue

Background:
On April 26, 2012, Council formally directed staff to proceed with negotiations on a purchase agreement with Greenpark Cohousing for the sale of 1450 & 1460 Park Ave following a Request for Proposal (RFP) process in which Greenpark was the recommended bid. In the ensuing months, the City and Greenpark have negotiated the terms of the Real Estate Purchase Contract (REPC), and staff is now asking for Council's approve the sale of 1450 & 1460 Park Avenue to Greenpark Cohousing, LLC.

Analysis:
The following narrative outlines the primary deal points of the proposed sale:

Purchase Price: $400,000 (plus 80% of net profit from sale of units)
Earnest Money Down: $20,000 (plus $175/month until settlement)
Due Diligence Deadline: 5/15/2013
Settlement Deadline: 6/15/2013

Historic Preservation: Existing structures on the property will be preserved and restored in place without reconstructing. This will include repairs to historic fabric and contemporary elements removed and restored to period design in accordance with Greenpark's proposed development plan.

Affordable Housing: Greenpark will develop a ten-unit cohousing community with a minimum of six units being sold at or below affordable levels (80% of AMI). At least one unit will be sold at an attainable level (120% of AMI). Remaining units will be sold at market rates. Prospective buyers of affordable or attainable units must show through an income/asset test that they are eligible at stated income levels. Units are deed restricted at 3% annual appreciation.

Construction Financing: Greenpark will secure a private construction loan, and the RDA will act as guarantor on the loan. While this guarantee position does put the RDA at some financial risk, staff believes the potential community benefits from this project outweigh the risk. Furthermore, should Greenpark default on the construction loan, the RDA would have the option of paying off the loan, taking possession of the property, and completing the affordable housing project in-house.

Department Review:
Executive Department, Legal Department, Budget Department

Alternatives:

A. **Approve:**
Staff recommends that Council approve the sale of 1450 & 1460 Park Avenue to Greenpark Cohousing, LLC, according to the terms outlined in the attached contract.

B. **Deny:**
Should Council decide not to approve the attached REPC, Council should direct staff whether to pursue further negotiations with Greenpark or discontinue

C. **Modify:**
If Council wishes to modify the REPC, staff recommends that Council consider the matter in closed session in order to secure the best possible terms

D. **Continue the Item:**
A hearing has already been notices, so Council would have to continue to a date certain or re-notice a future hearing

E. **Do Nothing:**

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance betw een tourism and local quality of life + Safe community that is w alkable and bike-able		+ Residents live and w ork locally + Preserved and celebrated history; protected National Historic District + Physically and socially connected neighborhoods + Diverse population (racially, socially, economically, geographically, etc.)	
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive	Neutral	Very Positive	Neutral

Comments: This project is consistent with the Lower Park Avenue master plan and will provide unique and affordable housing in a location which will limit environmental and traffic impacts. Simultaneously, the historic structures on the property will be preserved. Staff feels that the project impacts are very positive overall.

Funding Source:
Funding for the original purchase of this property was made from the LPA RDA fund. Proceeds from the sales will be returned to the fund. In the unlikely event that the City should have to make payments on the construction loan as a guarantor, funding would come from property tax increment in the LPA RDA Fund.

Consequences of not taking the recommended action:
Should Council decide not to approve the attached REPC, Council should direct staff whether to pursue further negotiations with Greenpark or discontinue

Recommendation:
Staff recommends that Council approve the sale of 1450 & 1460 Park Avenue to Greenpark Cohousing, LLC, according to the terms outlined in the attached contract.

Attachments:
A – Proposed Real Estate Purchase Contract

REAL ESTATE PURCHASE CONTRACT

This is a legally binding Real Estate Purchase Contract ("REPC"). Utah law requires real estate licensees to use this form. Buyer and Seller, however, may agree to alter or delete its provisions or to use a different form. If you desire legal or tax advice, consult your attorney or tax advisor.

OFFER TO PURCHASE AND EARNEST MONEY DEPOSIT

On this _____ day of ____________, 20 12 ("Offer Reference Date") Greenpark Cohousing, LLC ("Buyer") offers to purchase from Park City Redevelopment Agency ("Seller") the Property described below and **[ ] delivers to the Buyer's Brokerage with this offer, or [✓] agrees to deliver no later than four (4) calendar days after Acceptance (as defined in Section 23),** Earnest Money in the amount of $ 20,000.00 in the form of______________________________. After Acceptance of the REPC by Buyer and Seller, and receipt of the Earnest Money by the Brokerage, the Brokerage shall have four (4) calendar days in which to deposit the Earnest Money into the Brokerage Real Estate Trust Account.

Buyer's Brokerage ______________________________ Phone:______________________

Received by: ______________________________ on ______________________________(Date)
(Signature above acknowledges receipt of Earnest Money)

OTHER PROVISIONS

1. PROPERTY: 1450/1460 Park Avenue

also described as: RPS-2 and RPS-1

City of Park City, County of Summit, State of Utah, Zip 84060 (the "Property"). Any reference below to the term "Property" shall include the Property described above, together with the Included Items and water rights/water shares, if any, referenced in Sections 1.1, 1.2 and 1.4.

1.1 Included Items. Unless excluded herein, this sale includes the following items if presently owned and in place on the Property: plumbing, heating, air conditioning fixtures and equipment; ovens, ranges and hoods; cook tops; dishwashers; ceiling fans; water heaters; light fixtures and bulbs; bathroom fixtures and bathroom mirrors; curtains, draperies, rods, window blinds and shutters; window and door screens; storm doors and windows; awnings; satellite dishes; affixed carpets; automatic garage door openers and accompanying transmitters; security system; fencing and any landscaping.

1.2 Other Included Items. The following items that are presently owned and in place on the Property have been left for the convenience of the parties and are also included in this sale **(check applicable box): [ ] washers [ ] dryers [ ] refrigerators [ ] water softeners [ ] microwave ovens [ ] other (specify)** NA

The above checked items shall be conveyed to Buyer under separate bill of sale with warranties as to title.

1.3 Excluded Items. The following items are excluded from this sale: NA

1.4 Water Service. The Purchase Price for the Property shall include all water rights/water shares, if any, that are the legal source for Seller's current culinary water service and irrigation water service, if any, to the Property. The water rights/water shares will be conveyed or otherwise transferred to Buyer at Closing by applicable deed or legal instruments. The following water rights/water shares, if applicable, are specifically excluded from this sale: those that run with property

2. PURCHASE PRICE. The Purchase Price for the Property is $ 400,000.00. Except as provided in this Section, the Purchase Price shall be paid as provided in Sections 2(a) through 2(d) below. Any amounts shown in 2(b) and 2(d) may be adjusted as deemed necessary by Buyer and the Lender.

