PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
November 20, 2014

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 20, 2014.

Closed Session
2:00pm to discuss Property, Personnel and Litigation

Study Session
4:00pm Economic Development and Park City Project Update PG 3

Work Session
5:00pm Council Questions and Comments and Manager's Report PG 10
5:10pm Boards and Commissions Discussion PG 12
5:30pm Park City Chamber of Commerce | Convention & Visitors Bureau Winter 2014/2015 Preview
5:55pm Break

Regular Meeting
6:00 pm

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV. CONSIDERATION OF MINUTES FROM THE OCTOBER 30 AND NOVEMBER 13, 2014 COUNCIL MEETING PG 16

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

1. Consideration of a Contract authorizing the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Tunnel Radio of America Inc. for installation of Tunnel Communications Equipment in an amount of $236,967.00 PG 32

2. Consideration to authorize the City Manager to execute an agreement, in a form approved by the City Attorney, to assent to the assignment of the 1995, 1994, and 1987 water agreements to Vail PG 75

VI. NEW BUSINESS

1. Consideration of the 1185 Empire Avenue Plat Amendment located at 1185 Empire Avenue, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney. PG 80
   (a) Public Hearing
   (b) Action

2. Consideration of the Subdivision Plat Thayne's Creek Ranch Estates Phase II located at 510 Payday Drive, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney
   (a) Public Hearing
   (b) MOTION TO CONTINUE TO DECEMBER 4, 2014

3. Consideration of Land Management Code Amendments regarding 1) zoning regulations for Pet Service Uses in the General Commercial (GC) and Limited Industrial (LI) zoning districts, and associated definitions (Chapters 2.18, 2.19, and 15). PG 90
   (a) Public Hearing
   (b) Action

4. Consideration of an Ordinance Of Park City, Utah Repealing Municipal Code Of Park City Sections 8-6-1, 8-6-3, 8-6-4, And 8-6-5 Pertaining To Firearms; And Amending Municipal Code Of Park City Section 8-1-14 Pertaining To Firearms And Dangerous Weapons PG 132

5. Consideration of a Service Agreement in support of the effort to encourage the State to improve transportation funding in a form approved by the City Attorney in the amount of $2,000 PG 139

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: 11/17/2014 See: www.parkcity.org

City Council
Study Session Report

Subject: **Economic Development Overview & Park City Project Presentation**
Author: **Jonathan Weidenhamer, Economic Development Manager**
Department: **Sustainability**
Date: **November 20, 2014**
Type of Item: **Informational**

Topic
Council should, consider a presentation from the Park City Angels Network on the Park City Project which is an example of how business incubation and acceleration, business recruitment, retention and development *can* occurring locally *without* the subsidies or other types of active governmental intervention from Park City Municipal.

Prior to that, staff seeks a brief, 10-15 minute discussion on the City Council's Economic Development goals and priorities. In the past we've agreed to assume a proactive approach towards facilitating redevelopment through partnership with major land owners rather than a reactive, regulatory approach.

In the past, the prioritization of staff resources and work tasks on which we focus typically align with that posture. This Study Session seeks to explore how we can clearly articulate a comprehensive approach to economic development – some of which we are already doing – to ensure consistent alignment of day-to-day staff activities with Council's longer term priorities and goals.

Said differently, staff believes that Council has very clear economic development goals – and that those goals are different from other communities where economic development objectives are business recruitment and growth facilitation. There are times where we, collectively, feel as if we *should* be active in business recruitment or growth facilitation – and subsequently lose focus on what seems to be Council's primary economic development goal: Long term, consistent and high quality support for local businesses. The way we support these local businesses will be further discussed in this report.

Background:

On December 5, 2013 staff presented a progress update on the joint City/County Council Economic Development Task Force to the City Council in anticipation of a joint City/County Council meeting on December 16, 2013 (Exhibit A – staff report and meeting minutes). The City Council discussed and agreed with the Task Force's recommendations on:

- A Mission statement (p. 37);
- Areas of mutual concern (p. 37-38);
- Targeted industries (p. 38-40); and

- “Outliers” which were recurring themes, questions and issues raised by the task force members throughout the six months of meetings (p.40).

The staff report included a series of other relevant background material including:

- April 30, 2013 Joint City/County Council meeting summary of observations (p. 48-50);
- Draft business recruitment and retention plan & related economic development “tool box”, created by the Economic Development staff to help inform the general plan (p. 62-66).

Since December 2013 the Joint City/County Task Force has not met.

Current Economic Development Priorities
Priorities within the Economic Development Department’s current work plan include the library renovation, Main Street construction, walkability implementation, trails, open space purchase and management, and events, in addition to the high priorities of Mountain Accord and implementation of the LPA neighborhood plan.

Business “retention” efforts we believe are an important aspect and our efforts reflect that to a limited degree. Examples include the Economic Development grant for Soul Poles. On July 17, 2014 Council agreed to update the Economic Development grant criteria., the goal of which was to allow for additional flexibility in awarding grants in order to further align the process with our General Plan and Biennial Strategic Plans goals. Because were unable to award the grant by the end of the 2014 fiscal year Council expressed a willingness to award a second grant during the 2015 fiscal year if the right application came in. As part of that conversation, there was consideration by some of being more forceful with economic development tools.

Business recruitment strategies and programs have been lower in priority. While generally Council has not pushed for the City to take aggressive role in the free market, we have had many discussions about staying competitive through diversifying the economy, especially with the dearth of financial and intellectually resources in the area. We have also continued to discuss and monitor the commercial mix on Main Street.

The joint City/County Task Force mission statement balances these priorities:

The greater Park City area is currently sustained economically by our multi-seasonal mountain resort and related support activities. We will collectively pursue the development of a balanced, diversified economic base that is resilient to shifts in markets and climate. Our economic diversity efforts will include incubation of local entrepreneurship, support for established businesses, and welcoming new businesses. Strategic diversification of our economy is essential for our sustainable economic health. Great care should be taken to ensure that economic development compliments and enhances the values and quality of life that our mountain resort community affords us.

City Council’s Economic Development Priorities
In reviewing the meeting notes from Council’s January 29-31, 2014 Retreat, in particular Council’s goals from their pre-retreat survey

(p.60, http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=12487) staff believes a traditional economic development model focusing on facilitating growth through attracting new development, businesses and job creation is not consistent with stated goals.

Staff believes Council's primary economic development goal is to provide long term, consistent, high-quality support and infrastructure for local businesses. We do this through:

1. Indirect support by creating "place", infrastructure improvements, community amenities and facilities, along with programs and partnerships that promote broader economic health, vitality, and sustainability;
    a. Infrastructure:
        i. Walkability improvements that include sidewalks, tunnels, signage, etc.
        ii. Pocket parks & large parks
        iii. Beautification projects
        iv. Local free bus system
        v. Parking garages & parking lots
        vi. Culinary water system
        vii. Stormwater and other systems for reducing environmental impacts on local businesses
    b. Support Systems:
        i. Snow removal from streets, sidewalks & stairs,
        ii. Soils ordinance
    c. Government Services:
        i. Business Licensing
        ii. Regulatory Framework
        iii. Avenue to change laws & practices (City Council)
        iv. Economic caretaking:
            1. coordination with Chamber
            2. coordination with local businesses
            3. Resiliency Planning
    d. Amenities:
        i. Tennis & fitness club
        ii. Ice Rink
        iii. Golf Course
        iv. Library
    e. Support systems & processes:
        i. Events Department
        ii. Historic preservation: HPB, coordination with PC Museam & Historical Society
2. Direct support for retaining and growing existing, local businesses through;
    a. Business group support: HPCA, Chamber, Lodging Assoc., Restaurant Association, Park City Area Home Builders,
    b. Economic Development Grant Program ($20,000 annually)
    c. Partnership with individual businesses

3. Attracting diversified business types, including the targeted industries of (with tbd tools):
    a. Highest Priority
        i. Sports and outdoor training products

ii. High altitude training and sports medicine

b. Important
    i. Incubation and/or innovation center
    ii. Broadband (fiber)

c. Other possibilities
    i. Boutique industry tourism (craft brewing/distilling, candy, skis, etc.)

The Question of Economic Diversity

Our current economic strength is viewed by others as enviable. Our strength comes not only from our natural resources and the quality of our local businesses, but also from our collective laser focus on being a world-class resort community. This perspicacity of who we are and, importantly, of who we are ***not*** is both a strength and a weakness: our focus contributes significantly to delivering a full-service, seamless resort experience – we are more successful *because* we are focused on being a resort community; but this singularity of purpose can make us vulnerable to economic events such as the recession or a resort closure.

If "Economic Diversity" is the goal that Council will want to consider, it would be helpful for staff to understand that focus so that we can amend our approach. This is perhaps the single most difficult goal for Park City, due to current constraints (*many of which support our current economy*) that include:

- the high cost of land, homes & rental space;
- geographic constraints (proximity to a major city, major highway, mountains);
- environmental considerations (weather, soils);
- limited availability of local workers; and
- high switching costs: maintaining our current economic foundation – resort industry – is fairly cost effective (some investment, but mostly operational costs),adding a new industry will have comparatively high costs and may push out some of our current economy.

However, there may be versions of "economic diversity" that are more easily achieved. For example, years ago the City Council decided it wanted less revenue variability from season to season – so Council directed staff to pursue greater economic activity in summer. This is a form of economic diversity, although perhaps not the type traditionally considered under the umbrella of "economic diversity". Another similar example would be looking to diversify into or strengthen other aspects of our resort economy that could support necessary adaptations to global warming.

It may be worth discussing economic diversity simply because we are at a juncture where being decisive is important: "who we are" impacts so many other decisions, ranging from transportation to housing to allocation of resources. Accordingly, it will be important for Council to either standing strongly in who we are as a resort community ***or*** set an aggressive path toward economic diversity.

Potential Future Direction for PCMC's Role in Economic Development

While there is not sufficient time in a single study session to determine the future direction for economic development in Park City, staff believes that Council should direct staff to return to facilitate future discussions of the topic.

Without additional investment in economic development, pursuing item number 3 from above, "attracting diversified business types" could be a significant resource distraction from meeting and exceeding a goal of supporting local businesses. With regard to item number 2, also above, "direct support for retaining and growing existing, local businesses" there may be additional activities that could be undertaken, but again, potentially to the detriment of activities already identified in item number 1 and item number 2 that focus on the goal of supporting local businesses.

Is the City Council interested in revisiting the topic at a subsequent study session? If so we would appreciate the opportunity to work with Council to develop more clarity around the path forward for economic development. We would recommend that we cover:

- What is/are City Council's long-term economic development goal(s) (year 2030)?
    - What is the timeframe in which this goal should be met?
- Do the conditions exist to achieve that goal? / Is the goal actually achievable?
- What are the constraints that must be considered?
- What will the City need to invest (dollars, people, other resources) in what timeframes to achieve that goal? Can the City afford to make that investment?
- What nearer term goals (5 years, 10 years) can we set along the path to achieving the long-term economic development goal?
    - 5 year goal? And how will that goal move us down the path of achieving the 2030 goal?
    - 10 year goal? And how will that goal move us down the path of achieving the 2030 goal?
    - What is the role of the currently defunct City/County task force?

The Park City Project – A business incubator and accelerator

Park City Angel representatives will give an overview and presentation on the Park City Project (separate handout). City staff meets with the PC Project monthly and has referred a number of local businesses to them for mentoring and business development assistance and expertise. Summit County has agreed to participate in partially funding their Executive Director position, and while there is no specific "ask" at this time, the PC Project has continued to generally explore partnering opportunities with Park City, understanding the timing of the City's budget process.

The following is taken from Jeff Jones, Economic Development Director's report to the Summit County Council on September 18, 2014

The Park City Project started approximately two years ago by the Park City Angel Network (PCAN). The facility is located at 2750 Rasmussen Road near Jeremy Ranch. Approximately twelve companies reside at their facility. The Park City Project staff and associated Angel network has provided mentorship and access points to a number of startups and early stage companies. This enabling environment has supported residents interested in starting a business, existing businesses looking to grow, and global entrepreneurs seeking to invest or expand within the local market.

Incubators and accelerators are recognized worldwide for their key role in the economic development ecosystem. They advance business formation, create and retain jobs, commercialize technologies, and accelerate the delivery of new products and services to the marketplace. Although there are some fundamental differences between an incubator and an accelerator, their mission and outcome is the same–to support the success of new and expanding industries. They both provide the tools, knowledge, and skills to grow a business.

Incubators are typically governed and operated by a not-for-profit organization (but not always). They provide programs and services that usually extend up to three years to ensure that a given business is financially viable and free standing prior to exiting incubation. Incubators can focus on sector specific (tourism /local food production) businesses or accommodate a mix of business initiatives. Alternatively, accelerator programs are generally provided by the private sector. They operate within a compressed time frame (typically four months), fund high value technologies in exchange for equity, optimize industry collaboration, and provide access to a network of investors (angel/venture capital). The Park City Project has combined all of these functions under one "roof."

A key component of the incubator /accelerator ecosystem is mentors. They support and guide entrepreneurs with the experience and expertise necessary to successfully move an idea to market. Mentors help entrepreneurs navigate a myriad of issues around product development, marketing, sales, and financing. They often have a rich source of industry contacts and referrals that bring tremendous value as entrepreneurs develop, launch and expand their products.

The Park City Project has already began organized mentorship opportunities (pando labs.org/mentors), with two mentors having organized office hours. The Park City Project hopes to increase that number to five in the near term and up to thirty (30) as resources are made available.

The Park City Project intends to make these services available at no charge to City and County residents with potential operating hours in Coalville, Kamas, and Park City as funding is made available.

AN ECONOMIC CATALYST

When the Park City Project opened its office on Rasmussen Road doors in April 2014, the building was 80% vacant. Today, the building is almost 100% occupied. Companies such as Critical Intelligence (40 employees) and Cireson have located in the same building or nearby to leverage the resources associated with the Park City Project.

CONCLUSION

Business incubators /accelerators play a pivotal role in economic development. They provide targeted programs and services that embrace a broad and open concept along the incubation value chain–from pre-incubation to post incubation.

Through technical expertise, networks, tools, and a social capital environment, incubators/accelerators dramatically enhance the success of entrepreneurs as they work to move their ideas into viable, successful new business and markets that create jobs, revitalize communities, and commercialize new products—all of which grow the local economy.

Industry research indicates a significant increase in the rate of success for those businesses that graduate from an incubator /accelerator. In a recent 2011 study conducted by the US Department of Commerce and Economic Development Administration (EDA), the average five year survival rate for incubator
/accelerator graduates was 75%. Moreover, an estimated 84% of incubated
/accelerated companies remain in the local community

In a 2009 EDA study, business incubators /accelerators were found to provide communities with the most effective means of creating jobs, and at less cost than any other type of public works infrastructure project.

Summary Recommendations:
The City Council should:

1. Consider the brief overview of the Economic Development Team's current Economic Development Work Program. <u>If Council seeks more specific discussion they should direct staff to return at a subsequent work session;</u>
2. Consider the informational overview of the Park City Project from the Park City Angel Network.

Exhibit A

Report - http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=12350
Minutes - http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=12204

To: **Honorable Mayor/Members of City Council**

From: **City Manager's Office**

MANAGER'S REPORT – November 20, 2014

Submitted by Hugh Daniels, CEM Emergency Program Manager

Over the past year I have been working with the Salt Lake City Office of the National Weather Service (NWS) to make Park City a StormReady Community. Kevin Callahan did the same thing for Summit County.

Some 98% of all presidentially declared disasters are weather related, leading to around 500 deaths per year and nearly $14 billion in damage. StormReady, a program started in 1999 in Tulsa, OK, helps arm America's communities with the communication and safety skills needed to save lives and property--before and during the event. StormReady helps community leaders and emergency managers strengthen local safety programs. StormReady communities are better prepared to save lives from the onslaught of severe weather through advanced planning, education and awareness. No community is storm proof, but StormReady can help communities save lives.

The application and review includes a severe weather plan, NOAA weather alert radios in key city buildings, weather spotter training, communications plans, 24-hour warning points, weather and water monitoring, NWS information reception equipment and weather safety presentations.

On August 4, 2014 Park City was recognized as an official StormReady Community, one of only five municipalities and ten counties in Utah (see attached letter). On December 11, 2014, Kevin Barjenbruch, Warning Coordination Meteorologist from the National Weather Service will be at the City Council meeting to officially present our recognition and sign.

Added benefits for our citizens are 25 Community Rating System Credit Points which reduce the premiums for those participating in the National Flood Insurance Program (NFIP).

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Weather Service
2242 W. North Temple
Salt Lake City, Utah 84119-2619

August 4, 2014

Mr. Hugh Daniels
Emergency Program Manager
Park City Municipal Corporation
2060 Park Avenue
Park City, UT 84060-1480

Dear Mr. Daniels,

On behalf of the State of Utah StormReady Advisory Board, I would like to congratulate you on achieving StormReady recognition for Park City. This success is clearly a result of your vision, leadership, hard work, and commitment to the citizens of Park City. The citizens of your community should take great pride in the achievement of this recognition.

The current Park City StormReady recognition is valid for three years. The recognition will expire on August 4, 2017. I recommend that Park City apply for renewed recognition at least six months prior to that date.

As a StormReady community, Park City is authorized to use the StormReady logo in official letterheads, brochures, or other suitable documents. You can acquire a digital file of the logo image from the National Weather Service Weather Forecast Office Salt Lake City, UT. If you use the logo in any way, please send the National Weather Service a copy or description of how it was used.

You are also authorized to purchase additional signs like the one provided by the National Weather Service. Signs can be purchased from Oklahoma Correctional Industries by calling 405-964-7206.

Finally, if Park City participates in the National Flood Insurance Program, it may now be eligible to receive 25 Community Rating System Credit Points.

Please visit the StormReady website at http://www.stormready.noaa.gov to see Park City on our national map of StormReady communities, and read the latest information on StormReady. The National Weather Service is proud to have you as a part of the growing StormReady family!

Sincerely,

Larry Dunn
Meteorologist-In-Charge

City Council
Staff Report

Subject: **Boards and Commissions**
Author: **Matthew Dias**
Department: **Executive**
Date: **November 20, 2014**
Type of Item: **Administrative**

Topic/Description:
Recommendation to make minor adjustments to the guidelines that govern board/commission protocols.

Summary:
On several recent occasions, Council expressed minor concerns with a few of the policies governing boards and commissions, such as when the term(s) of board/commission members begin and expire, the interview and application processes, and the existing practice on the Historic Preservation Board (HPB) that provides an opportunity for at least one individual to come from outside of Park City.

Because of this, Council directed staff to review the current policies in place and, if warranted, provide recommendations to enable more efficient and effective processes.

Recommendations:
In order to better manage workloads and marginally increase efficiency, staff recommends minor updates to the current policies:

1. Direct staff to begin the interview process earlier;
2. Require the Executive Department to maintain an active roster of individuals previously interested in serving on a board/commission:
    a. In the event of unplanned openings or a partially filled term, Council may favor an immediate replacement from a roster of former applicants to serve out an existing term;
3. Per previous Council direction, no longer allow for phone interviews for applicants, when possible;
4. Continue to allow at least one member of the HPB to reside outside of city limits; and
5. Work with the BOA to provide a recommendation to Council regarding the length of their term.

Background:
The City's original policy governing board/commissioner terms had prescribed that terms would expire at different times and on an overlapping basis. In other words, terms began and ended on different dates within the same board/commission, ,as well as on other boards/commissions. We are told that this created some challenges and

confusion for both Council and staff as the City has many different boards/commissions to support.

As a result, in 2003, a staff-led committee recommended, and Council supported, a more centralized approach that moved most expiring terms to June 30 (beginning July 1). The primary motivation was to avoid the past practice of allowing a series of interviews to take place throughout the year, as well as the confusion that followed about whose term was expiring, on what board/commission, and when. In short, the new policy aimed to ensure a minimal level of continuity across all boards/commissions.

Analysis:
Overall, staff believes the City's current policies are efficient and effective, while at the same time honoring State statutes that regulate some board/commission policies. The current policy of July 1 is still mostly in place today. Despite this, Council recently engaged in a rather extensive period of applicant interviews for both the Planning Commission and the Historic Preservation Board, at the same time. This was the result of a variety of factors, but particularly due to the extension of several planning commissioner terms in order to finish the General Plan. At that time, it was evident that interviewing so many applicants has inherent disadvantages, both for the applicants and Council. Staff does not believe this outcome was avoidable, given the strategy to finalize the General Plan.

Below is a summary of our most active boards/commissions. As you can see, there is a basic level of consistency with term start/end dates.

Most Active Boards & Commissions

Name	Seats	Term	Term Specifics
Board of Adjustments	5	5 yrs	begins July 1st
Historic Preservation Board	7	3 yrs	expires May 1
Library Board	5 to 9	3 yrs	begins July 1st
Planning Commission	7	4 yrs	begins 2nd Wed in July
Public Art Advisory Board	7	2 yrs	begins July 1st
Recreation Advisory Board	up to 7	3 yrs	begins July 1st

While staff believes that the vast majority of our policies are still the most effective approach, some modest improvements could be achieved by making a few updates:

- **Beginning the Interview Process Earlier:**
  Due to a large number of terms expiring at the same time this past summer, some board/committee appointments lapsed into the new fiscal year, and even began impacting the placement of items on Council Work Sessions. Though manageable, if Council continues to desire uniformity, which staff supports, it

would be beneficial to begin the interview process earlier; April, for example, instead of May/June, would help eliminate the potential for another last-minute flurry of applicant interviews.

- **Maintaining an Active Roster of Individuals/Applicants:**
  Another area to consider is directing staff to maintain an active roster of individuals who previously expressed a desire to serve. By doing so, Council would have the prerogative to select a quick replacement to carry out the remainder of a soon-to-expire term without conducting a full interview process. For example, Council recently filled the remainder of an expiring planning commissioner's term by going through a full applicant interview process, despite the fact that only a few months remained in the term.

  An "Active Roster" may have provided Council with a more efficient process to ensure continuity on the Commission while still allowing Council more time to focus on the permanent replacement. In addition, Council could direct staff to include primary and secondary interests, similar to college class selection, whereby applicants could express interest in more than one board/commission.

- **Prohibiting Phone Interviews:**
  Per previous Council direction, staff will prevent, to the extent possible, phone interviews.

- **HPB – Continue to Allow HPB Membership Outside of City limits:**
  For many years now, the HPB has allowed one member to reside outside of city limits. We are told this was done to ensure someone from the construction, building, design, or engineering trades could participate with minimal levels of conflicts of interest and yet still retain much needed technical expertise. Staff believes there are reasonable justifications to continue to allow this strategy as an option.

- **Shortening the Board of Adjustment (BOA) Term:**
  On November 13, 2014, Council held a discussion with members of the BOA who expressed an interest in considering a shortened term or perhaps an initial term of five years with subsequent terms of two, or three years; the current term is five years. The most prominent reason cited was the length of the commitment, particularly for those seeking a second term (another 5 years).

  Staff supports a variety of options; shortening the length of the initial BOA term, shortening the second consecutive term, etc. As discussed, staff supports the notion that the BOA will discuss at their next meeting and, perhaps, provide a recommendation to Council.

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

Alternatives:

A. Approve:

Direct staff to:

1. Direct staff to begin the interview process earlier;
2. Require the Executive Department to maintain an active roster of individuals previously interested in serving on a board/commission:
    a. In the event of unplanned openings or a partially filled term, Council may favor an immediate replacement from a roster of former applicants to serve out an existing term;
3. Per previous Council direction, no longer allow for phone interviews for applicants, when possible;
4. Continue to allow at least one member of the HPB to reside outside of city limits; and
5. Work with the BOA to provide a recommendation to Council regarding the length of their term.

B. Deny:

Council could choose not to amend the current policies.

C. Modify:

Council could choose to modify the recommendation, including only one or any combination of the four items discussed in the staff report.

D. Continue the Item:

Continue the item for future discussion.

E. Do Nothing:

Same as deny.

Funding Source:

Funding is not an issue.

Consequences of not taking the recommended action:

The current guidelines are not broken or ineffective by any means. However, by making a few modest improvements, Council could marginally improve the continuity of our most active boards/commissions and better balance workloads.

PARK CITY COUNCIL MEETING MINUTES- DRAFT
SUMMIT COUNTY, UTAH,
October 30, 2014

Closed Session
To discuss Property, Personnel and Litigation

PARK CITY COUNCIL REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
October 30, 2014

Lower Park Avenue Redevelopment Program Update
Jonathan Weidenhamer, Economic Development Manager; Phyllis Robinson, Communications and Public Affairs Manager; Thomas Eddington, Planning Director and Steve Brown, Consultant discussed the Lower Park Avenue Program. Weidenhamer discussed the RDA at a high level discussing the three main goals of this discussion: first, if the Board was ready to move ahead, second, is the Board supportive in beginning a third major community engagement and does the Board support including 1450/1460 Park Ave. Weidenhamer stated that they are here to talk next steps on the community neighborhood redevelopment portion of the City Owned property. Outlined the City owned property in the area including the fire station parcel and 1450&1460 Park. Weidenhamer outlined the current Council goals and reaffirmed them by outlining the discussions from the May 15th RDA meeting. Stating that use of existing facilities, reduce traffic congestion, increase affordable housing, while focusing on traffic and walkability. Robinson stated that this meeting precedes the Lower Park Avenue neighborhood plan. The goals of the community engagement process are: create meaningful opportunities for resident to identify, and articulate their goals. Staff is looking to identify a range of development options and prioritize these options then create a design. Robinson spoke to the possibilities of a design completion outlining the process.

Mayor Thomas stated that he is in favor of moving forward on this project. Would like to see cross section housing and create a micro community.

Council member Matsumoto stated she hates to postpone this key project but feels with the holidays and the amount currently on the Council's plate that this needs to be postponed. She stated that it seems premature to move forward until the City is clear on Vail's intentions. Felt that the Park Ave could be designed on its own as long as it completes the area as well as reassess Miner's Hospital for a reuse.

Council member Beerman stated that he agrees with Matsumoto stating he feels that we would be asking too much of the community at this time. Would also like to include the Bonanza Park area in the RDA discussions. He also feels that moving forward with affordable housing on Park Avenue sooner than later would be a great idea.

Council member Simpson stated that she also agrees with Council members Matsumoto and Beerman and would like to take a break and have a fresh look at the vision from 5 years ago.

Council member Peek stated that with the funds established and now that we know we have a concrete partner with Vail, feels that holding off on the mechanical component of the East/West Connection at the resort as the last piece to worry about. Feels that there is no harm at looking at this further and create the vision and proceeding now.

Council member Henney stated he agrees with the other Council members and feels the landscape has changes drastically and feels we need to wait 'til Vail proposes their intentions. Stating that Vail will go forward with the plans they want regardless of what the City is doing in the RDA. Stated he is ok with the Park Ave property if staff feels that needs to be done.

Staff is comfortable pushing the item to February in order to start setting the parameters of the non-negotiable items. Weidenhamer stated that staff believes that we would be a very important tool in creating new growth to become a strong partner.

Council member Matsumoto inquired if RDA monies could be used for affordable housing outside of the RDA. Weidenhamer concurred. She then inquired about using funds for parking outside of the RDA. Weidenhamer stated that the parking aspect would need to be in the RDA boundaries or touching the boundaries.

Staff will bring back the RFP guidelines for affordable housing on the 1450/1460 Park Ave property.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
October 30, 2014

Work Session
<u>Council Questions and Comments and Manager's Report</u>
Council member Henney attended COSAC meeting where they honored Staff and Council with a proclamation of a job well done. Attended a Joint Mountain Accord meeting and attended the HPCA meeting where the highlight was a Peak Parking Demand discussion.

Council members Peek and Matsumoto had nothing to report.

