PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 20, 2008

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 20, 2008.

Closed Session
2:30 p.m. Property, litigation and personnel

Work Session

4:00 p.m.	Council questions and comments	
4:10 p.m.	Transportation Strategic Plan Update	P. 4 - 11
4:40 p.m.	Update on SR248	P. 12 - 31
5:10 p.m.	Economic outlook and shortfall plan	P. 32 - 38
5:50 p.m.	Break	

Regular Meeting
6:00 p.m.

I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF OCTOBER 30, 2008 AND NOVEMBER 6, 2008

P. 39 - 64

V RESIGNATIONS AND APPOINTMENTS

Consideration of the appointment of two members to the Historic Preservation Board for terms expiring July 2011

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

1. Consideration of acceptance of the Comprehensive Annual Financial Report (CAFR) and Independent Auditor's Report for fiscal year ending June 30, 2008 for Park City, Utah P. 65 - 66

2. Consideration of a Community Engagement and Visioning Contract with czbLLC in the amount of $53,959 in a form approved by the City Attorney P. 67 - 80

3. Consideration of a Resolution acknowledging the importance of supporting non-profit organizations in our community and declaring Friday, November 28, 2008 as Giving Day in Park City, Utah P. 81

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

1. Consideration of a Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates for General Engineering Services for an amount of $252,560 P. 82 - 86

2. Consideration of a Letter of Intent in a form approved by the City Attorney between Summit County and the City related to joint property acquisition of approximately 107 of the estimated 112 acres of Parcel #SS-57-1, property owned by the Boyer Company located to the southeast of the UDOT facility P. 87 - 90

(a) Public Input
(b) Action

3. Consideration of a Purchase Agreement in a form approved by the City Attorney between Boyer Summit County and Park City (collectively Buyers) in the amount of $2,250,000 for the joint property acquisition of approximately 107 of the estimated 112 acres of Parcel #SS-57-1, property owned by the Boyer Company located to the southeast of the UDOT facility (to be delivered)

(a) Public Input
(b) Action

4. Consideration of the Park Silly Sunday Market Master Festival License for 2009
   (a) Public input P. 91 - 121
   (b) Action

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 11/17/08
see www.parkcity.org

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

November 2008
20 **Joe gone**
27 **Thanksgiving**

December 2008
4 Street closure policy - work
201 Heber Avenue amendment to record of survey – BR
Resolution authorizing staff to complete and file an application for renewal of the Recycling Market Development Zone within Park City
PC Heights Annexation – Old business
11 Park City Institute for Public Policy update
Center for Applied Media update
Acceptance of audit
2009 Insurance Placement – CL
LMC amendments – KW
18 Open meeting training (45 min)
2300 Meadows Drive subdivision plat – BR
LMC amendments – TE
McPolin Farm administrative policy
25 **Holidays**

Pending Items:
Amendment to fee resolution - GRAMA
McPolin Farm Administrative Policy
Park City Foundation update – work
Economic development grant update - work
Water supply and demand
Resolution amending (or replacing) Resolution No. 20-07, adopting Affordable Housing Guidelines and Standards for Park City, Utah
Carrying capacity/market analysis survey
Wild land interface issues

City Council
Staff Report

DATE: **November 20, 2008**
DEPARTMENT: **Public Works**
AUTHOR: **Kent Cashel, Deputy Public Works Director**
TITLE: **Entry Corridors Strategic Plan Annual Report**
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION:
This item is for informational purposes, no Council direction or action is required. Council should review and discuss information included in the Entry Corridors Strategic Plan Annual Report that is contained within this staff report.

DESCRIPTION

Background

In early 2006 City Council adopted the Entry Corridors Transportation Management Strategic Plan. This plan set forth 12 Strategic policy statements to guide Staff efforts to manage and mitigate traffic along the City's entry corridors (SR-224, SR-248 and Bonanza Dr.)

Staff committed to return to City Council annually to report on implementation of the strategic plan. This report contains the first of these annual reports for Council review and comment.

Analysis

The annual report that follows will cover:

1. Each of the 12 policy statements contained in the strategic plan (numbered and in bold text).
2. Action items relating to each policy statement that have been accomplished.
3. Action items staff plans to implement in the coming year.

This report will provide City Council with an overview of the strategic plan action items that have been accomplished and what is currently scheduled for accomplishment in the coming year.

1. **Pursue formal agreements to cooperate with regional entities on transportation issues.**

The City has accomplished the following this year:

- Executed Letters of Intent (LOI) to cooperate on regional transportation issues with the following parties
    - Summit County
    - Park City School District
    - Utah Department of Transportation
    - The Utah Department of Transportation formally agreed to participate (with staff and financial support) in the SR-248 Corridor Study. This cooperative study will result in an agreed upon corridor plan to guide transportation enhancement projects along this corridor.

<u>Going Forward:</u>
The City plans to accomplish the following in the coming year:

- Continue to work with Wasatch County with the goal of executing an LOI to work cooperatively on transportation issues.
- Continue working with Ski-Utah and a coalition of ski areas to communicate to Governor Huntsman the urgent economic need for the State to play a more active role in addressing resort area congestion.

2. Develop and implement an ongoing traffic monitoring program.

<u>Accomplished:</u>

The City has accomplished the following this year:

- Procured a set traffic counters that enable us to conduct traffic volume, speed , and vehicle classification data. This data assists Staff in making more reasoned traffic management decisions.
- Developed a traffic count schedule and plan to gather data on all City collector streets.
- Developed a working relationship with UDOT's statistical analysis section and has free access to monthly traffic counts on SR-224 & SR248.
- Completed a traffic analysis and plan on Bonanza Drive this study provides current and forecast traffic levels on Bonanza Drive.

<u>Going Forward:</u>
The City plans to accomplish the following in the coming year:

- Continue to gather and catalogue traffic and pedestrian counts.
- Provide Council with graphic summaries of these counts on a periodic basis

3. Utilize travel demand management (TDM) strategies to mitigate peak hour travel volumes.

<u>Accomplished:</u>
The City has completed the following in the past year:

- Conducted a ridesharing survey of City employees to determine demand and opportunities for carpooling and ridesharing.
- Developed a City supported van-pool program. 1st City van pool began September of 2008.
- Formed the Peak Resort Day Traffic Management Task Force with City and ski-area staff. Task force is developing peak resort day traffic management plan for implementation this winter.
- Continued to operate Park City's Bus-Bike and Ride Program during Sundance to reduce employee vehicle trips.
- Installed bus shelters at Park City High School and Treasure Mountain Middle School have resulted in significant increases of student use of Public Transit.
- Continued work with the Chamber of Commerce to develop a Transportation Management Association (TMA) to champion alternatives to the single occupant vehicle.

Going Forward:
The City plans to complete the following in the coming year:

- Coordinate transit schedules with ski areas
- Coordinate transit schedules with schools
- Work with Chamber on developing rideshare programs
- Work with UTA rideshare
- Promote the development of a TMA

4. Expand public transit where appropriate.

Accomplished:
The City accomplished the following in the past year:

- Executed a Letter Of Intent with Summit County to cooperate on building an expanded transit facility at the City's Ironhorse site.

- Secured $2.8 million in Federal Transit Administration Funding to design and construct expanded transit facility at Iron horse Dr.

- Completed preliminary design on the Ironhorse expanded Transit Facility.

- Coordinated transit schedules to more closely mirror school start and end times to minimize student wait times.

- Implemented Dial-A-Ride service to Quinn's Junction Facility.

- Implemented joint (UTA, Summit County, PC) PC-SLC bus service feasibility study.

Going Forward:
Looking forward the City will accomplish the following:

- o Procure design firm and complete design of expanded transit facility during winter 08-09.

- o Begin phased construction of expanded transit facility at Ironhorse dr.

- o Complete PC-SLC feasibility study and return to Council with a recommendation regarding this service.

5. Facilitate development and promotion of park and ride, van pool, rideshare and alternative mode programs.

Accomplished:
The City accomplished the following this past year:

- o Completed all but paving of Park and Ride project (scheduled for 2009 completion and opening).
- o Procured a fleet of 13 bicycles for City employees to utilize when traveling on business around Park City.
- o Obtained federal funding secured to purchase buses to serve Park and Ride.
- o Developed and implemented a City supported Van-Pool program.
- o Continued partnership with UTA to promote use of UTA rideshare website with City employees and local area employers.
- o Park City citizens approved $15 million Walkability Bond.
- o Served on UDOT task force to develop recommendations for the Governor's "TravelWise" program (travel demand management). More info available at www.***travelwise****.utah.gov.*

Going Forward:
In the coming year the City plans to accomplish the following items:
- o Open Park and Ride.
- o Implement Park and Ride transit service.
- o Draft a formal Traffic Demand Management (TDM) plan to include with SR-248 recommendations.

6. Facilitate improved special event traffic planning, coordination and communication.

Accomplished:
Over the past year the City has accomplished the following:

- o Partnered with UDOT Traffic Operations Center to coordinate traffic control with peak ski days or special events.
- o Provided ongoing traffic information through KPCW during special events.
- o Continued cooperation between Utah Highway Patrol, Summit County Sherriff, Wasatch County Sherriff and PC Police.
- o Formed the Peak Resort Day Traffic Management Task Force.
- o Continued coordination with Park City High School\UDOT\Sundance Institute to improve traffic operations during the Sundance Film Festival.

Going Forward:
In the coming year the City plans to accomplish the following items:

- Open Park and Ride for special event traffic management.
- Implement Peak Resort Day management plan

7. **Work with local business community to facilitate the development and implementation of a regional transportation management association (TMA).**

Accomplished:
Over the past year the City has accomplished the following:
- Continued coordination with Chamber of Commerce to develop and implement a TMA in Park City.
- Promoted use of TravelWise website.

Going Forward:

In the coming year The City plans to accomplish the following items:
- Assist Chamber with organizing a 2009 Business Transportation Summit
- Develop a formal TMA plan.
- Pursue Federal\State financial assistance for a traffic demand coordinator to assist businesses with developing and implementing TDM strategies.
- Promote use of TravelWise web site and other TDM resources.

8. **Facilitate regional efforts to secure Federal and State financial assistance to fund necessary transit & road projects.**

Accomplished:
The city has secured the following federal financial assistance from the FTA for the County\City regional transit system.

o Transit Maint and Ops facility	$2.5 million
o Park and Ride	$1.6 million
o Transit Vehicles and Equipment	$2.8 million
o AVL\GPS System	.7 million
o Operating Assistance	$2.8 million
	$10.4 million

The city has also secured $1,000,000 UDOT financial assistance to finance reconstruction of Bonanza Drive and $1,000,000 to apply to the Roundabout\Deer Valley Drive.