$ 20,000.00	(a)	**Earnest Money Deposit.** Under certain conditions described in the REPC, this deposit may become totally non refundable.
$	(b)	**New Loan.** Buyer may apply for mortgage loan financing (the "Loan") on terms acceptable to Buyer: If an FHA/VA loan applies, see attached FHA/VA Loan Addendum.
$	(c)	**Seller Financing** (see attached Seller Financing Addendum)
$ 380,000.00	(d)	**Balance of Purchase Price in Cash at Settlement**
$ 400,000.00		**PURCHASE PRICE. Total of lines (a) through (d)**

3. **SETTLEMENT AND CLOSING.**

3.1 Settlement. Settlement shall take place no later than the Settlement Deadline referenced in Section 24(d), or as otherwise mutually agreed by Buyer and Seller in writing. "Settlement" shall occur only when all of the following have been completed: (a) Buyer and Seller have signed and delivered to each other or to the escrow/closing office all documents required by the REPC, by the Lender, by the title insurance and escrow/closing offices, by written escrow instructions (including any split closing instructions, if applicable), or by applicable law; (b) any monies required to be paid by Buyer or Seller under these documents (except for the proceeds of any new loan) have been delivered by Buyer or Seller to the other party, or to the escrow/closing office, in the form of cash, wire transfer, cashier's check, or other form acceptable to the escrow/closing office.

3.2 Prorations. All prorations, including, but not limited to, homeowner's association dues, property taxes for the current year, rents, and interest on assumed obligations, if any, shall be made as of the Settlement Deadline referenced in Section 24(d), unless otherwise agreed to in writing by the parties. Such writing could include the settlement statement. The provisions of this Section 3.2 shall survive Closing.

3.3 Special Assessments. Any assessments for capital improvements as approved by the HOA (pursuant to HOA governing documents) or as assessed by a municipality or special improvement district, prior to the Settlement Deadline shall be paid for by: **[ ] Seller [ ] Buyer [ ] Split Equally Between Buyer and Seller [ ] Other (explain)** ____________ NA ____. The provisions of this Section 3.3 shall survive Closing.

3.4 Fees/Costs/Payment Obligations. Unless otherwise agreed to in writing, Seller and Buyer shall each pay one-half (1/2) of the fee charged by the escrow/closing office for its services in the settlement/closing process. Tenant deposits (including, but not limited to, security deposits, cleaning deposits and prepaid rents) shall be paid or credited by Seller to Buyer at Settlement. Buyer agrees to be responsible for homeowners' association and private and public utility service transfer fees, if any, and all utilities and other services provided to the Property after the Settlement Deadline. The escrow/closing office is authorized and directed to withhold from Seller's proceeds at Closing, sufficient funds to pay off on Seller's behalf all mortgages, trust deeds, judgments, mechanic's liens, tax liens and warrants. The provisions of this Section 3.4 shall survive Closing.

3.5 Closing. For purposes of the REPC, "Closing" means that: (a) Settlement has been completed; (b) the proceeds of any new loan have been delivered by the Lender to Seller or to the escrow/closing office; and (c) the applicable Closing documents have been recorded in the office of the county recorder. The actions described in 3.5 (b) and (c) shall be completed within four calendar days after Settlement.

4. **POSSESSION.** Seller shall deliver physical possession of the Property to Buyer as follows: **[ ] Upon Closing; [ ] ___Hours after Closing; [ ] ___ Calendar Days after Closing.** Any contracted rental of the Property prior to or after Closing, between Buyer and Seller, shall be by separate written agreement. Seller and Buyer shall each be responsible for any insurance coverage each party deems necessary for the Property including any personal property and belongings. Seller agrees to deliver the Property to Buyer in broom-clean condition and free of debris and personal belongings. Any Seller or tenant moving-related damage to the Property shall be repaired at Seller's expense. The provisions of this Section 4 shall survive Closing.

5. **CONFIRMATION OF AGENCY DISCLOSURE.** Buyer and Seller acknowledge prior written receipt of agency disclosure provided by their respective agent that has disclosed the agency relationships confirmed below. At the signing of the REPC:

Seller's Agent ________NA________, represents [ ] Seller [ ] both Buyer and Seller as a Limited Agent;

Seller's Brokerage________NA________, represents [ ] Seller [ ] both Buyer and Seller as a Limited Agent;

Buyer's Agent ________NA________, represents [ ] Buyer [ ] both Buyer and Seller as a Limited Agent;

Buyer's Brokerage________NA________, represents [ ] Buyer [ ] both Buyer and Seller as a Limited Agent.

6. **TITLE & TITLE INSURANCE.**

6.1 Title to Property. Seller represents that Seller has fee title to the Property and will convey marketable title to the Property to Buyer at Closing by general warranty deed. Buyer does agree to accept title to the Property subject to the contents of the Commitment for Title Insurance (the "Commitment") provided by Seller under Section 7, and as reviewed and approved by Buyer under Section 8. Buyer also agrees to accept title to the Property subject to any existing leases, rental and property management agreements affecting the Property not expiring prior to Closing which were provided to Buyer pursuant to Section 7(e). The provisions of this Section 6.1 shall survive Closing.

6.2 Title Insurance. At Settlement, Seller agrees to pay for and cause to be issued in favor of Buyer, through the title insurance agency that issued the Commitment (the "Issuing Agent"), the most current version of the *ALTA Homeowner's Policy of Title Insurance* (the "*Homeowner's Policy*"). If the *Homeowner's Policy* is not available through the Issuing Agent, Buyer and Seller further agree as follows: (a) Seller agrees to pay for the *Homeowner's Policy* if available through any other title insurance agency selected by Buyer; (b) if the *Homeowner's Policy* is not available either through the Issuing Agent or any other title insurance agency, then Seller agrees to pay for, and Buyer agrees to accept, the most current available version of an *ALTA Owner's Policy of Title Insurance ("Standard Coverage Owner's Policy")* available through the Issuing Agent.

7. SELLER DISCLOSURES. No later than the Seller Disclosure Deadline referenced in Section 24(a), Seller shall provide to Buyer the following documents in hard copy or electronic format which are collectively referred to as the "Seller Disclosures":

(a) a written Seller property condition disclosure for the Property, completed, signed and dated by Seller as provided in Section10.3;
(b) a Commitment for Title Insurance as referenced in Section 6;
(c) a copy of any restrictive covenants (CC&R's), rules and regulations affecting the Property;
(d) a copy of the most recent minutes, budget and financial statement for the homeowners' association, if any;
(e) a copy of any lease, rental, and property management agreements affecting the Property not expiring prior to Closing;
(f) evidence of any water rights and/or water shares referenced in Section 1.4;
(g) written notice of any claims and/or conditions known to Seller relating to environmental problems and building or zoning code violations; and
(h) Other (specify) Any other tests buyer deems necessary

8. BUYER'S CONDITIONS OF PURCHASE.

8.1 DUE DILIGENCE CONDITION. Buyer's obligation to purchase the Property: **[✓] IS [ ] IS NOT** conditioned upon Buyer's Due Diligence as defined in this Section 8.1(a) below. This condition is referred to as the "Due Diligence Condition." If checked in the affirmative, Sections 8.1(a) through 8.1(c) apply; otherwise they do not.