Council member Beerman thanked Ann and Phyllis for bringing Charles Buki in for a Mountain Accord meeting. Attended a CAST meeting and found it very informational. He would like to bring back a slide show to spark interest to get other Council Members attending in the future. Attended a ULCT meeting and many Mountain Accord Meetings. Stated he is concerned with the Joint meeting scheduled for tomorrow feeling that the Council has not had sufficient time to discuss the matrix. Simpson suggested Council use the time to work through the matrix without the County Council present. Mayor Thomas feels uncomfortable canceling with short notice but will call the County.

Council member Simpson stated that she attended the Planning Commission meeting, Chamber Fall Tourism event stating the speaker was great and many more meetings.

Mayor Thomas stated that he was out of town during the USC parade and was very pleased with the outcome of the Utah game.

Council Simpson inquired about the Manager's report regarding Parking specifically ADA parking in China bridge and the parking of the preschool teachers at the Sanity. Brooks Robinson stated that all stalls in the China Bridge lot are paid stalls and that staff is working with on a teacher parking solution. Simpson stated she felt all ADA stalls should be free.

Council member Henney inquired about the street lighting Manager's report along Deer Valley and McHenry. Cassel stated that when staff does an OTIS project they work with the neighborhood to discuss sidewalks and lighting. Discussed the pedestrian lighting. Henney inquired about an offset to do this project in a green way. Cassel stated staff is working toward a standardized lighting system.

Council member Beerman congratulated the Library on receiving recertification as a Quality Library, the highest level for library certification.

Regular Meeting

I. I. ROLL CALL- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 7, 2014. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Matt Dias, Acting City Manager; Mark Harrington, City Attorney; Marci Heil, City Recorder; Kirsten Whetstone, Planner; Heinrich Deters, Trails and Open Space; Jonathan Weidenhamer, Economic Development Manager; Jason Glidden, Economic Development Project Manager/Interim Ice Manager; Chad Root, Chief Building Official; Tommy Youngblood, Special Events.

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications and disclosures from Council and Staff.

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

Rory Murphy- felt compelled to speak to Council regarding the no construction rule during the 9 days at Christmas stated that it hurts the guys that are least able to absorb the costs. Stating that the wage earners are not working and for some of them it is really hard for them financially but they will not complain. Stated that he understands the policy but feels that it could be less impactful by allowing inside work to continue.

Rich Weinum- came to discuss Mountain Accord stating that he spoke to Council last year regarding wildlife crossings and when he went to the Mountain Accord meeting at the Marriot and found silence and lack of conversation in town and feels that it needs to be a top priority in the community stating he would also like to see wildlife corridors on the Mountain Accord plan. He attended A Mountain Accord transportation meeting and found the voting process to be to forward everything on to the Executive level including the opening of Guardsman Pass. Council member Simpson clarified that Guardsman Pass would not be opened year-round. Simpson also clarified that wildlife crossings have been discussed at every meeting she has attended.

Council member Beerman reiterated that in both the Environmental and Economy groups were strongly against opening Guardsman Pass.

Chief Building Official Chad Root introduced Park City Live full-time manager Ryan. He stated he has 28 years of entertainment experience and is ready to make it great.

IV. CONSIDERATION OF MINUTES FROM OCTOBER 2 AND OCTOBER 9, 2014 COUNCIL MEETINGS

Council member Beerman moved to approve the minutes from the October 2 and October 9, 2014 City Council Meetings
Council member Matsumoto seconded
Approved unanimously

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

1. Consideration of the Contract with Ward Engineering for Design of McHenry Avenue

2. Consideration of an Amendment to the Professional Services Agreement with Zion's Bank Public Finance for Water financial modeling services

3. Consideration of Amendment No. 2 Ward Engineering for Deer Valley Drive Phase 2

4. Consideration a Water Agreement by and between Park City and Ivory Homes, in a form approved by the City Attorney.

Council member Simpson moved to approve the Consent Agenda
Council member Beerman seconded
Approved unanimously

VI. NEW BUSINESS

1. Consideration of a Resolution proclaiming November 1, 2014 as "Extra Mile Day" in Park City, Utah

Council member Beerman moved to approve a Resolution proclaiming November 1, 2014 as "Extra Mile Day" in Park City, Utah
Council member Simpson seconded
Approved unanimously

2. Consideration of the Round Valley Park City Annexation –Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3, T2SR4EEast of US 40 and North of SR 248. Park City Municipal is the applicant. The requested zoning is Recreation Open Space (1,262 acres) and LI, Limited Industrial (2 acres). The property is primarily City owned open space encumbered with conservation easements,

with the exception of two 1 acre City owned, non-encumbered parcels, and includes the 120 acres Osguthorpe conservation easement area:

Planner Whetstone and Heinrich Deters, Trails and Open Space Project Manager, stated that this an annexation of 1368 acres located in Round Valley. The parcel is zoned Recreation Open Space. Whetstone stated that Park City, UDOT, and Osguthorpe Group are the applicants on this project. Whetstone discussed the property boundaries in depth and outlined the process that staff and the Planning Commission have been though regarding this annexation. Stated that this application came in under the old general plan but meets the current general plan with the goal of open space.

Council member Simpson inquired about the essential municipal uses in the ROS zone. Staff stated that the original application was to include Limited Industrial; however, since then, Planning Commission has proposed the entire property as ROS with the essential municipal uses being permitted through the CUP process.

Council discussed making a zoning change to an RD zone, Mayor Thomas felt it was wrong to change on the fly, Council member Henney stated that he felt that the Planning Commission has looked at this annexation thoroughly and feels comfortable with their recommendation.

City Manager Foster stated that the City has been very transparent throughout this process on the uses of the land and feels that if the Council is clear that essential municipal uses are a possibility in the future there will not future problems.

Mayor Thomas opened the public hearing. There were no comments, Mayor Thomas closed the hearing.

Council member Simpson moved to approve of the Round Valley Park City Annexation – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR4E and Sections 2 and 3, T2SR4EEast of US 40 and North of SR 248
Council member Beerman seconded
Approved unanimously

Council member Simpson moved to amend the current zoning map
Council member Matsumoto seconded
Approved unanimously

3. Consideration of the An Ordinance Amending Title 4, Chapter 8 Of the Municipal Code Of Park City, Utah To Include Events In Parking Structures.

Jason Glidden, Economic Development Project Manager, discussed the proposed changes that were outlined in a past work session that staff has implemented into the amendment of Title 4 to include Events in Parking Structures. Glidden stated that they have worked with Chief Building Official Chad Root and Deputy Fire Marsha Kurt Simister to ensure the changes follow the code. Root spoke to the life safety aspects of this ordinance stating that staff has made changes to ventilation requirements as well as limiting multi-uses to the space such as an event and a storage area.

Council member Beerman inquired why staff was limiting the use to two times a year when there could be the potential for a large cost to the property owner and would be easier to justify over a period of time and events. Glidden stated that staff felt that this was a release valve for the City during extremely large events. Glidden also stated that this is a trial run and will likely be reevaluated in the future. Council member Beerman then recused himself from the item as he owns a property that could be used in this fashion.

Council member Simpson inquired if the new requirements would be a temporary use or a permanent structure. Root stated that it is a case by case situation but there could be some cost involved for the garage owners.

Jonathan Weidenhamer, Economic Development Manager, reiterated the City goals to mitigate traffic and the parking issues which is where the restriction came into play.

Opened the Public Hearing

Mike Sweeny stated that he represents his brothers as a partial owner in the Town Lift Garage along with the other owners, Vail and the condo HOA. So far the owners have agreed that the only time to run the garage as an event housing is during Sundance. He also spoke to the storage of beer for Stella Artois and feels that it is a benefit to Main Street to be able to store items for quick delivery without having to block the street with delivery vehicles. Feels that staff has been very fair in making this work. Spoke to the number of events stating that he has found only a limited number of opportunities that would warrant the converted use as it is very expensive to set up and take down. Spoke to a change in the State code regarding restrooms and feels that this will put people off Main Street. Feels that the City could bring in restrooms on the Main Street as they do during Arts Festival, Tour of Utah, etc.

Mayor Thomas closed the public hearing.

Council member Simpson inquired if Sweeny was putting in a permanent system. Sweeny stated that it is a conversion of a current system to be used during Sundance only. Simpson stated that she has no problem moving forward and reevaluating in the future.

Council member Matsumoto stated that she is in favor and would like to check-in down the line as well as direct staff to look at the restroom situation.

Council member Peek agreed with Matsumoto

Council member Henney stated that he agrees with the current plan and also likes the possibility of increasing the number of events.

Weidenhamer stated that when staff started looking at this change they looked at the level of service Sundance and the City provide to determine if it was feasible to offer this level during other events. Root spoke to the restroom issue Mr. Sweeney spoke to stating that it is outlined in the International Plumbing Code that venues with bars, restaurants, etc have one bathroom per 40 customers.

Council member Peek moved to approve the Ordinance Amending Title 4, Chapter 8 Of the Municipal Code Of Park City, Utah To Include Events In Parking Structures
Council member Simpson seconded
Council member Beerman recused himself
4-1 Approved

4. Consideration of the Park Silly Sunday Market contract extension

Tommy Youngblood, Special Events, Jason Glidden, Economic Development Project Manager, and Silly Market Representatives Kate Boyd and Michelle McDonald discussed the successful season Park Silly Sunday Market had. Youngblood thanked the working group for all their hard work. Stated that the market growth is consistently growing 10% per year and even though the Silly Market is very successful with the new measures this year there are some parking issues that have surfaced again this year. Staff will bring a parking plan back to Council by March 2015 to mitigate these impacts. Boyd thanked the Working Group who participated this year, it was a great asset to the Market.

Council member Beerman thanked Silly Market for the hard work they have put in to move merchants off Park Ave.

Council member Simpson also thanked Silly Market staff and was very impressed with the report card.

Mayor Thomas opened the floor for public input.

Mike Sweeny stated that the Silly Market is near and dear to his heart as he helped start the market. Feels the event is growing and is a great event. He has partnered with PSSM to provide parking and restrooms. He would love to see the numbers continue to grow stating he would love to see new people discovering Main Street every day.

Mayor Thomas closed the public input portion.

Council member Matsumoto moved to accept the finding that they are in compliance for an automatic renewal.
Council member Simpson second
Approved unanimously

5. Consideration of the Subdivision Plat Thayne's Creek Ranch Estates Phase II located at 510 Payday Drive, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

Council member Peek moved to Continue to November 20, 2014
Council member Simpson seconded
Approved unanimously

6. Consideration of an Ordinance approving a second one year extension of the August 9, 2012 approval of the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue in Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Planner Whetstone stated that this is a request for a second extension to August 9, 2015. Whetstone stated that the applicant has been working with staff on a number of issues to finalize this plat. There are final trail head improvements that have not been completed and the biggest issue is with the water impact fees. This building was brought into the City on an annexation and the water impact fees were not paid at the time. With the change in use of the building the Water Department suggested using the Water Smart Portal to determine water usage and the proper fees. When the usage was evaluated it was found that there was a leak on the property, the leak has been fixed but the water department and the applicant concur that they would like to see the water usage for May, June, and July before the impact fees are assessed.

Council member Peek inquired if this individualized water usage is acceptable, Harrington stated that it is currently in the code to allow the applicant to gather information from an agreed upon source to determine water usage and impact fees.

Harrington suggested Council move the expiration date to one year from tonight's meeting in order to give the applicant the summer months to determine water usage.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

Council member Simpson moved to approve a second
one year extension expiring October 30, 2015
Council member Beerman seconded
Approved unanimously

7. Consideration of an Ordinance approving a second one year extension of the August 9, 2012 approval of the Ontario Mine Bench Condominiums located at 7700 Marsac Avenue in Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

Council member Matsumoto moved to approve a second one year
extension expiring October 30, 2015
Council member Simpson seconded
Approved unanimously

VII. ADJOURNMENT

Council member Peek moved to adjourn the meeting
Council member Beerman seconded
Approved unanimously

CLOSED SESSION MEMORANDUM
The City Council met in a closed session at approximately 3:30 p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were: Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias,

Assistant City Manager; Polly Samuels McLean, Assistant City Attorney; Phyllis Robinson, Public Affairs; Ann Ober, Community Relations; Rhoda Stauffer, Housing Specialist; Nate Rockwood, Capital Budget, Debts and Grants Manager; Clint McAffee, Water/Streets Supervisor; Jim Blankenau, Environmental Sustainability; Roger McClain, Water Department; Troy Dayley, Streets Supervisor; Heinrich Deters, Open Space and Trails Manager; Jason Glidden, Economic Development Project Manager/Interim Ice Manager. **Council member Beerman moved to close the meeting to discuss Property, Litigation and Personnel. Council member Simpson seconded. Motion carried.**

Council member Simpson moved to open the closed session. Council member Matsumoto seconded. Motion carried

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

Marci Heil

Marci S. Heil, City Recorder

PARK CITY COUNCIL MEETING MINUTES- DRAFT
SUMMIT COUNTY, UTAH,
November 13, 2014

Closed Session
To discuss Property, Personnel and Litigation

Site Visit
Site Visit to the area commonly referred to as the Clark Ranch Properties
Approximately ¼ east of the Quinn's Water Treatment Facility 3800 E. Richardson Flat Road, Park City Utah

Closed Session
To discuss Property, Personnel and Litigation

Study Session
Mayor and Council met with the Board of Adjustment members for a joint study session where they discussed the role to the Board and the challenges they face. Mayor Thomas stated that he feels their role will become more and more demanding as the community continues to infill. The Council inquired if they needed any tools or training to help them do their job and the Board concurred that they felt they had great staff support. Council member Peek, liaison to the Board stated he is always impressed with the way the Board conducts the meetings. It is a hard job to say no and still show empathy and respect. The Council concurred they too are pleased with the members of the Board of Adjustment.

Work Session
Council Questions and Comments and Manager's Report

Mayor Thomas thanked Sharon for 26 ½ years for her wonderful service. Sharon thanked Council and Staff for the great years. She said has had a great time.

Council member Henney spoke to the joint meeting at Mountain Accord they held on the 31st finding it very informational. Attended the Wilderness Task force meeting that lasted 9hours and felt it was a very good meeting looking at a connection into the Uintah range.

Council member Simpson stated that she attended a Fire Board meeting and Friends of the Farm.

Council member Peek attended the HBP meeting where they discussed the proposed staff changes that were brought to the Council a few weeks ago.

Council member Matsumoto attended a museum meeting and spoke to the free days in the coming months.

Council member Beerman has attended many Mountain Accord meetings. Stated that the December 3rd Community Outreach meeting has been postponed until early January. Live PC Give PC killed it and he is very proud of the community for raising over a million dollars.

2015 Legislative Update

Matt Dias spoke to the Council gearing up to the upcoming Legislative session. Spoke to the platform he created in the staff report discussing transportation, land use. Mayor and Council feel that the framework is a great idea and feel comfortable with the outline presented to Council. Dias stated that he did not want to look into the crystal ball but feels that there will be a push for transportation as well as the usual hot topics of clean air, health care. Discussed a proposed resolution that he will be bringing back to Council next week. Council member Beerman stated that he got a preview of the proposed transportation tax stating that it will be a very broad definition of transportation with this bill. He inquired about what the tax would mean to Park City. Dias stated that he will have a better number next week following the kickoff meeting. Council member Simpson inquired if this money will stay within our City. Dias stated that a city-wide option is available and he will have more information next week as well. Simpson inquired if there is any LGBT movement this time as the door was closed on those bills last year awaiting the Supreme Court ruling. Dias stated that anything is possible. Dias will be bringing back updates at each Council meeting until the close of the session.

Temporary Winter Balcony enclosure discussion

Planner Grahn stated that in September 2013 the Riverhorse approached the City regarding winter balcony enclosures. Staff is not in favor of the temporary winter enclosures as they would interrupt the view along Main Street as well as cause possible damage to the historic structures. Grahn outlined the LMC and International Building Code that would be against permitting these temporary enclosures. John Allen, Building Department, stated that he can agree that there is not a desire for the tent structures, as well as being unsightly they have energy efficiency deficits. Mayor Thomas feels that this winter program would be redesigning Main Street for the winter season and he agrees with Staff.

Council member Matsumoto stated that she does not have a problem with the dining decks and stated that there are only 5 restaurants with decks and they may not all want to participate and would be inclined to a shorter period of time. She also thanked staff for the wonderful report but does not see this as a negative aspect. Council member Peek stated that he feels that it will change the architectural pattern of Main and feels with the snow load impacts would be too great. Council member Henney stated he agrees with Matsumoto and would like to think that staff could make certain adjustments to make this work. Council member Simpson agrees with the Mayor. Council member Beerman agrees with Matsumoto and Henney and feels that there is not an impact and feels that during the summer there are large umbrellas up that interrupt the vibe and flow and also remembers the hurdles we had with the summer decks. Allison Butz spoke for the HPCA stating that they do not have a problem with adding square footage to the restaurants during the winter season.

Mayor Thomas spoke to the structural design and snow load issues of the property. Allen stated that each deck would have to go through a design review. Mayor Thomas stated that even with a pilot program it would still impact the character of Main Street. Council member Simpson stated that she feels that this will be a lot of pain for not a lot of gain. Council member Matsumoto stated that she does not feel it should be allowed up year-round and looks at health and safety as a paramount issue and would suggest the HPCA take a look at this item but is still in favor. Sintz suggested a compromise that would allow the restaurants to keep the tents up for longer that the currently allowed 14 days to allow for more seating during the winter season. Council agreed that the proposed enclosures looked nicer than the tents. Mayor and Peek spoke again to the architectural load.

Seth Adams, Riverhorse, stated that he has worked with architects and have looked at the snow load and fire codes. They are looking at just adding time through the ski season and would like to give a different perspective to our visitors. Spoke to the impact to the adjacent buildings as well as the process of taking the structure up and down.

Kasey Crawford, business owner, spoke to the tent structure stating that it detracts from the appeal of Main Street.

Mike Sweeny took this from a perspective as a business owner and stated that he supports creative and innovative ideas to bring people into Main Street.

Mayor Thomas expressed his continued concern regarding this item. Foster spoke to the items staff will bring back a proposed lease agreement and a policy program as well as a read from the HPCA and the Historic Preservation Board as well as building guidelines.

Main Street Employee Parking Initiative
Blake Fonnesbeck, Public Works Director; Brian Anderson, Transportation and Allison Butz, HPCA spoke to the parking initiative stating that this has been an evolving plan to better serve our parking issues. Fonnesbeck stated that the Task Force that included HPCA members as well as staff looking at peak hour/peak day data to develop a final recommendation for Council. Fonnesbeck recognized the parking problem apparent in Park City. Outlined the recommendations stating that they looked at China Bridge proposing 6 hours per vehicle instead of the current 6 hours per space where they have identified spot jumping in the garage.

Council member Henney thanked staff for looking at resolving actual parking issues. Fonnesbeck outlined the changes for the China Bridge Pass with increased fee and restrictions on Friday and Saturday reserving the current restrictions during Sundance and Arts Fest. Council member Simpson stated her concerns with the transferrable pass and will exacerbate the problem. Council member Peek stated that in his mind the goal is to free up parking for visitors and feels that if there are problems then the task force should be able to change those restrictions. Council member Henney stated that he feels this is an appropriate step to help mitigate the issue. Fonnesbeck outlined the transportation system that will help encourage people to use the bus routes and the shuttle service. Mayor Thomas thanked staff and looks forward to the item coming back in a future meeting.

Introduction of new Park City Mountain Resort Chief Operating Officer Bill Rock
Mike Gore introduced Bill Rock as the Chief Operating Officer of Park City Mountain Resort sharing that the Council and Community will find his involvement outstanding. Gore asked the record to reflect that Bill brought the snow storm this evening. Rock thanked Gore for the great introduction and is very excited to be in the Community. Stated that his family is so excited to

move here and sent props to his wife for all her involvement in the communities they have lived in. He stated that Vail and his family are thrilled to be a part of Park City.

<u>Summit Community Power Works, Entry into Georgetown University Energy Prize</u>

Matt Abbot, Sustainability and Mary Christa Smith, Program Manager for Summit Community Power Works, discussed the Georgetown Energy Prize spoke to the overview of the project plan. Stated the goal is to reduce the use of electricity and natural gas within the municipalities and residents. Smith spoke to the mission statement as well as the SCPW's role. They have already found traction with the residents and the County schools. They have four initiatives including LED lighting, Smart Controls, Infrastructure; weatherization and retrofits and renewable energy. Staff and the SCPW team feel that with great community support we have a great chance at winning this 5 million dollar prize.

Regular Meeting

I. ROLL CALL- Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 7, 2014. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Matt Dias, Acting City Manager; Mark Harrington, City Attorney; Marci Heil, City Recorder;

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures from Council or Staff.

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

Bill Humbert, stated that staff has done a really great job with the parking plan but he does have one concern regarding the safety of the shuttle system drop off stations late at night.

IV. APPOINTMENTS AND RESIGNATIONS

1. Consideration of Sharon Bauman's resignation/retirement as Senior City Recorder/Elections Official

Mayor thanked Sharon for her service to the City and the Community.

Council member Simpson begrudgingly, unhappily and reluctantly moved to accept the resignation/retirement of Sharon Bauman as Senior City Recorder/Election Official
Council member Peek seconded
Henney- Aye
Simpson-Nay
Beerman- Aye
Matsumoto- Nay
Mayor Thomas broke the tie with an Aye
Approved

V. CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a*

predisposition for approval and may be removed by motion and discussed and acted upon)

1. Consideration of the Gamble Oak easement

2. Consideration of the Stoneridge Bench Donation

3. Consideration of the Historic Preservation Consulting Services contract

Council member Simpson moved to approve the consent agenda
Council member Peek seconded
Approved unanimously

VI. NEW BUSINESS

1. Consideration of the 1185 Empire Avenue Plat Amendment located at 1185 Empire Avenue, Park City, Utah, pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Mayor Thomas opened the public hearing. There were no comments, Mayor Thomas closed the hearing.

Council member Peek moved to Continue to November 20, 2014
Council member Simpson seconded
Approved unanimously

2. Consideration of the 508 Main Street Subdivision plat amendment and consider approval based on the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Planner Grahn stated that this is a re-approval of the plat amendment due to a plat modification that had inconsistent dates.

Mayor Thomas opened the Public Hearing. There were no comments, Mayor Thomas closed the hearing.

Council member Beerman moved to approve the 508 Main Street Subdivision plat amendment and consider approval based on the findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney
Council member Matsumoto seconded
Approved unanimously

City Attorney Harrington advised to reopen the Council comments portion of the meeting to view Council member Beerman's CAST presentation

Council member Simpson moved to reopen the Council comments portion of the meeting
Council member Peek seconded

Approved unanimously

Council member Beerman showed the Council a slide show from the Colorado Area Ski Towns preview. Spoke to the historic plaques that lined Main Street to help understand the history. Spoke to the three presentations they held during the CAST tour speaking to tourism, revenue-neutral carbon fee and real estate data.

VII. ADJOURNMENT

Council member Peek moved to adjourn the meeting
Council member Simpson seconded
Approved unanimously

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 12:00p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Brooke Moss, Human Resources Manager; Heinrich Deters, Trails and Open Space Manager; Ann Ober, Community Relations Manager; Matt Abbott, Sustainability; Thomas Eddington, Planning Director; Nate Rockwood, Capital Budget, Debt and Grants Manager; **Council member Simpson moved to close the meeting to discuss Property, Litigation and Personnel. Council member Beerman seconded. Motion carried.**

Council member Simpson moved to open the closed session. Council member Matsumoto seconded. Motion carried

The City Council met in a closed session at approximately 2:45p.m. Members in attendance were Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto and Tim Henney. Staff members present were; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Brooke Moss, Human Resources Manager; Heinrich Deters, Trails and Open Space Manager; Ann Ober, Community Relations Manager; Matt Abbott, Sustainability; Thomas Eddington, Planning Director; Nate Rockwood, Capital Budget, Debt and Grants Manager; **Council member Beerman moved to close the meeting to discuss Property, Litigation and Personnel. Council member Matsumoto seconded. Motion carried.**

Council member Beerman moved to open the closed session. Council member Peek seconded. Motion carried

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

Marci S Heil

Marci S. Heil, City Recorder

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1,
1884

City Council Staff Report

Subject: **Tunnel Communications Equipment**
CONSTRUCTION AGREEMENT
Author: **Kyle MacArthur, Water Distribution Manager**
Department: **Public Works, Water**
Date: **November 20, 2014**
Type of Item: **Administrative**

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Tunnel Radio of America Inc. for installation of Tunnel Communications Equipment in an amount of $236,967.00.

Topic/Description:
Construction of the Tunnel improvements are in accordance with the Water Strategic Plan's Source Strategies & Policies as follows:

Source: Maintain tunnel sources to enable maximum source delivery.

Background:
The Spiro and Judge Mine Tunnels are two of the City's major water sources, making up a large portion of our annual supply, both potable and secondary, and comprising the headwaters of McLeod Creek. All mines, whether active or not, require constant maintenance as the ground never stops moving. Routine inspections are carried out and repair work prioritized based on the criticality of keeping the tunnels open and safe. However, even with this proactive approach, collapses and cave ins do still happen. Also, due to the extremely labor intensive nature of the work, work place injuries are a serious potential.

The City currently employs a Mine Maintenance Supervisor and has been contracting with Jordanelle Special Service District since 2003 to provide maintenance service inside the tunnels. Water Operators also assist with routine inspections and maintenance of water works facilities within the tunnels. When inside the tunnels, there is currently no way to communicate with the outside world. In the event of an emergency of any sort, the only way staff would be aware of an issue is if the miners didn't report back at the end of the day when they are scheduled to exit the tunnel.

Staff has researched the latest standards in the mining industry and found that a "leaky feeder" system will serve us the best to ensure the safety of all who enter the tunnels. These systems provide a means of communicating wirelessly both within the tunnels and to the portal, by the use of durable wiring throughout the length of the tunnels and handheld VHF radios. In the event anyone in the tunnels got trapped or separated, the communications system would help affect a much more effective rescue operation.

In the last year, we have made several enhancements to our safety program. Water Department employees who lead inspections or work crews are required to attend an initial 40 hour MSHA training and 8 hour refreshers annually, hosted by the Utah Safety Council. Anyone who goes into the tunnels is required to call a designated City employee when they exit that day. Multiple sets of emergency rations and supplies have also been installed at strategic locations in both tunnels. A leaky feeder system is the next critical step in ensuring safe operations.

Analysis:

Construction Contract:

The Tunnel Communications Equipment project was advertised in the Park Record on 8/6, 8/9, 8/13 and 8/16, 2014, online at utahlegals.com, and on the Park City Website beginning August 6th, 2014. One proposal was received and opened on September 3rd, 2014 in the amount of $236,967.00.

Tunnel Radio of America Inc is the only responsive bidder. Bid Documents have been verified by Staff. Staff therefore has determined that **Tunnel Radio of America Inc** is the successful Bidder.

JSSD staff, working under the 2013 Mine Maintenance Contract, will be installing the leaky feeder cable in the two mine tunnels as directed by Tunnel Radio staff. Once the cable is installed, Tunnel Radio will install and set up the "head units", the brains of the system, near the portals. Park City will provide minor electrical work through a separate contractor.

The City's Project Manager, Kyle MacArthur, will be working under the guidance of the Water and Streets Director.

Department Review:

This report has been reviewed by representatives of Public Works, Legal, and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve:

Council could authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Tunnel Radio of America Inc, for the construction of Tunnel Communications Equipment in an amount of $236,967.00.

B. Deny:

Council could deny the request for the agreement. Denying the request delays or eliminates the enhanced safety of mine maintenance operations.

C. Modify:

Council could modify the request for the agreement. Modifying the request delays or eliminates the enhanced safety of mine maintenance operations.

D. Continue the Item:

Council could continue the request for the agreement. Continuing the request delays or eliminates the enhanced safety of mine maintenance operations.