Going Forward:
In the coming year The City plans to accomplish the following:

- o Pursue federal transit financial assistance opportunities through the forthcoming Stimulus bill.
- o Update the Statewide Transportation Improvement Plan to include City transportation projects.

9. Develop processes and procedures to ensure the traffic impacts of all development and annexation proposals are carefully analyzed and understood.

Accomplished:
In the past year The City has accomplished the following:

- o Ensured the City's Land Management Code Chapter 8 Annexation, 15-18-2h contains language requiring the City to carefully analyze traffic impacts of any annexation request prior to considering that request.
- o Improved staff coordination during annexation review process to ensure all modes (pedestrian, bicycle, transit and auto) are integrated into traffic mitigation requirements for annexation proposals.

Going Forward:

In the coming year The City plans to accomplish the following items:

- o Review, and update if necessary, of general plan language to ensure all modes (pedestrian, bicycle, transit and auto) are integrated into traffic mitigation requirements for annexation applications.

10. Develop processes and procedures to ensure all MPD and annexation proposals are required to include a traffic impact analysis and a traffic mitigation plan sufficient to evidence that the development's or annexation's traffic impacts will not reduce current Levels of Service (LOS) on the City's road network.

See # 9 above

11. Utilize financial instruments (e.g., bonding) when appropriate to balance expenditures with revenue resources and cash flow timing.

.Accomplished:
Not required to date

Going Forward:
In the coming year the City intends to accomplish the following:

- o Develop a financial plan for improvements identified in the SR-248 plan.

12. Develop and implement an ongoing multi-media communication plan to inform and educate the public on regional transportation issues, transportation management efforts and the role each individual plays in an effective transportation management program.

Accomplished:
The City has accomplished the following in the past year:

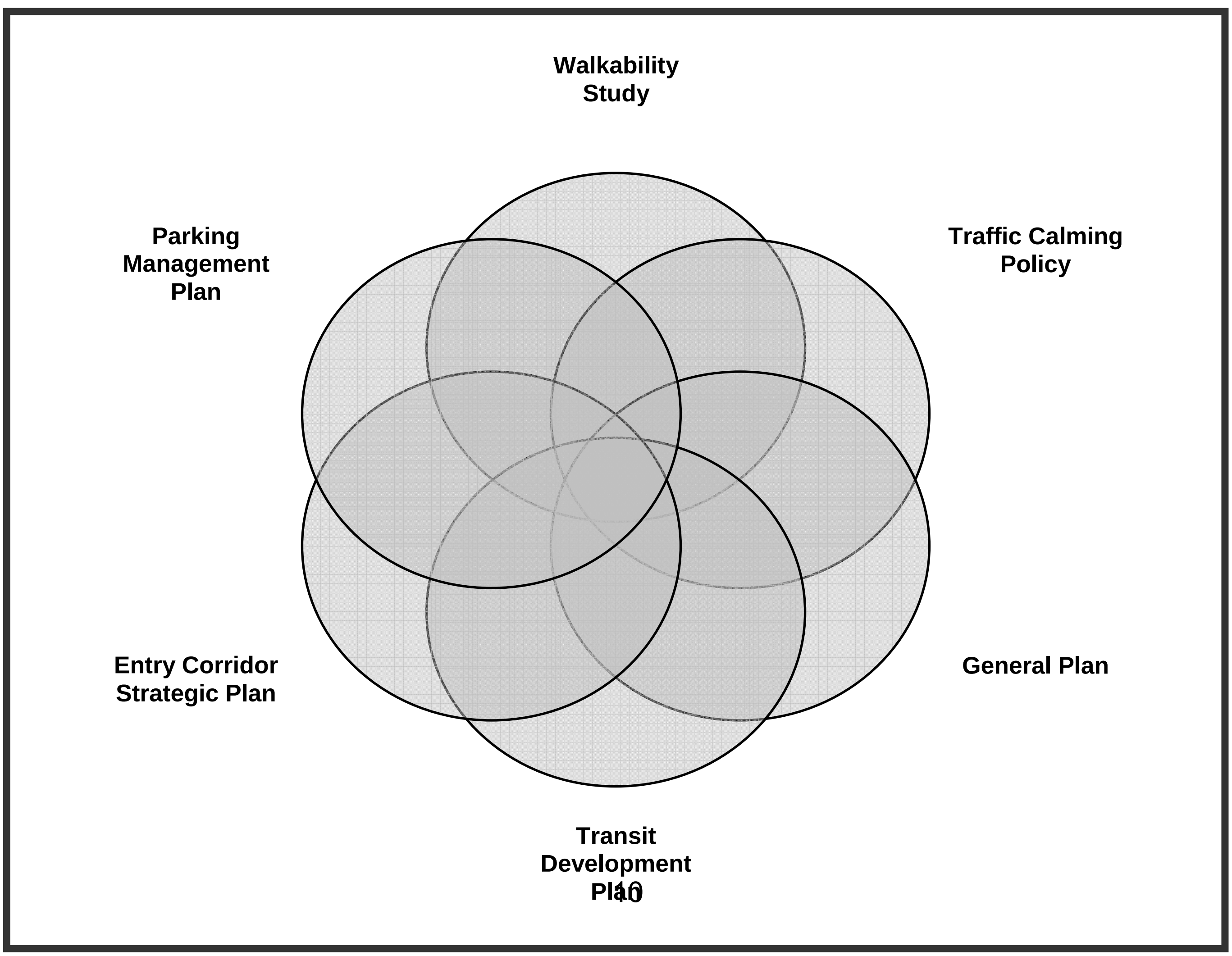
- Provided continual Press releases to the Park Record , KPCW and Salt Lake Tribune on transportation planning and capital project efforts.
- Ensured traffic studies and capital project plans were available on City's web page

Going Forward:
In the coming year the City plans to accomplish the following:

- Update of City Web Site to include comprehensive and easy to locate transportation information (including links to TravelWise web page).
- Continued ress releases to the Park Record , KPCW and Salt Lake Tribune on transportation planning and capital project efforts.
- Develop a Citizen's Guide to Transportation to educate the public **o**n regional transportation issues, transportation management efforts and the role each individual plays in an effective transportation management program.

Update to Entry Corridor's Strategic Plan
The City thinks that the time has arrived to update the City's Entry Corridor Strategic Plan to incorporate all of the City's interdependent transportation elements as depicted in the Venn diagram below.

Comprehensive Transportation Strategic Plan



This updated plan will integrate strategic elements from the four transportation modes into one comprehensive Transportation Strategic Plan for the City. This approach will provide staff with the policy guidance necessary to ensure

Staff will return in late January with a report and initial recommendations on this comprehensive strategic transportation plan.

RECOMMENDATION

This item is for informational purposes, no Council direction or action is required. Council should review and discuss information included in the Entry Corridors Strategic Plan Annual Report that is contained within this staff report.

City Council Staff Report

Subject: SR-248 Corridor Study Update
Author: Kent Cashel, Deputy Public Works Director
Department: Public Works
Date: November 20, 2008
Type of Item: Administrative

Summary Recommendations:
Staff recommends Council review the information contained in this packet and direct Staff to proceed with the final phase of the SR-248 study focusing on the 4 Lane alternatives:

1. 4 Lane (minimal widening)
2. 4 Lane (full widening)
3. 4 Lane (Bus\HOV)

Background:
Council adopted the Entry Corridors Management Strategic Plan on March 20th, 2006. This strategic plan set forth objectives for the management of transportation and traffic along the City's entry corridor's (SR-224, SR-248 and Bonanza Drive). One of the key objectives identified in the strategic document is, "to gain a thorough understanding of volumes and travel patterns that make up the current and future traffic conditions along the entry corridors." Another key objective identified in the plan is, "ensure current capacity of entry corridors are utilized effectively before expanding roads or related infrastructure." These two objectives have been the impetus behind six individual studies that have recently been completed for portions of the SR-248 corridor.

The City's park and ride lot, to be located at Richardson Flats, will be utilized to remove single occupant vehicles, from the SR-248 corridor during peak hours and special events. Staff believes the success of the park and ride will be contingent upon providing transit the ability to move quickly along the SR-248 corridor so that users of the park and ride (voluntary or mandated) have the benefit of avoiding delays associated with congestion.

On February 28th, 2008 Council authorized Staff to execute a contract with Interplan Transportation Consultants to consolidate existing SR-248 studies into one corridor plan. This study accomplished the following tasks:

1. Consolidation of existing studies of portions of SR-248 into one comprehensive corridor plan.
2. Explored alternatives and developed recommendations for reducing transit travel times to and from the park and ride (e.g., dedicated bus lanes, bus use of shoulders, HOV lanes, queue jumping, signal prioritization and etc.)
3. Completed an inventory of existing UDOT right of way and conducted a needs analysis for additional right of way.

While Phase I the SR-248 Study provides a solid understanding of automobile challenges (and provided recommendations for congestion mitigation) along the SR-248 corridor, the study does not constitute a comprehensive corridor plan. To complete a comprehensive corridor plan requires consideration of pedestrian and bicycle modes, public review and input and more detailed engineering.

On May 29th, 2008 City Council reviewed Phase I of the SR-248 Corridor study and provided direction on the alternatives to be studied and directed Staff to proceed with Phase II of the Study. Council directed Staff to further explore the following alternatives in Phase II of the study:

- No Build Alternative
- Directional Lanes
- Dedicated Bus\HOV Lanes
- Four Lane Widening

Staff also committed to incorporate recommendations from the WALC Committee into the alternatives for evaluation.

On July 31st, 2008 Council authorized execution of a contract with Lochner Inc. for the preparation of an SR-248 Corridor Plan. The Utah Department of Transportation (UDOT) agreed to participate in this study by assigning staff members to the study's steering committee and agreeing to provide $30,000 in funding.

Staff formed a steering committee made up of the following seven members:

Matt Cassel	Engineering
Jon Weidenhamer	Sustainability
Katie Cattan	Planning
Brett Howser	Budget, Debt, Grants
Lisa Baird	UDOT
Lisa Wilson	UDOT
Kent Cashel	Transportation

The steering committee has been meeting regularly to provide direction to Lochner Inc.

The steering committee formed a Stakeholder Committee to review the alternatives and provide feedback to the steering committee. The membership of the stakeholder committee is as follows:

Kim Mayhew	Deer Valley Ski Area
Carol Potter	Mountain Trails
Jenni Smith	Park City Mountain Resort
Mark Fisher	NoMa
Adam Strachan	Planning Commissioner

Kenzie Coulson	Sundance
Stephen Oliver	Park City School District

On September 9th, 2008 Staff held a stakeholder committee meeting to provide committee members with an overview of each of the alternatives and to gather stakeholder feedback.