(a) Due Diligence Items. Buyer's Due Diligence shall consist of Buyer's review and approval of the contents of the Seller Disclosures referenced in Section 7, and any other tests, evaluations and verifications of the Property deemed necessary or appropriate by Buyer, such as: the physical condition of the Property; the existence of any hazardous substances, environmental issues or geologic conditions; the square footage or acreage of the land and/or improvements; the condition of the roof, walls, and foundation; the condition of the plumbing, electrical, mechanical, heating and air conditioning systems and fixtures; the condition of all appliances; the costs and availability of homeowners' insurance and flood insurance, if applicable; water source, availability and quality; the location of property lines; regulatory use restrictions or violations; fees for services such as HOA dues, municipal services, and utility costs; convicted sex offenders residing in proximity to the Property; and any other matters deemed material to Buyer in making a decision to purchase the Property. Unless otherwise provided in the REPC, all of Buyer's Due Diligence shall be paid for by Buyer and shall be conducted by individuals or entities of Buyer's choice. Seller agrees to cooperate with Buyer's Due Diligence. Buyer agrees to pay for any damage to the Property resulting from any such inspections or tests during the Due Diligence.

(b) Buyer's Right to Cancel or Resolve Objections. If Buyer determines, in Buyer's sole discretion, that the results of the Due Diligence are unacceptable, Buyer may either: (i) no later than the Due Diligence Deadline referenced in Section 24(b), cancel the REPC by providing written notice to Seller, whereupon the Earnest Money Deposit shall be released to Buyer without the requirement of further written authorization from Seller; or (ii) no later than the Due Diligence Deadline referenced in Section 24(b), resolve in writing with Seller any objections Buyer has arising from Buyer's Due Diligence.

(c) Failure to Cancel or Resolve Objections. If Buyer fails to cancel the REPC or fails to resolve in writing any objections Buyer has arising from Buyer's Due Diligence, as provided in Section 8.1(b), Buyer shall be deemed to have waived the Due Diligence Condition.

8.2 APPRAISAL CONDITION. Buyer's obligation to purchase the Property: **[ ] IS [✓] IS NOT** conditioned upon the Property appraising for not less than the Purchase Price. This condition is referred to as the "Appraisal Condition." If checked in the affirmative, Sections 8.2(a) and 8.2(b) apply; otherwise they do not.

(a) Buyer's Right to Cancel. If after completion of an appraisal by a licensed appraiser, Buyer receives written notice from the Lender or the appraiser that the Property has appraised for less than the Purchase Price (a "Notice of Appraised Value"), Buyer may cancel the REPC by providing written notice to Seller (with a copy of the Notice of Appraised Value) no later than the Financing & Appraisal Deadline referenced in Section 24(c); whereupon the Earnest Money Deposit shall be released to Buyer without the requirement of further written authorization from Seller.

(b) Failure to Cancel. If the REPC is not cancelled as provided in this section 8.2, Buyer shall be deemed to have waived the Appraisal Condition.

8.3 FINANCING CONDITION. Buyer's obligation to purchase the property: **[✓] IS [ ] IS NOT** conditioned upon Buyer obtaining the Loan referenced in Section 2(b). This condition is referred to as the "Financing Condition." If checked in the affirmative, Sections 8.3(a) and 8.3(b) apply; otherwise they do not. If the Financing Condition applies, Buyer agrees to work diligently and in good faith to obtain the Loan.

(a) Buyer's Right to Cancel Before the Financing & Appraisal Deadline. If Buyer, in Buyer's sole discretion, is not satisfied with the terms and conditions of the Loan, Buyer may cancel the REPC by providing written notice to Seller no later than the Financing & Appraisal Deadline referenced in Section 24(c); whereupon the Earnest Money Deposit shall be released to Buyer without the requirement of further written authorization from Seller.

(b) Buyer's Right to Cancel After the Financing & Appraisal Deadline. If after expiration of the Financing & Appraisal Deadline referenced in Section 24(c), Buyer fails to obtain the Loan, meaning that the proceeds of the Loan have not been delivered by the Lender to Seller or to the escrow/closing office as required under Section 3.5 of the REPC, then Buyer or Seller may cancel the REPC by providing written notice to the other party; whereupon the Earnest Money Deposit, or Deposits, if applicable (see Section 8.4 below), shall be released to Seller without the requirement of further written authorization from Buyer. In the event of such cancellation, Seller agrees to accept as Seller's exclusive remedy, the Earnest Money Deposit, or Deposits, if applicable, as liquidated damages. Buyer and Seller agree that liquidated damages would be difficult and impractical to calculate, and the Earnest Money Deposit, or Deposits, if applicable, is a fair and reasonable estimate of Seller's damages in the event Buyer fails to obtain the Loan.

8.4 ADDITIONAL EARNEST MONEY DEPOSIT. If the REPC has not been previously canceled by Buyer as provided in Sections 8.1, 8.2 or 8.3(a), then no later than the Due Diligence Deadline referenced in Section 24(b), or the Financing & Appraisal Deadline referenced in Section 24(c), whichever is later, Buyer: **[✓] WILL [ ] WILL NOT** deliver to the Buyer's Brokerage, an Additional Earnest Money Deposit in the amount of $________________. The Earnest Money Deposit and the Additional Earnest Money Deposit, if applicable, are sometimes referred to herein as the "Deposits". The Earnest Money Deposit, or Deposits, if applicable, shall be credited toward the Purchase Price at Closing.

9. ADDENDA. There **[✓] ARE [ ] ARE NOT** addenda to the REPC containing additional terms. If there are, the terms of the following addenda are incorporated into the REPC by this reference: **[ ] Addendum No.** ____________
[ ] Seller Financing Addendum [ ] FHA/VA Loan Addendum [ ] Lead-Based Paint Disclosure & Acknowledgement (in some transactions this disclosure is required by law) [ ] Other (specify) ________________________

10. HOME WARRANTY PLAN / AS-IS CONDITION OF PROPERTY.

10.1 Home Warranty Plan. A one-year Home Warranty Plan **[ ] WILL [✓] WILL NOT** be included in this transaction. If included, the Home Warranty Plan shall be ordered by **[ ] Buyer [ ] Seller** and shall be issued by a company selected by **[ ] Buyer [ ] Seller**. The cost of the Home Warranty Plan shall not exceed $________ and shall be paid for at Settlement by **[ ] Buyer [ ] Seller**.

10.2 Condition of Property/Buyer Acknowledgements. Buyer acknowledges and agrees that in reference to the physical condition of the Property: (a) Buyer is purchasing the Property in its "As-Is" condition without expressed or implied warranties of any kind; (b) Buyer shall have, during Buyer's Due Diligence as referenced in Section 8.1, an opportunity to completely inspect and evaluate the condition of the Property; and (c) if based on the Buyer's Due Diligence, Buyer elects to proceed with the purchase of the Property, Buyer is relying wholly on Buyer's own judgment and that of any contractors or inspectors engaged by Buyer to review, evaluate and inspect the Property.