E. Do Nothing:
Staff does not recommend this alternative.

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?		(+/-) Managed natural resources balancing ecosystem needs (+/-) Enhanced water quality and high customer confidence (+/-) Adequate and reliable water supply		(+/-) Fiscally and legally sound (+/-) Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*		Very Positive		Positive
Comments:				

Funding Source:
The funding for the project is from water service fees and is part of the approved FY 15 CIP budget.

Consequences of not taking the recommended action:
The project components are critical to the safe operation of the tunnel maintenance program.

Recommendation:
Staff recommends Council authorize the City Manager to execute a Construction Agreement, in a form approved by the City Attorney, with Tunnel Radio of America Inc for construction of Tunnel Communications Equipment in an amount of $236,967.00.

Exhibits:
EXHIBIT A: Tunnel Communications Equipment project, Proposal
EXHIBIT B: Tunnel Communications Equipment project, modified quote

Park City Public Works

Proposal for Tunnel Communications Equipment Project

TUNNEL RADIO

Leading the Way in Underground Innovation

Submitted by Tunnel Radio

September 2, 2014

Table of Contents

Executive Summary

Purpose:

Provide seamless surface to underground communications with system diagnostics and the ability to expand to add additional technologies to the system such as scada, gas monitoring, personnel tracking etc. inside the Spiro and Judge tunnels in and around Park City, Utah for use of maintenance personnel providing service in these tunnels.

Challenge:

Park City Public Works needs to provide communications for increased operational efficiency and increased safety inside the Spiro and Judge tunnels. There is currently no voice or data communications available in either of these tunnels other than the SCADA radio relay system which cannot be used for voice communications.

Solution:

This project will consist of a Leaky Feeder VHF communications system designed for easy installation in the Spiro and Judge tunnels. The system consists of a communications head end, a surface antenna, and an underground distributed antenna system. The communications head end includes a rack mounted VHF Base interface unit with integrated diagnostics, two rack mounted Motorola MotoTrbo VHF repeaters with UPS, UPS Battery, RF isolator panel, and an industrial locking outdoor equipment cabinet. The surface antenna system includes a surge protection unit, antenna cable, antenna mount and VHF antenna. The underground distributed antenna system includes a surge protection unit, leaky feeder antenna cable, splitters, splice boxes, amplifiers and leaky feeder terminating antennas. Each of the tunnels will have a complete independent communications system with the capability of connecting to other sites via IP on an Ethernet, Fiber Optic or Microwave link.

Together the UPS and UPS battery will provide a minimum of 24 hrs of battery backup in the case of a loss of A/C power.

The head end units will be located just inside of each portal and will be connected to the surface and underground antenna system to provide 100% seamless coverage throughout each tunnel and within close proximity on the surface outside each tunnel.

Tunnel Radio field installation technicians will install all of the equipment quoted with the exception of underground leaky feeder cable and surface antenna. Installation of cabling and surface antenna will be performed by Park City Public Works personnel. Tunnel radio will provide full system commissioning, testing and train Park City Public Works maintenance personnel.

Company History

Tunnel Radio of America, Inc. was formed in 1988 to meet the demand for better wireless communications in the underground mining environment. The first reliable VHF radio system in the United States was installed by Tunnel Radio at the Greens Creek mine near Juneau, Alaska in 1988. This installation is in full use today having expanded many miles in the last 19 years. Since that time, Tunnel Radio has installed wireless systems in numerous mines in 25 states and several foreign countries.

Since 1993, when we launched our first railroad system, we have expanded our product line to completely encompass their changing needs. Our Tunnel Radio Link technology has allowed the two top railroads in the world—Union Pacific and BNSF, to double their long-haul freight carrying capacity and reduce fuel costs. Tunnel Radio is doing our part to reduce fuel consumption, increase capacity and reduce the freight traffic on the nation's highways.

At Tunnel Radio, we strive to create streamlined technologies that serve the needs of railroads, transit systems, and mines worldwide. From our TR-550 UHF, TR-159+ VHF Leaky Feeder Ultra High Frequency communications systems, Gas Sensing, Collision Avoidance MDT-360 and NetComm IP based systems for mines, to our railroad and transit systems; we have a technology to meet your needs.

We have installed wireless radio and data systems for some of the biggest names in transportation and mining, including: Union Pacific, Burlington Northern and Santa Fe, Metro-Link, Alaska Railroad, Barrick Gold, Newmont, Kennecott Rio Tinto and many others.

Tunnel Radio is committed to providing the most reliable, high performance, and cost effective radio systems available worldwide. Our product line is diverse, as our engineering department is constantly working to develop new equipment and to refine existing products so that we can offer quality equipment that is perfectly suited to the mining, railroad and transit industries' operational requirements. We believe in strong customer support and in-house training of customer employees for basic servicing and expansion of our systems so that our customers continue to receive the very best in underground radio equipment and technology. We also strive to deliver our products and services to you with the utmost in personal honesty and integrity.

Our UltraComm UHF and VHF mine radio systems and innovative data monitoring and control systems have revolutionized underground communication; and now, thanks to our data systems, you can manage your mine from the comfort of your office. As a full-line Motorola Two-way radio dealer we are ready to integrate the most advanced wireless equipment in the world.

Description of Tunnel Radio Installations and Implementations

Past Performance Reference for Tunnel Radio of America #1

Prime Contractor:	Tunnel Radio of America
Role:	Design, install, program, commission a leaky feeder surface/underground communications and personnel/asset tracking VHF radio system and provide training customer's personnel
Customer Organization:	Sunshine Silver Mine
Contract Name:	Leaky Feeder Project
Contract Number:	425
Contract Type:	Time and Materials
Contract Value:	$125,552.50
Performance Based Contract:	Yes
Start and Completion Date:	Start date: 02/04/13 Completion Date: 04/10/13

Contact Information:

1- Sunshine Silver Mine
Bryan Stepro
Technical Services Specialist
208-783-2892 ext. 208
bstepro@ssmines.com

2- Sunshine Silver Mine
Kelly Grof
Project Manager
208-783-1720
Cell 208-682-5776
kgrof@ssmines.com

Contract Scope and Tasking: Installed and commissioned a wireless VHF voice communications system featuring digital diagnostics, personnel and asset tracking for both surface and underground mining facility. Also provided 2 day onsite for mine maintenance personnel on operation, maintenance and troubleshooting.

Performance Standards Met and Unmet: Met
Description of Efforts:

a. Quality of Service – Tunnel Radio provides crystal clear digital voice and data communications via the Motorola Mototrbo VHF radio system.
b. Timeliness (Schedule Control) – Project was commission on schedule and completed in the allot time allowed.
c. Cost Control – Project was completed within the budget allowed
d. Positive and Effective Business Relations – Tunnel Radio's relationship with Sunshine Mine has been positive and effective. Tunnel Radio has collaboration with Sunshine Mine in the development of a 4Gas Sensing System.

Past Performance Reference for Tunnel Radio of America #2

Prime Contractor: Tunnel Radio of America
Role: Design, install, program, commission a leaky feeder surface/underground communications and tracking UHF radio system and provide training customer's personnel

Customer Organization: Rio Tinto – Kennecott Utah Cooper

Contract Name: Bingham Tunnel

Contract Number: 3003332320

Contract Type: Time and Materials

Contract Value: $106,875.30

Performance Based Contract Yes

Start and Completion Date: Start date: 1/15/13 Completion Date: 05/07/13

Contact Information:

1- Kennecott Utah Cooper
Kourtney Korth
801-557-5634
Kourtney.korth@riotinto.com

2- Kennecott Utah Cooper
Hesston Klenk
Contracts Superintendent – Underground Development
801-204-2923
hesston.klenk@riotinto.com

Contract Scope and Tasking: MineAx Digital RFID Personnel Tracking and Gas Sensing System was installed alongside the UltraComm Leaky Feeder System with Tunnel Radio Monitoring System allowing for constant monitoring of personnel and equipment.

Performance Standards Met and Unmet: Met
Description of Efforts:

e. Quality of Service – Tunnel Radio provides crystal clear digital voice and data communications via the Motorola Mototrbo UHF radio system.
f. Timeliness (Schedule Control) – Project was commission according to Rio Tinto delayed schedule. Once Tunnel Radio was allowed on site, commissioning was completed ahead of schedule by 3 days.
g. Cost Control – Project was completed under budget due to commissioning done ahead of schedule.
h. Positive and Effective Business Relations – Tunnel Radio's relationship with Rio Tinto has been positive. Relationship with Rio Tinto and Tunnel Radio stems back to as early as 2008. With a total of four systems being designed, installed, commissioned by Tunnel Radio.

Past Performance Reference Sheet Tunnel Radio of America#3

Prime Contractor: Tunnel Radio of America
Role: Design, install, program, commission a leaky feeder surface/underground communications and tracking UHF radio system and provide training customer's personnel
Customer Organization: Rio Unimin Corporation

Contract Name: Communications Project

Contract Number: 160078

Contract Type: Time and Materials

Contract Value: $306,876.84

Performance Based Contract: Yes

Start and Completion Date: Start date: 03/17/14 Completion Date: in progress

Contact Information:

1- Unimin Corporation
Kyle Murphy
Mine Supervisor
870-346-5301
kmurphy@unimin.com

2- Unimin Corporation
Gordon Bull
870-346-5301
gbull@unimin.com

Contract Scope and Tasking: MineAx Digital RFID Personnel Tracking and Gas is being installed alongside the UltraComm Leaky Feeder System with Tunnel Radio Monitoring System allowing for constant monitoring of personnel and equipment.

Performance Standards Met and Unmet: Met

Description of Efforts:

i. Quality of Service – Tunnel Radio provides crystal clear digital voice and data communications via the Motorola Mototrbo VHF radio system.
j. Timeliness (Schedule Control) – Currently on schedule for completion
k. Cost Control – No budgetary issue are anticipated.
l. Positive and Effective Business Relations – Tunnel Radio has been in constant communication with the Mine Supervisor during the entire project.

Contact List

Please feel free to contact Tunnel Radio references.

Sunshine Silver Mines
Bryan Stepro
208-512-2584

Newmont Gold Corporation
Jim Hicks
775-778-2311

Rio Tinto KUCC
Dan Mead
801-204-2923

Barrick Gold Corporation
Rob Kufeld
775-468-4253

Stillwater Mining Corporation
Rob Payne
406-328-8424

Designation of Personnel

Jeremy McKern – Business Development Director / Field Application Engineer

Jeremy has an extensive background in communication system design and deployment. He has been in management supervising RF technicians for over 15 years. His expertise is in two-way radio systems for mining, railroad and oil & gas. Jeremy's career began 15 years ago with the U.S. Navy where he was schooled to become an RF Electronics Technician and later earned an Associate of Applied Science in Electronics Technology from Thomas Edison State College. He has covered the gamut of radio technologies working on systems in almost all frequency bands including VLF, HF, VHF, UHF, SHF and EHF. Jeremy joined Tunnel Radio on 2010 where he worked as a field application engineer designing and installing two-way radio and personnel & asset tracking systems. He has also completed many courses with Motorola specifically on the MotoTrbo suite of products. Jeremy currently runs the business development department where he focuses on sales, field service, engineering and adding new technologies to the Tunnel Radio Suite of product offerings.

Caleb (CJ) Boyet – Senior Field Electronics Technician

Caleb has over 15 years experience in the RF and two-way electronic communications industry. CJ has performed service, installation, assembly, testing and programming on all Tunnel Radio's product lines in over 60 different mines across the US, Philippines, Australia and Guatemala. He holds a General Radio Operators License (GROL) with Radar endorsement and obtained his Associates of Science in Electrical, Electronics and Communications from ITT Technical Institute.

Tunnel Radio Contact List

CONTACT LIST

Tunnel Radio
6435 Hyslop Road
Corvallis, OR 97330

JEREMY MCKERN
Director of Business Development
Primary Contractor Representative/ Project Manager
jeremy.mckern@tunnelradio.com

DEBBIE PATTON
Customer Service Manager
Contract Administrator
debbie.patton@tunnelradio.com

KATHY IRVIN
Sales & Marketing Coordinator
Project Administrative Assistant
kathy.irvin@tunnelrado.com

System Overview

This project will consist of a Leaky Feeder VHF communications system designed for easy installation in the Spiro and Judge tunnels. The system consists of a communications head end, a surface antenna and an underground distributed antenna system. The communications head end includes a rack mounted VHF Base interface unit with integrated diagnostics, two rack mounted Motorola MotoTrbo VHF repeaters with UPS, UPS Battery, RF isolator panel, and an industrial locking outdoor equipment cabinet. The surface antenna system includes a surge protection unit, antenna cable, antenna mount and VHF antenna. The underground distributed antenna system includes a surge protection unit, leaky feeder antenna cable, splitters, splice boxes, amplifiers, and leaky feeder terminating antennas. Each of the tunnels will have a complete independent communications system with the capability of connecting to other sites via IP on an Ethernet, Fiber Optic or Microwave link.

Together the UPS and UPS battery will provide a minimum of 24 hrs of battery backup in the case of a loss of A/C power.

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Tunnel Radio field installation technicians will install all of the equipment quoted with the exception of underground leaky feeder cable and surface antenna. Installation of cabling and surface antenna will be performed by Park City Public Works personnel. Tunnel radio will provide full system commissioning, testing and train Park City Public Works maintenance personnel.

Equipment Hardware Requirements

Quantity	Part Number	Description
2	TR-IFU4-155-MX-28V	Integrated Base Interface with TMS & Tracking, Digital Capable, 4 channels, 2 branches, 28V, VHF
20	TR-159-PLUS-N	Amplifier, Digital Capable, Automatic Gain Control (AGC), Narrow Split with LED diagnostics, 3 tab, VHF
20	TR-TMS-C150-S	TMS Slave Card for use in amplifier IP (WAN/LAN) Based, VHF
22	TR-1501-CBL-350M	Cable, Digitial Leaky Feeder, Radiating, yellow , 1/2" 75 Ohm, Standard 1148' reel
2	TR-MX-SERVER	Client/Server Hardware Platform, includes 19 inch LCD Dual monitors, keyboard, and printer
2	TR-MX-SOFTWARE	Software for MineAx Tracking, Diagnostic, and Gas Monitoring, IP (WAN/LAN) based
2	TR-JV3B-T	Splitter, 2 way, 1 input-2 output, Throughway design, 3 tab, Non-MSHA, VHF
3	TR-ANT-1502-M	Underground Antenna, Dipole, Digital Capable, 3dB gain, 3 tab, VHF, MSHA
2	TR-808GI-N	Ground isolator, DC block for surface antenna, surged protected, block & clamp, type "N" female connector, in TR-CH808
2	TR-808LS-36V	Line Suppressor DC pass, surge suppression for underground cable, 36V, block and clamp, Non-MSHA
2	TR-ANT-B1503	Surface Antenna, Omni, Digitial Capable, type "N" connector, 3 dB gain, 62" L, VHF
2	TR-MNT	Bracket, mounting for surface antenna
2,000	TR-CL15X3	Cable Attachments Nylon clip for 1/2 cable & 3-1/2 SS anchor
1,000	TR-1505-CBL-NON	Cable, Digital Leaky Feeder, Non-Radiating, black, 1/2", 50 ohm, sold by the foot
4	TR-SB1-V-M	Splice box, 3 tab, MSHA, VHF
2	TR-UPS-1500	Uninterruptible Power Supply (UPS) , AC in/out, rack mount, surface use only
2	TR-UPS-BATT-1500-3U	Uninterruptable Power Supply, (UPS) Battery for extending runtime for TR-UPS-1500, surface use only
2	TR-CH6219	Cabinet, locking, outdoor, 62 x 24 x 34 with 19 rack
6	TR-CBL-1505-CM	Type "N " Male Connector for all 1/2" Digital Leaky Feeder cable
6	TR-CBL-1505-CF	Type "N " Female Connector for all 1/2" Digital Leaky Feeder cable
1	TR-CBL-KIT-VHF	Cable Prep Kit for all Digital Leaky Feeder cables, 1/2" VHF, cutter, scraper, stripper, spacers, screws, ect in an organizer)
1	TR-SA1201	Spectrum Analyzer Portable Handheld with case, charger, antenna adapter & RF probe
1	TR-PS-28A-V	Power supply 28V 2A with battery revert for TR amplifiers network (includes TR-PSI-28-V) VHF

4	TR-MOT-XPR8400-V	Motorola XPR8400 Repeater, 2 digital channels and 1 analog channel, 1-25W, 115V AC/240V AC inputs with XPR Cable Kit, VHF
10	TR-MOT-XPR6550-V	Motorola XPR 6550 Mototrbo Portable Radio, digital/analog, full keypad, 4 watts, 160 channels, submersible, VHF
2	TR-FI-75-4-V	Radio frequency isolator panel required when repeaters are in used with TR-IFU series VHF
1	TR-4550CS-DT-V	Digital Desktop Control Station, full display, AC power supply, antenna, speaker microphone, with battery backup, VHF
2	TR-MOT-XPR4550-V	Motorola XPR4550 Mobile Radio, digital/analog, full display, dash mount, 1000 channels, includes speaker microphone, VHF
3	TR-ANT-MMKIT-150	Antenna, Digital Capable, magnetic mount, used with all mobile radios, VHF
10	TR-MOT-XPR-MIC	Motorola Speaker Microphone for TR-MOT-XPR portable radios
10	TR-MOT-XPR-CASE	Carrying Case for TR-MOT-XPR portable radios, without window
2	TR-MOT-XPR-CH6	Motorola Battery Charger, six station for the TR-MOT-XPR portable radios
4	TR-FCC-LICENSE	FCC License preparation service

Tunnel Communications System will consist of the following system components:

- Communications system will be powered by the existing 120 VAC system at each tunnels access point.
- Complies with FCC regulations
- Operates between 32 degrees Fahrenheit and 122 degrees Fahrenheit
- Storage temperatures are from -40 degrees Fahrenheit and 185 degrees Fahrenheit
- Operates in between 5% and 95% humidity

Single Portable Head End Vs. Separate dedicated Head Ends at each site

The use of a permanent head end at each location is advised. Although it is possible to have a portable head end, the size and weight considerations as well as the possibility of damage during transport far outweigh the cost of separate dedicated head end units. Also, if the system were to have a portable head end, the unit would have to be installed on a trailer and hauled to each site when performing tunnel maintenance. It could be difficult to move, hook up, unhook, and store this unit without causing damage to equipment. Tunnel radio advises against a portable head end.

Equipment Software Requirements

- Software will run on a Windows operating system
- Software is user friendly and easy to operate
- Software runs diagnostics test on startup or reboot, and on request from the user
- UPS allows a minimum of 10 hrs of battery backup
- Handheld radios feature power management system designed to conserve power and increase battery life
- Handheld radio batteries are removable and rechargeable
- Server/Software package features ample memory and data storage
- Handheld radios are portable and can be carried either with a belt clip or in a belt pouch
- Size – See Attachment E
- Weight – See Attachment E
- Communication System is expandable to include SCADA, Phone Patch, etc.
- Radio charging cradles are provided with this system that are protected from the environment and large enough to charge all radios at once
- System tampering is monitored with the software

Software Specifications

- Operating system: Windows XP, Windows 7, or Windows Server 2003
- CPU: 2GHz+ single core (multi-core recommended)
- RAM: ≥ 1GB
- Disk space: ≥ 2GB free
- Communications ports: 10BaseT Ethernet, RS232 port (optional)
- Network connectivity for remote support and interface sharing
- Software may access *.tunnelradio.com:80

Implementation Process

The Park City Public Works Tunnel Communications Project will consist of 3 tasks:

1. Manufacturing & Ordering (4-6 weeks)
2. Pre-Stage (2 weeks)
3. Deployment (2 weeks)

Manufacturing & Ordering
All equipment will be manufactured, or ordered and received, gathered and ready to ship at Tunnel Radio Headquarters in Corvallis, OR within 4 to 6 weeks of receipt of purchase order from Park City Public Works.

Pre-stage
Tunnel Radio will provide frequency coordination and licensing of 4 (4) VHF repeater channels. The application for new FCC licensing will be completed and submitted prior to commencement of installation and commissioning. This will ensure the frequencies will not interfere with each other and surrounding environment.

All equipment will be delivered on-site. Programming of system infrastructure and equipment including the Motorola radios will be performed in the Tunnel Radio workshop.

Deployment
All installation and commissioning personnel will fly to Salt Lake City, and then drive to customer location.

The surface antenna system, head end communications equipment cabinet, and the underground leaky feeder distributed antenna system will be assembled on site. The system verification, optimization, and operational coverage testing will be performed on site. Documentation will be provided at the completion of the project.

Field Review
Ongoing monitoring of communications system will continue for 1 year following system deployment and testing. Degradation of system performance will be addressed via the 1 year limited warranty.

Commissioning

System Commissioning will be performed as outlined in Tunnel Radio system data acceptance sheets onsite. Tasks to be performed by Tunnel Radio Technicians:

System hardware alignment

- Check for correct AC and DC input voltage to all system components
- Check for correct DC output voltage from all applicable system components
- Check for correct RF Power readings at the Base Interface Unit, and all in-line leaky feeder amplifiers
- Check for proper pin 1 voltage on each in-line leaky feeder amplifier
- Check for proper RSSI levels at each in-line leaky feeder amplifier
- Check for proper signal levels over the air throughout the tunnels
- Check for proper signal levels over the air outside the tunnels
- Check mechanical connections at each system component
- Visual check of all system components for defects or abnormal wear

System Software alignment

- Check and record Firmware version (Update to latest if necessary)
- Remove and Check USB drive for proper operation and reinstall
- Record Server Serial or IP address
- Test Reader port if installed (Optional)
- Set server clock to local time
- Sync Base Interface Unit to Server time
- Load Mine Maps
- Print all system reports to check functionality of print function

Training

Training for Park City Public Works personnel will be hands on throughout the deployment of the tunnel communications system for a minimum of 8 hours total during this phase. 16 hours of training to be agreed on and scheduled at a time after deployment of the system is completed.

Park City Public Works Maintenance Personnel training at the time of system deployment to cover the following tasks:

- Log in as User or Admin
- Adding and setting up new users
- Adding system components
- Viewing diagnostics
- Adding system components manually and automatically
- Editing system component names
- Viewing Diagnostics History
- Search and Reports
- Using Map Editor
- Viewing Maps
- Printing from different views
- Viewing and printing all reports
- Cable installation techniques
- Cable termination techniques
- Use of spectrum analyzer in system test
- Recognition of system malfunctions on front panel LCD display and Software
- Maintenance requirements, both routine and corrective
- Motorola MotoTrbo radio features
- Start up and shutdown procedures
- MineAx Software features
- System electrical diagram
- System digital data and communications signal flow diagram

System Maintenance

ULTRACOMM COMMUNICATIONS SYSTEM		
Name	Description	Periodicity
Leaky Feeder Cable	Check for damage (kinked, pinched, sliced, etc.)	Quarterly
Antennas	Check for damage and corrosion	Annually
All system components	Splice boxes, amps, splitters, power inserts, etc. all need to be opened and checked for corrosion, damage, etc. and all connections retightened.	Annually
Uninterruptible Power Supply	Verify operation with AC power disconnected (System keeps running on battery backup)	Annually
Head End	Remove cover and clean out with compressed air	Annually
MINEAX DIAGNOSTIC & TRACKING SOFTWARE		
Name	Description	Periodicity
Server	Remove cover and clean out with compressed air	Annually

Maintenance Contract Pricing & Proposed Maintenance Contract Option - See Attachment A

Client references - See **Description of Tunnel Radio Installations and Implementations,** page 5.

Summary

In summary, Tunnel Radio will provide seamless communications inside and outside of each of these tunnels which will increase safety and productivity at these locations. This submittal meets the project objectives and scope of services as outlined in the RFP, and the proposed communications system will not only address the challenges stated in the RFP, but will also ensure that the system is expandable to allow inclusion of many technologies that may be needed on the future.

The Park City Tunnel Communications Project is a very straight forward project for Tunnel Radio. Tunnel Radio has been in the business of providing underground communications systems for 25 years beginning in 1988. The first installation at the Hecla Greens Creek mine is still in service today which gives testament to our ability to provide a robust and reliable system. You should feel very confident in your decision to choose Tunnel Radio for this project. Underground Communications is the cornerstone of Tunnel Radio. This is what we do 24 hours a day 365 days per year.

Additional Proposal Requirements

This proposal meets all terms and conditions of the Park City Tunnel Communications Project RFP.

Proof of Workers' Compensation Insurance – See Attachment B

Tunnel Radio is an equal opportunity employer - Tunnel Radio has a policy of nondiscrimination in employment because of race, age, color, sex, religion, national origin, mental or physical handicap, political affiliation, marital status or other protected class and has a drug free workplace policy.

Fee Proposal: Equipment, Labor and Expenses

TUNNEL COMMUNICATIONS SYSTEM

	Numbers
Total Equipment (including all necessary fees shipping, taxes, etc.)	$199,856
Total Design & Installation Services (including sub-consultants) including mark-ups, Direct Costs and Other Indirect Costs	$33,000
Total Start-up Services (including sub-consultants), including mark-ups, Direct Costs and Other Indirect Costs (Includes travel exp.)	$17,400
TOTAL FEE, Tunnel Communications System, complete	**$250,256**

Hourly Charge-Out Rate Table (Each Technician)

Free	– Technical support via phone or online
$120 per hour	– Onsite Service
$180 per hour	– Overtime Onsite service beyond 10 hrs in one day
$300 per day	– Hotel, transportation, lodging, meals
$1,000	– Airfare to and from site
$1,700	– Travel time to and from site and shop preparation time

Terms & Conditions

The following terms and conditions apply to all purchase orders and requests for quotation. Changes to these terms and conditions may occur at any time without prior notification.

Pricing: Possession of a price list does not constitute an offer to sell. Prices are subject to change without prior notice, and must be confirmed by Tunnel Radio of America® prior to issuance of a purchase order. Current pricing for standard product can be obtained by contacting Tunnel Radio at 541-758-5637.

Payment terms: For new account, open account, or company check, a Tunnel Radio credit application must be completed, signed and submitted for approval prior to shipment of an order. Remittance in the form of certified check, company check, credit card, or wire transfer will be accepted. Note: 5% bank fee charged on all credit card charges.

- New Customer:
  - Advance payment of 50% of the total purchase order amount is required
  - Balance on equipment due Net 30 from date of shipment
  - Commissioning and expenses due Net 30 upon acceptance of project completion
- Open Account: Net 30 days from date of shipment.
- Delinquent Accounts: Past due accounts will be subject to credit hold and shall be required to pay in advance on future orders. Past due invoices are subject to a 1.5% late payment fee.
- Inactive Accounts: Accounts that have not had any order activity for a period of 36 months are defined as inactive. A Tunnel Radio credit application must be completed, signed and submitted for approval prior to shipment of an order. Advance payment of 50% prepayment of the total purchase order amount is required, balance due NET 30 from date of shipment.

Shipment Policy: All orders will be shipped according to the method indicated on the customer purchase order. If shipping method and account are not stipulated, UPS ground or Freight service will be used, at Tunnel Radio's discretion.

Shipment damage, errors or shortages: All shipments are F.O.B., Corvallis, OR. Tunnel Radio is not responsible for damage caused in transit. It is the responsibility of the recipient to file damage claims with the freight company directly. If errors or shortages are detected in any shipment, Customer Service must be notified of the discrepancy within 3 working days from date of receipt.

Returns: Unless otherwise agreed, the sender must prepay all returns. No second party billing shipments will be accepted. It is the responsibility of the sender to package returned items in a manner that protects against transit damage. Freight damage resulting from improper packaging will be the sole responsibility of the sender.

Warranty: Tunnel Radio equipment is covered by a 1 year limited warranty. This warranty covers Tunnel Radio manufactured parts and equipment. All other equipment is subject to the manufacturer's warranty. The warranty extends for ONE (1) YEAR from the date of purchase or install.