On September 30th, 2008 a Public Open House was held at the Shadow Ridge Hotel. Approximately 35 individuals attended this open house and provided comment on the four alternatives being explored

Staff and Lochner (City's consultant) are now ready to provide Council with preliminary study findings and to seek direction on which alternatives to focus on during the final phase of the study. It is important to note that the findings presented are preliminary but they are of sufficient detail for this stage of decision making. Detailed engineering and cost estimation will follow in the final phase of this study.

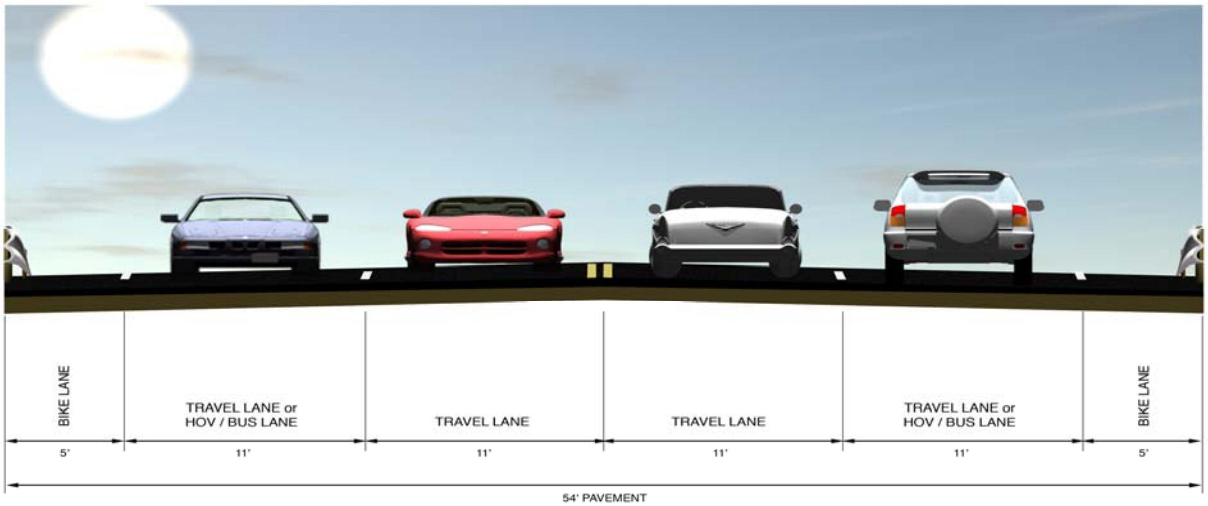
Analysis:

The SR-248 Corridor Study, per Council direction, has gathered preliminary findings for the alternatives described below:

No Build: The "No Build" alternative would leave SR-248 as it is now constructed. This alternative provides a view of what traffic and congestion will look like if we do nothing to enhance the infrastructure along the corridor.

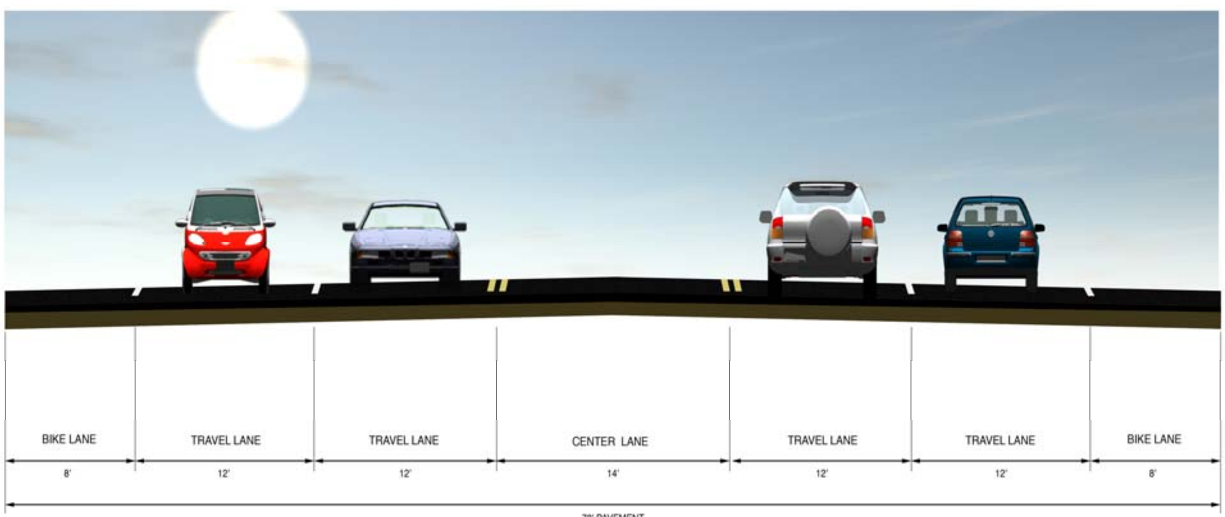
Four Lane (with minimal widening): This alternative involves widening the road section between Sidewinder Dr and Wyatt Earp to include four 11' travel lanes (narrowed from existing 12') with a 14' center turn lane to accommodate turning movements. East of Wyatt Earp the planter would be removed to accommodate a lane configuration as depicted below. Two 5' bike lanes would be incorporated from SR-224 to US40.

4 Lane Within Existing Footprint (with or without HOV)



Four Lane (Full Widening): This alternative involves widening the road section between Sidewinder Dr and Wyatt Earp to include four 11' travel lanes with a 14' center turn lane to accommodate turning movements. East of Wyatt Earp the planter would be removed and the road would be widened where necessary to accommodate a lane configuration as depicted below. Two 5' bike lanes would be incorporated between SR-224 and Wyatt Earp Dr.. East of Wyatt Earp two 8' bike lanes\shoulder would be included.

4 Lane (5 Lane)

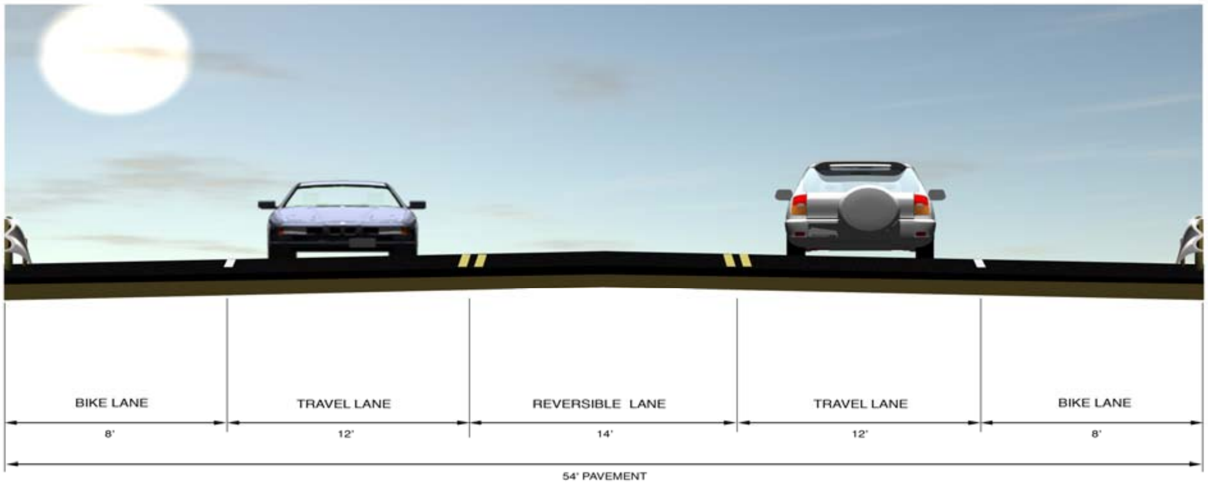


4 Lane (HOV\Dedicated Bus Lanes): This alternative would be constructed in the same fashion as the Four Lane (full widening option described above). However, during peak hours additional lanes would be restricted to Bus\High Occupancy Vehicles use as depicted below.

4 Lane (5 Lane) with HOV

Reversible Lanes: This alternative would provide two lanes into the City during the morning peak and two lanes out of the City during the evening peak. This alternative has been explored using two different scenarios:

Reversible Lane



Reversible Lane from US-40 to Comstock

This alternative would require minimal widening between Comstock and Wyatt Earp Drive. East of Wyatt Earp the island planter would be removed to provide additional lane capacity. The Center lane would be utilized for directional flow as depicted above. Control of this directional lane could be through the use of signage, overhead lights (depicted below) or a moveable barrier (moveable barriers are labor–equipment intensive and may be prohibitively expensive). Two 4’ to 8’ bike lanes would extend from SR-224 to US 40.

Reversible Lane from US-40 to Bonanza

This alternative would widen SR-248 between Bonanza Drive and Comstock Rd. The Center lane would be utilized for directional flow as depicted above. Control of this directional lane could be through the use of signage, overhead lights (depicted below) or a moveable barrier (moveable barriers are labor–equipment intensive and may be prohibitively expensive). Two 4’ to 8’ bike lanes would extend from SR-224 to US 40.

Directional Control Gantry and Lights

Island Planter

An island planter currently occupies the center turn lane of SR-248 (for approximately 1 mile east of Wyatt Earp Dr) where the road is sandwiched between PC Hill to the north and wetlands to the south. All alternatives assumed removal of this island to reclaim this right of way and to minimize environmental impacts and costs.

Stakeholder Feedback

Staff held a Stakeholder meeting on September 9th. At this meeting the stakeholder group reviewed the study alternatives and provided comment. In general the group preferred a phased approach using directional lanes in phase 1 and moving to a four lane widening with additional capacity programmed for bus\HOV when, and if, that should become necessary. A more detailed summary of comments received at this meeting is attached to the back this report.

Public Feedback

A public open house was held on September 30th, 2008. At this open house the public was provided the opportunity to review and comment on the alternatives. Approximately 35 people attended this open house. Attendees were provided the opportunity to vote on their preffered alternative and to provide written or spoken comment. In general attendees preferred the directional lanes alternative. A more detailed summary of comments received at this meeting is attached to the back this report.

WALC Recommendations

WALC identified SR 248 as part of their “Spine System”. Their recommendations for this corridor were for an underpass at the Comstock intersection (2009 Construction) and installation of a Class II Bike lane from SR 224 to US 40. A Class II bike lane includes a minimum striped 4’ lane, stencil of a bike symbol, and “bike lane” signs. Progression of any of these options will facilitate the underpass installation and Class II bike lanes and are therefore consistent with WALC’s recommendations. In regards to bike lanes, the “No Build” options would not preclude WALC’s recommendations in the future. See the tables below for the biking levels of service.

Alternatives Level of Service Analysis

The table contained on the next page contains the results of a level of service analysis conducted on each alternative. This analysis provides:

- estimated travel times,
- corridor level of service,
- bicycles facilities and
- notes on traffic impacts for each alternative.