10.3 Condition of Property/Seller Acknowledgements. Seller acknowledges and agrees that in reference to the physical condition of the Property, Seller agrees to: (a) disclose in writing to Buyer defects in the Property known to Seller that materially affect the value of the Property that cannot be discovered by a reasonable inspection by an ordinary prudent Buyer; (b) carefully review, complete, and provide to Buyer a written Seller property condition disclosure as stated in section 7(a); and (c) deliver the Property to Buyer in substantially the same general condition as it was on the date of Acceptance, as defined in Section 23, ordinary wear and tear excepted. The provisions of Sections 10.2 and 10.3 shall survive Closing.

11. FINAL PRE-SETTLEMENT WALK-THROUGH INSPECTION.

11.1 Walk-Through Inspection. No earlier than seven (7) calendar days prior to Settlement, and upon reasonable notice and at a reasonable time, Buyer may conduct a final pre-Settlement walk-through inspection of the Property to determine only that the Property is "as represented," meaning that the items referenced in Sections 1.1, 1.2 and 8.1(b)(ii) ("the items") are respectively present, repaired or corrected as agreed. The failure to conduct a walk-through inspection or to claim that an item is not as represented shall not constitute a waiver by Buyer of the right to receive, on the date of possession, the items as represented. If the items are not as represented, Seller agrees to cause all applicable items to be corrected, repaired or replaced (the "Work") prior to the Settlement Deadline referenced in Section 24(d).

11.2 Escrow to Complete the Work. If, as of Settlement, the Work has not been completed, then Buyer and Seller agree to withhold in escrow at Settlement a reasonable amount agreed to by Seller, Buyer (and Lender, if applicable), sufficient to pay for completion of the Work. If the Work is not completed within thirty (30) calendar days after the Settlement Deadline, the amount so escrowed may, subject to Lender's approval, be released to Buyer as liquidated damages for failure to complete the Work. The provisions of this Section 11.2 shall survive Closing.

12. CHANGES DURING TRANSACTION. Seller agrees that from the date of Acceptance until the date of Closing, none of the following shall occur without the prior written consent of Buyer: (a) no changes in any leases, rental or property management agreements shall be made; (b) no new lease, rental or property management agreements shall be entered into; (c) no substantial alterations or improvements to the Property shall be made or undertaken; (d) no further financial encumbrances to the Property shall be made, and (e) no changes in the legal title to the Property shall be made.

13. AUTHORITY OF SIGNERS. If Buyer or Seller is a corporation, partnership, trust, estate, limited liability company or other entity, the person signing the REPC on its behalf warrants his or her authority to do so and to bind Buyer and Seller.

14. COMPLETE CONTRACT. The REPC together with its addenda, any attached exhibits, and Seller Disclosures (collectively referred to as the "REPC"), constitutes the entire contract between the parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings or contracts between the parties whether verbal or otherwise. The REPC cannot be changed except by written agreement of the parties.

15. MEDIATION. Any dispute relating to the REPC arising prior to or after Closing: **[✓] SHALL [ ] MAY AT THE OPTION OF THE PARTIES** first be submitted to mediation. Mediation is a process in which the parties meet with an impartial person who helps to resolve the dispute informally and confidentially. Mediators cannot impose binding decisions. The parties to the dispute must agree before any settlement is binding. The parties will jointly appoint an acceptable mediator and share equally in the cost of such mediation. If mediation fails, the other procedures and remedies available under the REPC shall apply. Nothing in this Section 15 prohibits any party from seeking emergency legal or equitable relief, pending mediation. The provisions of this Section 15 shall survive Closing.

16. DEFAULT.

16.1 Buyer Default. If Buyer defaults, Seller may elect one of the following remedies: (a) cancel the REPC and retain the Earnest Money Deposit, or Deposits, if applicable, as liquidated damages; (b) maintain the Earnest Money Deposit, or Deposits, if applicable, in trust and sue Buyer to specifically enforce the REPC; or (c) return the Earnest Money Deposit, or Deposits, if applicable, to Buyer and pursue any other remedies available at law.

16.2 Seller Default. If Seller defaults, Buyer may elect one of the following remedies: (a) cancel the REPC, and in addition to the return of the Earnest Money Deposit, or Deposits, if applicable, Buyer may elect to accept from Seller, as liquidated damages, a sum equal to the Earnest Money Deposit, or Deposits, if applicable; or (b) maintain the Earnest Money Deposit, or Deposits, if applicable, in trust and sue Seller to specifically enforce the REPC; or (c) accept a return of the Earnest Money Deposit, or Deposits, if applicable, and pursue any other remedies available at law. If Buyer elects to accept liquidated damages, Seller agrees to pay the liquidated damages to Buyer upon demand.

17. ATTORNEY FEES AND COSTS/GOVERNING LAW. In the event of litigation or binding arbitration to enforce the REPC, the prevailing party shall be entitled to costs and reasonable attorney fees. However, attorney fees shall not be awarded for participation in mediation under Section 15. This contract shall be governed by and construed in accordance with the laws of the State of Utah. The provisions of this Section 17 shall survive Closing.

18. NOTICES. Except as provided in Section 23, all notices required under the REPC must be: (a) in writing; (b) signed by the Buyer or Seller giving notice; and (c) received by the Buyer or the Seller, or their respective agent, or by the brokerage firm representing the Buyer or Seller, no later than the applicable date referenced in the REPC.

19. NO ASSIGNMENT. The REPC and the rights and obligations of Buyer hereunder, are personal to Buyer. The REPC may not be assigned by Buyer without the prior written consent of Seller. Provided, however, the transfer of Buyer's interest in the REPC to any business entity in which Buyer holds a legal interest, including, but not limited to, a family partnership, family trust, limited liability company, partnership, or corporation (collectively referred to as a "Permissible Transfer"), shall not be treated as an assignment by Buyer that requires Seller's prior written consent. Furthermore, the inclusion of "and/or assigns" or similar language on the line identifying Buyer on the first page of the REPC shall constitute Seller's written consent only to a Permissible Transfer.

20. INSURANCE & RISK OF LOSS.

20.1 Insurance Coverage. As of Closing, Buyer shall be responsible to obtain casualty and liability insurance coverage on the Property in amounts acceptable to Buyer and Buyer's Lender, if applicable.

20.2 Risk of Loss. If prior to Closing, any part of the Property is damaged or destroyed by fire, vandalism, flood, earthquake, or act of God, the risk of such loss or damage shall be borne by Seller; provided however, that if the cost of repairing such loss or damage would exceed ten percent (10%) of the Purchase Price referenced in Section 2, either Seller or Buyer may elect to cancel the REPC by providing written notice to the other party, in which instance the Earnest Money Deposit, or Deposits, if applicable, shall be returned to Buyer.