Terms & Conditions continued

What is covered by this warranty?
This warranty covers defects in materials and workmanship, parts and labor for repairs or replacement when installed and commissioned by Tunnel Radio.

What is not covered by this warranty?
This warranty does not apply to any non-Tunnel Radio branded equipment or any software, even if packaged or sold with Tunnel Radio equipment. Manufacturers, suppliers, or publishers, other than Tunnel Radio, may provide their own warranties to you but Tunnel Radio, in so far as permitted by law, provides their products "AS IS".

This Warranty does not apply: (a) to consumable parts, such as batteries or protective coatings that are designed to diminish over time, unless failure has occurred due to a defect in materials or workmanship; (b) to cosmetic damage, including but not limited to scratches, dents and broken plastic on ports; (c) to damage caused by use with another product; (d) to damage caused by accident, abuse, misuse, liquid contact, fire, earthquake or other external cause; (e) to damage caused by operating the Tunnel Radio Product outside Tunnel Radio's published guidelines; (f) to damage caused by service (including upgrades and expansions) performed by anyone who is not a representative of Tunnel Radio or an Tunnel Radio Authorized Service Provider; (g) to a Tunnel Radio Product that has been modified to alter functionality or capability without the written permission of Tunnel Radio; (h) to defects caused by normal wear and tear or otherwise due to the normal aging of the Tunnel Radio Product, or (i) if any serial number has been removed or defaced from the Tunnel Radio Product.

Tunnel Radio
6435 NE Hyslop Road Corvallis, OR 97330

Tel: 541.758.5637 Fax: 541.758.1417
www.tunnelradio.com

Attachments

MAINTENANCE CONTRACT

THIS CONTRACT is made and entered into on September 01, 2014, by and between Tunnel Radio (the "Service Company"), whose address is 6435 Hyslop Rd, Corvallis, Oregon 97330 and Park City Public Works Corporation (the "Customer"), whose address is 1053 Iron Horse Drive, Park City, UT 84060.

WHEREAS Service Company is a company engaged in the business of servicing and maintaining Underground Communications, Tracking, and Two-Way Radio and is willing to provide such services to Customer as per the terms herein.

WHEREAS Customer desires to have the Service Company furnish maintenance on the following:

Ultracomm UHF Communications, Diagnostics, and Tracking System

Motorola MotoTrbo Two-Way radio System

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, the parties hereto agree as follows.

1. Maintenance Services.
Service Company shall maintain and service the following list of equipment (the "Equipment"):

Ultracomm UHF Communications, Diagnostics, and Tracking System

Motorola MotoTrbo Two-Way radio System

and keep the Equipment in good working order. Service Company shall provide scheduled preventive maintenance during regular business with the schedule to be based on the specific needs of the Equipment as determined by Service Company. In addition, Service Company shall provide unscheduled remedial maintenance ("on-call service") as and when needed. Both scheduled and unscheduled service maintenance shall include the following as deemed necessary by Service Company.

Regular services included in contract price:

Annual System Audit

Quarterly systems check up

Monthly Service-call including parts pick up and drop off

Additional services and other charges:

Non-warranty replacement of damaged components: Standard pricing less 5% discount

2. Excluded Services
Unless authorized in writing by the Customer, the Service Company shall not be required to make any of the following:

Other safety tests or installations, whether or not recommended or directed by governmental authorities or by insurance companies.

Any replacements with parts of a different design.

Repairs or renewals caused by negligence or misuse of the equipment or any other factor except ordinary wear and tear.

If the services described in this provision are authorized by the Customer, and if the Service Company agrees to perform them, an additional reasonable charge will be made for the service.

3. Trained Employees
Trained personnel directly employed and supervised by the Service Company will perform all services required by the terms of this Contract. The Service Company agrees that each of its employees will be properly qualified and will use reasonable care in the performance of his or her duties.

4. Working Hours
(a) The services required of the Service Company under this Contract, including emergency service, shall be performed during the regular working hours of its regular working days, consisting of 8:00 AM to 5:00 PM, Sun - Mon, except as provided in (b) immediately below.

(b) If the Customer requests that the Service Company perform any of its services at times other than during its regular working hours, then for the services performed outside the regular working hours ("overtime hours"), the Customer shall be charged at $180.00 per hour as adjusted periodically to compensate for changes in the cost of labor.

5. Contract Price
(a) The Customer shall pay the Service Company at the rate of $1,20.00 Hourly for the regular services to be performed under this Contract.

(b) The amount specified in (a) above shall be adjusted annually to reflect any changes in the Service Company's cost of labor. 5 percent of the contract price shall be increased or decreased on each anniversary of the commencement date of service under this Contract with the percentage of increase or decrease in the straight-time hourly cost (which means the straight-time hourly labor rate, including fringe benefits) for the month within which the anniversary of the commencement of service under this Contract falls as compared with the straight-time hourly cost for the month within which the commencement date of service under this Contract falls.

(c) The amount specified in (a) above shall be adjusted annually to reflect any changes in the costs of the parts, equipment, and materials supplied by the Service Company under this Contract. 5 percent of the contract price shall be increased or decreased on each anniversary of the commencement date of service under this Contract by the percentage of increase or decrease in the costs of the parts, equipment, and materials.(d) Amounts due to Service Company will be billed to Customer on a monthly basis and will be due and payable within 15 days thereafter.

6. Term of Contract
The term of this Contract shall commence on October 01, 2014 and shall continue in full force and effect until it is terminated. Either party, by giving 30 days' written notice to the other party, may terminate this Contract either at the completion of the first 5 years of service under this Contract or at the end of any subsequent year. In any event, this Contract shall be in effect for a minimum of 5 years.

7. Miscellaneous Provisions
(a) **Applicable Law:** This Contract shall be construed under and in accordance with the laws of the Oregon, and all obligations of the parties created under this Contract are performable in Benton County, OR.

(b) **Parties Bound:** This Contract shall be binding on and inure to the benefit of the parties to this Contract and their respective heirs, executors, administrators, legal representatives, successors and assigns as permitted by this Contract.

(c) **Legal Construction:** In the event any one or more of the provisions contained in this Contract shall for any reason be held invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provision. This Contract shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in it.

(d) **Prior Contracts Superseded:** This Contract constitutes the sole and only Contract of the parties and supersedes any prior understandings or written or oral Contracts between the parties respecting the subject matter of this Contract.

(e) **Amendments.** This Contract may be amended by the parties only by a written Contract.

(f) **Attorneys' Fees:** If any action at law or in equity is brought to enforce or interpret the provisions of this Contract, the prevailing party will be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled.

8. Signatures
This Contract shall be signed on behalf of Tunnel Radio by Scott Rose, its CEO, and on behalf of Park City Public Works Corporation by ____________, its ______________.

SERVICE COMPANY

Tunnel Radio

____

By: Scott Rose, its CEO

CUSTOMER

Park City Public Works

____

By: _____________, its ________________

saifcorporation

Information Page

Carrier No: 20001

Policy No: 907921
Employer Identification No: 93-1158114
NCCI Risk ID No: 913307062

Item 1. The Insured:
TUNNEL RADIO OF AMERICA INC

Mailing address:
TUNNEL RADIO OF AMERICA INC
6435 HYSLOP RD
CORVALLIS, OR 97330-9665

Entity Type:
CORPORATION

Agency:
BARKER-UERLINGS INSURANCE
BARKER-UERLINGS INSURANCE INC
PO BOX 1378
CORVALLIS, OR 97339

Other workplaces not shown above:
6438 HYSLOP RD, CORVALLIS, OR 97330

Item 2. The policy period is from 04-01-2014, 12:01 A.M. to 04-01-2015, 12:01 A.M. at the insured's mailing address

Item 3. A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed here: OREGON

B. Employers Liability Insurance: Part Two of the policy applies to work in each state listed in item 3.A. The limits of our liability under Part Two are:

Bodily Injury by Accident	$500,000 each accident
Bodily Injury by Disease	$500,000 each employee
Bodily Injury by Disease	$500,000 policy limit

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here: NONE

D. This policy includes these endorsements and schedules:

WC360402	Oregon Contracting Classification Premium Adjustment Endorsement
WC360601E	Oregon Cancellation Endorsement
WC000421C	Catastrophe (other than Certified Acts of Terrorism) Premium End
WC000422A	Terrorism Risk Insurance Prog Reauthorization Act Disclosure End
WC000414	Notification of Change in Ownership Endorsement
WC000406A	Premium Discount Endorsement
WC360406	Premium Due Date Endorsement
WC990309C	SAIFPlus Endorsement
WC990602	Subject Officer Payroll Requirement - Corporation
WC000313	Waiver of Our Right to Recover from Others Endorsement
WC000313	Waiver of Our Right to Recover from Others Endorsement
WC000313	Waiver of Our Right to Recover from Others Endorsement
WC000313	Waiver of Our Right to Recover from Others Endorsement
WC360301	Oregon Unsafe Equipment Exclusion Endorsement
WC990616	Confidentiality Endorsement

Item 4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. The premium and rates and the experience rating modification factor, if any, may change on your anniversary rating date of 04-01-2015. All information required below is subject to verification and change by audit.

saifcorporation

Information Page

Class	Description	Estimated Policy Period Payroll	Rate Per $100 of Payroll	Estimated Premium

Period: 04/01/2014 - 03/31/2015
Tunnel Radio Of America Inc

3681 03	Tv/Radio/Phone/Telecom Dev Mfg-Noc	$587,836	0.68	$3,997.28
7605 02	Burglar & Fire Alarm-Instll/Repr/Dr	$71,242	2.27	$1,617.19
8742 11	Salesperson-Outside-No Delivery	$210,412	0.27	$568.11
8810 03	Office Clerical	$382,666	0.17	$650.53
	Total Payroll	$1,252,156		
	Manual Premium			$6,833.11
	Partial Waiver of Subrogation		x	1.0100
	Experience Rating Modification		x	1.2000
	Estimated Premium			$8,281.73

Total Estimated Premium		$8,281.73
SAIFPlus Credit (3.5% to a $1050 maximum)	-	$289.86
Estimated Standard Premium		$7,991.87
Premium Discount	-	$449.19
Terrorism Premium	+	$125.22
Catastrophe Premium	+	$125.22
Estimated Policy Period Premium		$7,793.12
DCBS Assessment @ 6.20% on $7,793.12 (excludes Part Two & Federal Premium)	+	$483.17
Total Estimated Policy Premium Including DCBS Assessment		$8,276.29

Policy Minimum Premium: $500

Your policy premium is based on your current estimated premium and may be prorated for policies in effect for less than a full year or adjusted based on actual payroll by classification.
The SAIFPlus discount applies only to premium paid prior to the end of the policy period.
Terrorism Premium is in addition to Policy Minimum Premium.
Catastrophe Premium is in addition to Policy Minimum Premium.

Payroll Reporting Frequency: Annual

Additional premium will be charged for the Waiver Of Our Right To Recover From Others Endorsement. For work subject to this endorsement, the maximum charge is one (1) percent of the manual premium.

This information page is part of your policy.

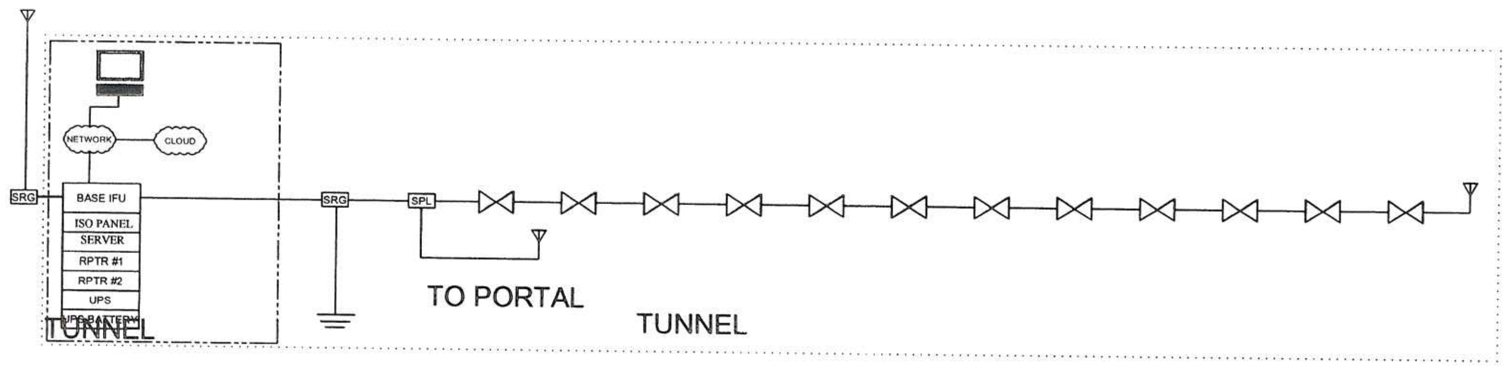
Countersigned on 02-25-2014 at Salem, Oregon

John C Plotkin, President
and Chief Executive Officer

WC000001A

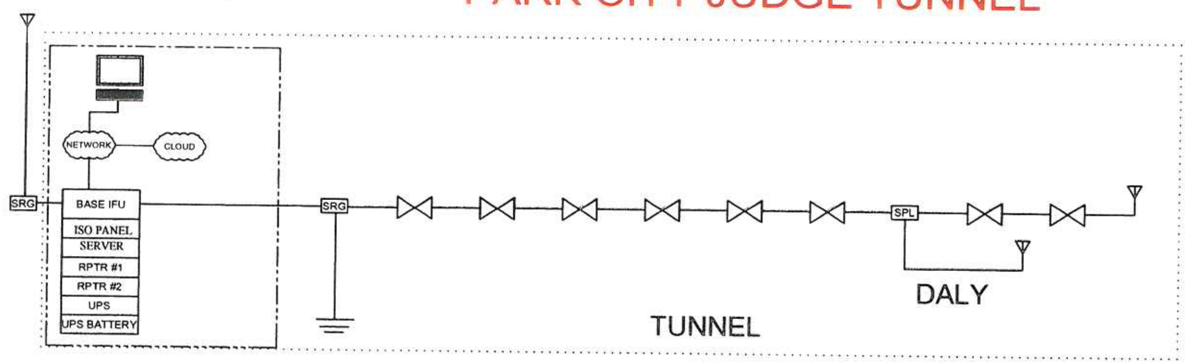
SURFACE ANTENNA

PARK CITY SPIRO TUNNEL



SURFACE ANTENNA

PARK CITY JUDGE TUNNEL



PARK CITY				
Revision	Original	1 of 1	Tunnel Radio 541.758.5637	
	JWM	Designer		
		Checker		
	8/28/2014	Date (mm/dd/yyyy)		
	Not to scale		Drawing #	TR-PC-UC


Park City Public Works
Park City, UT, USA
Marsac Ave
Deer Valley
Park Ave
248
224
Spiro Tunnel Portal
Judge Tunnel Portal
4955 ft
© 2014 Google
Google earth

MOTOTRBO™

XPR™ 6500/6550/6300/6350 Portable Radios

Portable radios available in Display and Non-Display, **GPS and Non-GPS models**

Uses Time-Division Multiple-Access (TDMA) digital technology which **doubles the number of users** on a single licensed 12.5 kHz channel

Supports **integrated applications** including MOTOTRBO Text Messaging Services and an integrated GPS module for use with third-party location-tracking applications

Provides **clearer voice communications,** in digital mode, throughout the coverage area

Up to **40 percent longer** battery life between recharges

Enables additional functionality including dispatch data, enhanced call signaling, basic privacy-scrambling and option board expandability

Enhanced call management features include call alert, emergency, remote monitor, push-to-talk ID, radio check, private call, all call, radio disable

Emergency button alerts supervisor or dispatcher in an emergency situation

Integrates voice and data to increase operational efficiency

Send short free-form and quick **text messaging** via programmable buttons

XPR 6500/6550 contacts list allows up to **256 contacts**

Allows an **easy migration** from analog to digital with the ability to operate in both modes

Meets **IP57 submersibility** standard along with U.S. Military Standards 810 C, D, E, and F and Motorola standards for durability and reliability

Is **intrinsically safe** and can be used in locations where flammable gas, vapors or combustible dust may be present

Portable radios **meet FM approvals.** Approved FM battery option is a 1400 mAh IMPRES™ slim LiIon FM battery

Accessory connector meets IP57 submersibility specifications, incorporates RF, and USB and utilizes the IMPRES Audio System for **enhanced audio functionality**

Utilizes Motorola's state-of-the art **IMPRES** technology—providing **longer talk times and clearer audio delivery**

Backed by a two-year Standard Warranty plus **one-year Repair Service Advantage (US)** / Extended Warranty (Canada) and at least a one-year warranty for accessories

Accelerate performance.

The next-generation professional two-way radio communications solution is here, with more performance, productivity and value—thanks to digital technology that delivers increased capacity and spectrum efficiency, integrated data communications and enhanced voice communications.

MOTOTRBO offers you a private, standards-based, cost-effective solution that can be tailored to meet your unique coverage and feature needs. This versatile portfolio provides a complete system of portable radios, mobile radios, repeaters, accessories and data applications.

General Specifications

	Display XPR 6500 / XPR 6550			Non-Display XPR 6300 / XPR 6350		
	VHF	UHF Band I	UHF Band II	VHF	UHF Band I	UHF Band II
Channel Capacity	160			32		
Frequency	136-174 MHz	403-470 MHz	450-512 MHz	136-174 MHz	403-470 MHz	450-512 MHz
Dimensions (HxWxT) w/ LiIon Battery	5.18 x 2.50 x 1.39 in (131.5 x 63.5 x 35.2 mm)			5.18 x 2.50 x 1.39 in (131.5 x 63.5 x 35.2 mm)		
Weight (with IMPRES LiIon 1500 mAh Battery) (with IMPRES LiIon 1400 mAh FM Battery) (with IMPRES LiIon 2200 mAh Battery) (with NiMH 1300 mAh Battery)	12.7 oz (360 g) 13 oz (370 g) 13.17 oz (375 g) 15.2 oz (430 g)			11.63 oz (330 g) 11.98 oz (340 g) 12.12 oz (345 g) 14.09 oz (400 g)		
Power Supply	7.5 V nominal			7.5 V nominal		
FCC Description	AZ489FT3815	AZ489FT4876	AZ489FT4884	AZ489FT3815	AZ489FT4876	AZ489FT4884
IC Description	109U-89FT3815	109U-89FT4876	109U-89FT4884	109U-89FT3815	109U-89FT4876	109U-89FT4884
Average battery life at 5/5/90 duty cycle with battery saver enabled in carrier squelch and transmitter in high power.						
IMPRES LiIon 1500 mAh Battery	Analog: 9 hrs Digital: 13 hrs			Analog: 9 hrs Digital: 13 hrs		
IMPRES LiIon FM 1400 mAh Battery	Analog: 8.5 hrs Digital: 12 hrs			Analog: 8.5 hrs Digital: 12 hrs		
IMPRES LiIon 2200 mAh Battery	Analog: 13.5 hrs Digital: 19 hrs			Analog: 13.5 hrs Digital: 19 hrs		
NiMH 1300 mAh Battery	Analog: 8 hrs Digital: 11 hrs			Analog: 8 hrs Digital: 11 hrs		

Receiver

	Display XPR 6500 / XPR 6550			Non-Display XPR 6300 / XPR 6350		
	VHF	UHF Band I	UHF Band II	VHF	UHF Band I	UHF Band II
Frequencies	136-174 MHz	403-470 MHz	450-512 MHz	136-174 MHz	403-470 MHz	450-512 MHz
Channel Spacing	12.5 kHz/ 25 kHz			12.5 kHz/ 25 kHz		
Frequency Stability (-30° C, +60° C, +25° C)	+/- 1.5 ppm (XPR 6500) +/- 0.5 ppm (XPR 6550)			+/- 1.5 ppm (XPR 6300) +/- 0.5 ppm (XPR 6350)		
Analog Sensitivity (12 dB SINAD)	0.35 uV 0.22 uV (typical)			0.35 uV 0.22 uV (typical)		
Digital Sensitivity	5% BER: 0.3 uV			5% BER: 0.3 uV		
Intermodulation (TIA603C)	70 dB			70 dB		
Adjacent Channel Selectivity TIA603 TIA603C	60 dB @ 12.5 kHz, 70 dB @ 25 kHz 45 dB @ 12.5 kHz, 70 dB @ 25 kHz			60 dB @ 12.5 kHz, 70 dB @ 25 kHz 45 dB @ 12.5 kHz, 70 dB @ 25 kHz		
Spurious Rejection (TIA603C)	70 dB			70 dB		
Rated Audio	500 mW			500 mW		
Audio Distortion @ Rated Audio	3% (typical)			3% (typical)		
Hum and Noise	-40 dB @ 12.5 kHz -45 dB @ 25 kHz			-40 dB @ 12.5 kHz -45 dB @ 25 kHz		
Audio Response	TIA603C			TIA603C		
Conducted Spurious Emission (TIA603C)	-57 dBm			-57 dBm		

Transmitter

	Display XPR 6500 / XPR 6550			Non-Display XPR 6300 / XPR 6350		
	VHF	UHF Band I	UHF Band II	VHF	UHF Band I	UHF Band II
Frequencies	136-174 MHz	403-470 MHz	450-512 MHz	136-174 MHz	403-470 MHz	450-512 MHz
Channel Spacing	12.5 kHz/ 25 kHz			12.5 kHz/ 25 kHz		
Frequency Stability (-30° C, +60° C, +25° C Ref.)	+/- 1.5 ppm (XPR 6500) +/- 0.5 ppm (XPR 6550)			+/- 1.5 ppm (XPR 6300) +/- 0.5 ppm (XPR 6350)		
Power Output Low Power High Power	1 W 5 W	1 W 4 W		1 W 5 W	1 W 4 W	
Modulation Limiting	+/- 2.5 kHz @ 12.5 kHz +/- 5.0 kHz @ 25 kHz			+/- 2.5 kHz @ 12.5 kHz +/- 5.0 kHz @ 25 kHz		
FM Hum and Noise	-40 dB @ 12.5 kHz -45 dB @ 25 kHz			-40 dB @ 12.5 kHz -45 dB @ 25 kHz		
Conducted / Radiated Emission	-36 dBm < 1 GHz -30 dBm > 1 GHz			-36 dBm < 1 GHz -30 dBm > 1 GHz		
Adjacent Channel Power	60 dB @ 12.5 kHz 70 dB @ 25 kHz			60 dB @ 12.5 kHz 70 dB @ 25 kHz		
Audio Response	TIA603C			TIA603C		
Audio Distortion	3%			3%		
FM Modulation	12.5 kHz: 11K0F3E 25 kHz: 16K0F3E			12.5 kHz: 11K0F3E 25 kHz: 16K0F3E		
4FSK Digital Modulation	12.5 kHz Data Only: 7K60FXD 12.5 kHz Data & Voice: 7K60FXE			12.5 kHz Data Only: 7K60FXD 12.5 kHz Data & Voice: 7K60FXE		
Digital Vocoder Type	AMBE+2™			AMBE+2™		
Digital Protocol	ETSI TS 102 361-1, -2, -3			ETSI TS 102 361-1, -2, -3		

GPS

	Display XPR 6500 / XPR 6550	Non-Display XPR 6300 / XPR 6350
Accuracy specs are for long-term tracking (95th percentile values > 5 satellites visible at a nominal -130 dBm signal strength)		
TTFF (Time To First Fix) Cold Start	< 2 minutes	< 2 minutes
TTFF (Time To First Fix) Hot Start	< 10 seconds	< 10 seconds
Horizontal Accuracy	< 10 meters	< 10 meters

Environmental Specifications

Operating Temperature	-30° C / +60° C*
Storage Temperature	-40° C / +85° C
Thermal Shock	Per MIL-STD
Humidity	Per MIL-STD
ESD	IEC-801-2KV
Water Intrusion	IEC 60529 - IP57
Packaging Test	MIL-STD 810D and E

MOTOROLA

MD-EU/SP/PORTABLE

Specifications subject to change without notice. All specifications shown are typical.
Radio meets applicable regulatory requirements.
Version 7 07/08

TUNNEL RADIO

P.O. Box 1376
Corvallis, OR 97339
Phone: 541-758-5637
Fax: 541-758-1417

QUOTATION

Quote Number: Park City Tunnels
Quote Date: Nov 1, 2014
Page: 1

Quoted To:

Customer

Mine Name	Payment Terms
Park City Tunnels	Net 30 Days

Shipping Terms	Est. Ship Date	Sales Contact	Quote Valid Until
UPS - Ground			12/1/14

Quantity	Part Number	Description	Unit Price	Total
2	TR-IFU4-155-MX-28V	Integrated Base Interface with TMS & Tracking, Digital Capable, 4 channels, 2 branches, 28V, VHF	7,995.00	15,990.00
20	TR-159-PLUS-N	Amplifier, Digital Capable, Automatic Gain Control (AGC), Narrow Split with LED diagnostics, 3 tab, VHF, Non-MSHA	2,095.00	41,900.00
20	TR-TMS-C150-S	TMS Slave Card for use in amplifier IP (WAN/LAN) Based, VHF	395.00	7,900.00
2	TR-TMS-NET	TMS Net Card (requires TR-TMS-C500-M or TR-IFU4-500-MX-15V), UHF/VHF	1,895.00	3,790.00
22	TR-1501-CBL-350M	Cable, Digitial Leaky Feeder, Radiating, yellow , 1/2" 75 Ohm, Standard 1148' reel	1,625.00	35,750.00
2	TR-JV3B-T	Splitter, 2 way, 1 input-2 output, Throughway design, 3 tab, Non-MSHA, VHF	449.00	898.00
3	TR-ANT-1502-M	Underground Antenna, Dipole, Digital Capable, 3dB gain, 3 tab, VHF, MSHA	369.00	1,107.00
2	TR-808GI-N	Ground isolator, DC block for surface antenna, surged protected, block & clamp, type "N" female connector, in TR-CH808	895.00	1,790.00
2	TR-808LS-36V	Line Suppressor DC pass, surge suppression for underground cable, 36V, block and clamp, Non-MSHA	895.00	1,790.00
2	TR-ANT-B1503	Surface Antenna, Omni, Digitial Capable, type "N" connector, 3 dB gain, 62" L, VHF	395.00	790.00
2	TR-MNT	Bracket, mounting for surface antenna	495.00	990.00
2,000	TR-CL15X3	Cable Attachments Nylon clip for 1/2 cable & 3-1/2 SS anchor	4.90	9,800.00
1,000	TR-1505-CBL-NON	Cable, Digital Leaky Feeder, Non-Radiating, black, 1/2", 50 ohm, sold by the foot	2.55	2,550.00
4	TR-SB1-V-M	Splice box, 3 tab, MSHA, VHF	229.00	916.00

Subtotal	Continued
TOTAL	**Continued**

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Quote Number: Park City Tunnels
Quote Date: Nov 1, 2014
Page: 2

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Customer

Mine Name	**Payment Terms**
Park City Tunnels	Net 30 Days

Shipping Terms	**Est. Ship Date**	**Sales Contact**	**Quote Valid Until**
UPS - Ground			12/1/14