The table is color coded for travel times as follows:

- green = minimal travel delay
- yellow =moderate travel delay
- red = significant travel delay

The table is color coded for bicycle facilities as follows:

- green = 4’ to 8’ bicycle lanes
- yellow = 4’ to 5’ bicycle lanes.

Corridor Level of Service (LOS) depicted in the table is a measurement used by traffic engineer’s to measure how well traffic flows through a corridor. A straight forward non-technical description of what the LOS grade means is as follows:

- A = little or no waiting or delay at signals
- C = some waiting or delay at each signal,
- F = significant waiting and delays at every signal.

Traffic Operations and Level of Service (LOS)

Alternatives	2008 Travel Time (minutes)				2014 Travel Time (minutes)				2020 Travel Time (minutes)					
	AM peak	PM peak	AM LOS	PM LOS	AM peak	PM peak	AM LOS	PM LOS	AM peak	PM peak	AM LOS	PM LOS	Traffic Impacts	Bike Width*
Existing	6	12	B	A			-	-			-	-	-	0'/8'
No-Build			-	-	30.5	32.5	F	F	32.5	46.5	F	F	All signals east of Bonanza fail in PM peak in 2020, many fail in 2014	0'/8'
4 Lane			-	-	7	7.5	C	C	8	10	C	C	All signals east of Bonanza function LOS C or better in 2014 and 2020.	4'/8'
4 lane within existing footprint			-	-	7.5	8.5	C	C	8.5	10.5	C	C	Lanes are narrowed to 11' causing minimally reduced travel speeds over the full 4 lane alternative. All signals perform well in 2014; IHC and Old Dump Road are issues in 2020.	4'/5'
4 lane with HOV/bus lane			-	-	7.5	9	C	C	8.5	10.5	C	C	Signals generally perform well in 2014 and in 2020. Bonanza is an issue in PM 2020.	N/A see 4 Lane and 4 Lane within existing footprint
Reversible Lane from US 40 to Comstock			-	-	13.5	9	C	C	16	12	D	D	Some intersection LOS concerns in 2020 PM peak. See below.	4'/8'
Reversible Lane from US 40 to Bonanza			-	-	8.5	9	C	C	8.5	11	C	D	Bonanza intersection fails in 2014 and 2020, most others perform well (except Old Dump Rd).	4'/8'

Travel Time/Bike LOS

= Good
= Medium
= Poor

Summary points from the service level analysis table include:

- The “No Build” alternative results in significant, arguably unacceptable, travel times in 2014 and beyond.
- The “Four Lane” alternatives provide the best corridor performance over the study period (2008-2020).
- The Reversible Lanes alternatives provide for a reasonable corridor level of service over the study period, however the intersections of Bonanza Dr. and Richardson Flat Road fail or perform poorly.

Alternatives Carbon Savings Analysis

Following is a table summarizing the estimated annual carbon savings associated with implementation of the 4 conceptual roadway alternatives being considered. This analysis was prepared using a methodology that considers the following factors:

- An average fuel economy (miles per gallon)
- The carbon Impact of traffic Stops and Starts
- Variable trip lengths for vehicles along the length of SR-248 (Park Avenue to US-40)
- The carbon impact of travel delay and idle time
- Carbon emissions per gallon of fuel consumed.

While estimating carbon outputs for alternatives twelve years into the future is far from a perfect science, Staff thinks this analysis provides a useful estimate for understanding the environmental impacts of each alternative:

		Traffic		Fuel Used (gal)	
Alternative		AM Peak	PM Peak	AM & PM Peak (Combined)	Annual Carbon Savings (Tons)*
2008	Existing (baseline)	1632	2168	202.1	N/A
2014	No-Build	2,153	2,860	482.6	NA
2014	4 Lane	2,153	2,860	455.3	70
2014	4 lane within existing footprint	2,153	2,860	447.8	89
2014	4 lane with HOV	2,067	2,803	342.3	357
2014	Reversible Lane	2,153	2,860	392.3	230
2020	No-Build	2,594	3,447	600.5	NA
2020	4 Lane	2,594	3,447	497.9	261
2020	4 lane within existing footprint	2,594	3,447	519.6	206
2020	4 lane with HOV	2,438	3,309	382.2	556
2020	Reversible Lane	2,594	3,447	493.1	274

* Carbon savings based on comparison between Build Alternative and No Build for given year.

Summary points from the carbon savings analysis include:

- Four Lane with HOV\Dedicated Bus alternative yields the greatest carbon savings.
- The other "Four Lane" alternatives offer minimal savings over early years with improved savings in later years.
- Reversible lanes offer significant carbon savings in early years with little savings growth as time passes.

Alts Comparison Table
The table below assembles key decision points from all preceding pages into one place.

Alternative	2014 AM Peak Travel Time (min)	2020 AM Peak Travel Time (min)	2014 Carbon Savings (Tons)	Estimated Alternative Cost (Millions $)	Other Pros	Other Cons
4 Lane (Full Widening)	7	8	70	$9-13 M	- All signals perform level c or better through 2020. -Includes 8' for bike lanes/ shoulder	Environmental impacts
4 lane within minimal widening	7.5	8.5	89	$5-9 M	- All signals perform well in 2014 -Fewer environmental impacts	- Less space for cyclists/ shoulder -11' Travel lanes - IHC and Richardson Flat Road intersection performs poorly in 2020.
4 lane with HOV/bus lane	7.5	8.5	357	$5-$13 M	Works better with TDM initiatives	- Bonanza Dr. Intersection performs poorly in 2020.
Reversible Lane from US 40 to Comstock	13.5	16	230	$3-7 M	Received most public support	Fails in 2014
Reversible Lane from US 40 to Bonanza, and 5 lanes to 224	8.5	8.5		$5-9M	Received most public support	-Bonanza intersection fails in 2020 -Richardson Flat signal performs poorly in 2020.

Funding Considerations
It is important to note that the Utah Department of Transportation has not identified, or budgeted, funding for SR-248 improvements. While this does not mean that funding cannot be secured it does mean that the City will need to have a solid strategy and put forth a significant effort to secure that funding if there is a desire to complete these improvements in the next few years.

Adopting a corridor plan, that is supported by UDOT, is an significant first step in securing project financing. It is important to note that, in general, long term solutions will be far easier to gain State and Federal funding for than interim or phased plans.

Staff requests that Council review the information contained in this packet and direct Staff to proceed with the final phase of the SR-248 study focusing on the 4 Lane alternatives. Those alternatives include:

1. 4 Lane (minimal widening)
2. 4 Lane (full widening)
3. 4 Lane (Bus\HOV)

Next Steps
Staff will take Council direction and move into the final phase of the study and then return with a draft corridor plan for Council review and adoption. Key milestones and target completion dates follow:

November 20	Council Review and Direction
December 18	Draft Corridor Plan to Council
January 22	Final Corridor Plan to Council

Alternatives:

A. **Approve the Request:** Council could approve Staff's recommendation for alternatives to explore in final phase of SR-248 study.

B. **Ammend the Request:** Council could amend Staff's recommendation to include\exclude alternatives to explore in the final phase of study.

C. **Deny the Request:** Council could direct Staff to discontinue study.

D. **Continue the Item:** Council could continue the item to a later date.

E. **Do Nothing:** Council could do nothing.

Department Review:
This report has been reviewed by The City Manager's Office, The City Attorney's Office, the City Engineer, the Planning Division, the Sustainability Team.

Recommendation:
Staff requests that Council review the information contained in this packet and direct Staff to proceed with the final phase of the SR-248 study focusing on the 4 Lane alternatives. Those alternatives include:

1. 4 Lane (minimal widening)
2. 4 Lane (full widening)
3. 4 Lane (Bus\HOV)

Staff Report Attachment A

PUBLIC INPUT ON ALTERNATIVES

The SR-248 conducted an open house on September 30, 2008 from 5:00 to 6:30 PM at the Shadow Ridge Hotel. Large plots and cross sections of alternatives were presented.

Open House attendees were asked to participate in an exercise in which they placed a red dot on the alternative of their choice. The results for the dot exercise are as follows:

Reversible Lane (14)
Four Lanes—Full Widening (1)
Four Lanes—Minimal Widening (5)
HOV/Bus Lanes (2)
Other (Travel Demand Management) (1)

Comment forms were provided at the open house and on the website (www.sr248parkcity.com). A total of 21 forms were received as of Oct 6, 2008. Below is a summary of the comments received.

1. *In which community do you live?*
   - Park City (12)
   - Kamas (5)
   - Midway (4)
   - Salt Lake Valley (1)

2. *How often do you travel along SR-248?*
   - 0–1 days/week (4)
   - 2–3 days/week (2)
   - 4–5 days/week (7)
   - 5+ days/week (9)

3. *Which of the following would best describe you?*
   - Commuter (5)
   - Resident (11)
   - Business Owner (6)
   - Recreational User (2)
   - Developer (1)
   - Employee at business along SR-248 (5)
   - Other (3)
      i. Travel to Home Depot

4. *What best describes why you utilize the SR-248 corridor?*
   - Local trips (15)
   - Exercise (4)

- Bicycling (5)
- Recreational Access (6)
- Trail Access (2)
- Other (3)
    1. Resident of Prospector Park
    2. Client access
    3. Business

5. *Which of the following issues concern you along the SR-248 corridor?*
    - Traffic Congestion (13)
    - Safety (13)
    - Noise (6)
    - Air Quality (10)
    - Water Quality (3)
    - Pedestrian and Bicycle Access/Trails (10)
    - Community Impacts (8)
    - Aesthetics (6)
    - Visual Impacts (5)
    - Construction Impacts (3)
    - Other (1)
        1. Poor management by government

6. *Do you have any comments regarding each alternative?*
    - **48 comments**
    - Reversible Lane
        1. Positive (13)
            - I feel that this option is the least impact to the residents. I would like to see the center lane an HOV lane. There is already no left hand turns westbound in the morning.
            - Preferred at this time.
            - Best option for the time being.
            - Best do [it] so you don't increase lanes, noise
            - My favorite idea, but I think there should be a four-lane [road] after Comstock going into town.
            - My preferred option, keep/add bike lanes. Consider controlling left turn movements closer to SR-224. Keep lane widths narrow to slow people down. Seattle and Vancouver have excellent examples to see.
            - Like it on the face of the idea. It is imperative that the Park and Ride be easy to use or people won't use it. The lane should start just west of that intersection. Also, a hybrid of models: five lanes from SR-224 to Aspen Villas, a reversible lane from there to SR-40.
            - Best of the four alternatives. Would like to see encouragement to use Park and Ride, public transit, plus carpooling.
            - Least cost. Implement immediately.
            - Do this right away.