21. TIME IS OF THE ESSENCE. Time is of the essence regarding the dates set forth in the REPC. Extensions must be agreed to in writing by all parties. Unless otherwise explicitly stated in the REPC: (a) performance under each Section of the REPC which references a date shall absolutely be required by 5:00 PM Mountain Time on the stated date; and (b) the term "days" and "calendar days" shall mean calendar days and shall be counted beginning on the day following the event which triggers the timing requirement (e.g. Acceptance). Performance dates and times referenced herein shall not be binding upon title companies, lenders, appraisers and others not parties to the REPC, except as otherwise agreed to in writing by such non-party.

22. ELECTRONIC TRANSMISSION AND COUNTERPARTS. Electronic transmission (including email and fax) of a signed copy of the REPC, any addenda and counteroffers, and the retransmission of any signed electronic transmission shall be the same as delivery of an original. The REPC and any addenda and counteroffers may be executed in counterparts.

23. ACCEPTANCE. "Acceptance" occurs **only** when **all** of the following have occurred: (a) Seller or Buyer has signed the offer or counteroffer where noted to indicate acceptance; and (b) Seller or Buyer or their agent has communicated to the other party or to the other party's agent that the offer or counteroffer has been signed as required.

24. CONTRACT DEADLINES. Buyer and Seller agree that the following deadlines shall apply to the REPC:

(a) Seller Disclosure Deadline	within 30 days of REPC execution	(Date)
(b) Due Diligence Deadline	5/15/2013	(Date)
(c) Financing & Appraisal Deadline	5/15/2013	(Date)
(d) Settlement Deadline	9/1/2014	(Date)

25. OFFER AND TIME FOR ACCEPTANCE. Buyer offers to purchase the Property on the above terms and conditions. If Seller does not accept this offer by: __________ **[ ] AM [ ] PM** Mountain Time on__________ (Date), this offer shall lapse; and the Brokerage shall return any Earnest Money Deposit to Buyer.

Darrell M. Finnegan Jr 10-3-2012
(Buyer's Signature) (Offer Date) (Buyer's Signature) (Offer Date)

(Buyer's Names) **(PLEASE PRINT)** (Notice Address) (Zip Code) (Phone)

(Buyer's Names) **(PLEASE PRINT)** (Notice Address) (Zip Code) (Phone)

ACCEPTANCE/COUNTEROFFER/REJECTION

CHECK ONE:

[ ] **ACCEPTANCE OF OFFER TO PURCHASE:** Seller Accepts the foregoing offer on the terms and conditions specified above.

[X] **COUNTEROFFER:** Seller presents for Buyer's Acceptance the terms of Buyer's offer subject to the exceptions or modifications as specified in the attached ADDENDUM NO. 2.

[ ] **REJECTION:** Seller rejects the foregoing offer.

Dana Williams 10/18/12 3:17pm
(Seller's Signature) (Date) (Time) (Seller's Signature) (Date)(Time)

DANA Williams 445 MARSAC AVE 84060 435-615-5010
(Seller's Names) **(PLEASE PRINT)** (Notice Address) (Zip Code) (Phone)

(Seller's Names) **(PLEASE PRINT)** (Notice Address) (Zip Code) (Phone)

THIS FORM APPROVED BY THE UTAH REAL ESTATE COMMISSION AND THE OFFICE OF THE UTAH ATTORNEY GENERAL, EFFECTIVE AUGUST 27, 2008. AS OF JANUARY 1, 2009, IT WILL REPLACE AND SUPERSEDE THE PREVIOUSLY APPROVED VERSION OF THIS FORM.

ADDENDUM NO. 1
TO
REAL ESTATE PURCHASE CONTRACT

THIS IS AN [X] ADDENDUM [ ] COUNTEROFFER to that REAL ESTATE PURCHASE CONTRACT (the "REPC") with an Offer Reference Date of ______________________________, including all prior addenda and counteroffers, between Greenpark Cohousing, LLC as Buyer, and Park City Redevelopment Agency as Seller, regarding the Property located at 1450/1460 Park Avenue. The following terms are hereby incorporated as part of the REPC:

All addendum items are articulated on the attached "Exhibit A" and are hereby incorporated into this REPC.

BUYER AND SELLER AGREE THAT THE CONTRACT DEADLINES REFERENCED IN SECTION 24 OF THE REPC (CHECK APPLICABLE BOX): [ ] REMAIN UNCHANGED [ ] ARE CHANGED AS FOLLOWS:______________________________

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the REPC, including all prior addenda and counteroffers, these terms shall control. All other terms of the REPC, including all prior addenda and counteroffers, not modified by this ADDENDUM shall remain the same. **[ ] Seller [ ] Buyer** shall have until ________ **[ ] AM [ ] PM** Mountain Time on__________________________(Date), to accept the terms of this ADDENDUM in accordance with the provisions of Section 23 of the REPC. Unless so accepted, the offer as set forth in this ADDENDUM shall lapse.

Darrell M. Finlayson Jr. 10-3-2012
[✓] Buyer [ ] Seller Signature (Date) (Time)

[ ] Buyer [ ] Seller Signature (Date) (Time)

ACCEPTANCE/COUNTEROFFER/REJECTION

CHECK ONE:

[ ] **ACCEPTANCE: [ ] Seller [ ] Buyer** hereby accepts the terms of this ADDENDUM.

[X] **COUNTEROFFER: [X] Seller [ ] Buyer** presents as a counteroffer the terms of attached ADDENDUM NO. 2

Diana Williams 10/18/12 3:17pm
(Signature) (Date) (Time) (Signature) (Date) (Time)

[ ] **REJECTION: [ ] Seller [ ] Buyer** rejects the foregoing ADDENDUM.

(Signature) (Date) (Time) (Signature) (Date) (Time)

"Exhibit A"
Addendum Items for 1450/1460 Park Avenue REPC

Page 1 of REPC: Earnest money will be held in accordance with Utah law at a to be determined title company approved by both parties.

Page 1 of REPC, Sections 1.1-1.3: existing structures on site are being sold "as is" thus included and excluded items are not relevant to this transaction.

Page 1 of REPC, Section 2: Eighty percent (80%) of any net profit generated by Greenpark from the development and initial sale of units on the property will be added to the purchase price and remitted to the PC RDA within sixty (60) days following the sale of the final unit.

Page 2 of REPC, Section 4: existing structures on site will be rehabilitated in accordance with the development plan of the site, thus Buyer will be given a Letter of Sufficient Interest from the seller allowing the Buyer access to the structures to complete rehabilitation in accordance with Buyer's proposed development plan.

Page 3 of REPC, Section 8: additional contingencies to be satisfied during Due Diligence period are as follows:

- **Construction Financing**: The closing on this property is contingent upon Greenpark Cohousing LLC ("Greenpark") securing construction financing. Park City Redevelopment Agency ("PC RDA") agrees to guarantee a construction loan with a third party finance entity for the construction and development of the property, with the terms of this guarantee being mutually agreed upon by both parties.

- **Entitlements, Approval and Permits**: If necessary entitlements, approvals and permits are not obtained by the Due Diligence Deadline as referenced in Section 24(b) of the REPC, PC RDA shall grant Greenpark an extension to obtain such approvals provided Greenpark is proceeding with reasonable diligence.