Quantity	**Part Number**	**Description**	**Unit Price**	**Total**
2	TR-UPS-1500	Uninterruptible Power Supply (UPS) , AC in/out, rack mount, surface use only	895.00	1,790.00
2	TR-UPS-BATT-1500-3U	Uninterruptable Power Supply, (UPS) Battery for extending runtime for TR-UPS-1500, surface use only	1,055.00	2,110.00
2	TR-CH6219	Cabinet, locking, outdoor, 62 x 24 x 34 with 19 rack	2,895.00	5,790.00
6	TR-CBL-1505-CM	Type "N " Male Connector for all 1/2" Digital Leaky Feeder cable	59.00	354.00
6	TR-CBL-1505-CF	Type "N " Female Connector for all 1/2" Digital Leaky Feeder cable	59.00	354.00
1	TR-CBL-KIT-VHF	Cable Prep Kit for all Digital Leaky Feeder cables, 1/2" VHF, cutter, scraper, stripper, spacers, screws, ect in an organizer)	295.00	295.00
1	TR-SA1201	Spectrum Analyzer Portable Handheld with case, charger, antenna adapter & RF probe	3,695.00	3,695.00
1	TR-PS-28A-V	Power supply 28V 2A with battery revert for TR amplifiers network (includes TR-PSI-28-V) VHF	1,595.00	1,595.00
4	TR-MOT-XPR8400-V	Motorola XPR8400 Repeater, 2 digital channels and 1 analog channel, 1-25W, 115V AC/240V AC inputs with XPR Cable Kit, VHF	2,900.00	11,600.00
6	TR-MOT-XPR6550-V	Motorola XPR 6550 Mototrbo Portable Radio, digital/analog, full keypad, 4 watts, 160 channels, submersible, VHF	750.00	4,500.00
2	TR-FI-75-4-V	Radio frequency isolator panel required when repeaters are in used with TR-IFU series VHF	2,195.00	4,390.00
2	TR-4550CS-DT-V	Digital Desktop Control Station, full display, AC power supply, antenna, speaker microphone, with battery backup, VHF	1,295.00	2,590.00
2	TR-ANT-MMKIT-150	Antenna, Digital Capable, magnetic mount, used with all mobile radios, VHF	59.00	118.00

Subtotal	Continued
TOTAL	**Continued**

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Customer

Mine Name	Payment Terms
Park City Tunnels	Net 30 Days

Shipping Terms	Est. Ship Date	Sales Contact	Quote Valid Until
UPS - Ground			12/1/14

Quantity	Part Number	Description	Unit Price	Total
6	TR-MOT-XPR-MIC	Motorola Speaker Microphone for TR-MOT-XPR portable radios	75.00	450.00
6	TR-MOT-XPR-CASE	Carrying Case for TR-MOT-XPR portable radios, without window	44.00	264.00
2	TR-MOT-XPR-CH6	Motorola Battery Charger, six station for the TR-MOT-XPR portable radios	650.00	1,300.00
4	TR-FCC-LICENSE	FCC License preparation service	1,000.00	4,000.00
10	Service	Commissioning and on site Service - Based on 2 technician for 5 days at 10 hours. Additional time may incur an hourly rate of $120.00 per hour per technician	1,200.00	12,000.00
2	Service-Air	Air travel *Any changes are subject to a $600.00 Change/Canceling Fee*	1,000.00	2,000.00
20	Service-HCM	Daily charge for hotel, car, meals, and misc. expenditures per technician	300.00	6,000.00
2	Service-Travel	Technician travel and shop prep time. Cost based per technician includes travel time to and from job site	1,700.00	3,400.00
1		Recommended Spares List		
1	TR-IFU4-155-MX-28V	Integrated Base Interface with TMS & Tracking, Digital Capable, 4 channels, 2 branches, 28V, VHF	7,995.00	7,995.00
1	TR-TMS-NET	TMS Net Card (requires TR-TMS-C500-M or TR-IFU4-500-MX-15V), UHF/VHF	1,895.00	1,895.00
2	TR-159I-PLUS-N	Amplifier, Digital Capable, Automatic Gain Control (AGC), with LED diagnostics, 3 tab, VHF, Non-MSHA	2,095.00	4,190.00
2	TR-TMS-C150-S	TMS Slave Card for use in amplifier IP (WAN/LAN) Based, VHF	395.00	790.00
4	TR-SB1-U-M	Splice box, block and clamp, MSHA, UHF	229.00	916.00

Subtotal	Continued
TOTAL	**Continued**

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Quote Date: Nov 1, 2014
Page: 4

Quoted To:

Customer

Mine Name	Payment Terms
Park City Tunnels	Net 30 Days

Shipping Terms	Est. Ship Date	Sales Contact	Quote Valid Until
UPS - Ground			12/1/14

Quantity	Part Number	Description	Unit Price	Total
1	TR-1501-CBL-350M	Cable, Digitial Leaky Feeder, Radiating, yellow , 1/2" 75 Ohm, Standard 1148' reel	1,625.00	1,625.00
1	Shipping	Estimated Shipping & Handling	5,000.00	5,000.00

Subtotal	216,967.00
TOTAL	**216,967.00**

City Council
Staff Report

Subject: Spiro Tunnel Lease Assignment
Author: Clint McAffee and Jason Christensen
Department: Water
Date: 11/20/2014
Type of Item: Administrative

Summary Recommendations:
Staff recommends that Council authorize the City Manager to execute an agreement, in a form approved by the City Attorney, to assent to the assignment of the 1995, 1994, and 1987 water agreements to Vail.

Topic/Description:
Spiro Tunnel Water Rights

Background:
Park City and Greater Park City Company (pre-Vail Park City Mountain Resort) previously entered into a July 7, 1995 agreement (1995) containing a cross-lease whereby we effectively "share" our interests in the tunnel. This is possible as Park City's summer peak occurs at a time when Park City Mountain Resort (PCMR) does not have a need for water, and the City's winter peak occurs because of snowmaking at PCMR and Deer Valley.

Simplified, the 1995 agreement provides Park City with PCMR's 34% of the Spiro tunnel flow during the summer, and 10% of the tunnel flow during the winter, leaving PCMR with 24% during the winter. In exchange, Park City commits to selling back to PCMR the 10% leased to Park City and to using Park City's Spiro water rights (so long as they are not needed by the City to meet drinking water demands) during the winter to provide additional snowmaking capacity to PCMR.

Analysis:
Under the terms of the 1995 agreement, Park City must assent to the assignment of the agreement to Vail. Restated, Park City must agree to allow Vail to step into the shoes of GPCC. Absent Park City's assent, the status of the 1995 agreement is unclear, but would seem to terminate.

Vail has also requested our assent to two other agreements, a June 3, 1994 (1994) agreement and a September 10, 1987 (1987) agreement, with an amendment dated October 26, 1989. If the City consents to the assignment of the 1995 agreement, the City should also consent to the 1994 and 1987 agreements as these agreements are building blocks to the 1995 agreement.

Staff's recommendation is to assent to the assignment of the 1995, 1994, and 1987 agreements. This agreement has operated for nearly 20 years with mutual benefit to both the ski resort and the City.

Attachments:
Exhibit A: Consent to Assignment of Water Contracts

Department Review:
Legal and Executive

Alternatives:

A. Approve:
This is staff's recommendation.

B. Deny:
PCMR's snowmaking ability will be reduced, and Park City's summer water supply will be reduced.

C. Modify:
Council should provide direction about how to operate while any modifications are discussed.

D. Continue the Item:
Council should provide direction about how to operate while any modifications are discussed.

E. Do Nothing:
PCMR's snowmaking ability will be reduced, and Park City's summer water supply will be reduced.

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?		+ Adequate and reliable water supply		+ Fiscally and legally sound
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Neutral ⇔	Positive ⇧	Neutral ⇔	Positive ⇧
Comments:				

Recommendation:

Staff recommends that Council review this staff report and direct the City Manager to execute an agreement, in a form approved by the City Attorney, to assent to the assignment of the 1995, 1994, and 1987 agreements to Vail.

EXHIBIT A
CONSENT TO ASSIGNMENT OF WATER CONTRACTS

1. Over a period of years, PARK CITY MUNICIPAL CORPORATION ("Park City") and GREATER PARK CITY CORPORATION ("GPCC") entered into a number of agreements addressing the ownership and use of water and water rights including the following agreements (hereinafter collectively the "Water Agreements"):

    A. Water Right Purchase Agreement dated September 11, 1987 and First Amendment to Water Rights Purchase Agreement dated October 26, 1989.

    B. Agreement Regarding the Conveyance of Water Rights from Greater Park City Corporation to Park City Municipal Corporation and or Park City Water Special Service District for Culinary Water Distribution Services to Ski Resort Facilities dated June 3, 1994.

    C. Agreement Between Park City Municipal Corporation and Greater Park City Corporation Regarding the Sale and Lease of Water in the Spiro Tunnel for Municipal Use and Snow Making Use dated July 13, 1995.

2. On or about September 11, 2014, VAIL RESORTS, INC. ("Vail") entered into an agreement to purchase Park City Mountain Resort and related assets specifically including the Water Agreements.
3. As of the date of execution of this Consent to Assignment of Water Contracts, Park City has not had access to or reviewed the September 11, 2014 agreement whereby Vail purchased Park City Mountain Resort.
4. Park City is executing this Consent to Assignment of Water Contracts for the sole purpose of aiding Vail in its due diligence review under the September 11, 2014 agreement.

5. Park City, as a party to the Water Agreements, hereby consents to the assignment of all of GPCC's, or its successors and assigns, interest in and to the Water Agreements to Vail. In consenting to the assignment of the Water Agreements, Park City does not provide anywarranties or assurances regarding the ownership or control of any water or water rights underlying the Water Agreements.

6. Park City further reserves the right to revoke its consent to the assignment of the above-described agreements should Park City determine, in good faith, that such revocation is justified

DATED this _____ day of November, 2014

PARK CITY MUNICIPAL CORPORATION

Mayor

ATTEST:

City Council Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Application #: PL-13-02163
Subject: 1185 Empire Avenue Plat Amendment
Author: Francisco Astorga, Planner
Date: November 14, 2014
Type of Item: Amendment to Title of Ordinance

Summary Staff Recommendation

Staff recommends that the City Council amend the Title of Ordinance No. 14-08 to the 1185 Empire Avenue Second Plat Amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the ordinance.

Description

Applicant:	Ted King, owner
Location:	1185 Empire Avenue
Zoning:	Historic Residential (HR-1) District
Adjacent Land Uses:	Residential single-family dwellings
Reason for Review:	Title of Ordinance amendments require City Council review and approval

Proposal

During the Mylar review process, staff found an error in the Title of Ordinance No. 14-08 referring to an old legal description for the property. The Ordinance title needs to be amended so that the legal description is correct. The 1185 Empire Avenue Second Plat Amendment incorrectly referenced the title from the first Plat Amendment. See Exhibit A.

Background

On February 12, 2014, the Planning Commission voted unanimously to forward a positive recommendation to City Council for the 1185 Empire Avenue Second Plat Amendment. City Council approved the Plat Amendment on March 6, 2014.

Analysis

The legal description referenced in Ordinance No. 14-08's title was incorrect. Staff has revised the title to accurately reflect the legal description of the property:

AN ORDINANCE APPROVING THE 1185 EMPIRE AVENUE SECOND PLAT AMENDMENT, AMENDING LOT 1 OF THE 1185 EMPIRE AVENUE PLAT AMENDMENT SUBDIVISION, ~~SEPARATING LOT 1, 1183 EMPIRE, WITH ALL OF LOT 12 AND THE SOUTHERLY 7.75 FEET OF LOT 13, AND LOT 1A ,1185 EMPIRE, WITH THE NORTHERLY 17.25 FEET OF LOT 13 AND THE SOUTHERLY 15.75 FEET OF LOT 14, BLOCK 27 SNYDERS ADDITION, AMENDED PLAT OF THE PARK CITY SURVEY~~, LOCATED AT 1185 EMPIRE AVENUE ~~IN~~, PARK CITY, UTAH

Staff also updated a “whereas” clause to say:

WHEREAS, it is in the best interest of Park City, Utah to approve the 1185 Empire Avenue Second Plat creating Lot 1A and 1B from Lot 1 of the 1185 Empire Avenue Plat Amendment Subdivision. ~~separating Lot 1, 1183 Empire, with all of Lot 12 and the southerly 7.75 feet of Lot 13, and Lot 1A, 1185 Empire, with the northerly 17.25 feet of Lot 13 and the southerly 15.5 feet of Lot 14.~~

Notice

The property was posted and a notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

Public Input

No public input was received at the February 12, 2014, Planning Commission hearing, or the City Council hearing on March 6, 2014 or for this hearing.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The Title and Ordinance (No. 14-08) of the 1185 Empire Avenue Second Plat Amendment will remain inconsistent with the Plat and the legal description of the property.

Recommendation

Staff recommends that the City Council amend the Title of Ordinance No. 14-08 to the 1185 Empire Avenue Second Plat Amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the ordinance.

Exhibits

Exhibit A – Amended Ordinance
Exhibit B – Ordinance No. 14-08

Exhibit A – Amended Ordinance

Ordinance No. 14-XX

AN ORDINANCE APPROVING THE 1185 EMPIRE AVENUE SECOND PLAT AMENDMENT, AMENDING LOT 1 1185 EMPIRE AVENUE PLAT AMENDMENT SUBDIVISION, LOCATED AT 1185 EMPIRE AVENUE, PARK CITY, UTAH

WHEREAS, the owner of property located at 1185 Empire Avenue petitioned the City Council for approval of the 1185 Empire Avenue re-plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 12, 2014, to receive input on the 1185 Empire Avenue Second Plat Amendment;

WHEREAS, the Planning Commission, on February 12, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on March 6, 2014 and approved Ordinance 14-08;

WHEREAS, Ordinance 14-08 referred to an incorrect legal description of the property;

WHEREAS, the City Council held a public hearing on November 13, 2014 to amend the Ordinance; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1185 Empire Avenue Second Plat creating lot 1A and 1B from Lot 1 of the 1185 Empire Avenue Plat Amendment Subdivision..

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1185 Empire Avenue Second Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1185 Empire Avenue and consists of two (2) “Old Town” lots, namely Lot 11, Lot 12, and the southerly half of Lot 13, Block 27 Snyders addition, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. There is an existing non-historic duplex located at 1183 and 1185 Empire Avenue with an approved demolition permit to raze the structure.
4. The property has frontage on Empire Avenue and the lot contains 4,951 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
5. Single family homes are an allowed use in the HR-1 zone.
6. On November 26, 2013, the owner submitted an application for a plat amendment to separate the 1183 and 1185 Empire Avenue Lot into two (2) legal lots of record, Lots 1B (2,465 sf) and 1A (2,475 sf), to facilitate construction for two (2) new single family homes. The application was deemed complete on December 13, 2013.
7. The HR-1 zone requires a minimum lot area of 1,875 square feet.
8. The property has frontage on and access from Empire Avenue.
9. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
10. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The maximum building footprint allowed for 1183 Empire Avenue, Lot 1B, is 1,073 square feet per the HR-1 LMC requirements and based on the lot size.
13. The maximum building footprint allowed for 1185 Empire Avenue, Lot 1A, is 1,076 square feet per the HR-1 LMC requirements and based on the lot size.
14. The plat amendment secures public snow storage easements across the frontage of the lots.
15. There is good cause to add a new lot line and create two (2) legal and smaller residential lots that are more compatible within the HR-1 District.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The demolition of the structure at 1185 Empire is a condition precedent to plat recordation.
4. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots. Also recordation of the plat is a condition of building permit issuance.
5. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
6. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
7. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and shall be shown on the plat.
8. All prior snow storage easements from this property shall be reflected on this plat.

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

PASSED AND ADOPTED this ___day of November, 2014.

PARK CITY MUNICIPAL CORPORATION

____

Jack Thomas, MAYOR

ATTEST:

____

Marci Heil, City Recorder

APPROVED AS TO FORM:

____
Mark Harrington, City Attorney

Exhibit B

Ordinance No. 14-08

AN ORDINANCE APPROVING THE 1185 EMPIRE AVENUE SECOND PLAT AMENDMENT SEPARATING LOT 1B, 1183 EMPIRE, WITH ALL OF LOT 12 AND THE SOUTHERLY 7.75 FEET OF LOT 13, AND LOT 1A ,1185 EMPIRE, WITH THE NORTHERLY 17.25 FEET OF LOT 13 AND THE SOUTHERLY 15.75 FEET OF LOT 14, BLOCK 27 SNYDERS ADDITION, AMENDED PLAT OF THE PARK CITY SURVEY, LOCATED IN PARK CITY, UTAH

WHEREAS, the owner of property located at 1185 Empire Avenue petitioned the City Council for approval of the 1185 Empire Avenue re-plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 12, 2014, to receive input on the 1185 Empire Avenue Second Plat Amendment;

WHEREAS, the Planning Commission, on February 12, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on March 6, 2014; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1185 Empire Avenue Second Plat separating Lot 1B, 1183 Empire, with all of Lot 12 and the southerly 7.75 feet of Lot 13, and Lot 1A, 1185 Empire, with the northerly 17.25 feet of Lot 13 and the southerly 15.5 feet of Lot 14. The plat amendment also secures public snow storage easements across the frontage of the proposed lot.

WHEREAS, Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1185 Empire Avenue Second Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1185 Empire Avenue and consists of two (2) "Old Town" lots, namely Lot 11, Lot 12, and the southerly half of Lot 13, Block 27 Snyders addition, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. There is an existing non-historic duplex located at 1183 and 1185 Empire Avenue with an approved demolition permit to raze the structure.
4. The property has frontage on Empire Avenue and the lot contains 4,951 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
5. Single family homes are an allowed use in the HR-1 zone.
6. On November 26, 2013, the owner submitted an application for a plat amendment to separate the 1183 and 1185 Empire Avenue Lot into two (2) legal lots of record, Lots 1B (2,465 sf) and 1A (2,475 sf), to facilitate construction for two (2) new single family homes. The application was deemed complete on December 13, 2013.
7. The HR-1 zone requires a minimum lot area of 1,875 square feet.
8. The property has frontage on and access from Empire Avenue.
9. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
10. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The maximum building footprint allowed for 1183 Empire Avenue, Lot 1B, is 1,073 square feet per the HR-1 LMC requirements and based on the lot size.
13. The maximum building footprint allowed for 1185 Empire Avenue, Lot 1A, is 1,076 square feet per the HR-1 LMC requirements and based on the lot size.
14. The plat amendment secures public snow storage easements across the frontage of the lots.
15. There is good cause to add a new lot line and create two (2) legal and smaller residential lots that are more compatible within the HR-1 District.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The demolition of the structure at 1185 Empire is a condition precedent to plat recordation.
4. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots. Also recordation of the plat is a condition of building permit issuance.
5. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
6. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
7. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and shall be shown on the plat.
8. All prior snow storage easements from this property shall be reflected on this plat.

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

PASSED AND ADOPTED this 6th day of March, 2014.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas

Jack Thomas, MAYOR

ATTEST:

Marci Heil

Marci Heil, City Recorder

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

APPROVED AS TO FORM:

Mark Harrington, City Attorney

VICINITY AND ZONING MAP

NOT TO SCALE

USGS MAP

NOT TO SCALE

1185 EMPIRE AVENUE SECOND PLAT AMENDMENT

A PLAT AMENDMENT BLOCK 27 SNYDERS ADDITION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2S RANGE 4E
SALT LAKE BASE AND MERIDIAN

GRAPHIC SCALE

1 INCH = 10FEET

SURVEYOR'S STATEMENT

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES MARCH 31, 2015

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT TED W. KING & KRISTINA M. KING ,THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE 1185 EMPIRE SECOND PLAT AMENDMENT, DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED, TED W. KING & KRISTINA M. KING HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

ALSO, THE OWNERS, OR HIS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES EASEMENTS, PARKS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS ________ DAY OF __________ 2014

TED W. KING KRISTINA M. KING

ACKNOWLEDGMENT

STATE OF UTAH:)
COUNTY OF SUMMIT:) SS

PERSONALLY APPEARED BEFORE ME ON THIS ____ DAY OF ____________ 2014, THE FOLLOWING:

WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE ABOVE OWNERS DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

MY COMMISSION EXPIRES

NOTARY PUBLIC
RESIDING IN __________

LEGAL DESCRIPTION:

LOT 1B: ALL OF LOT 12 AND THE SOUTHERLY 7.75 FEET OF LOT 13, BLOCK 27 SNYDERS ADDITION TO PARK CITY.

LOT 1A: THE NORTHERLY 17.25 FEET OF LOT 13 AND THE SOUTHERLY 15.75 FEET OF LOT 14, BLOCK 27 SNYDERS ADDITION TO PARK CITY.

LOT 2: THE NORTHERLY 9.25 FEET OF LOT 14 AND THE SOUTHERLY 18.75 FEET OF LOT 15, BLOCK 27 SNYDERS ADDITION TO PARK CITY.

LEGEND:

- PROPERTY LINE
- CENTER LINE
- SNOW STORAGE EASEMENT
- ORIGINAL LOT LINE
- 1185 STREET ADDRESS ON EMPIRE AVE.
- 5/8" REBAR AND CAP LS 5046908
- 5/8" REBAR AND CAP LS 163931
- 5/8" REBAR AND CAP LS 163486

FERRARI SURVEYING, LLC

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTEST	COUNCIL APPROVAL AND ACCEPTANCE	RECORDED
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ________ DAY OF ________, 2014 A.D. BY:__________ S.B.W.R.C.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ________ DAY OF ________, 2009 BY:__________ CHAIRMAN	I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF ______, 2014 A.D. BY__________ PARK CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF ______, 2014 A.D. BY__________ PARK CITY ATTORNEY	I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF ______, 2014 A.D. BY__________ PARK CITY RECORDER	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ______ DAY OF ______, 2014 A.D. BY__________ MAYOR	STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF__________ DATE____TIME____BOOK____PAGE____ FEE RECORDER

Exhibit A

City Council
Staff Report

Application No: **Pl-14-02348**
Subject: **LMC Amendments**
Author: **Kirsten Whetstone, MS, AICP**
Date: **November 20, 2014**
Type of Item: **Legislative – LMC Amendments**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendation

Staff recommends the City Council review and discuss proposed amendments to the Land Management Code (LMC) regarding 1) zoning regulations for Pet Service Uses in the General Commercial (GC) and Limited Industrial (LI) zoning districts, and associated definitions (Chapters 2.18, 2.19, and 15) as described in this report. Staff recommends the Council conduct a public hearing, consider public input, and consider approving the LMC amendments subject to the attached Ordinance.

Description

Project Name:	LMC Amendments to Chapters 2 and 15
Applicant:	Planning Department
Location:	General Commercial/Limited Industrial zones
Proposal:	Amendments to the Land Management Code require Planning Commission review and recommendation with final action by the City Council.

Background

Planning Staff was approached by several local business owners and a prospective business owner with questions related to zoning regulations for various pet services, including pet/animal grooming and pet/animal daycare. These uses are not specifically addressed in the current Land Management Code.

These pet service uses and proposed LMC amendments were discussed by the Planning Commission on May 28, 2014, where the Commission provided Staff direction to research similar ordinances in other communities and return with additional information. On June 25th Staff requested a continuation of this item to July 9th, 2014. On July 9th Staff requested continuation to a date uncertain due to staff work load on project applications (see Exhibit A- minutes of May 28, 2014 meeting).

On May 28, 2014, Staff proposed LMC Amendments to clarify Animal Services and associated definitions. The Commission had concerns about the term “Animal Services” believing that it was too broad and could be interpreted to mean cows, horses, goats, reptiles and other such animals. Staff’s intent was for the Code to clarify where pet services, such as grooming, boarding, and daycare could be permitted, either as an allowed use or a conditional use. Additionally Staff included definitions of various Animal Services that were consistent with the Park City Municipal Code. This was confusing as the definitions related to the County Animal Control regulations and not to specific land uses. If the proposed LMC amendments are approved, the Municipal Code definitions would continue to apply to all animal service establishments regarding various licenses and regulations of the Health Department and Animal Control.

Staff modified the definitions to be more specific to the actual proposed uses. The Commission was also concerned about not having specific criteria to review these uses by before allowing them in various zones. Staff has provided a better explanation of how Conditional Use Permits are reviewed and the criteria that apply to all CUP applications; whether for a brewery, hotel, gas station, outdoor dining, auto related, or pet service use (see below).

The Commission requested that staff review other resort communities and provide a summary of how animal/pet services are addressed in those communities. Staff researched several resort communities, as well as reviewed the Summit County, Utah land use codes, and summarized findings below.

On October 22, 2014, the Planning Commission conducted a public hearing, discussed the proposed LMC Amendments, and voted unanimously to forward a positive recommendation to City Council, revising the Staff's recommendation and forwarding a recommendation that Household Pet Service uses (boarding, daycare, and grooming) be reviewed as Administrative Conditional Uses in the GC and LI zones. Staff had initially recommended that Pet Daycare and Pet Boarding be reviewed as Conditional Use Permits (Exhibit B- minutes of October 22, 2014, Planning Commission meetings).

General Plan

The proposed LMC amendments have been reviewed for consistency with the recently adopted Park City General Plan. The General Plan does not specifically address these pet service related issues; however the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values. The General Plan indicates that the LMC shall be updated with current land uses and shall take into consideration economic development with smaller local businesses in appropriate locations that are in keeping with Park City's unique character. Staff finds that addressing pet services with these LMC Amendments is consistent with the goals and objectives of the General Plan.

Proposed LMC Amendments

Household Pet service uses in GC and LI (Chapters 2.18 and 2.19)

In order to address zoning and land use issues related to various pet services, Staff and the Planning Commission recommend the following LMC Amendments:

1) Household Pet Boarding as an Administrative Conditional Use in the GC and LI zoning districts.

2) Household Pet Daycare as an Administrative Conditional Use in the GC and LI zoning districts.

3) Household Pet Grooming as an Administrative Conditional Use in the GC and LI zoning districts.

4) No change to the Veterinary Clinic regulations in GC and LI zoning districts (change of terminology).

Associated definitions for these uses are proposed to be added to Chapter 15 (see below).

Proposed Definitions:
Staff recommends the following LMC Amendments to Chapter 15- Definitions to clarify various associated pet service uses (see Ordinance- Attachment 3) (proposed changes are redlined):

Household Pets- Household pets include dogs, cats, rabbits, birds, other small companion animals such as gerbils and ferrets, and other similar animals owned for non-commercial use.

Household Pet Boarding- A commercial establishment for overnight boarding and care of four (4) or fewer dogs, as well as other Household Pets, not under the care of a veterinarian, in a purposely-designed establishment.

Household Pet Daycare- A commercial establishment that has a primary purpose of providing same day, short-term daycare of Household Pets in a purposely-designed establishment.

Household Pet Grooming- A commercial establishment where Household Pets are bathed, clipped, combed, or similarly cared for, for the purpose of enhancing their aesthetic value and/or health, and for which a fee is charged. Pet grooming also includes any self -service pet washing business where the customer washes his/her own pet or where other self-service grooming tasks are provided.

Veterinary Clinic- A facility maintained by or for the use of a licensed veterinarian in the care and treatment of animals wherein overnight care is prohibited except when necessary for medical purposes.

Office, Medical- A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and /or clients. A Medical office includes ~~Veterinarian~~ Veterinary Clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a ~~Veterinarian~~ Veterinary C~~c~~linic, but does not include Household Pet Boarding Uses for non-medical related reasons.

Analysis
Conditional Use Permits

Administrative Conditional Use Permits (Admin CUPs) require an application, review by Planning Staff for compliance with the fifteen CUP criteria in LMC Section 15-1-10 (see below), ten day public notice, and mailed notice to adjacent property owners.

Conditional Use Permits (CUPs) require an application, review by Planning Staff with final action by the Planning Commission following a public hearing, fourteen day public notice, and mailed notice to property owners within 300 feet.

The application for all Conditional Use Permits (Admin CUP and CUP) requires written information regarding the proposed use, location, adjacent uses and zoning, size of property/space, number of employees, parking, hours of operation, ownership, as well as the applicant's assessment of the proposed use and compliance with the fifteen review criteria.

Certain CUPs require additional information, such as compliance with Summit County Health Codes, Business Licensing, Building Codes, Fire Codes, Architectural Design Guidelines, State Licensing Boards, Animal Services Licensing, Army Corps of Engineering, etc. Typically these various codes and licenses must be obtained prior to issuance of a Certificate of Occupancy or Business License for specific business, following CUP approval and compliance with any specific conditions of approval required by the Planning Staff or Planning Commission to mitigate impacts identified during review of the CUP application.