        - This should be done now, but full widening with HOV lane is the ultimate goal.
        - Initially the best plan. Interim solution.
        - Great solution, please limit to rush hour to prevent accidents/confusion late at night.
    ii. Negative (1)
        - Short-term fix
- Four Lanes—Full Widening
    i. Positive (3)
        - 1995 plan.
        - Only if necessary in ten to twenty years.
        - Preferred solution.
    ii. Negative (4)
        - OK, except too much construction required.
        - Wors[t] idea.
        - Don’t like until necessary.
        - Wider roads mean higher speeds, not as safe for pedestrians and bikers. Should incorporate planted medians to help slow people down.
- Four Lanes—Minimal Widening
    i. Positive (4)
        - If the reversible lane doesn’t work then try this option.
        - This is the best and should be continued all the way to Sidewinder Drive.
        - Better than others.
        - Better idea.
    ii. Negative (2)
        - OK, would require less [construction] than [option] B.
        - High speed traffic needs center separation.
- HOV/Bus Lanes
    i. Positive (6)
        - Also a plus.
        - Fine, but . . .
        - Would it make sense for the reversible lane to be HOV, effectively making it a cross of three proposals?
        - Focus on this for five years from now.
        - This is the best long-term solution. Park City is going to need to accommodate Wasatch developments near the lumber store.
        - Only if we go the way of Zermatt, Switzerland—traffic free!
    ii. Negative (4)
        - Bad idea!
        - I’m not sure how functional these lanes would be for such a short distance.
        - Also great, but don’t think it would work.
        - Unrealistic.
    iii. Unsure (1)
        - Not sure.

7. *Do you have any additional ideas for solutions?*
    - **11 comments**
    - I feel that a reversible HOV Lane would reward people for trying to help with the solution. Widening the road will just bring more cars and make the backup of traffic happen at another point.
    - Wherever not required, use raised islands to replace unused turn lanes. Objective: narrow road for traffic calming.
    - Reversible now!
    - Park and Ride; lane for turning [in]to schools.
    - Five lanes between Bonanza and Comstock including a turn lane. Incorporate a reversible lane after Comstock.
    - Work with the City and County to encourage bike commuting and walkability. It will be much more effective if it's encouraged on a regional basis. Emphasize the Park and Ride, and work with resorts and major employers to make this as convenient as possible for the user. Otherwise, it won't be used.
    - The lights at Comstock need re-programming. It favors Comstock over SR-248. In the morning, turning off Comstock should be right-turn only. The light for SR-248 should never turn red. Too many people are dropping kids off at school.
    - Need to address Bonanza. Is it possible to incorporate better access to Deer Valley Blvd. through the NOMA redevelopment project?
    - Trucks with four or more axles should be restricted from using SR-248 during peak hours. They should be fined to encourage this.
    - Road up from Midway and down Empire; Old Ranch Road; trams from Midway and Salt Lake City!
    - Minimize additional signal lights; synchronize lights to keep traffic moving, pedestrian bridge or tunnel at school crossing for safety/greater capacity.

8. *Do you have additional comments, questions, or suggestions?*
    - **10 comments**
    - The real solution is to change the way people commute.
    - Good study—multiple options to consider.
    - Well done! Thanks.
    - Get this done—ASAP.
    - Thank you for addressing this. But realistically, compared to other areas is it that long to sit in traffic if you are commuting in?
    - Thank you for considering minimal impact for a solution that will serve the next seven to ten years. We appreciate your service to the community.
    - Will be underground cross for school.
    - I'm very concerned about the highway impact on our Park City community, access to schools from Prospector Area. Basically, I feel that if the SR-248 road were not widened, commuters would be forced to get creative and use other travel means or have flexible work hours, etc., or carpool, etc.
    - Thanks.
    - A bike lane separated from traffic by a rumble strip is essential.

Attachment B
SR-248 Corridor Study
Stakeholder Committee Meeting Summary

When: September 9, 2008
Where: Park City High School, Park City, Utah
Time: 1:00 p.m. to 2:30 p.m.
Attendees:

- Kim Mayhew, Deer Valley
- Carol Potter, Mountain Trails
- Jenni Smith, Park City Mountain Resort
- Mark Fisher, NoMa
- Adam Strachan, Planning Commissioner
- Kenzie Coulson, Sundance
- Stephen Oliver, Park City School District
- Kent Cashel, Park City
- Laynee Jones, Project Team
- Randi Shover, Project Team
- Gene Cline, Project Team
- Andrea Olson, Project Team

The following are comments captured during the meeting regarding the alternatives under consideration.

Reversible Lane:
- Will safety still be an issue if/when center median is removed?
- Advantage of reversible lane—takes less ROW
- Should four-lane section be extended from Bonanza to Comstock?
- Westbound morning traffic driving in right shoulder anticipating right turn at driveways before Comstock. Can right turn lane be extended to east to accommodate this? (Super right turn lane)
- Incorporate consideration of pedestrian underpass at Comstock (this will be included as part of this study)
- Underpass at Comstock: line up with access to soccer fields? Proposed sidewalk on Comstock?
- Reversible lane alternative seems like "Band-Aid" and will not be sufficient in the long term
- UDOT is recognizing the need to work within existing ROWs
  - Park City is a good community to try innovative approaches

Bus/HOV Lane:
- Requires more or larger footprint
- Is enforcement of HOV/SOV an issue?
- There will need to be political will to keep lanes HOV/bus only
- Includes 8' shoulders to accommodate bicycles
  - Some areas exclusive to bikes
  - Other areas bike/breakdown lane would be shared
- Near Park Lane, travel lanes narrow to 11'
- Can bus/HOV lanes be separated from general purpose lanes with barriers? Side-by-side
  - Would be wider ROW for barriers

- Who pays and when
  - Can Park City pay for band-aid until UDOT pays for full four-lane section?
- Could improvements be phased?
  - Reversible lanes = phase 1
- Timing of phases
  - When would improvements be implemented?
    - Short-term improvements possible next winter – depending on funding('09 – '10)
- Bus improvements
- Public opposition will be "fierce" on four-lane alternative
- Less opposition to reversible lane
- Could rail trail be used as bus lane?
- Downstream impacts of ending reversible lanes/four-lane interface
- Like reversible/HOV lane
  - Less impact
  - Incentive to carpool/use transit
- For next meeting, show Bonanza improvements and "vision" road project with new intersection on Bonanza.

Queue Jump Bus Lanes

- This alternative will not work due to the length of the queues backing up at each intersection. In order for the buses to be able to jump the queue of cars, the queue jump lanes would have to extend to the previous intersection in some locations. Therefore, the queue jump lanes alternative has a similar cross section as the four lane alternative.

Next Steps

- A final committee meeting will be held following the public meeting that will be held on September 30th and prior to the update to the city council. Date is TBD.

City Council Staff Report

Subject: Net Revenue Shortfall Plan
Author: Bret Howser
Department: Budget, Debt, & Grants
Date: November 20, 2008
Type of Item: Informational

Summary Recommendations:
This item is informational. Staff will provide Council with a presentation regarding the City's past financial performance during economic downturns, the current economic situation, and the City's Net Revenue Shortfall Plan. Council should comment, provide direction as necessary, and affirm staff's "alert" level determination.

Topic/Description:
Net Revenue Shortfall Plan Presentation

Background:
Council adopted the FY 2009 budget in June, 2008, under a certain set of economic assumptions. Since that time, the economy has taken a sharp turn. With this turn, the City's revenues (in particular sales tax and building revenue) are no longer expected to reach budgeted levels.

The City has developed and adopted a Net Revenue Shortfall Plan for occasions such as this (see attachment). This shortfall plan outlines indicators of a shortfall, phases of response, and the steps involved in those phases. Staff has reviewed this shortfall plan for general guidance and used it to tailor a plan for the current situation.

Analysis:
During work session on November 20, staff will provide Council with a presentation detailing the expected impact of this recession to the City's financial footing as well as staff's proposed application of the shortfall plan during the balance of this fiscal year. This presentation includes excerpts of a presentation given to bond rating agencies earlier in November. It was also delivered to and discussed by the management during the quarterly management team meeting on November 14.

A summary of the presentation is as follows: Park City has had strong financial performance over the past 10 years. This strong performance, coupled with sound financial decision-making, has lead to healthy reserves and relatively unexposed operations. Additionally, the data shows that Park City has a history of weathering recessions well. Market research concerning skier behavior during recessionary times also favors Park City's quality and accessibility.

This said, current leading indicators, such as reservation activity and disposable personal income, are not strong. When these factors are put into our existing revenue models, a shortfall is projected. General fund operating revenues are expected to fall short of projections by about $2.7 million. In the budget, a $5.2 million General Fund surplus was anticipated and scheduled to be transferred to CIP projects. That surplus would be around $2.5 million if present estimates are realized. Depending on Council action during the budget season and the degree to which staff is able to delay capital and operating expenses without affecting levels of service, this revenue shortfall could cut into cash reserves between 1%-9%.

These reserves include both the General Fund 18% reserve as well as cash on hand in the CIP Fund (both dedicated and undedicated to projects). According to our shortfall plan, this puts us in Alert Phase, close to Minor Phase. Both of these phases prescribe that the same level of service be provided while budgets are monitored more closely and capital and operating expenditures delayed where possible. In addition to the steps prescribed by the shortfall plan, staff has devised some more specific measures which can be taken to weather the shortfall while maintaining the same level of service.

As staff has been employing the, it has come to light that some of the terms and assumptions of the shortfall policy are in need of definition or clarification. While the plan is functional, staff will likely return during the budget season with some proposed adjustments and clarifications to the policy.

Department Review:
Budget, Debt, & Grants; Legal; City Manager

Alternatives:

A. **Approve:**
This item is informational only. Council should provide comment and direction as necessary.

B. **Deny:**

C. **Modify:**

D. **Continue the Item:**

E. **Do Nothing:**

Significant Impacts:
This item is informational only. Council should provide comment and direction as necessary.

Consequences of not taking the recommended action:
This item is informational only. Council should provide comment and direction as necessary.

Recommendation:
This item is informational. Staff will provide Council with a presentation regarding the City's past financial performance during economic downturns, the current economic situation, and the City's Net Revenue Shortfall Plan. Council should comment and provide direction as necessary.

Attachments:
A – Shortfall Plan

Part IV - Recession/Net Revenue Shortfall Plan

A. The City has established a plan, including definitions, policies, and procedures to address financial conditions that could result in a net shortfall of resources as compared to requirements. The Plan is divided into the following three components:

1. **Indicators** which serve as warnings that potential budgetary impacts are increasing in probability. The City will monitor key revenue sources such as sales tax, property tax, and building activity, as well as inflation factors and national and state trends. A set of standard indicators will be developed.
2. **Phases** which will serve to classify and communicate the severity of the situation, as well as identify the actions to be taken at the given phase.
3. **Actions** which are the preplanned steps to be taken in order to prudently address and counteract the anticipated shortfall.