Page 4 of REPC, Section 8.4: Greenpark shall provide additional earnest money to be accumulated in an escrow account with the above referenced title company of $ 175/ month, from date of REPC execution until settlement.

Page 6 of REPC, Section 24(d): PC RDA shall grant Greenpark an extension of the Settlement Deadline as referenced in Section 24(d) of the REPC, in the event of unavoidable delays; the length of this extension shall be agreed upon by both parties.

Items outside scope of standard REPC:

Presales/Pricing:

Greenpark will secure ten (10) committed households prior to the first construction draw.

Greenpark will sell at least six (6) units at or below affordable prices (as defined in Table A). Buyers of these units will submit to an income and asset test to determine their eligibility to purchase an affordable unit. To be eligible, total household income must be at or below 80% of Area Median Income (AMI) for the year 2012 (see Table B). Prospective buyers who own investment property are not eligible to purchase affordable units.

Greenpark will sell one (1) unit at or below attainable prices (Table A). For units sold between affordable and attainable prices, buyers must qualify by showing, through an income and asset test, that total household income is at or below 120% of AMI (Table B).

The remaining three units may be sold either at attainable prices (Table A) or at market prices. For units sold at attainable prices, buyers must qualify by showing, through an income and asset test, that total household income is at or below 120% of AMI (Table B). Buyers who purchase at market value need not submit to an income and asset test. The price of a market unit shall be determined by a third party appraiser, to be selected by Greenpark, but shall not exceed 120% of the highest priced equivalent attainable unit.

Income and asset tests shall be performed by a qualified third party financial institution. The test will consider current income and net value of assets.

	Affordable Units Income Target	Max Sales Price		Attainable Units Income Target	Max Sales Price
Net Livable SF/BR					
650 square feet (1BR)	63,360	150,279		95,040	258,694
900 square feet (2 BR)	71,280	189,809		106,920	318,238
1150 square feet (3BR)	79,200	212,826		118,800	335,918
1400 square feet (4 BR)	85,536	245,517		128,304	383,454

Table A – Definition of Affordable & Attainable Unit Prices

2012 Summit County AMI (Area Median Income)						
Family Size	One	Two	Three	Four	Five	Six
30%	$ 21,072	$ 24,090	$ 27,081	$ 30,090	$ 32,497	$ 35,097
50%	$ 35,120	$ 40,150	$ 45,135	$ 50,150	$ 54,162	$ 58,495
60%	$ 42,144	$ 48,180	$ 54,162	$ 60,180	$ 64,994	$ 70,194
80%	$ 56,192	$ 64,240	$ 72,216	$ 80,240	$ 86,659	$ 93,592
100%	$ 70,240	$ 80,300	$ 90,270	$ 100,300	$ 108,324	$ 116,990

Table B – 2012 Area Median Income by Family Size

Costs Associated with Site Remediation/Historic Rehabilitation:
Buyer acknowledges it is solely responsible for complying with the requirements of the Park City Soils Ordinance MCPC Title 11, Chapter 15, and state and federal environmental laws and regulations as may be applicable. ~~Buyer specifically~~ acknowledges and agrees that Buyer hereby waives, releases and discharges any claim Buyer has, might have had or may have against Seller for any and all costs or contribution with respect to: (1) the condition of the Property, whether such condition is patent or latent, including, without limitation, the presence of Hazardous substances or environmental contaminants on the Property; (2) the future ability of Buyer or any other person to comply with any local ordinance, or environmental protection, pollution or land use laws, rules, regulations or requirements; and (3) any other state of facts which exist with respect to the Property which may result in clean up, remediation, soil removal or any other environmental costs. The Property is being conveyed "as is." Without limiting the provisions above, but subject to those agreements and/or warranties of Seller regarding insurable title (subject to the Permitted Exceptions), Buyer waives against Seller any and all actual or potential rights Buyer might have against Seller regarding any form of warranty, express or implied, of any type or kind relating to the Property, including, without limitation, implied warranties, warranties of fitness for a particular use, warranties of merchantability and strict liability rights. As part of the provisions of this Section, but not as a limitation thereon, Buyer hereby agrees, represents and warrants that the matters released herein are not limited to matters which are known or disclosed, and Buyer hereby waives any and all rights and benefits which Buyer now has, or in the ~~future may have conferred upon Buyer, by virtue of governmental requirements.~~ DF 10-3-2012

If at any time prior to the Settlement Deadline, including any agreed upon extensions, as referenced in Section 24(d) of the REPC, should Greenpark uncover information and/or environmental issues pertaining to the remediation and disposal of soils and/or the rehabilitation of the historic homes that is outside of the scope of our current financial cost assumptions, Greenpark shall have the ability to re-negotiate the purchase price.

Greenpark will submit a soils management plan to PC RDA for preliminary review and approval prior to the Due Diligence Deadline.

Sustainability and Energy Efficient Building: Greenpark will use best efforts to utilize cost effective and energy efficient building design and construction.

Historic Preservation: Greenpark agrees not to reconstruct the historic structures but instead will rehabilitate the existing historic structures employing the highest standards in accordance with the Historic District Design Guidelines and Land Management Code.

Deed Restriction:

A. **Affordable Housing Units:** A Notice of Restriction on Unit Sales will be executed and recorded in the real property records of the Summit County Recorder. The initial Maximum Sales Price for Affordable Housing Units shall be according to Table A. Subsequent to the initial sale, Maximum Sales Price shall be determined as follows:

In no event shall a unit be sold by the initial buyer and subsequent buyers for an amount in excess of the actual purchase price, plus (1) an increase of three percent (3%) of such price per year from the date of purchase to the date of the owner's notice of intent to sell (prorated at the rate of .25 percent for each whole month for any part of a year) plus (2) Permitted Capital Improvements, minus depreciation, in a total amount not to exceed ten percent (10%) of the original purchase price and (3) the cost of sales commissions to be paid by the owner on such transaction.

B. **Attainable Housing Units:** A Notice of Restriction on Unit sales will be executed and recorded in the real property records of the Summit County Recorder. The initial Maximum Sales Price for the Attainable Housing Unit shall be according to Table A. Subsequent to the initial sale, Maximum Sales Price shall be determined as follows:

In no event shall a unit be sold by the initial buyer and subsequent buyers for an amount in excess of the actual purchase price, plus (1) an increase of three percent (3%) of such price per year from the date of purchase to the date of the owner's notice of intent to sell (prorated at the rate of .25 percent for each whole month for any part of a year) plus (2) Permitted Capital Improvements, minus depreciation, in a total amount not to exceed ten percent (10%) of the original purchase price and (3) the cost of sales commissions to be paid by the owner on such transaction.

Right of First Refusal: Greenpark shall provide PC RDA with a right of first refusal exercisable only in the event that Greenpark ceases to exist and operate a Cohousing program at this location. The Right of First Refusal shall be equal to the then current sale price that a unit would be made available to a third party buyer. A Notice of this Right of First Refusal will be executed and recorded in the office of the Summit County Recorder.