<u>Conditional Use Permit review criteria in the LMC</u>
The Land Management Code includes fifteen (15) criteria for Conditional Use Permits (including Administrative Conditional Use Permits) as stated in LMC Section 15-1-10(E):

1. <u>Size and location of Site;</u>

2. <u>Traffic considerations including capacity of the existing Streets in the area;</u>

3. <u>Utility capacity;</u>

4. <u>Emergency vehicle access;</u>

5. <u>Location and amount of off-street parking;</u>

6. <u>Internal vehicular and pedestrian circulation system;</u>

7. <u>Fencing, Screening, and Landscaping to separate the use from adjoining uses;</u>

8. <u>Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;</u>

9. <u>Usable open space;</u>

10. <u>Signs and Lighting;</u>

11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area;

14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities;

15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

All Conditional Use Permit applications are reviewed against the above fifteen criteria, with review specific to the particular use. For example, the first criteria relates to the Size and Location of the Site. The proposed use for a pet grooming business within a 1,500 sf tenant space in a shopping center might have different requirements for mitigation of size and location than a pet grooming business proposed within a 10,000 sf warehouse building. Before the use can be approved, a decision is made by either the Planning Staff/Director or the Planning Commission as to whether the particular proposal complies with the criteria and how possible impacts are mitigated. Conditional Uses are presumed to be allowed in a stated zoning district provided that anticipated impacts are mitigated by planning, design, and/or by conditions of approval.

An establishment that intends to provide more than one type of Pet Service would not need an Administrative CUP application for each use, but would request an Administrative CUP for the proposed uses and address how the establishment meets the criteria for each specific use. The various Pet Service uses are not mutually exclusive of each other and a business could offer one or more of these services.

Pet Service uses in other communities

Staff researched a few resort towns with permitted and conditional use permitted animal services. The following information compares Aspen, Colorado; Sedona, AZ; Santa Fe, NM; and Summit County, Utah.

Aspen, CO:

Animal boarding and animal grooming –allowed use in the Service/Commercial/Industrial (S/C/I) zoning district. S/C/I zone initially created to protect uses such as this.

Veterinary Clinic- allowed in the S/C/I zone and Conditional Use Permit in the RR (Rural Residential)

Definitions:

- Animal boarding- An establishment which houses animals overnight or over an extended period of time.
- Animal grooming- An establishment principally engaged in grooming animals in which overnight boarding is prohibited.
- Veterinary clinic- A facility maintained by or for the use of a licensed veterinarian in the care and treatment of animals wherein overnight care is prohibited except when necessary for medical purposes.
- Pet or Doggy Daycare- no definition (considered under animal boarding and grooming).

Sedona, AZ:

Permitted Use:

- C-2 General Commercial: "**commercial kennel**: enclosed and entirely sound proof"
- C-3 Heavy Commercial: "**commercial kennel**: enclosed and entirely sound proof"
- C-3 Heavy Commercial: "**pet grooming and pet daycare**"

- **Conditional Use Permit required:**
  - C-1 General Commercial: "**commercial kennel**: enclosed and entirely sound proof"
  - C-2 General Commercial: "**small animal hospitals with outdoor runs, pens, and cages**"
- **Definitions:**
  - Commercial Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire or selling animals, and in addition means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains 5 or more dogs under controlled conditions.
  - Pet grooming and pet daycare- No definitions in code.
  - Animal hospital means a place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Kennels shall be incidental only to such hospital use.
  - Household pets means dogs, cats, rabbits, birds, and other small companion animals such as gerbils and ferrets for family use only (noncommercial), including cages, pens, and the like.

Santa Fe, NM:

(* notes that a special use permit is required if located within 200ft of residential zoned property, otherwise permitted)

Veterinary Establishments & Kennels Permitted as Allowed Use in:

- C-1* Office and Related Commercial
- C-2* General Commercial
- C-4* Limited office & Arts & Crafts
- BCD Business Capitol
- I-1 Light Industrial
- BIP* Business & Industrial Park

Veterinary Establishments also Permitted as an Allowed Use in:

- SC-2* Planned Shopping Center
- SC-3* Planned Shopping Center
- MU Mixed Use

Definitions:

- Kennel- A commercial establishment where animals are boarded, kept, or maintained.
- Veterinary Establishment- A facility or place where animals, including agricultural and farm animals, are given medical and surgical care and treatment and the boarding of animals limited to short-term care incidental to the hospital use.
- Pet or Doggy Daycare- no definitions, considered under Kennels.

Summit County, UT:

(Low Impact Permit is administrative/staff review with notice and public hearing at discretion of staff). The Summit County Council discussed amendments to the Code regarding Animal Control at meetings in October and recently on November 12th. Staff will provide an update to City Council at the meeting as the meeting minutes were not available prior to writing of this report.

Pet Services and Grooming:

- Rural Residential (RR), Hillside Stewardship (HS), and Mountain Remote (MR)- prohibited
- Community Commercial (CC) and Service Commercial (SC)- Low Impact Permit
- Neighborhood Commercial (NC)- Conditional Use Permit

Commercial Kennel:

- RR, HS, MR- Conditional Use Permit
- CC, SC- Low Impact Permit
- NC- Conditional Use Permit

Veterinarian in:

- RR, HS, MR- prohibited

- CC, SC- Low Impact Permit
- NC- Conditional Use Permit

Definitions:

- Pet Services and Grooming- An establishment providing grooming services, operated totally within a building, for dogs, cats, birds, fish and other small domestic animals customarily owned as household pets. Typical uses include dog bathing and clipping salons, and pet grooming shops, but excluding uses for livestock and large animals.
- Commercial Kennel- Any premises, except where accessory to an agricultural use, where five (5) or more dogs, over four (4) months of age are boarded, trained, groomed, bred, and/or offered for sale for commercial use. The selling of one litter of offspring per year, per premises, shall not be construed as commercial. The County has had recent discussions about limiting commercial kennels to a maximum of 30 dogs. Staff will provide an update at the meeting regarding the County Council's November 12th 2014 discussion.
- Veterinarian- An establishment for the care and treatment of small, domestic animals.
- Pet or Doggy Daycare- no definition, considered under Commercial Kennel.

<u>Pet service uses currently in Park City LMC</u>

Currently in Park City, pet grooming services are allowed in the GC and LI zoning districts as Allowed Uses, considered under Retail and Service Commercial, Minor. Veterinary Clinics are currently allowed in the GC zone and are conditional uses in the LI zone as they are considered under Office and Clinic, Medical (with limited boarding for pets under care of a veterinarian). The current definition of Office, Medical is as follows:

> A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and /or clients. A Medical office includes Veterinarian Clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinarian clinic, but does not include pet boarding Uses for non-medical related reasons.

Staff recommends amended the above definition to include the term "Veterinary Clinic" consistent with the proposed definition for Veterinary Clinic. Staff included a definition for "Household Pets" and references this term in all definitions related to Pet service uses. Pet grooming would go from an Allowed use to an Administrative Conditional Use.

<u>Discussion</u>

<u>Proposed Pet service uses in GC and LI (Chapters 2.18 and 2.19)</u>

Staff and the Planning Commission recommend the following LMC Amendments:

1) Household Pet Boarding as an Administrative Conditional Use in the GC and LI zoning districts.

2) Household Pet Daycare as an Administrative Conditional Use in the GC and LI zoning districts.

3) Household Pet Grooming as an Administrative Conditional Use in the GC and LI zoning districts.

4) Veterinary Clinics as an Allowed Use in the GC zoning district and as a Conditional Use in the LI zoning district (consistent with the current regulations, amended terminology).

Staff requests discussion on the issue of whether these Household Pet Service uses should be Administrative Conditional Use Permits with review by the Planning Staff, as recommended by the Planning Commission or as Conditional Use Permits with review by the Planning Commission. Staff supports the Planning Commission recommendation that these uses be Administrative CUPs.

<u>Commercial Kennels</u>
Staff has not included “Commercial Kennel” as either a definition or use at this time. The County definition of Commercial Kennel as a commercial establishment for overnight boarding of 5 or more dogs is consistent with the Municipal Code and Animal Control Division in Summit County. **Staff requests discussion on the issue of Commercial Kennels and suggests the following possible options:**

- Include Commercial Kennels in the GC and LI as Conditional Use and include the definition as: Commercial Kennel- A commercial establishment where, except when accessory to an agricultural use, five (5) or more dogs, over four (4) months of age are boarded, trained, groomed, bred, and/or offered for sale for commercial use. The selling of one litter of offspring per year, per premises, shall not be construed as commercial.
- Qualify Commercial Kennels that might be more appropriate to the GC and LI properties in Park City by creating a definition for Small Commercial Kennels, such as a “Commercial establishment where more than five (5) and fewer than ten (10) dogs over four (4) months of age are boarded overnight in a completely sound proofed building.
- Leave Commercial Kennels out at this time to allow time to do further study and determine if there are areas of Park City where this use would be more appropriate. **Staff recommends this option consistent with the Planning Commission discussion.**

<u>Household Pet Boarding and limitation on Household Pets, not including dogs</u>
Staff recommended to the Planning Commission that Pet Boarding include up to four (4) dogs and up to five (5) other Household Pets, such as cats. However, in reviewing definitions for other jurisdictions, it appears that typically only the number of dogs is

regulated, with fewer than five the most common break point. The number of other boarded pets is not regulated, other than by applying the review criteria of the Conditional Use Permit, such as size of site, traffic, utilities, etc. This is an item that the Planning Commission discussed briefly at the previous meeting, but did not specifically address.

Staff requests discussion on the topic of limiting the number of dogs in Pet Boarding establishments to fewer than five with no limitation on the number of other Household Pets, as redlined in the following paragraph. This is a clarification from the Planning Commission meeting.

Pet Boarding- A commercial establishment for overnight boarding and care of four (4) or fewer dogs ~~and five (5) or fewer~~ as well as other Household Pets, ~~that are~~ not under the care of a veterinarian, in a purposely-designed establishment.

Staff recommends making this change to the definition of Household Pet Boarding.

Process
Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice
Legal notice of a public hearing was posted in the required public spaces on October 4, 2014 and published in the Park Record on the same date, at least 14 days prior to the public hearing, as required by the Land Management Code.

Public Input
Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. There was public input on this item at both Planning Commission hearings (see Exhibits A and B-minutes) requesting that these Pet Services be considered Allowed Uses or Administrative Permits in the GC and LI zones.

Alternatives
- The City Council may adopt the ordinance and amend the Land Management Code as recommended, or as amended by the Council at this meeting; or
- The City Council may deny the amendments and the LMC will remain unchanged; or
- The City Council may deny in part and accept in part the requested amendments and modify the ordinance accordingly; or
- The City Council may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order for the Council to make a decision on this matter.

Significant Impacts

The proposed LMC amendments for animal/pet services clarify terms and zoning regulations for various pet services, such as pet grooming, pet daycare, pet boarding, and veterinary clinics within the GC and LI zoning districts.

Significant Impacts Matrix was designed to correlate the impacts of each action item presented to City Council to the desired outcomes and assess overall impact on Council Priorities for the Council Goals.

	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?	(+/-) Unique and diverse businesses (+/-) Balance between tourism and local quality of life (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	(+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	(+/-) Residents live and work locally (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)	(+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome) (+/-) (Select Desired Outcome)
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Neutral ⇔	Positive ⇧	Positive ⇧
Comments:				

Summary Recommendation

Staff recommends the City Council review and discuss proposed amendments to the Land Management Code (LMC) regarding 1) zoning regulations for Pet Service Uses in the General Commercial (GC) and Limited Industrial (LI) zoning districts, and associated definitions (Chapters 2.18, 2.19, and 15) as described in this report. Staff recommends the Council conduct a public hearing, consider public input, and consider approving the LMC amendments subject to the attached Ordinance.

Exhibits

Ordinance and attachments
Exhibit A- Minutes of the May 28, 2014, Planning Commission meeting
Exhibit B- Minutes of the October 22, 2014, Planning Commission meeting

Ordinance 14-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 2.18 (GENERAL COMMERCIAL (GC) ZONE); CHAPTER 2.19 (LIGHT INDUSTRIAL (LI) ZONE); AND CHAPTER 15-DEFINITIONS REGARDING PET SERVICE USES

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, and to address specific LMC issues raised by Staff, Planning Commission, and City Council, to address applicable changes to the State Code, and to align the Code with the Council's goals; and

WHEREAS, members of the Park City business community requested clarification as to which zones and regulations apply for pet services such as boarding, daycare, and grooming; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meeting on October 22, 2014, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 20, 2014; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the State of Utah Code, the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, promote economic development, and preserve the community's unique character.

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

<u>SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (Section 15- 2.18-2).</u> Amending the General Commercial (GC) zoning district regarding Household Pet Service uses; the recitals above are incorporated herein as

findings of fact. Section 15- 2.18-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Two (Section 15- 2.19-2). Amending the Light Industrial (LI) zoning district regarding Household Pet Service uses; the recitals above are incorporated herein as findings of fact. Section 15- 2.19-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 2).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Fifteen (Section 15-15-1). Amending Chapter 15- Definitions regarding Household Pet Service uses; the recitals above are incorporated herein as findings of fact. Section 15-15-1 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 3).

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ___ day of ________, 2014

PARK CITY MUNICIPAL CORPORATION

____
Jack Thomas, Mayor

Attest:

____
Marci Heil, City Recorder

Approved as to form:

____
Mark Harrington, City Attorney

Attachments
Attachment 1- GC zone district amendments
Attachment 2- LI zone district amendments
Attachment 3- Chapter 15 definitions amendments

Attachment 1

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

The purpose of the General Commercial (GC) District is to:

(A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,

(B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,

(C) protect views along the City's entry corridors,

(D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

(E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

(F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and

(G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) **ALLOWED USES**.

(1) Secondary Living Quarters

(2) Lockout Unit[1]
(3) Accessory Apartment[2]
(4) Nightly Rental
(5) Home Occupation
(6) Child Care, In-Home Babysitting[3]
(7) Child Care, Family[3]
(8) Child Care, Family Group[3]
(9) Child Care Center[3]
(10) Accessory Building and Use
(11) Conservation Activity
(12) Agriculture
(13) Plant and Nursery Stock production and sales
(14) Bed & Breakfast Inn
(15) Boarding House, Hostel
(16) Hotel, Minor
(17) Hotel, Major
(18) Office, General
(19) Office, Moderate Intensive
(20) Office, Intensive
(21) Office and Clinic, Medical and Veterinary Clinic
(22) Financial Institution without a drive-up window
(23) Commercial, Resort Support
(24) Retail and Service Commercial, Minor
(25) Retail and Service Commercial, Personal Improvement
(26) Retail and Service Commercial, Major
(27) Cafe or Deli
(28) Restaurant, General
(29) Hospital, Limited Care Facility
(30) Parking Area or Structure with four (4) or fewer spaces
(31) Parking Area or Structure with five (5) or more spaces
(32) Recreation Facility, Private

(B) **CONDITIONAL USES**.

(1) Single Family Dwelling
(2) Duplex Dwelling
(3) Triplex Dwelling
(4) Multi-Unit Dwelling
(5) Group Care Facility
(6) Public and Quasi-Public Institution, Church, and School
(7) Essential Municipal Public Utility Use, Facility, Service, and Structure
(8) Telecommunication Antenna[4]
(9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter[5]
(10) Timeshare Project and Conversion
(11) Timeshare Sales Office, off-site within an enclosed Building

[1]Nightly rental of Lockout Units requires Conditional Use permit

[2]See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

[3]See LMC Chapter 15-4-9 Child Care Regulations

[4]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

[5]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

(12) Private Residence Club Project and Conversion[8]
(13) Financial Institution with a Drive-up Window[6]
(14) Retail and Service Commercial with Outdoor Storage
(15) Retail and Service Commercial, Auto Related
(16) Transportation Service
(17) Retail Drive-Up Window[6]
(18) Gasoline Service Station
(19) Restaurant and Cafe, Outdoor Dining[7]
(20) Restaurant, Drive-up Window[6]
(21) Outdoor Event[7]
(22) Bar
(23) Sexually Oriented Businesses[8]
(24) Hospital, General
(25) Light Industrial Manufacturing and Assembly
(26) Temporary Improvement[7]
(27) Passenger Tramway and Ski Base Facility
(28) Ski tow rope, ski lift, ski run, and ski bridge
(29) Commercial Parking Lot or Structure
(30) Recreation Facility, Public
(31) Recreation Facility, Commercial
(32) Indoor Entertainment Facility
(33) Master Planned Development with moderate housing density bonus[9]
(34) Master Planned Developments[9]
(35) Heliport
(36) Temporary Sales Trailer in conjunction with an active Building permit for the Site.[8]
(37) Fences greater than six feet (6') in height from Final Grade[7]
(38) Household Pet, Boarding[7]
(39) Household Pet, Daycare[7]
(40) Household Pet, Grooming[7]

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-76)

15-2.18-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development activity must comply with the following minimum yards:

[6] See Section 2-18-6 for Drive-Up Window review

[7] Requires an administrative Conditional Use permit

[8] See Section 2-17-8 for additional criteria.

[9] Subject to provisions of LMC Chapter 15-6, Master Planned Development

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.19 - LIGHT INDUSTRIAL (LI) DISTRICT

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.19 - LIGHT INDUSTRIAL (LI) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.19-1. PURPOSE.

The purpose of the Light Industrial (LI) District is to:

(A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,

(B) allow Conditional Uses to mitigate potential impacts,

(C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and

(D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

15-2.19-2. USES.

Uses in the LI District are limited to the following:

(A) **ALLOWED USES**.

(1) Secondary Living Quarters
(2) Accessory Apartment[1]
(3) Nightly Rental
(4) Home Occupation
(5) Child Care, In-Home Babysitting[2]
(6) Child Care, Family[2]
(7) Child Care, Family Group[2]
(8) Child Care Center[2]
(9) Agriculture
(10) Plant and Nursery Stock
(11) Office, General
(12) Office, Moderate Intensive
(13) Office, Intensive
(14) Financial Institution without drive-up window
(15) Retail and Service Commercial, Minor

[1]See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

[2]See LMC Chapter 15-4-9 Child Care Regulations

(16) Retail and Service Commercial, Personal Improvement
(17) Retail and Service Commercial, Major
(18) Commercial, Resort Support
(19) Hospital, Limited Care
(20) Parking Area or Structure with four (4) or fewer spaces
(21) Recreation Facility, Private

(B) **CONDITIONAL USES**.

(1) Multi-Unit Dwelling
(2) Group Care Facility
(3) Child Care Center[2]
(4) Public and Quasi-Public Institution, Church, and School
(5) Essential Municipal Public Utility Use, Facility, Service, and Structure
(6) Telecommunication Antenna[3]
(7) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter[4]
(8) Accessory Building and Use
(9) Raising, grazing of horses
(10) Bed and Breakfast Inn
(11) Boarding House, Hostel
(12) Hotel, Minor
(13) Private Residence Club Project and Conversion[6]
(14) Office and Clinic, Medical and Veterinary Clinic
(15) Financial Institutions with Drive-Up Window[5]
(16) Retail and Service Commercial with Outdoor Storage
(17) Retail and Service Commercial, Auto-Related
(18) Transportation Services
(19) Retail Drive-Up Window[5]
(20) Gasoline Service Station
(21) Café or Deli
(22) Restaurant, General
(23) Restaurant, Outdoor Dining
(24) Restaurant, Drive-Up Window[5]
(25) Outdoor Event[6]
(26) Bar
(27) Hospital, General
(28) Light Industrial Manufacturing and Assembly Facility
(29) Parking Area or Structure with five (5) or more spaces
(30) Temporary Improvement[6]
(31) Passenger Tramway Station and Ski Base Facility
(32) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
(33) Recreation Facility, Public
(34) Recreation Facility, Commercial
(35) Entertainment Facility, Indoor

[3]See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

[4]See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

[5]See Section 2.19-8 for Drive-Up Window review criteria

[6]Subject to an administrative Conditional Use permit.

(36) Commercial Stables, Riding Academy
(37) Master Planned Developments[7]
(38) Heliports
(39) Commercial Parking Lot or Structure
(40) Temporary Sales Office, in conjunction with an active Building permit.
(41) Fences and Walls greater than six feet (6') in height from Final Grade[6]
(42) Household Pet, Boarding[6]
(43) Household Pet, Daycare[6]
(44) Household Pet, Grooming[6]

(C) Underground Utilities are provided.

(C) **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-76)

15-2.19-3. COMMUNITY REQUIREMENTS.

Applicants must demonstrate the following:

(A) The Industrial Use will not create glare, heat, odor, dust, smoke, noise, or physical vibrations perceptible outside of the Building.

(B) Open yards used for storage or parking may not adjoin any public Right-of-Way and must be fully Screened from public Rights-of-Way and adjoining Properties.

[7]Subject to provisions of LMC Chapter 15-6, Master Planned Development.

15-2.19-4. REVIEW CRITERIA FOR RESIDENTIAL USES.

A landscaped buffer Area is required to separate Residential Uses from existing or potential industrial Uses. This buffer Area must be a minimum of fifty feet (50') wide to provide adequate Screening, buffering, and separation of these Uses. The fifty foot (50') requirement may be divided between two adjoining Properties. In the case where one Property is already Developed, the adjoining Property must provide a buffer Area sufficient to meet the fifty foot (50') requirement. A detailed landscape plan must be submitted by the Applicant and approved by the Planning Commission and Staff prior to Conditional Use approval. The landscape plan must demonstrate that the fifty foot (50') buffer Area effectively Screens and buffers the existing and future Residential Uses from existing or future industrial Uses. In some cases additional Off-Site landscaping may be necessary to adequately mitigate impacts of these incompatible Uses.

15-2.19-5. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

(A) legally existed before its current zoning designation;

(B) has been maintained continuously since the time the zoning regulation governing the land changed; and

(C) because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

1.168 **NOTEWORTHY**. Deserving notice or attention because of uniqueness, excellence, or Significance.

1.169 **NURSERY, GREENHOUSE**. A Business where young plants are raised for experimental horticultural purposes, for transplanting, or for sale.

1.170 **NURSING HOME**. A Business described also as a “rest home”, or “convalescent home”, other than a Hospital in which Persons are generally lodged long-term and furnished with care rather than diagnoses or treatment. Also see Group Care Facility.

1.171 **OFF-SITE**. Any premises not located within the Property to be Developed or Subdivided, whether or not in the same ownership of the Applicant for Development or Subdivision approval.

1.172 **OFF-STREET**. Entirely outside of any City Right-of-Way, Street, Access easement, or any private Access drive, or Street required by this Title.

1.173 **OFFICE**.

(A) **Office, General**. A Building offering executive, administrative, professional, or clerical services, or portion of a Building wherein services are performed involving predominately operations with limited client visits and limited traffic generated by employees and/or clients.

(B) **Office, Intensive**. Businesses offering executive, administrative, professional or clerical services which are performed with a high level of client interaction and traffic generated by employees and/or clients; and/or the intensity of employees if five (5) or more employees per 1000 sq. ft. of net leasable office space. These Uses include real estate, telemarketing, and other similar Uses.

(C) **Office, Medical**. A Business wherein services are performed for the diagnosis and treatment of human and animal patients, with a moderate to high level of client interaction and traffic generated by employees and/or clients. A Medical Office includes Veterinary~~ian~~ Clinics. A Medical Office does not include an overnight care facility for humans, but would allow overnight care for small animals associated with a Veterinary~~ian~~ C~~c~~linic, but does not include pet boarding Uses for non-medical related reasons.

(D) **Office, Moderately Intensive**. A Business offering executive, administration, professional, or clerical services which are performed with a moderate level of client interaction and traffic generated by employee and/or clients.

condition prior to such deterioration, decay, or damage.

1.180 **OUTDOOR USE OR EVENT**. Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

1.181 **OWNER**. Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.182 **PARCEL**. An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

1.183 **PARKING**.

(A) **Parking, Public**. A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) **Parking, Residential**. A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) **Parking, Shared**. The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

1.184 **PARKING AREA**. An unenclosed Area or Lot other than a Street used or designed for parking.

1.185 **PARKING LOT, COMMERCIAL**. A Parking Lot in which motor vehicles are parked for compensation or for Commercial Uses.

1.186 **PARKING SPACE**. An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous Paved.

1.187 **PARKING STRUCTURE**. A fully enclosed Structure designed and intended for parking.

1.188 **PASSENGER TRAMWAY**. A mechanical device to transport passengers and cargo by means of chairs or enclosed compartments attached to a cable or to rails, including each of the devices described in Section 72-11-102 of the Utah Code Annotated, as amended. Includes ski tows and ski lifts.

1.189 **PERIOD OF HISTORIC SIGNIFICANCE**. A specific period of time that provides a context for Historic Sites based on a shared theme.

1.190 **PERSON**. An individual, corporation, partnership, or incorporated association of individuals such as a club.

1.191 **PET SERVICES**.

(A) **Household Pets –** Household pets include dogs, cats, rabbits, birds, other small companion animals such as gerbils and ferrets, and other similar animals owned for non-commercial use.

(B) **Household Pet Boarding** – A commercial establishment for overnight boarding and care of four (4) or fewer dogs as well as other Household Pets, not under the care of a veterinarian, in a purposely-designed establishment.

(C) Household Pet Daycare – A commercial establishment that has a primary purpose of providing same day, short-term daycare of Household Pets in a purposely-designed establishment

(D) Household Pet Grooming – A commercial establishment where Household Pets are bathed, clipped, combed, or similarly cared for, for the purpose of enhancing their aesthetic value and/or heath, and for which a fee is charged. Pet grooming also includes any self -service pet washing business where the customer washes his/her own pet or where other self-service grooming tasks are provided.

(E) Veterinary Clinic – A facility maintained by or for the use of a licensed veterinarian in the care and treatment of animals wherein overnight care is prohibited except when necessary for medical purposes.

1.192 **PLANNED UNIT DEVELOPMENT (PUD)**. Multiple, Single-Family or Duplex Dwelling Units, averaging no greater than 3,900 square feet per Dwelling Unit, clustered as much as possible with TDR Open Space and in which the overall design, size, mass, scale, Setback, materials, colors and visual character are integrated one with another.

1.193 **PHYSICAL MINE HAZARDS**. Any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity.

1.194 **POROUS PAVING**. A substantial surfacing material designed and intended to support light vehicular movement. Porous Paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not Porous Paving. Porous paving includes pervious paving.

1.195 **PRELIMINARY PLAT**. The preliminary drawings of a proposed Subdivision, specifying the layout, Uses, and restrictions.

1.196 **PRESERVATION**. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Historic Property. Work, including preliminary measures to protect and stabilize the Property, generally focuses upon ongoing maintenance and repair of Historic materials and features rather than extensive replacement and new construction.

1.197 **PRESERVATION EASEMENT**. An easement that includes, as minimum stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary

Economic Development Manager stating that there were no mining hazards on the Library site.

Commissioner Strachan remarked that a letter from the Economic Development Director was typically not good enough evidence. It was not critical for this project because they know that there are no mine hazards, but for future projects he recommended better documentation regarding mining hazards.

Assistant City Attorney McLean explained that once the Development Agreement is ratified it goes directly to the Mayor for his signature; not to the full City Council.

MOTION: Commissioner Joyce moved to RATIFY the MPD Agreement for 1255 Park Avenue, Library and Education Center, as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

3. <u>Land Management Code Amendments</u> (Application PL-14-02348)

Planner Whetstone reviewed the four proposed amendments to the LMC.

<u>1. Public Improvement Warranty Guarantees (LMC Section 15-1-13).</u>

The proposed amendment would amend Chapter 1, Section 13 – Completion of Site Work Improvements; specifically the Improvement Warranty Guarantees and the amount of money that the City can retain. Planner Whetstone noted that the State changed the law and this amendment would update the Code to be consistent with State Law. The current language allows the City to retain 25% of the actual cost for a period of one year following final inspection. Per State law, the amendment would reduce the amount to 10%. Planner Whetstone remarked that the City Engineer has said that the City could request 100%, retain 10% and return 90%. Another option was the language shown in red on page 21 of the Staff report, "…or the lesser of the engineer's original estimated cost of completion or the actual construction." That language was taken directly from the State Code.