B. The recession plan and classification of the severity of the economic downturn will be used in conjunction with the City's policy regarding the importance of maintaining reserves to address economic uncertainties. As any recessionary impact reduces the City's reserves, corrective action will increase proportionately. Following is a summary of the phase classifications and the corresponding actions to be taken.

1. **ALERT: An anticipated net reduction in available reserves from 1% up to 9%.** The actions associated with this phase would best be described as delaying expenditures where reasonably possible, while maintaining the "Same Level" of service. Each department will be responsible for monitoring its individual budgets to ensure only essential expenditures are made.
2. **MINOR: A reduction in reserves in excess of 9%, but less than 23%.** The objective at this level is still to maintain "Same Level" of service where possible. Actions associated with this level would be as follows:
   - **a.** Implementing the previously determined "Same Level" Budget.
   - **b.** Intensifying the review process for large items such as contract services, consulting services, and capital expenditures, including capital improvements.
   - **c.** Closely scrutinizing hiring for vacant positions, delaying the recruitment process, and using temporary help to fill in where possible.
3. **MODERATE: A reduction in reserves in excess of 23%, but less than 50%.** Initiating cuts of service levels by doing the following:
   - **a.** Requiring greater justification for large expenditures.
   - **b.** Deferring capital expenditures.
   - **c.** Reducing CIP appropriations from the affected fund.

d. Hiring to fill vacant positions only with special justification and authorization.
e. Closely monitoring and reducing expenditures for travel, seminars, retreats, and bonuses.

4. **MAJOR: A reduction in reserves of 50% to 100%.** Implementation of major service cuts.
   a. Instituting a hiring freeze.
   b. Reducing the Part-time Non-Benefited and Seasonal work force.
   c. Deferring merit wage increases.
   d. Further reducing capital expenditures.
   e. Preparing a strategy for reduction in force.
5. **CRISIS: Reserves have been 100% depleted and potential for having a deficit is present.**
   a. Implementing reduction in force or other personnel cost-reduction strategies.
   b. Eliminating programs.
   c. Eliminating capital improvements.

C. If an economic uncertainty is expected to last for consecutive years, the cumulative effect of the projected reduction in reserves will be used for determining the appropriate phase and corresponding actions.

Long Range Financial Planning

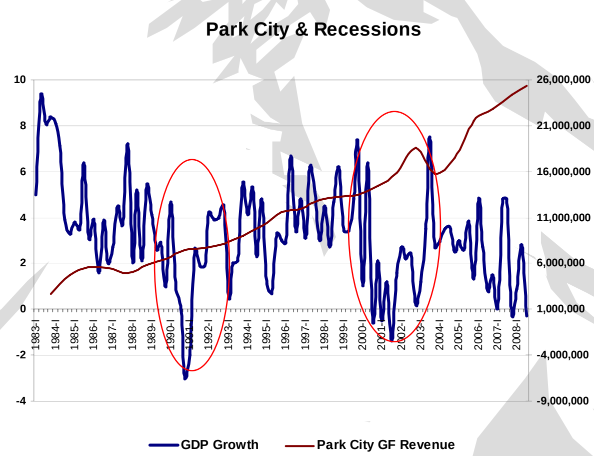
PARK CITY 1884

Capital Projections

Proj	Project Title	2008	2009	2010	2011	2012	2013	2014	2015	2016
CP0006	Pavement Management Impl.	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000	$100,000
CP0014	McPolin Farm	$0	$50,000	$0	$0	0				
CP0017	ADA Implementation	$10,000	$10,000	$10,000	$10,000	10000	$10,000	$10,000	$10,000	$10,000
CP0042	Gilmore Open Space Note	$100,000	$100,000	$100,000	$100,000	100000	$100,000	$100,000	$100,000	$100,000
CP0059	Cemetery Capital Replacement	$20,000	$0	$0	$0	$0				
CP0073	Marsac Seismic Renovation	$1,399,836	$0	$0	$0	$0				
CP0074	Equipment Replacement - Rolling Stock	$550,000	$550,000	$550,000	$550,000	$550,000	$550,000	$550,000	$550,000	$550,000
CP0075	Equipment Replacement - Computer	$150,000	$150,000	$150,000	$200,000	200000	200000	200000	200000	200000
CP0083	Lower Norfolk & Woodside (North of 13th)	$960,553	$0	$0	$0	0				
CP0084	Woodside - North of 13th	-$960,553	$0	$0	$0	0				
CP0095	Tennis Bubble Replacement	$30,000	$0	$0	$0	$0				
CP0097	Bonanza Drive Reconstruction	$300,000	$536,000	$0	$0	$0				
CP0100	Neighborhood Parks	$300,000	$0	$0	$0	$0				
CP0101	BioCell Remediation	$445,000	$0	$0	$0	$0				
CP0112	Meadows Drive Traffic Signal	$47,000	$0	$0	$0	$0				
CP0113	3 Kings Dr Storm Drain	-$3,385	$0	$0	$0	$0				
CP0124	Kearns Boulevard Improvements	-$14,519	$0	$0	$0	$0				
CP0142	Racquet Club Program Equipment Replacement	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000
CP0146	Asset Management/Replacement Program	$582,709	$582,709	$582,709	$582,709	$582,709	$582,709	$582,709	$582,709	$582,709
CP0150	Ice Facility Capital Replacement	$8,000	$0	$5,500	$8,000	$0				
CP0153	Quinn's Public Improvements	$70,000	$0	$0	$0	$0				
CP0160	Ice Facility Capital Improvements	$0	$35,000	$0	$0	0				
CP0176	Deer Valley Drive Reconstruction	$0	$0	$0	$75,270	0				
CP0186	Energy Efficiency Study on City Facilities	$700,000	$700,000	$0	$0	0				
CP0190	Walkability Implementation	-$1,313,792	$0	$0	$0	0				
CP0191	Walkability Maintenance	$40,000	$40,000	$40,000	$40,000	40000	40000	40000	40000	40000
CP0205	GIS Development	$0	$0	$85,000	$25,000	0				
CP0212	Park City Ice Arena Screens and Display Cases	$12,500	$12,500	$0	$0	0				
CP0214	Racquet Club Renovation	$1,000,000	$1,300,000	$1,700,000	$0	0				
CP0217	Emergency Management Program Startup	$304,000	$0	$0	$0	0				
CP0218	Emergency Management Program Replacement	$2,000	$4,000	$8,000	$8,000	8000	8000	8000	8000	8000
CP0221	Indoor Pool	$1,000,000	$1,000,000	$0	$0	0				
		$5,889,349	$5,220,209	$3,381,209	$1,748,979	$1,640,709	$1,640,709	$1,640,709	$1,640,709	$1,640,709

Past Performance Through Recessions

PARK CITY 1884



"When snow is good, it trumps bad consumer confidence and recessionary forces."

– Nolan Rosall
President
RRC Associates,

Market Research Firm

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 30, 2008

Present: **Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; Joe Kernan; and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ken Fisher, Recreation Manager; Matt Twombly, Project Manager; Jon Weidenhamer, Economic Development Manager; and Max Paap, Special Events Manager

Recreation Advisory Board Members Kathy Kahn, Rob Lea, John Halsey, Craig Moise, Matt Brown, and Moe Hickey

Park Silly Sunday Market organizers Kimberly Kuehn and Jewels Harrison; HMBA Director Sandy Geldorf and Chairman Jeff Ward; business owners Mike Sweeney, Jolie McTavish, and Tim Helty

1. Council questions/comments. Roger Harlan reported on the School District meeting, specifically the award to teacher Melissa Botts. He discussed the Friends of the Library luncheon and business conducted by the Mountailnlands Housing Trust. He expressed concerns about not having convenient green waste and/or wood recycling programs in place for residents. Joe Kernan hoped that in the future, a public works facility in the Basin will include mulch processing and Candace Erickson pointed out the pilot program available for commercial entities. Mr. Kernan pointed out the importance of having a facility near Park City and discussed the trend of winter guests scheduling shorter trips. Liza Simpson noted that she also attended the library luncheon. Jim Hier commented on business discussed at the HMBA and inter-agency meetings and the fund-raiser held by the Summit Land Conservancy last Friday.

He relayed that the Chamber reported a 30% to 40% drop in telephone volume from last year and reported on the tourism symposium. It is believed that the downturn in the travel industry will last at least nine months. There is added competition to mountain resorts because seven new ships have been introduced in the cruise industry, representing about 21,000 berths. The cruise ships sail full and are willing to discount trips to make sure the ships are filled.

Mayor Williams stated that he, Liza Simpson, and Diane Foster attended the fifth International Congress of Nano Technology in San Francisco where there was a forum for mayors on climate change and a variety of educational sessions.

2. Recreation Advisory Board Visioning. Ken Fisher referred to his staff report in the meeting packet where staff is seeking direction on the work plans for the next year developed by the subcommittees for parks, Racquet Club, and community outreach. He pointed the dedicated funding source for park projects where there is a balance of about $70,000. Developing a City Park master plan specifically for the north and south areas of the park is recommended with an estimated cost of about $15,000. Any improvements to the south will be coordinated with the Sullivan Road work slated for 2012. Mayor Williams pointed out the large area accommodating the catch basin at the north end and suggested that other uses be explored. Ken Fisher spoke about a suggestion to realign the road to capture more field space. John Halsey added that if the water can be diverted somewhere else, the basin area could be used for BMX biking and the Mayor felt that the drain would work there with improvements.

Mr. Fisher addressed the request for extended use of the skate park by covering it for year-round use or lighting it. An electronic petition is being circulated with a goal of obtaining 1,000 signatures, currently 567 people have signed. Mayor Williams expressed that he is not inclined to support the lighting but would like to explore covering the skate park. A design competition could be held. He acknowledged that the design would have to be sensitive to fit in the neighborhood but the skate park has been them most popular facility built in the past 25 years. Roger Harlan agreed and asked if there are other enclosed skate parks or estimates on increased use; a permanent structure would be costly. Rob Lea added that supporters have been asked to explore ideas from other areas which will be shared with RAB next week.

Candace Erickson pointed out that one of the best features of the skate park is being able to observe the skaters which will be lost with an enclosure and cost is a major consideration. Rob Lea discussed a concept where the side walls could be rolled up and down, even in the summer in bad weather. Liza Simpson hoped that users understand the needs of the entire community; skate park improvements would have to be prioritized with other projects. Mr. Lea assured Ms. Simpson that patrons are aware that there is a process and if anything is done, it will be done right. In response to a question from the City Manager, most Council members agreed that extending the hours by installing lighting is not as important as providing shade and winter use. Jim Hier believed that use would increase if it were covered and that lighting would not significantly change the numbers. Joe Kernan felt confident that a good design could be produced. He is interested in obtaining information on the cost per user currently and the cost per user with improvements and is not opposed to installing lights so people could skate until at least 8 p.m.