Owner Occupied: Units must be owner-occupied, except as otherwise agreed upon through an executed amendment by PC RDA and Greenpark. A Notice of this Owner Occupied Restriction will be executed and recorded in the office of the Summit County Recorder.

Page ____ of ______

ADDENDUM NO. 2
TO
REAL ESTATE PURCHASE CONTRACT

THIS IS AN [ ] ADDENDUM [X] COUNTEROFFER to that REAL ESTATE PURCHASE CONTRACT (the "REPC") with an Offer Reference Date of October 3, 2012, including all prior addenda and counteroffers, between Greenpark Cohousing, LLC as Buyer, and Park City Redevelopment Agency as Seller, regarding the Property located at 1450 & 1460 Park Ave, Park City, UT 84060. The following terms are hereby incorporated as part of the REPC:

All addendum items are articulated on the attached "Exhibit A" to Addendum 2 and are hereby incorporated into this REPC

BUYER AND SELLER AGREE THAT THE CONTRACT DEADLINES REFERENCED IN SECTION 24 OF THE REPC (CHECK APPLICABLE BOX): [ ] REMAIN UNCHANGED [X] ARE CHANGED AS FOLLOWS:
Settlement Deadline Changed to 6/15/2013

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the REPC, including all prior addenda and counteroffers, these terms shall control. All other terms of the REPC, including all prior addenda and counteroffers, not modified by this ADDENDUM shall remain the same. **[ ] Seller [X] Buyer** shall have until 5:00 **[ ] AM [X] PM** Mountain Time on 11/9/2012 (Date), to accept the terms of this ADDENDUM in accordance with the provisions of Section 23 of the REPC. Unless so accepted, the offer as set forth in this ADDENDUM shall lapse.

Dana Williams 10/18/12 3:17pm
[ ] Buyer [X] Seller Signature (Date) (Time) [ ] Buyer [ ] Seller Signature (Date) (Time)

ACCEPTANCE/COUNTEROFFER/REJECTION

CHECK ONE:
[✓] ACCEPTANCE: [ ] Seller [✓] Buyer hereby accepts the terms of this ADDENDUM.

[ ] COUNTEROFFER: [ ] Seller [ ] Buyer presents as a counteroffer the terms of attached ADDENDUM NO. ____.

* Darrell M. Finlayson Jr.
(Signature) (Date) (Time) (Signature) (Date) (Time)

[ ] REJECTION: [ ] Seller [ ] Buyer rejects the foregoing ADDENDUM.

(Signature) (Date) (Time) (Signature) (Date) (Time)

Exhibit A to Addendum 2 for 1450/1460 Park Ave REPC

Page 1 of REPC – Buyer agrees to deliver no later than four (4) calendar days after Acceptance (as defined in Section 23), Earnest Money in the amount of $20,000.00 in the form of a cashier's check made to the title company of Buyer's choosing.

Page 1 of REPC, Section 1.1-1.3 – Seller and Buyer acknowledge and agree that the Property is being sold to Buyer in its existing, "as is" condition, and Seller shall not be responsible for the repair, replacement or modification of any deficiencies, malfunctions or mechanical defects on the Property or to any improvements thereon, including but not limited to the material, workmanship or mechanical components of the structures, foundations, roof, heating, plumbing, electrical or sewage system, drainage or moisture conditions, air conditioning, hot water heater, appliances, or damage by the presence of pests, mold or other organisms. Furthermore, Seller does not agree to remove all debris and personal property not included in the sale from the Property prior to the Closing Date.

Page 2 of REPC, Section 4 – Seller shall deliver physical possession of the Property to Buyer upon closing.

Page 4 of REPC, Section 9 – The terms of the following addenda are incorporated into the REPC by this reference: Addendum 1, Addendum 2, Lead-Based Paint Disclosure & Acknowledgement.

Page 5 of REPC, Section 13 – This REPC is contingent upon approval by the Governing Board of the Redevelopment Agency of Park City at an open meeting by the Seller's Disclosure Deadline. If the Governing Board fails to approve the REPC, the REPC shall be void and Earnest Money Deposit returned to Buyer.

Page 6 of REPC, Section 24 (d) – Settlement Deadline will be 6/15/2013.

Page 1 of Exhibit A to Addendum 1 of REPC, "Construction Financing" – Buyer shall secure financing for both construction and the purchase price of the property. Seller will guarantee the loan, and Buyer shall remit payment for the property from the proceeds of the loan and take possession of the property prior to construction.

Page 2 of Exhibit A to Addendum 1 of REPC, "Presales/Pricing" – Greenpark will secure ten (10) committed households prior to the settlement deadline.

The price of a market unit shall be determined by a third party appraiser, to be selected by Greenpark, but shall not exceed 120% of the highest priced equivalent attainable unit, unless Greenpark deems it necessary and appropriate to exceed this threshold.

Page 3 of Exhibit A to Addendum 1 of REPC, "Cost Associated with Site Remediation/Historic Rehabilitation" –

The following language is hereby added to this section:

Buyer acknowledges it is solely responsible for complying with the requirements of the Park City Soils Ordinance MCPC Title 11, Chapter 15, and state and federal environmental laws and regulations as may be applicable. Buyer specifically acknowledges and agrees that Buyer hereby waives, releases and discharges any claim Buyer has, might have had or may have against Seller for any and all costs or contribution with respect to: (1) the condition of the Property, whether such condition is patent or latent, including without limitation, the presence of Hazardous substances or environmental contaminants on the Property; (2) the future ability of buyer or any other person to comply with any local ordinance, or environmental protection, pollution or land use laws, rules, regulations or requirements; and (3) any other state of facts which exist with respect to the Property which may result in clean up, remediation, soil removal or any other environmental costs. The Property is being conveyed "as is." Without limiting the provisions above, but subject to those agreements and/or warranties of Seller regarding insurable title (subject to the Permitted Exceptions), Buyer waives against Seller any and all actual or potential rights Buyer might have against Seller regarding any form of warranty, express or implied, of any type or kind relating to the Property including without limitation, implied warranties, warranties of fitness for a particular use, warranties of merchantability and strict liability rights. As part of the provisions of this Section, but not as a limitation thereon, Buyer herby agrees, represents and warrants that the matters released herein are not limited to matters which are known or disclosed and Buyer hereby waives any and all rights and benefits which Buyer now has, or in the future may have conferred upon Buyer, by virtue of governmental requirements.

The following language is hereby stricken from this section:

"If at any time prior to the Settlement Deadline, including any agreed upon extensions, as referenced in Section 24(d) of the REPC, should Greenpark uncover information and/or environmental issues pertaining to the remediation and disposal of soils and/or the rehabilitation of the historic homes that is outside of the scope of our current financial cost assumptions, Greenpark shall have the ability to re-negotiate the purchase price.

"Greenpark will submit a soils management plan to PC RDA for preliminary review and approval prior to the Due Diligence Deadline."