The Staff recommended that the Planning Commission discuss the amendment, conduct a public hearing and forward a recommendation to the City Council for final action.

Commissioner Stuard asked if the 10% limit was a Statutory Limit.

Assistant City Attorney McLean explained that the State Code changed from 25% to 10%, but it was only for the Warranty amount. As currently written, the LMC does not comply with the State Code. If the LMC is not amended, the City would have to follow the State Code. Not amending the language for compliance with State Code creates the possibility for errors because of the discrepancy. Ms. McLean stated that the City always tries to update the existing LMC to comply with the State Code.

Commissioner Strachan asked about the current warranty. Assistant City Attorney McLean stated that it was more for larger subdivisions. For example, the movie studio has to do the infrastructure per City specifications, and they have to warranty the infrastructure for a one or two year period after completion to make sure there are no cracks in the road, etc.

Commissioner Stuard thought that reducing the amount from 25% to 10% puts a burden on the City Engineer to make sure that public improvements were completed to the correct specifications before accepting and starting the warranty period. Ms. McLean stated that there was a process for how that is done. She would convey his concern to the City Engineer; however, the City is tied to the State Code. Commissioner Stuard cited several examples where the infrastructure has failed or created other issues. It is a major issue that could be expensive to remedy.

Commissioner Strachan remarked that Park City Heights and the movie studio were the two largest developments. He asked if they were subject to the 10% or the 25% warranty retention. Assistant City Attorney McLean replied that they were subject to 10% because of when the permit was issued. The building permit is the trigger. She explained that the movie studio has a guarantee of 125% for several items, but once the work is completed and the City accepts the improvements, the guarantee drops down to 10%. At that point all the funds will be released except for 10%.

Commissioner Strachan concurred with Commissioner Stuard. With large projects like Park City Heights and the movie studio, it would be a major task for the City Engineer to check all the infrastructure to make sure it meets the specs. Assistant City Attorney McLean clarified that the City does not wait until the end to inspect it. The City has put out an RFP for inspectors for Park City Heights to examine and inspect the infrastructure as it progresses.

Planner Whetstone understood that once the infrastructure has been completed, the City Engineer takes a report to the City Council for approval and acceptance. After that, the City holds the warranty for a year.

Chair Worel wanted to know who bears the cost of paying the inspectors hired by the City for a specific project. Ms. McLean replied that it is paid by the developer as part of the inspection fees.

Commissioner Stuard asked if the language in red, "…or the lesser of…" was also mandated by the State. Planner Whetstone answered yes.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

2. Clarify by codifying the existing prohibition of nightly rentals within April Mountain and Mellow Mountain Estates Subdivisions (Sections 15-2, 13-5.

Planner Whetstone reported that this was an administrative issue. The proposed amendment would amend Chapter 2.13, which is the RD zone. She noted that when the April Mountain and Mellow Mountain Estates subdivisions were approved; both subdivisions were approved with a condition, which is on the plat, that no nightly rentals are allowed. Planner Whetstone explained that when someone asks about nightly rentals, the Planner may not be aware of the prohibition in those two subdivisions and tells them that nightly rentals are allowed in the RD zone.

Planner Whetstone clarified that this amendment would put a footnote on nightly rentals in the Code to say that nightly rentals are not permitted in April Mountain or Mellow Mountain Estates subdivisions.

Commissioner Joyce disclosed that he lives in April Mountain. He asked if April Mountain and Mellow Mountain were the only two subdivisions in the RD zone that have this limitation. Planner Whetstone answered yes. Commissioner Joyce recalled a significant amount of discussion as part of the General Plan update, that the City does not enforce Homeowner Association limitations. Where this is platted and if it becomes part of the LMC, he asked if the City would get involved if someone did nightly rentals in one of those subdivisions. Director Eddington replied that it would be an issue for the City Code Enforcement.

Planner Whetstone pointed out that it would help the Planning Department Staff be more aware because it would be on the plat and in the LMC. Without the footnote, a planner may be given an address and just assume nightly rentals are allowed because the address is in the RD zone. Planner Whetstone remarked that because the condition is on the plat, it is already a City Code Enforcement issue and that would not change. The footnote would simply add clarification.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

3. Animal Services in GC and LI zoning districts (LMC Sections 15-2, 18-2, 15-2, 19.2 and 15-15-1)

Planner Whetstone noted that the proposed amendment addresses animal services such as grooming, boarding, and doggy daycare. The Staff has been asked questions about these uses and where they are allowed to occur. Kennels were defined in the definitions; however, the Staff had not yet identified an area or zones where kennels would be an allowed or conditional use.

Planner Whetstone stated that the Municipal Code has a definition for kennels, which is defined as over four dogs. She explained that for any of the animal services she had mentioned, if they have over four dogs it is considered a kennel.

Planner Whetstone noted that the LMC does not address animal services specifically. There is an animal grooming service in the GC zone, but it was approved as minor retail, similar to a hair cutting business. She reported that when someone had asked about having a doggy daycare in the GC or LI zone the Staff decided to craft definitions for the Code. Planner Whetstone clarified that veterinarians are now an allowed use in the GC zone under the definition of office and clinic medical in the definition section. Veterinarians are a conditional use in the LI zone.

Planner Whetstone remarked that the Code does not identify locations for boarding, daycare, or grooming as a conditional use. She referred to page 103 and noted that those uses were added to the list of uses in the GC zone and in the LI zones.

Planner Whetstone read the proposed definitions for boarding, daycare and grooming from page 95 of the Staff report. She also read the definition for kennels. Planner Whetstone recalled that the Staff had discussed kennels as conditional uses in the GC and LI zones but had decided not to include. However, it was still listed in the Staff report and she asked the Planning Commission for their thoughts on kennels.

Commissioner Joyce did not understand the restriction of no more than four animals at one time. Using Petco as an example, they constantly have dogs and cats in and out of their grooming center all day. He asked if the restriction was four at a time or four in one day. Planner Whetstone replied that it is four at a time. Director Eddington pointed out that the definition did not specify number of animals for the grooming use. It only applied to daytime and overnight boarding.

Commissioner Stuard stated that in the definitions for boarding and doggy daycare, he questioned the meaning of "takes in". He understood that they were talking about actual dogs on the premises and he thought it meant more than "takes in". Director Eddington suggested replacing "takes in" with "houses". Planner Whetstone raised the issue of whether the limit would include the owner's personal dog in the total number. Commissioner Stuard assumed it would the number of dogs they were providing occupancy for or services to at any point in time, or in the case of boarding, overnight.

Planner Whetstone stated that boarding has never been an issue, but the Staff has been approached regarding daytime care and grooming.

Commissioner Joyce felt they were opening a can of worms and they were not even close to the right definition. He noted that everything was generalized to animals. He referred to the debate in Summit County about allowing horses and now bringing in dogs. Commissioner Joyce asked if they would allow somebody to have an animal kennel for cows or horses. He was concerned about leaving it open to any type of animal, and whether animal kennel would include chickens and roosters. Commissioner Joyce noted that all the examples refer to dog boarding, but the language does not limit it to dogs or cats. He thought the definition was too broad.

Commissioner Joyce questioned why they would want to allow a kennel in Park City. Planner Whetstone clarified that no one has inquired about kennels. Commissioner Joyce pointed out that kennels went from being a non-allowed use to an allowed use. Planner Whetstone reiterated that the Staff had discussed removing kennels from the language as an allowed use. She pointed out that kennels were listed as a conditional use in the GC and LI zones, and she recommended removing the reference to kennels for both of those zones.

Commissioner Stuard suggested that the Staff and the Planning Commission needed more time to work on this item. Planner Whetstone remarked that animal grooming and doggy daycare were the pressing issues. She suggested that they strike animal kenneling, and not assign a number to grooming. She noted that people have small pets other than cats or dogs that should be considered in this section. The LMC has a separate section for raising and grazing horses. Commissioner Phillips suggested using the wording “house pets.”

Commissioner Strachan thought the Staff should research how other jurisdictions have addressed this issue and which animals were included or excluded. Planner Whetstone stated that she had reviewed five codes and they all used the word “animals.” Commissioner Strachan thought the definition of veterinarian as “One trained and authorized….” should be changed to read, “One trained and licensed by the State of Utah to treat animals medically.” Chair Worel concurred.

Chair Worel opened the public hearing.

Bob Saylor stated that he and his wife may have been the one who raised the question about animal daycare because they had applied for a business license. He and his wife were interested in having a doggy daycare facility in the City limits. Their market would be local pet owners and visitors. There is more pet friendly lodging and it gives a choice to the lodging operators for their clients to have a place to house their pets when they are skiing or enjoying other activities. Mr. Saylor noted that the suggested definition for animal services day care says fewer than four animals. From his perspective as a business person, to have commercial space but be limited to less than four animals is an impossible business model. However, the definition for animal services for kennels was broader and states four or more. Mr. Saylor asked if a doggy daycare was ever allowed, if it would be limited to three or less animals. He reiterated that the limit would make it impossible to have that type of business in Park City. He commented on a business near the Jeremy Ranch exit in a small retail center. Among those is a business called Dog in House and they take in between 60-75 dogs per day. It is a combination of 3,000 square feet of enclosed space and a couple thousand square feet of open space behind the building where the dogs can migrate in and out at will supervised by Staff. Mr. Saylor commented on the difference between fewer than four and 60-75 in terms of a successful business model. He thought there needed to be more clarification.

Mr. Saylor understood from the comments this evening and from the redlines that animal services/kenneling actually means all of the above.

Chair Worel thanked Mr. Saylor for his comments and noted that the Commissioners were also uncomfortable with the wording. They looked forward to having the Staff come back with other examples and recommendations. Mr. Saylor stated that he has only been in Park City a short time and he was not familiar with the process. Chair Worel explained that it would go back to Staff for more research and work and the item would be scheduled on another agenda and publicly noticed. Commissioner Strachan informed Mr. Saylor that he was free to communicate his concerns to the Staff. Commissioner Stuard thought the Staff could benefit from Mr. Saylor's knowledge regarding the type of business.

Commissioner Stuard believed they should consider the possibility of a square footage ratio, requirements for sound attenuation for adjacent tenants, and other elements. Mr. Saylor stated that those were all important elements for this type of business. Others included health and safety, waste elimination, and odor. He believed there was enough history to address those issues.

Planner Whetstone noted that all those elements would be addressed by the Planning Commission at the time of the conditional use permit. There is certification that will state the specific requirements. When someone applies for a conditional use permit for a kennel, the requirements would be reviewed by the Planning Commission. Planner Whetstone noted that in the Staff discussions regarding kennels, the question was raised as to whether some of the uses could be allowed uses in the GC zone if it was three or fewer animals. Outdoor uses should be reviewed as a CUP per the 15 criteria established in the Code.

Commissioner Joyce appreciated Mr. Saylor's business interest. However, Park City is a more compact business area with historic districts and residential areas. He was surprised when he read the Staff report to find that kennels were being considered in Park City. He wanted to know what was pushing the use and whether they even wanted kennels as a conditional use. Commissioner Joyce understood that you needed more than three animals to have a successful business. The question was whether they would prefer that Mr. Saylor take his business to Summit County or whether they wanted it in the City. Commissioner Joyce was unsure how they had even reached the point of having this discussion. It was not mentioned as part of the General Plan. If they polled the people of Park City he believed the answer would be overwhelmingly No.

Planner Whetstone noted that the definition of a kennel is four or more animals. Commissioner Joyce commented on the number of issues the County has faced regarding kennels; particularly noise, odor and waste management.

PJ Saylor stated that she and her husband would not be asking for a business license if the polling had not already been done. The answer was a resounding Yes, people do want it here. Ms. Saylor commented on the number of doggy daycare facilities in Salt Lake. She stated that they could move their business to the County where the use has already been approved, but that would take away from the City the people who drop-off their dog for daycare while they go out to dinner, or ski, or participate in other activities. If Park City does not have a doggy daycare, people will go to Salt Lake or Midway where doggy daycare is available.

Commissioner Joyce noted that everyone in Park City has a dog and there is a demand for dog parks. The problem is that no one wants one near their house. If the polling shows an interest for doggy daycare, the question is where do these uses go, what neighbor lives next to it, and do those people want it.

Ms. Saylor assumed the Planning Commission would invite the public to comment to help find the answers. She commented on the amount of research available about decibel levels of a dog barking being equal to children on a playground. She noted that the EPA makes recommendations regarding animal waste. The EPA has done a lot of studies to address the issues. Ms. Saylor stated that she and her husband intend to focus their business on the vacationers. It is a changing environment and Park City is behind most other cities. Ms. Saylor noted that they had done a lot of research and talked to a lot of people. She gets calls every day from people expressing a need for doggy daycare. She noted that the Dog In House maxes out every day. It is a service to the citizens and the citizens of Park City are very interested.

Commissioner Stuard remarked that three of the four proposed amendments were administrative and minor. However, the one regarding animal services is in a completely different category and it deserved its own separate discussion. Chair Worel agreed.

Ms. Saylor explained the difference between doggy daycare and kenneling. She offered to provide the Commissioners with information from her research before the next meeting.

Sue Wong stated that she and her husband live in Virginia and they are thinking about moving to Park City. Besides the beautiful mountain, she is amazed that Park City is dog-friendly. However, one inside the city limits there is nowhere to put your dog if you want to go out to a restaurant. Ms. Wong noted that dogs are social animals who want to play. That is the major difference between kenneling and doggy daycare. When dogs are put in kennels they are left there until their owners pick them up. In doggy daycare the dogs socialize and play until their owners pick them up. To a lot of people their pets are their children. Ms. Wong stated that currently there are more dogs in this Country than there are children. She knows Mr. and Mrs. Saylor well enough to know that wherever they choose to put a doggy daycare, it would not interrupt any surrounding business. She truly believed they would be cognizant of their surroundings and respectful of the neighbors. Ms. Wong encouraged the Planning Commission to give them a chance.

Chair Worel closed the public hearing.

4. Planning Commission Rules of Order (LMC Section 15-12-10)

Planner Whetstone noted that the State enabling legislation requires a municipality to have a Planning Commission; as well as items within the Code to address the rules and procedures of the Planning Commission. She noted that the required language is currently included in Chapter 12 of the LMC - Planning Commission. State law requires either the Planning Commission or the City Council to adopt Rules of Order and Procedure for the Planning Commission to follow.

Planner Whetstone noted that Exhibit B on page 112 of the Staff report was a Resolution Adopting Planning Commission Rules of Order and Procedure. Attached to the Resolution were the actual Rules of Order. The document was prepared by the Legal Department for Planning Commission consideration and adoption.

Planner Whetstone noted that the actual language proposed in Section 15-12-10 was identified in red on page 107 of the Staff report. The Planning Commission would forward their recommendation on that language. The Resolution itself would be adopted by the Planning Commission.

Commissioner Joyce noted that the redlined language on page 107states that the Rules of Order and Procedure for use by the Planning Commission in all public meetings shall be the Rules of Order and Procedure adopted by City Council unless the Planning Commission adopts its own rules. He asked why the Planning Commission would care about adopting its own rules.

Assistant City Attorney McLean replied that during a previous training in work session she had distributed the rules of procedure associated with the City Council. The feedback from the Planning Commission was that the rules did not apply to them. One example is that is says Mayor rather than Chair. In response to that feedback, the Legal Department used the same template and updated the Rules and Procedures to be more specific to the Planning Commission. Ms. McLean remarked that the State Code requires the Planning Commission to have rules and procedures and that there be an adopted ordinance for the rules and procedures.   She explained that adopting the rules and procedures by resolution as opposed to having it in the Code provides more flexibility because it eliminates the need for an LMC amendment to make any changes.

Commissioner Joyce wanted to know why the redline language on page 107 was included as an amendment to the LMC, since the Planning Commission would adopt its own Rules and Procedures, if the City Council Resolution did not fit with the Planning Commission. Assistant City Attorney replied that the City Council will always have a Resolution. She expected that the Planning Commission would always have its own Resolution, but including the language ensures that one is always in existence.

Chair Worel understood that if the Planning Commission adopted the Resolution this evening, it would remain in effect until a new one was adopted. Ms. McLean replied that this was correct. The red line language is needed because State Law requires an ordinance that addresses the Rules and Procedures.

Assistant City Attorney McLean noted that Attachment 5 was missing the Section number for the redlined language. It should be its own Section 15-12-10.5.

Commissioner Stuard asked if adopting the Rules of Order and Procedure would have any practical effect on how the Planning Commission currently conducts their meetings. Assistant City Attorney McLean replied that the Resolution would only memorialize their current practice for conducting meetings.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Amendments to the LMC for Section 15-1-13 as contained in Attachment 1 of the Draft Ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for Amendments to the LMC, Section 15-2.13-2, regarding nightly rentals in April Mountain and Mellow Mountain Estates Subdivisions. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the amendments to Section 15-2.18.2, regarding animal service uses in the General Commercial Zone to the June 25, 2014 Work Session. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to CONTINUE the Land Management Code amendments to Section 15-2.19-2, regarding animal service uses in the Light Industrial Zone to the June 25, 2014 Work Session. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the amendments to the Land Management Code, Section 15-12-10.5 regarding the Rules of Order and Procedure, as amended by renumbering the Section to 10.5. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to ADOPT the Resolution regarding the Planning Commission Rules of Order and Procedure attached as Exhibit B to the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Park City Planning Commission meeting adjourned at 7:10 p.m.

Approved by Planning Commission: ___________________________________

EXHIBIT B

DRAFT

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 22, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Pro Tem Adam Strachan, Melissa Band, Preston Campbell, John Phillips, Steve Joyce, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington; Kirsten Whetstone, Planner; John Boehm, Planner; Polly Samuels-McLean, Assistant City Attorney
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REGULAR MEETING

The Planning Commission held a site visit to 510 Payday Drive prior to the meeting. All Commissioners were present except Commissioner Worel who was excused.

ROLL CALL

Chair Pro Tem Strachan called the meeting to order at 5:50 p.m. and noted that all Commissioners were present except Commissioner Worel, who was excused.

ADOPTION OF MINUTES

There were no minutes to approve. The minutes of October 8, 2014 would be on the November 12, 2014 agenda for approval.

PUBLIC COMMUNICATIONS

Council Member Liza Simpson informed the Planning Commission that due to scheduling conflicts she and Council Member Peek would be sharing the role of liaison to the Planning Commission. She assured the Commissioners that one of them would be present at each meeting.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Joyce commented on the most recent delivery of the very large LMC documents. He asked if it was possible for the Staff to create the LMC in a smaller pdf that could be placed in their dropbox. Director Eddington stated that dropbox should take the entire LMC in pdf. and he would make sure it was put in the dropbox. Commissioner Strachan noted that he still preferred to have the physical LMC binder and he would pick his up in the Planning Department.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

>>>>

5. <u>Land Management Code Amendments related to:</u>
<u>1) Pet services in GC and LI zoning Districts (LMC Sections 15-2.18-2, 15-2.19.2 and 15-15-1).</u>
<u>2) Definitions regarding Pet Services (LMC Chapter 15).</u>
(Application PL-14-02348)

Planner Whetstone requested that the Planning Commission review the proposed amendments to the Land Management Code and provide a recommendation to the City Council on the amendments regarding animal services. The request is to amend Chapter 2 and Chapter 15. In Chapter 2 they were looking at the General Commercial and Light Industrial zone.

Planner Whetstone reported that on May 28th the Planning Commission discussed other LMC amendments. At that time the Staff proposed allowing animal services such as boarding, grooming, kennels and daycare. The Staff suggested that the General Commercial and Limited Industrial zones might be appropriate places where these uses could occur as either an allowed use, an administrative conditional use, or a conditional use. Planner Whetstone remarked that some of the definitions were more consistent with the Municipal Code and less specific to the types of uses that people had requested to be in these zones.

Planner Whetstone stated that the Staff did some research and looked at Aspen, Colorado; Sedona, Arizona; Santa Fe, New Mexico; and Summit County, Utah where all the proposed uses are allowed.

Planner Whetstone reviewed the proposed definitions, which addressed household pets. She noted that household pets include dogs, cats, rabbits, birds, and other small companion animals. The definitions talk about pet boarding being a commercial establishment for overnight boarding and care of four or fewer dogs and five or fewer other household pets. She explained that the language specified four or fewer dogs because five or more dogs is defined as a kennel. Planner Whetstone stated that the definition of a pet daycare would be a commercial establishment for providing same-day short-term care for household pets. It is a purposely designed establishment that excludes the keeping or boarding of animals overnight. Planner Whetstone noted that pet grooming is currently allowed in Park City and the Staff was suggesting a definition for pet grooming. They also clarified the definition for Veterinary Clinic per Planning Commission input.

Planner Whetstone stated that the Staff was proposing Pet Boarding as a conditional use in the GC and the LI zones. The Pet Daycare would be a conditional use in these same zones. There would be no limitation on the number of animals for Pet Daycare. Pet Grooming was proposed as an administrative conditional use permit in both the GC and LI zones.

Planner Whetstone explained that the Planning Commission could place these uses as a full conditional use permit where an application is reviewed against the same 15 CUP criteria. However, with a regular conditional use permit process there is a 14 day public notice period, the property is posted and notices are sent to everyone within 300 feet. The Planning Commission reviews the CUP request and conducts a public hearing. Planner Whetstone noted that with an Administrative CUP the application is reviewed against the same criteria, the adjacent property owners are notified, and the property is posted. After review and proper noticing, the Staff makes the decision to approve or deny the application.

The Staff recommended leaving kennels out of the discussion at this time to allow for further study.

Planner Whetstone noted that with animal services another layer is added to the process that involves licensing requirements for Animal Control, the Health Department or other related entities.

Chair Pro Tem Strachan opened the public hearing.

Bob Sailor stated that he had addressed the Planning Commission in May and he wanted to address the same issues. Mr. Sailor stated that he came to Park City in May and tried to obtain a license for his daughter to open a doggy day care business. Since that time it became apparent from his own observations that daycare, grooming and pet boarding are already established services in Park City, and hundreds of Park City citizens seek out and pay for those services every day. Mr. Sailor commented on the website and social media sites where Park City residents and visitors reach out to the individuals who offer these services. Because the services are not addressed or permitted in the Code, he assumed these individuals were operating without a business license. Mr. Sailor stated that in addition to the Park City residents who obtain these pet services, destination visitors also contact these service providers to arrange care for their pets while they ski, shop, and dine in Park City. He noted that pet friendly hotel and lodging establishment ask their guest not to leave their pets unattended. Therefore, they need to have a place to take them when they are out. Mr. Sailor stated that some lodging managements who are not yet pet friendly would like to be and they are looking for a solution that would empower them to be pet friendly.

Mr. Sailor commented on the taxes and license fee revenue that the City is losing by not addressing these services in the Code. The fact that these services are being provided indicates that there is a market for it. It is a thriving business market that is currently unlicensed, unregulated, uninsured and untaxed.

Mr. Sailor asked the Planning Commission to consider allowing these animal services as an allowed use rather than a conditional use permit. In his opinion a conditional use is not a solution because of the burdens attached in terms of the time and money involved in the process. He stated that if someone finds a building to locate their business and they have to wait for the conditional use permit to be approved, it would be a hardship because they would either lose the building or have to pay for it on the hope that their request would be approved. Making it a conditional use would also keep those already in the business from coming forward and applying for a conditional use for time and money reasons. If it was an allowed use those same people would be more willing to come forward and seek the proper licensing. Mr. Sailor stated that the conditional use is too onerous for those already in the business making money. He reiterated his suggestion for making it an allowable use and for the Planning Commission to forward that recommendation to the City Council.

Mr. Sailor thought the daycare, grooming and boarding services as recommended by the Staff were circular businesses. He explained how they could overlap each other and use the example of dropping your dog off in the morning to be groomed but not picking him up until after work. In that circumstance, grooming and daycare overlap. Mr. Sailor named other scenarios where daycare and boarding could overlap. He felt there was very little distinction between the three services.

Chair Pro Tem summarized that Mr. Sailor believed the proposed animal services were very necessary and he thought it should be an allowed use.

Mr. Sailor felt his comments were accurately summarized and he was happy to answer any questions.

PJ Sailor stated that they moved from Virginia specifically to set up a dog daycare business. She believed that dog daycare is an allowed use in Aspen because it evolved that way. Ten years ago people did not take their dogs to doggy daycare the way they do now. Mrs. Sailor reiterated her husband's request that doggy daycare be considered as an allowed use rather than a conditional use. She noted that restrictions and regulations are currently in place through the Health Department and Animal Control that govern how a dog daycare is run. Aspen and many other locations they researched do not believe it is a zoning issue. She believed that making it a conditional use would be a tough sell to a business owner who only charges $25 for an entire day of care. Rent in Park City is another major consideration. Mrs. Sailor remarked that dog daycare is not an extremely profitable business. Her daughter has been in the veterinary business for 10 years. She also has autism and this is her first try at opening a business and being her own boss. Making the move from Virginia was difficult for her daughter and they did not expect to encounter these problems when they made the decision to move. She again urged the Planning Commission to consider dog day care as an allowed use

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce believed there was good reason to make it a conditional use. He has a dog that he sometimes takes to dog daycare and there is always noise, odors and other issues. He clarified that the intent of a CUP is not to tell someone how to run their business. The purpose is to address impacts and inconveniences to the surrounding neighbors.

Commissioner Joyce was not opposed to the recommendation for pet grooming to be an allowed use. However, he was unsure why the number of dogs allowed was different between a dog daycare and a kennel. He did not believe there was enough difference between the two uses to differentiate the number of dogs.

Commissioner Thimm concurred with Commissioner Joyce. In researching zoning codes in other resort communities he was struck by the idea of a commercial kennel being enclosed and entirely soundproofed. He noted that conditions of approval address noise, odors and safety issues. Commissioner Thimm thought an allowed use made sense for a dog grooming business; however, overnight and daycare facilities should be conditional uses for the reasons stated by Commissioner Joyce.

Commissioner Phillips concurred with Commissioners Joyce and Thimm. Understanding how difficult it would be for a small business to go through the process, he suggested that the City should do whatever possible to move the process forward as quickly as possible. If the City could have a comprehensive list of items that would be addressed in the CUP, the applicant could come fully prepared to avoid having to come back with additional or missing information. Commissioner Phillips supported the Staff recommendation for a conditional use for dog daycare and boarding.

Commissioner Campbell stated that he has lived in Park City for 12 years and over time dogs are becoming allowed everywhere. He was surprised that dog owners were not already choked with regulations. Commissioner Campbell could not understand why they would want to further regulate this type of service when there are already many regulations on small businesses. He preferred that it be an allowed use. Commissioner Campbell pointed out that these types of services are not in residential neighborhoods. They are in areas with other businesses where noise and disruption already exist.

Commissioner Phillips asked if they could put requirements or definitions in the LMC to address decibel levels, etc.

Commissioner Band referred to the comments that doggy daycares already exist. She tried to look them up prior to the meeting and she tried to call Animal Control and Summit County. Commissioner Band wanted to know what the Planning Commission needed to do in terms of what was being requested to open up that type of business.

Commissioner Campbell agreed with Mr. Sailor's point that if someone wanted to open up a business the dilemma would be holding on to the building while waiting for the CUP. He personally knows that the conditional use permit process can take as long as a year. A person would use all their money paying rent on the business before getting an approval to operate it. He thought it was an unfair restriction to put on a small business that he believed would do well in Park City.

Commissioner Joyce pointed out that this same type of business was a conditional use in Summit County.

Council Member Simpson suggested that the Planning Commission could keep the conditional use aspect, but make it an Administrative CUP. The applicant would not be required to come to the Planning Commission, which would streamline the process. In reference to an earlier comment about dogs being allowed everywhere including dining decks, Ms. Simpson clarified that dogs are not allowed on dining decks unless the restaurant applies for a permit with the Health Department. She sat on the Board of Health and it was a vigorous discussion that was dog supported, much to the dismay of the Environmental Health Officer.