Ken Fisher explained that the dog park opened in September with the understanding that once the City installed the fence, signs, and infrastructure that the user group would step forward and pay for future improvements. There have been some complaints about the muddy conditions at the storm retention basin which could be remedied by filling in the basin and installing a catch basin at a cost of about $5,000. Mr. Fisher described the project. Matt Twombly clarified that this would tie into another detention basin on the other side of the dog park. Ms. Simpson noted that she also received a few emails and responded with information about funding future improvements. Mr. Fisher addressed the high cost of shade features proposed for the Racquet Club and Prospector Park. Mayor Williams suggested planting mature trees. Mr. Fisher noted that the playground equipment in Prospector Park gets pretty hot in summer, there is no shade and stated that staff will continue to explore options. Initially, Prospector Park contemplated a shade pavilion.

Mr. Fisher commented on the Racquet Club subcommittee working with VCBO Architecture on a weekly basis to develop conceptual designs and plan public meetings. It is contemplated to change the name of the Racquet Club when it reopens as a remodeled facility since the name leads people to believe that it is a private club. There was discussion about creating a process for naming the building, but Council agreed that it should simply be called the Park City Recreation Center. He felt that the outreach programs have been very successful and the City is now an active partner with various agencies, including United Way. Programs are conducted on-site at Aspen Villas and Holiday Village Apartments and have been well received but providing transportation for these kids continues to be a challenge. Council members thanked the Recreation Advisory Committee for their hard work and Candace Erickson specifically acknowledged Moe Hickey's contributions, who is moving on because of his Board of Education election.

3. Park Silly Sunday Market 2008 review. Jon Weidenhamer explained that an application for the 2009 market was submitted on October 20, 2008. In March, Council requested that staff return in October so that 2008 operations could be discussed before reviewing a license for 2009. Members also requested that an economic analysis for the 2009 market be conducted by the HMBA. The 2009 application is identical to 2008 with some minor operational changes and action is not requested tonight. Mr. Weidenhamer stated that staff believes the 2008 festival was a success based on a variety of changes the organizers introduced with regard to parking, signs, etc. He found the event to be consistent with economic development goals and strategies and felt there are indirect and intangible benefits to the street and our town as a whole. The applicants are seeking an approval as soon as possible so that vendor contracts and marketing plans can proceed. The HMBA is generally supportive but would like an economic analysis to better understand negative financial impacts. Staff is recommending that an economic analysis be conducted before taking action which could be available by early January, providing sufficient time in the event of operational changes. Mr. Weidenhamer referred to public input received from Steve Lund and Jolie McTavish who are not supportive of the market.

Dana Williams emphasized that the HMBA agreed to conduct the study last year and is confused why the City is paying for the study. Jeff Ward, President of the HMBA, explained that he understood that a study would cost about $10,000 and the organization had no funding available. The Mayor expressed concerns that the HMBA agreed it and the City did not hear anything from the HMBA until last month when it was contemplated to be available by the end of October. Mr. Ward understood the process was to be a partnership. The Mayor added that there seems to be no participation from the street with the total cost falling to the City. Mr. Ward explained preparing a spreadsheet on businesses after the market closed for the season. Tom Bakaly explained that it was felt that the City could conduct a more objective study where the data would not be debated. The information is difficult to quantify and may not be the *silver bullet* everyone is looking for but is information that is important for Council to consider. Staff looked at the spreadsheet but felt that it would be a good expenditure to conduct an objective analysis. Jim Hier felt that if the data needs to be substantiated, it needs to be collected by a third party and he is not opposed to the City paying for it, but felt it important to identify what elements would be changed as a result of the data. As an option, an MFL could be approved subject to the possibility of modifications based on the study. Not identifying elements of interest until the economic study is produced would be a mistake. Extended hours of operation were discussed. Candace Erickson explained that Jolie McTavish's issue deals with parking. She felt there was an effort to get patrons to walk, bike or take the bus at the beginning but more people seemed to drive by the end of the season. Kimberly Kuehn explained that they provided 14 new signs up Deer Valley Drive directing motorists to the China Bridge Parking Structure and upper Main Street. She is willing to look at new options for 2009 and PSSM will remain committed to sustainable practices. Ms. Erickson asked if vendors at the market have business licenses. Jewels Harrison explained that vendors are licensed through the MFL and are required to pay sales tax.

Ms. Erickson noted that she witnessed many cash transactions at the market and is concerned about the City losing sales tax dollars and market vendors competing with year-round licensed businesses. Ms. Kuehn stated that they are committed to ensuring benefits to the entire street in the long term as PSSM is in its beginning stages. She was pleased to meet consultant Karen Wikstrom who would have been helpful last spring to begin formulating an approach to produce an economic analysis. Ms. Kuehn stated that she will always put forth her best effort toward the vitality of the street and has personally visited with merchants who have expressed concerns about PSSM; she keeps in contact with them. Her background is in retail and she is happy to work with businesses on solutions; she is listening to people and good relationships have been established. Jewels Harrison relayed that Council asked them to build relationships and create a partnership with the HMBA which she feels they are doing. The Mayor invited public input.

Sandy Geldorf, HMBA, felt that consultant Karen Wikstrom could objectively identify trends on a regional basis which is something that the HMBA could not produce. With regard to changes to the application, impacts to types of businesses, like restaurants or galleries could be identified through a study. She felt that conducting a street study is helpful to identify the type of patron attracted to the market. Jon Weidenhamer added that staff is supportive of expanding the study rather than cramming it into a timeframe. A broader study may be beneficial in the long term.

Brad Olch, PSSM board member, referred to Ms. Erickson's comments on cash transactions. He felt that staff could perform the analysis internally or perform the study in the spring.

Jolie McTavish, Silver Queen Gallery, believes that the PSSM brings vitality to Main Street but her Sunday business is down 80% during the summer which is attributable to the market. One of her main concerns is that her customers can not find a place to park close to the gallery. People who come to the market do not buy anything at the Silver Queen Gallery. She favors doing an economic study.   Mayor Williams acknowledged that the customers may be different but there are 750 free parking places downtown every day of the week. He didn't believe that PSSM patrons deter gallery customers from shopping on Sundays. In response to a question from Liza Simpson, Ms. McTavish stated that the gallery has been there for two years. She agreed that demographic groups are divided and some customers have stopped coming to the gallery on Sundays because there is no convenient parking. Jewels Harrison felt that the demographics in Park City is diverse which is a good thing Several artists this season sold high priced items, like paintings and metal artwork, and one of their goals is to provide something for everyone in the community.

Tim Helty, co-owner of Silver Queen Gallery, stated that his business was not down for the year and clarified that there is foot traffic on Sundays during the market but people are not interested in buying high end art. The concerns of businesses paying rent all year long should be considered. He requested that PSSM not operate on the Sunday of the Mustang Show which closes the street on Saturday. The market hurts their summer business on Sundays. He asked that the 15 minute loading zone beside the gallery be monitored during market days. Mr. Helty acknowledged that there is parking in the area but his clients like to park close to the gallery.

Joe Kernan asked the organizers if they have a plan to reach out to other demographic groups. Jewels Harrison explained that the Kimball Art Center has provided information to them on applicants who applied for participation in the Arts Festival as possible vendors. Kimberly Kuehn added that this represents a small percentage and the majority of artists involved with PSSM are from Summit County. One of the attributes of the market was creating a local community forum. Ms. Harrison discussed the importance of business owners communicating concerns and/or problems to them because they are committed to arriving at solutions.

Jim Hier stated that he appreciated Mr. Olch's comments but clarified that daily sales tax data is not available from the state so this information would have to be obtained through the business owner. This is the one of the reasons for considering hiring an independent consultant. In an effort to proceed, he suggested structuring some sort of an approval that would allow for modification of hours and perhaps vendor mix that would allow PSSM to begin working on 2009 plans. He felt that the study should be conducted now for the past two years and again next year, which would reveal information about extended hours. Parking should be addressed

Joe Kernan asked if the organizers could experiment on hours next year. Kim Kuehn explained that one of the reasons they submitted a 2009 application in October was to have the ability to process applications, sponsorships and contracts. Many vendors will not commit until they know the hours. She added that when the change in hours of 10 a.m. to 4 p.m. was proposed last year, the HMBA spoke about programming the rest of the street to provide pocket entertainment up Main Street. Mountain Town Stages was set up on only one of the 15 Sundays.

Mike Sweeney, HMBA member, board member of PSSM, and business owner, stated that the signs directing people to the China Bridge Parking Structure worked very well. This is evident by the significant drop in the number of parked cars in his parking lot in the market area from 2007 compared to 2008. He recommended that the study also look at other commercial areas on PSSM days, including Deer Valley, Park City Mountain Resort, and NOMA.

Alex Butwinski, resident, stated that there is confusion about why the City is paying for the economic study when it involves two other parties. He felt that expanding the analysis, as suggested by Mr. Sweeney, will increase the $10,000 cost dramatically. He questioned if this is a good investment.

Roger Harlan agreed that the study is not a *silver bullet* and felt that continued communications between the street and the organizers is more essential. He questioned the benefit of the study because everyone believes their concerns are legitimate and not everyone will be happy with the outcome. He stated that he supports a conditional approval as suggested by Council member Hier. The City Manager suggested that staff return with an operational plan addressing potential issues identified in the study which will likely relate to times, location and product mix. There may be something that the organizers are willing to do this year to address those concerns. If this can not be arrived at by November 20, then the license could be conditioned according to information in the study. Mr. Bakaly felt that the information will be general and it may be beneficial to address these issues now in an operations plan. In response to a question from the Mayor, the City Manager believed the study will likely determine whether the PSSM hurt or helped particular types of businesses, businesses in certain locations, and/or product purchases at certain times of day. The information could then be applied to develop a compromise. Mr. Hier agreed and added that he would look to the study to determine if PSSM is an overall positive, negative or positive with areas that could be addressed. He pointed out that collecting the data may take some time and the City Manager interjected that is why the MFL could be conditioned on the study.

Jewels Harrison understood that Karen Wikstrom would provide a snapshot of direct financial impacts and the study would not provide an overall picture. Kim Kuehn believed that anything beyond the scope of a snapshot would take much longer and not meet the January date. Max Paap pointed out that the 2009 PSSM application is the same as 2008 with hours from 10 a.m. to 4 p.m. and he felt the hours of operation will be an issue. The HMBA is likely to suggest different times and he didn't believe that the collected data will specify time of day for sales. Because of the meeting schedule, the Mayor suggested continuing discussion to a future date. He expressed confusion over what the study would tell us. Tom Bakaly explained that it would be a tool to help mediate conflicts and identify trends and in the meantime, the HMBA and PSSM could meet to discuss these areas of mutual concern and come up with solutions.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 30, 2008

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, October 30, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; Jeff Davis, Planner; Tamara Lindsay, Water Analyst; Kathy Lundborg, Water Manager; and Jackie Mauer, Planning Intern.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council disclosure - Joe Kernan disclosed that Talisker Corp is among his customers.