DISCLOSURE AND ACKNOWLEDGMENT REGARDING LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS

THIS IS A DISCLOSURE AND ACKNOWLEDGMENT concerning Property (the "Property") located at 1450 & 1460 Park Ave, Park City, UT. This document contains certain provisions required by federal law. If Buyer and Seller enter into a contract for the purchase of the Property (a "REPC"), this document shall be attached to that contract and made a part thereof.

1. **LEAD WARNING STATEMENT.** *Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.*

2. **SELLER'S DISCLOSURE AND ACKNOWLEDGMENT. (Initial applicable boxes)**
   (a) Presence of lead-based paint and/or lead-based paint hazards (initial one box only):
      (i) [ ] Known lead-based paint and/or lead-based paint hazards are present in the Property (explain): ______
      (ii) [DW] Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the Property.
   (b) Records and reports available to Seller (initial one box only):
      (i) [ ] Seller has provided Buyer with all available records and reports pertaining to lead-based paint and/or lead-based hazards in the Property (list documents): ______
      (ii) [DW] Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the Property.
   (c) Seller understands that under federal law, if Seller has not yet made the disclosures in Sections 2(a) and 2(b) of this document, or Buyer has not yet been provided with an EPA approved lead hazard information pamphlet, Seller may not accept an offer by Buyer to purchase the property until after those steps have been completed and Buyer has been given an opportunity to review that information and amend the offer.
   (d) Seller understands that if Buyer initials the box in Section 3(d)(i) of this document, the REPC must include the Lead-Based Paint Addendum.

3. **BUYER'S ACKNOWLEDGMENT. (Initial)**
   (a) [ ] Buyer has received copies of any information listed in Sections 2(a) and 2(b) above.
   (b) [ ] Buyer has received the pamphlet *Protect Your Family from Lead in Your Home* or an equivalent lead hazard information pamphlet approved by the federal Environmental Protection Agency.
   (c) [ ] Buyer has read the Lead Warning Statement in Section 1 above and understands its contents.
   (d) Buyer has **(initial one box only)**:
      (i) [ ] a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards. **If this box is initialed, the REPC must include the Lead-Based Paint Addendum; OR**
      (ii) [ ] by initialing this box, waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

4. **AGENT'S ACKNOWLEDGMENT. (Initial)**
   [ ] Agent has informed Seller of Seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

5. **CERTIFICATION OF ACCURACY. (Buyer, Seller and Agent(s) must sign)**
   The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have each respectively provided is true and accurate.

Donna Williams 10/18/12 3:17 pm

Seller Signature	Date	Time	Seller Signature	Date	Time
Buyer Signature	Date	Time	Buyer Signature	Date	Time
Agent Signature	Date	Time	Agent Signature	Date	Time

THIS FORM APPROVED BY THE UTAH REAL ESTATE COMMISSION AND THE OFFICE OF THE UTAH ATTORNEY GENERAL, EFFECTIVE SEPTEMBER 5, 1996.

LEAD-BASED PAINT ADDENDUM TO REAL ESTATE PURCHASE CONTRACT

THIS IS AN ADDENDUM to that REAL ESTATE PURCHASE CONTRACT (the "REPC") with an Offer Reference Date of October 3, 2012, including all prior addenda and counteroffers, between Greenpark, LLC as Buyer, and Park City Redevelopment Agency as Seller, regarding the Property located at 1450 & 1460 Park Avenue, Park City, UT 84060. The following terms are hereby incorporated as part of the REPC.

1. OPPORTUNITY TO CONDUCT A RISK ASSESSMENT OR INSPECTION. (Check applicable boxes)

1.1 Buyer's obligation to purchase the Property is conditioned upon Buyer's approval of a risk assessment or inspection of the Property for the presence of lead-based paint and/or lead-based paint hazards.

1.2 The risk assessment or inspection ("Risk Assessment") of the Property shall be paid for by Buyer and shall be conducted by individuals or entities of Buyer's choice. Seller shall cooperate in making the Property available for the Risk Assessment. The deadline for Buyer to complete and review the Risk Assessment ("Risk Assessment Deadline") shall be: **(Check one box)**

[ ] ten calendar days after Acceptance **OR** [X] 30 calendar days after Acceptance.

1.3 If the results of the Risk Assessment are not acceptable to Buyer, Buyer may either (a) provide written objections to Seller as provided in Section 1.4 of this ADDENDUM; or (b) immediately cancel the REPC by providing written notice of cancellation to Seller by the Risk Assessment Deadline referenced in Section 1.2 above, together with a copy of the Risk Assessment report. The Brokerage, upon receipt of a copy of Buyer's written notice of cancellation, shall return the Earnest Money Deposit to Buyer.

1.4 If Buyer does not immediately cancel the REPC as provided above, Buyer may, by the Risk Assessment Deadline referenced in Section 1.2 above, provide Seller with written objections and a copy of the Risk Assessment report. Buyer and Seller shall have seven calendar days after Seller's receipt of the objections (the "Response Period") in which to agree in writing upon a manner of resolving Buyer's objections. Seller may, but shall not be required to, resolve Buyer's objections. If Buyer and Seller have not agreed in writing upon the manner of resolving Buyer's objections, Buyer may cancel the REPC by providing written notice to Seller no later than three calendar days after expiration of the Response Period. The Brokerage, upon receipt of a copy of Buyer's written notice of cancellation, shall return the Earnest Money Deposit to Buyer.

1.5 If Buyer does not deliver a written objection to Seller regarding the results of the Risk Assessment as provided in Section 1.4 above, or cancel the REPC as provided in Sections 1.3 or 1.4 above, any objections to the results of the Risk Assessment shall be deemed waived by Buyer and Buyer shall take the Property "as is" with regard to any lead-based paint or lead-based paint hazards that may be present in the Property.

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the REPC, including all prior addenda and counteroffers, these terms shall control. All other terms of the REPC, including all prior addenda and counteroffers, not modified by this ADDENDUM shall remain the same. [ ] **Seller** [X] **Buyer** shall have until 5:00 [ ] **AM** [X] **PM** Mountain Time on November 9, 2012 (Date), to accept the terms of this ADDENDUM in accordance with the provisions of Section 23 of the REPC. Unless so accepted, the offer as set forth in this ADDENDUM shall lapse.

Diana C. Williams 10/18/12 3:17pm

[ ] Buyer [X] Seller Signature (Date) (Time) | [ ] Buyer [ ] Seller Signature (Date) (Time)

ACCEPTANCE/COUNTEROFFER/REJECTION

CHECK ONE:

[ ] ACCEPTANCE: [ ] Seller [ ] Buyer hereby accepts the terms of this ADDENDUM.

[ ] COUNTEROFFER: [ ] Seller [ ] Buyer presents as a counteroffer the terms of attached ADDENDUM NO. ___.

(Signature) (Date) (Time) | (Signature) (Date) (Time)

[ ] REJECTION: [ ] Seller [ ] Buyer rejects the foregoing ADDENDUM.

(Signature) (Date) (Time) | (Signature) (Date) (Time)