Planner Whetstone stated that she had contacted the County. They do not have a separate definition for doggy or pet daycare. It is all under one definition of kennels. Planner Whetstone noted that the County does a low impact permit in the commercial districts. She explained that it was similar to an Administrative CUP, and the Planning Department has the discretion of deciding whether or not to take it to the Planning Commission.

Chair Pro Tem Strachan believed that making it an Administrative CUP was the right direction. He agreed with Mr. Sailor's that the uses will overlap and one business could provide all services. For that reason, he thought all three uses should be treated the same, whether it is an allowed use, a conditional use, or an Administrative CUP. His preference was to make them all Administrative CUPs.

Chair Pro Tem Strachan re-opened the public hearing for an additional comment.

Tory Sailor understood that the Commissioners were concerned about noise and smell; but those impacts already occur in residential neighborhoods. She referred to their earlier discussion regarding trash cans as an example. Ms. Sailor remarked that the business owners need to abide by certain rules not only for the people but also for the animals. The animals need a clean place and a good environment. She wanted to open this business and she would not be reckless.

Chair Pro Tem Strachan closed the public hearing.

Commissioner Joyce reiterated his concern regarding the restriction on the number of dogs. If they intend to address all the issues through the conditional use process, he did not understand why they would arbitrarily limit the number. Chair Pro Tem Strachan understood that the number came from limits placed in other jurisdictions. Director Eddington stated that there was a distinction between kennels and pet boarding or pet daycare and the kennel was defined differently. Chair Pro Tem Strachan noted that Summit County has the five dog restriction for kennels.

Commissioner Band understood the distinctions between the uses and she recalled that they decided not to have kennels in the City, even as a conditional use. Commissioner Band believed it was important to have doggy daycare in Park City, but they also need to recognize that they are a town full of newbies and she had concerns with it being an allowed use. She pointed out that people rarely complain that children are playing too loudly, but they will complain about barking dogs. Commissioner Band supported an Administrative CUP.

Chair Pro Tem Strachan pointed out that neighbors are noticed with an Administrative CUP and it would be left to the Staff to mitigate the impacts.

Commissioner Campbell asked about the time frame for the Administrative process, and if the application was denied, whether it could be appealed to the Planning Commission. Director Eddington replied that a denial could be appealed to the Planning Commission. He stated that once the application is received it is reviewed by Staff and letters are sent to the neighboring properties. The noticing period is ten days. Following the noticing period the Staff makes the decision to approve or deny. Commissioner Thimm understood that if the Staff identified issues with a particular circumstance, they would have the ability to send it to the Planning Commission. Director Eddington stated that a few days prior to sending the notices the Staff addresses any conditions that would be part of the application approval. He reiterated that if the Staff denied the application it would be appealed to the Planning Commission and that would start a new process. Director Eddington noted that the neighbors would also have the right to appeal the action taken by Staff.

Commissioner Joyce noted that the numbering of the conditional uses starting on page 250 of the Staff report were out of sequence and should be corrected before it was forwarded to the City Council.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council to adopt the Land Management Code amendments related to Pet Services in the GC and LI zoning districts, and the definitions regarding pet services found in the draft ordinance and as amended. Commissioner Thimm seconded the motion.

Chair Pro Tem Strachan clarified that the amendment is that all proposed uses would be administrative conditional use permits as opposed to conditional use permits.

VOTE: The motion passed unanimously.

City Council
Staff Report

Subject: Firearms Ordinance
Author: Tricia S. Lake, Assistant City Attorney
Department: City Attorney's Office
Date: 11/20/14
Type of Item: Legislative

Summary Recommendations:
Adopt the proposed ordinance which would repeal Title 8, Chapter 6, Sections 8-6-1, 8-6-3, 8-6-4, and 8-6-5 of the Municipal Code of Park City (MCPC). The proposed ordinance would also amend Title 8, Chapter 6, Section 14 ("General Definitions") of the MCPC. This ordinance addresses offenses relating to firearms.

Topic/Description:
Repealing and amending the Municipal Code of Park City.

Background:
On July 8, 2014, the Park City Attorney's Office received a letter from the Second Amendment Foundation, a national gun-rights organization, challenging the constitutionality of Park City's firearms ordinances. Specifically, the letter stated that Park City "has no legal authority to adopt or enforce" sections 8-6-1, 8-6-3, or 8-6-5 of the MCPC and "should, out of respect for the supremacy of the Utah legislature, and out of respect for the rule of law, repeal them." In its formal demand letter, the organization threatens litigation for failure to bring the MCPC into compliance with State law.

According to an August 20, 2014 article in the Salt Lake Tribune, the organization has sent a similar letter to a total of 49 local Utah governments. According to the article, the organization has an estimated 30 lawsuits pending around the country.

Analysis:
Under the State law, all authority to regulate firearms is reserved to the State except where the Legislature specifically delegates responsibility to local authorities or state entities. Furthermore, unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property.

As such, Staff recommends repealing sections 8-6-1 (use and possession of firearms), 8-6-3 (unlawful weapons), 8-6-4 (threatening with firearms), and 8-6-5 (carrying loaded firearm in vehicle, on street, or in prohibited area) of the MCPC. Doing so would bring Park City's firearms ordinances into compliance with State law.

Under the State law, however, cities can regulate and prevent the discharge of firearms. As such, Section 8-6-2 of the MCPC relating to the discharge of firearms is not contrary to State law and, therefore, does not need to be repealed.

In response to the Second Amendment Foundation's state-wide demand letters, several other Utah cities (i.e., Draper, Sandy, and West Point) have come to the same conclusion and have begun repealing their firearms ordinances.

Finally, Title 8, Chapter 6, Section 14 ("General Definitions") of the MCPC currently does not include a definition for "firearm," and the current definition of "dangerous weapon" does not comport with State law. As such, staff recommends amending Title 8, Chapter 6, Section 14 to include and amend such definitions.

Department Review:
The City Attorney's Office has reviewed and analyzed Park City's current firearms ordinances, State law, and relevant case law regarding the regulation of firearms in Utah by local government entities, and has consulted with the Park City Police Department.

Alternatives:

A. Approve:
Adopt the ordinance as proposed. This is the recommended action.

B. Deny:
With the exception of discharging firearms, Park City's current firearms ordinances are in violation of State law. Denying the ordinance would prohibitively restrict an individual's rights under the Second Amendment of the United States Constitution and Article I, Section 6 of the Utah Constitution, and subject Park City to imminent litigation.

C. Continue the Item:
Continuing the item and providing direction to Staff on revisiting the proposed ordinance is an acceptable option, as long as the ordinance could quickly be brought back before the City Council so as to avoid the risk of imminent litigation.

Significant Impacts:
Approving the ordinance as proposed would bring Park City's firearms ordinances into compliance with State law.

Funding Source: No funding is required for this action.

Consequences of not taking the recommended action:
Denying the request would amount to unlawfully restricting an individual's rights under the Second Amendment of the United States Constitution and Article I, Section 6 of the Utah Constitution, and subject Park City to imminent litigation.

Continuing the item and providing direction to staff on revisiting the proposed ordinance is an acceptable option, as long as the ordinance could quickly be brought back before the City Council. As stated above, the Second Amendment Foundation has threatened a lawsuit for continued non-compliance with State law.

Recommendation:
Approve and adopt the attached ordinance.

Attachment:

1) **AN ORDINANCE OF PARK CITY, UTAH REPEALING MUNICIPAL CODE OF PARK CITY SECTIONS 8-6-1, 8-6-3, 8-6-4, AND 8-6-5 PERTAINING TO FIREARMS; AND AMENDING MUNICIPAL CODE OF PARK CITY SECTION 8-1-14 PERTAINING TO FIREARMS AND DANGEROUS WEAPONS**

Ordinance No. ________

AN ORDINANCE OF PARK CITY, UTAH REPEALING MUNICIPAL CODE OF PARK CITY SECTIONS 8-6-1, 8-6-3, 8-6-4, AND 8-6-5 PERTAINING TO FIREARMS; AND AMENDING MUNICIPAL CODE OF PARK CITY SECTION 8-1-14 PERTAINING TO FIREARMS AND DANGEROUS WEAPONS

WHEREAS, the City previously adopted Municipal Code of Park City sections 8-6-1, 8-6-2, 8-6-3, 8-6-4, and 8-6-5 relating to firearms and weapons; and

WHEREAS, Utah Code Ann. § 53-5a-102 states that "all authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities," and that "[u]nless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property;" and

WHEREAS, no authority has been granted by the Legislature to justify the stricter firearms regulations found in sections 8-6-1, 8-6-3, 8-6-4, and 8-6-5 of the Municipal Code of Park City and, therefore, the City desires to repeal such sections to comport with State law; and

WHEREAS, the City desires to amend section 8-1-14 of the Municipal Code to include a definition for the term "firearm" to comport with Utah Code Ann. § 76-10-501(10); and

WHEREAS, the City desires to amend section 8-1-14(E) of the Municipal Code to amend the definition of "dangerous weapon" to comport with Utah Code Ann. § 76-10-501(6).

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

Section I. Repealer. Municipal Code of Park City sections 8-6-1, 8-6-3, 8-6-4, and 8-6-5 are hereby repealed in their entirety.

Section II. Amendment. Title 8 Chapter 1 Section 14 of the Municipal Code of Park City is hereby amended as follows:

8-1-14 GENERAL DEFINITIONS

The provisions of U.C.A. 76-1-601, as amended, are hereby adopted and incorporated. Unless otherwise provided or a different meaning plainly required, the following terms shall be applicable to this Code, in its entirety, and shall have the meanings designated in this section:

(A) **ACT**. A voluntary bodily movement and includes speech.

(B) **ACTOR**. A person whose criminal responsibility is in issue in a criminal action.

(C) **BODILY INJURY**. Physical pain, illness, or any impairment of physical condition.

(D) **CONDUCT**. An act or omission.

(E) **DANGEROUS WEAPON**.

~~(1) Any item capable of causing death or serious bodily injury; or~~

~~(2) A facsimile or representation of the item; and~~

~~(a) The Actor's use or apparent intended use of the item leads the victim to reasonably believe the item is likely to cause death or serious bodily injury; or~~

~~(b) The Actor represents to the victim verbally or in any other manner that he is in control of such an item.~~

A firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury. The following factors are used in determining whether an object, other than a firearm, is a dangerous weapon:

(a) The location and circumstances in which the object was used or possessed;

(b) The primary purpose for which the object was made;

(c) The character of the wound, if any, produced by the object's unlawful use;

(d) The manner in which the object was unlawfully used;

(e) Whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and

(f) The lawful purposes for which the object may be used.

(F) **DRUG PARAPHERNALIA**. As used herein is defined in U.C.A. 58-37a-3, as amended, which section is adopted and incorporated herein by reference.

(G) **FIREARM**. A pistol, revolver, shotgun, short-barreled shotgun, rifle or short-barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

~~(G)~~(H) **OMISSION**. A failure to act where there is a legal duty to act and the actor is capable of acting.

~~(H)~~(I) **PERSON**. An individual, public or private corporation, government, partnership, or unincorporated association.

~~(I)~~(J) **POSSESS**. To have physical possession of or to exercise dominion or control over tangible property.

~~(J)~~(K) **SERIOUS BODILY INJURY**. Bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ or creates a substantial risk of death.

~~(K)~~(L) **SINGLE CRIMINAL EPISODE**. All conduct which is closely related in time and is in incident to an attempt or an accomplishment of a single criminal objective. Nothing in this part shall be construed to limit or modify the joining of offenses and defendants in criminal proceedings.

~~(L)~~(M) **VIOLATION**. A violation of the provisions of this Code.

Section III. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section IV. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

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

PASSED AND ADOPTED BY THE PARK CITY COUNCIL this _____ day of _____, 2014.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Jack Thomas

Attest:

____

Marci Heil, City Recorder

Approved as to form:

/s/ Tricia S. Lake__________

Tricia S. Lake, Assistant City Attorney

City Council
Staff Report

Subject: Joining the Transportation Coalition and Service Contract
Author: Matthew Dias
Department: Executive
Date: November 20, 2014
Type of Item: Administrative

Summary Recommendations:

1. Review the letter (attachment A) from the newly formed Transportation Coalition;
2. Authorize the City Manager to enter into a Service Agreement in support of the effort to encourage the State to improve transportation funding in a form approved by the City Attorney (attachment B) in the amount of $2,000.

Topic/Description:
Administrative

Background:
During last week's update on the City's legislative efforts, Council provided direction for staff to initiate the process of joining the newly formed, statewide initiative called the Transportation Coalition. Since then, staff received the technical documents from the Coalition that would enable Park City Municipal to become a partner in that effort. This includes:

1. Signing the Service Agreement in the amount of $2,000

Analysis:
As you now know, the ULCT's is leading a new transportation funding effort with cities/towns across the State, the Salt Lake Chamber, UDOT, UTA, Utah Association of Counties, and many private sector partners in the form of the Utah Transportation Coalition. The goal of the Coalition is to inform the public and our policymakers of the need to invest in a comprehensive transportation funding solution as a priority item during the 2015 legislative session.

The ULCT's received overwhelming support for this effort at their annual conference in September, and subsequently put together a large media campaign to explain how transportation funding can help resolve many of the State's budgetary, healthcare, air quality, and economic concerns at the local level. The ULCT's effort will also address the new transportation paradigm taking place across the county—complete streets, trails and paths, transit, etc.—and declare traditional funding mechanisms inadequate to support these new options.

While more specific information will be available leading up to the 2015 legislative session, some of the concepts include:

A. A new statewide, local option ¼ cent sales tax for cities/towns to invest in the new transportation paradigm and reduce impacts of growth/aging infrastructure on the municipal general fund.

a. The ¼ cent sales tax could generate approximately $3 billion between now and 2040, and meet priority needs identified in the Unified Transportation Plan.

B. Clarify and expand definitions for what transportation funds can be used for to reflect the diversity of transportation options and demand for more active options.
C. Raise the statewide fuel tax and/or include indexing so the fuel tax keeps pace with inflation.

More information can be found about the Transportation Coalition in the excerpt below from the ULCT's:

WHO IS THE COALITION?
The Coalition consists of businesses, chambers, cities, and counties working together to educate the general public and policymakers of the urgent need for transportation funding.
The private sector is shouldering nearly two-thirds of the Coalition budget.
The Coalition will not engage in any lobbying of legislators but will instead implement a communications strategy to the public about transportation needs.

WHY JOIN THE COALITION?
The return on investment for your city/town is significant. A small membership fee to join the Coalition (see attached letter) may lead to the broad public and political support that could result in new transportation revenue for your city/town.
Your city/ town will receive a professionally crafted Communications Toolkit to use to educate residents and policymakers about the need for transportation funding.
The toolkit will contain a newsletter article, infographics about transportation, social media materials, a utility bill template, and other items. You can use the tools as they are or modify them to fit your city/town.
ULCT will also distribute a data handout which will explain how your city/town currently funds transportation and how your city/town may benefit from increased transportation funding.
ULCT will also provide a sample council resolution that your city/town can enact to demonstrate support for increased transportation funding.

WHAT IS THE TIMELINE?
The Coalition officially launches on Monday, November 17 at Station Park in Farmington at 10:30 am. Please join us at the press conference: http://sandy.utah.gov/index.php?id=932
On November 17, the Coalition will have the website and the first pieces of the toolkit available at www.utahtransportation.org.
From November to January, member cities will use the toolkit to explain the urgency of transportation investment to their residents and elected officials.
In January, the Coalition will start a media campaign to educate the general public about transportation needs.
The legislature convenes on January 26, 2015 for 45 days.

HOW DOES MY CITY/TOWN JOIN?
The Coalition wants your support and active participation. You can review the attached service agreement and adopt it during a council meeting. Upon adoption of the agreement and payment of the small membership fee (see letter), your city will have access to the toolkit.

In addition, staff believes the Coalition's efforts are consistent with the City's newly adopted Legislative Platform, as approved in November 2014:

- ***Legislative Platform*** *– Joining the Transportation Coalition generally* *aligns* *with our Platform to gain greater financial independence and flexibility in terms of local operations and responsibilities.*

Department Review:
Legal, Budget, Streets, and Transit.

Alternatives:

A. Approve:
Approve the Service Agreement to join the Transportation Coalition.

B. Deny:
Maintains status quo.

C. Modify:
Express support of the initiative, yet decline to formally joint the Coalition and contribute resources to the effort.

D. Continue the Item:
Maintains status quo.

E. Do Nothing:
Same as "Deny."

Funding Source:
Transit Fund.

Consequences of not taking the recommended action:
Though likely insignificant, other entities could perceive inaction by Park City as a signal that we are not interested in planning for, or attempting to, solve some of the statewide and local transportation funding challenges facing cities and towns across the State. The ULCT's is anticipating most of the over 400 cities/towns in Utah to pledge support.

Recommendation:

1. Review the letter (attachment A) from the newly formed Transportation Coalition;
2. Authorize the City Manager to enter into a Service Agreement in support of the effort to encourage the State to improve transportation funding in a form approved by the City Attorney (attachment B) in the amount of $2,000.

UTAH TRANSPORTATION COALITION
ENVIRONMENT | ECONOMY | QUALITY OF LIFE

October 27, 2014

Mayor Jack Thomas, Park City
PO Box 1480
Park City, UT 84060

Dear Mayor Thomas,

Whether you drive on roads, bike on paths, cruise on ATVs, hop on the bus, or walk on the sidewalk, transportation is a part of your daily life. Which roads do you avoid? Where does your sidewalk end? How often do your kids stay inside because of the inversion? You hear from residents how they expect not only well-maintained roads but also transit, ATV, and active transportation options. You have to do more with less and the traditional resources are diminishing. We live in a new era of transportation—we must have a new vision for funding it.

At this year's Utah League of Cities and Towns Annual Convention, the ULCT membership passed a resolution that identified the need for transportation funding and recommended a legislative solution. **We must expand funding for local transportation NOW.**

We recognize the power in numbers. The Utah League of Cities and Towns, Utah Association of Counties, and the Salt Lake Chamber have formed the Utah Transportation Coalition. The Coalition's goal is to build support for major investment in Utah's transportation system per Utah's Unified Transportation Plan, preserve Utah's quality of life, bolster economic growth, improve personal health and air quality, and provide maximum value to all Utahns.

The Coalition will roll out a communications campaign to generate public and political support for comprehensive transportation solutions and to fund the Unified Transportation Plan across the state. We have provided a sample service agreement for your city/town to review, prepare, and enact to join the Coalition. The Coalition will provide a communication toolkit that you can use as is (without additional staff work) or personalize the materials for your community, including newsletter messages, utility fee inserts, social media messages and a city council resolution.

We need Park City's financial support of $2,000 to join together with all other Utah cities, towns, counties, and chambers. The private sector has pledged the majority of the needed amount and they are asking for local government to stand shoulder to shoulder in the effort—a public-private partnership that will make a difference. Please adopt a service agreement (based on the enclosed sample) and support the Coalition. For more information, contact Abby Albrecht at the Utah Transportation Coalition at (801) 831-6116 or at abby.albrecht@gcinc.com.

Thank you for your partnership and your support.

Lane Beattie
President/CEO of Salt Lake Chamber

Ken Bullock
Executive Director, Utah League of Cities & Towns

UTAH COUNTIES | SALT LAKE CHAMBER

utahtransportation.org

Project Name: Utah Transportation Coalition / Salt Lake Chamber
AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN
PARK CITY MUNICIPAL CORPORATION
and
Salt Lake Chamber of Commerce

THIS AGREEMENT made and entered into this 20 **day of** November, 2014, by and between the City of Park City, Utah, a municipal corporation (hereinafter referred to as "**City**", and SALT LAKE CHAMBER (hereinafter referred to as "**Consultant**").

The **City** and **Consultant** agree as follows:

- **RETENTION AS CONSULTANT**

City hereby retains **Consultant**, and **Consultant** hereby accepts such engagement, to perform the services described in Paragraph 2. **Consultant** warrants it has the qualifications, experience and facilities to properly perform said services.

- **DESCRIPTION OF SERVICES**

Task 1: Transportation Issues Research and Analysis:

The **Consultant** shall research and analyze transportation funding in Utah at both the State and local level, and use this data to suggest improvements and enhancements to funding transportation in Utah. These Services shall be completed on June 30, 2015**.**

Task 2: Transportation Issue Advocacy and Public Awareness Campaign:

The **Consultant** shall create an issue advocacy and public awareness campaign related to Utah's need for improved transportation, and how improved transportation can benefit Utah's economy, air quality, and quality of life. This advocacy and public awareness campaign will include strategic communications planning, advertising media, advertising purchases, public events, online media, social media, editorial content, and other communications tools.

These Services shall be completed on June 30, 2105.

Task 3: Transportation Issue Local Government Tool Kit:

The **Consultant** shall deliver to each municipality a Transportation advocacy tool kit, consisting of but not limited to social media content, utility bill insert content, a city specific fact sheet detailing transportation funding in the individual municipality, editorial content for local papers, website content, and other items to support and aid local governments in discussing their transportation needs with residents.

These Services shall be completed on June 30, 2015.

Task 4: Legislative and Governmental Relations:

The **Consultant** shall work with the Utah League of Cities and Towns and the Utah Association of Counties to educate legislators about state and local transportation funding issues. No lobbyists will be engaged in this effort; however individuals required by State law to register as lobbyists working on behalf of these organizations will be involved.

These Services shall be completed on June 30, 2015.

- **COMPENSATION**

The total compensation payable to **Consultant** by **City** for the Services described in paragraph 2 shall not exceed the sums described in the attached proposal ($2,000), and shall be earned on the basis as indicated in the **Consultant's** attached proposal.

All payments shall be made within thirty (30) calendar days after execution of this *Agreement*.

EXTRA SERVICES

No other extra services are authorized by this *Agreement*.

- **PROGRESS AND COMPLETION**

The **City** and the **Consultant** are aware that many factors outside the **Consultant's** control may affect the **Consultant's** ability to complete the Services to be provided under this *Agreement*. The **Consultant** will perform these Services with reasonable diligence and expediency consistent with sound professional practices.

• **PERSONAL SERVICES/NO ASSIGNMENT/SUBCONTRACTOR**

This Agreement is for professional services, which are personal services to the **City**. The following persons are deemed to be a key member(s) of or employee(s) of the **Consultant's** team, and shall be directly involved in performing or assisting in the performance of this work.

• Abby Albrecht, Granite Construction and Utah Transportation Coalition

• Justin Jones, Salt Lake Chamber of Commerce

• Cameron Diehl, Utah League of Cities and Towns

• Lincoln Shurtz, Utah Association of Counties

The **Consultant** will subcontract the following portions of the work out to other parties:

• Penna Powers: strategic communications, public relations, and consulting services.

• Other coalition partners

This *Agreement* is not assignable by **Consultant** without the **City's** prior written consent.

• **HOLD HARMLESS AND INSURANCE**

Consultant shall defend, indemnify and hold the **City**, its elected Officials, officers, and employees, harmless from all claims, lawsuits, demands, judgments or liability including, but not limited to general liability, automobile and professional errors and omissions liability, arising out of, directly or indirectly, the negligent performance, or any negligent omission of the **Consultant** in performing the services described.

Consultant shall, at **Consultant's** sole cost and expense and throughout the term of this *Agreement* and any extensions thereof, carry:

• Workers compensation insurance adequate to protect Consultant from claims under workers compensation acts.

• Professional errors and omissions insurance in the amount of $2,000,000, and

• General personal injury and property damage liability insurance and automobile liability insurance with liability limits of not less than $2,000,000 each claimant and $2,000,000 each occurrence for the injury or death of person or persons and property damage.

All insurance policies shall be issued by a financially responsible company or companies authorized to do business in the State of Utah.

• **RELATIONSHIP OF THE PARTIES**

The relationship of the parties to this *Agreement* shall be that of independent contractors and that in no event shall **Consultant** be considered an officer, agent, servant, or employee of **City**. The **Consultant** shall be solely responsible for any workers compensation, withholding taxes, unemployment insurance and any other employer obligations associated with the described work.

• TERMINATION BY CITY

The **City**, by notifying **Consultant** in writing, may upon ten (10) calendar days notice, terminate any portion or all of the services agreed to be performed under this *Agreement*.

• WAIVER/REMEDIES

Failure by a party to insist upon the strict performance of any of the provisions of this *Agreement* by the other party, irrespective of the length of time for which such failure continues, shall not constitute a waiver of such party's right to demand strict compliance by such other party in the future. No waiver by a party of a default or breach of the other party shall be effective or binding upon such party unless made in writing by such party, and no such waiver shall be implied from any omission by a party to take any action with respect to such default or breach. No express written waiver of a specified default or breach shall affect any other default or breach, or cover any other period of time, other than any default or breach and/or period of time specified. All of the remedies permitted or available to a party under this *Agreement* or at law or in equity shall be cumulative and alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy.

• CONSTRUCTION OF LANGUAGE

The provisions of this *Agreement* shall be construed as a whole according to its common meaning and purpose of providing a public benefit and not strictly for or against any party. It shall be construed consistent with the provisions hereof, in order to achieve the objectives and purposes of the parties. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neutral genders and vice versa.

• MITIGATION OF DAMAGES

In all situations arising out of this Agreement, the parties shall attempt to avoid and minimize the damages resulting from the conduct of the other party.

• GOVERNING LAW

This *Agreement*, and the rights and obligations of the parties, shall be governed and interpreted in accordance with the laws of the State of Utah.

• CAPTIONS

The captions or headings in the *Agreement* are for convenience only and in no other way define, limit or describe the scope or intent of any provision or section of the *Agreement*.

• AUTHORIZATION

Each party has expressly authorized the execution of this *Agreement* on its behalf and acknowledge it shall bind said party and its respective administrators, officers, directors, shareholders, divisions, subsidiaries, agents, employees, successors, assigns, principals, partners, joint ventures, insurance carriers and any others who may claim through it to this *Agreement*.

• ENTIRE *AGREEMENT* BETWEEN PARTIES

Except for **Consultant's** proposals and submitted representations for obtaining this *Agreement*, this *Agreement* supersedes any other *Agreements*, either oral or writing, between the parties hereto with respect to the rendering of services, and contains all of the covenants and *Agreements* between the parties with respect to said services. Any modifications of this *Agreement* will be effective only if it is in writing and signed by the party to be charged.

• **SEVERABIITY**

If any provision in this *Agreement* is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

• **NOTICES**

Any notice required to be given hereunder shall be deemed to have been given by depositing said notice in this United State mail, postage prepaid, and addressed as follows:

TO CITY: Park City
445 Marsac Avenue
Park City, Utah 84060
Attention: City Recorder
TO CONSULTANT: Utah Transportation Coalition
c/o Salt Lake Chamber of Commerce
175 East 400 South, Suite #600
Salt Lake City, Utah 84

• **ADDITIONAL TERMS/CONDITIONS**

Additional terms and conditions of this *Agreement* are:

IN CONCURRENCE AND WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES EFFECTIVE ON THE DATE AND YEAR FIRST WRITTEN ABOVE.

PARK CITY MUNICIPAL: Attest

____

Signature City Recorder
Print Name Approved as to Form

____

Date Municipal Legal Counsel

CONSULTANT:
Signature
Lane Beattie, President and Chief Executive Officer
Date
State of Utah)
:ss
County of Salt Lake)
On this day of , 2014, personally appeared before me *[name of person(s)]*, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he/she is the President and Chief Executive Officer *[title]*,
of The Salt Lake Chamber of Commerce *[name of corporation]*, a corporation, and said document was signed by him/her in behalf of said corporation by authority of its bylaws or of a Resolution of its Board of Directors, and he/she acknowledged to me that said corporation executed the same.
Notary Public