2. Steep slope criteria - Mark Harrington advised that last Wednesday the Planning Commission considered the steep slope criteria in historic zones; the ordinance is pending and would apply to applications received after last Wednesday. Pending ordinance doctrine does not stop accepting new applications; it just means that they are processed by the more restrictive of the two provisions at the time of application.

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

Recycling corrugated cardboard - Insa Riepen, Executive Director of Recycle Utah, explained the already voted-in ban of corrugated cardboard going to the landfill. She urged Council to think broader than regulating just commercial entities and consider residences because there are great alternatives.

Karin Tritt Ross, Park City Board of Realtors member, read a letter to the City Council from the Board which was also presented to the Summit County Commission to ban corrugated cardboard being dumped in its landfill. Tom Bakaly noted that the joint study conducted with the County contemplated the ban of cardboard for commercial businesses and Summit County has implemented this measure. Park City can only support the plan adopted by ordinance by Summit County and not enforce it. Ms. Riepen agreed but clarified that they would like the ban expanded to residences. The City Manager advised that Summit County would enforce the ordinance, but staff will return with other options for Council to support the effort.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 16, 2008

Roger Harlan excused himself from voting as he was not in attendance. Joe Kernan, "I move we approve the minutes of the meeting of October 16, 2008". Candace Erickson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Abstention
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Aye

V OLD BUSINESS *(Continued public hearings)*

Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR248 and US40 interchange in the Quinn's Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and approving a Water Agreement, and amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT) – The Mayor opened the public hearing and with no comments rendered, closed the hearing. He requested a motion to continue to November 13, 2008. Roger Harlan, "I so move". Liza Simpson seconded. Motion unanimously carried.

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

1. Consideration of an Ordinance approving a subdivision plat at 2300 Meadows Drive, Park City, Utah – Planner Brooks Robinson explained that the Planning Commission is still reviewing the application and he requested a motion to continue to December 18, 2008. The Mayor opened the public hearing and with no comments from the audience, closed the hearing. The Mayor requested a motion to continue to December 18, 2008. Jim Hier, "I so move". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of a Meter Vault Repair Project Construction Agreement with Landmark Excavating, Inc., in the amount of $77,964, in a form approved by the City Attorney – Tamara Lindsey, Water Analyst, explained that the scope of work identified including 12 meter vaults and 28 residential meters that need to be replaced. Only one bidder responded, Landmark Excavating, but the City has used this vendor before and has been satisfied with its work. Ms. Simpson asked how damaged meters are read for residences. Ms. Lindsay explained that they are billed at the base rate which is another reason they need to be repaired so consumption is accurately reported. Discussion ensured about billing the property at an averaged usage rate. Water Manager Kathy Lundborg explained that in the past, customers were not back-billed because the City is responsible for the maintenance of the meters. Customers will be notified of associated meter repairs. The Mayor invited public input; there was none. Candace Erickson, "I move we authorize the City Manager to execute a construction agreement in the

amount of $77,964 in a form approved by the City Attorney to Landmark Excavating for the meter vault repair project". Joe Kernan seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving The Zaller Subdivision Plat amendment, located at 830 Empire Avenue, Park City, Utah – Planner Jeff Davis explained that on August 15, 2008, the City received a complete application for the subdivision where the applicant wishes to combine portions of Lot 14, 15 and a portion of the vacated Empire Avenue right-of-way into one lot of record to facilitate an addition to the historic home. The Planning Commission reviewed this matter on October 8, 2008 and forwards a positive recommendation; no public input was rendered. The Historic District design review and a conditional use permit application are currently under consideration. Liza Simpson understood that the Planning Commission added a condition regarding a construction mitigation plan. Mr. Davis clarified that the mitigation plan is actually associated with the conditional use permit which will be heard at the next Planning Commission meeting. The Mayor opened the public hearing; there was no input. Jim Hier, "I move we approve the Zaller Subdivision plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance". Liza Simpson seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving the Elliot Grove Condominium Record of Survey Plat located at 544 Deer Valley Loop Road, Park City, Utah – Brooks Robinson introduced Jackie Mauer, an intern in the Planning Department since June. Ms. Mauer stated that on July 23, 2008, the City received a complete application on this project located in the RM zone. The applicant requests to convert the existing triplex into three separate condominiums and the Planning Commission forwarded a positive recommendation on October 8, 2008. There was no public input.

The Mayor opened the public hearing; there were no comments from the audience. In response to a question from Candace Erickson about building *partially* complying with the requirements of the RM zone, Ms. Mauer explained that in 1990 it was not built according to the plans, resulting in incompliant setbacks, but the conversion doses not increase the level of non-conformance. Liza Simpson, "I move we approve the Elliott Grove Condominium Record of Survey based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance". Roger Harlan seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Environmental Manager; Kent Cashel, Deputy Public Works Director; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Liza Simpson "I move to close the meeting to discuss property and personnel ". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 3 p.m. Joe Kernan, "I move to open the meeting". Jim Hier seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

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Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 6, 2008

Present: **Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; Joe Kernan; and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Economic Development Manager; and Sharon Bauman, Deputy City Recorder; Phyllis Robinson, Public Affairs Manager; and Matt Cassel, City Engineer

1. Council questions/comments. Joe Kernan reported on his trip to Chicago where he celebrated with the Obama camp on election night last Tuesday. Roger Harlan reported that he and the Mayor participated in a high school program, Jump-In. He believed that voting for the five new members on the Summit County Council is significant. Jim Hier attended a Summit Land Conservancy meeting. The group is working on its budget and there may be a revised special service proposal to the City. The fund-raiser was successful and the Conservancy is working on a couple of easement purchases on the east side. The special events committee met at the Chamber earlier this week. The Utah Olympic Park is formulating a strategy for keeping the USSA's Olympic trials here in 2009-2010 as opposed to the events going to Steamboat; USSA may be looking to the City for support. Liza Simpson spoke about meeting with the carbon footprint group and attending the HMBA meeting last night. She congratulated Karen Yocum for winning Woman of the Year awarded from the Park City Business Network. Candace Erickson congratulated the winners in the elections and thanked all citizens willing to run for office. It is not an easy thing to put yourself out there and campaign door to door hoping to win the respect of a variety of households. She commented on the snowfall and the flurry of retail activity in the sport shops. She apologized for not being able to attend the Recreation Advisory Board and Historic Preservation Board meetings because of other commitments. There was discussion about progress made in hiring snow plow drivers.

Mayor Williams was pleased to see the Jump-In Program back again; there was a good exchange of ideas with the high school students. He remarked on the success of the carbon footprint group meeting and congratulated staff for getting these individuals together. Somewhere in the neighborhood of 80% of all of the energy usage in the City was represented at the table and bought into a plan. He was invited to lecture at Westminster by the Environmental Justice Department. He congratulated all candidates and commented on the excitement of a variety of races, including the Presidential Election.

2. Museum public art obligation and use of artifacts. Sharon Bauman explained that the lease with the Historical Society specifies 1% of its construction budget toward the provision of public art on the property which may include the display of historical artifacts. The Historical Society submitted a conditional use permit application for the outdoor display of a seven foot bronze statue on City owned property and the value of the art is estimated to be about $60,000, exceeding the 1% obligation. The Historical Society is not requesting funding from the Public Art Advisory Board's CIP Fund. The request is to locate the statue on the west side or Main Street side of Dolly's Bookstore walkway while the original plan was to locate it on the Swede Alley end. The plan was reconfigured because of grade and drainage issues and staff is seeking direction on the relocation of the statue to the Main Street end.

Ms. Bauman also asked for Council's opinion about allowing artifacts to be placed in the walkway area, and lastly, if the Public Art Advisory Board should review art and/or artifacts proposed to be placed on the Dolly's Bookstore walkway. Staff is recommending that Council approve the relocation so the CUP process can proceed and that the PAAB make recommendations on all proposals for art and/or artifacts. This would require an amendment to the public art policies to include artifacts. Discussion ensued on the definition of *artifacts*.

Candace Erickson expressed difficulty in understanding the need to display artifacts in the walkway since there will be two to three large windows in the back of the building prominently displaying artifacts, adding that she is generally uncomfortable placing anything in walkways. However, Ms. Erickson acknowledged the benefit of attracting people to the Museum from the transit center.

As liaison, Mr. Harlan was surprised that the bronze statue proposal was not introduced to PAAB prior to this discussion and detailed the art selection process for the new police facility. Jon Weidenhamer pointed out that the police facility is a City-owned and operated building and the Museum is leased to the Historical Society. The Council, as property owner, is affirming the Historical Society's ability to proceed with the CUP application which needs to occur before going to PAAB. Ms. Bauman interjected that this is scheduled next week before the board.

Jim Hier suggested that Council only approve the location for the artwork not the specific piece of artwork. The Mayor pointed out that the walkway is not a part of the lease and snow removal around the sculpture will create extra maintenance cots. Jim Hier asked what part of the LMC prompts review of art by PAAB because the public art policy refers to projects funded by the CIP. Mark Harrington directed members to the section of the Code on public art on City-owned property where the City Council may recommend review by the Planning Commission or the art board. Roger Harlan expressed concerns about ambiguous language and felt applications should go to PAAB first. Joe Kernan felt it beneficial that concepts are reviewed by the Council early in the process. Jim Hier stated that since placement is on City property, Council approval is required first and one of Council's options is requiring review by PAAB, acknowledging that public art funds will not be used on this project. Liza Simpson preferred the installation of an artifact rather than public art. It is difficult to envision the west location without a complete plan and she would like PAAB to review the plan for suitability and location. Joe Kernan agreed. Candace Erickson stated that she doesn't have a problem with a statue rather than an artifact because the artifacts will be displayed anyway but would like PAAB to review the location. The Mayor also agreed that the board should review and recommend the location for the statue. Liza Simpson suggested observing how well the plaza functions during a winter before installing any artifacts. Joe Kernan stated he would like the board's opinion on the walkway. Jim Hier felt review criteria for art and artifacts on City property should be the same and all art-related applications should be reviewed by PAAB. All members agreed and the Mayor clarified that the board's purview would include the proposed installation of artifacts in the Dolly's Bookstore walkway.

3. Quarterly goal status report. Tom Bakaly referred to the spreadsheet included in the meeting packet and the Mayor directed discussion on all seven goals and the neighborhood and business district needs assessment. With regard to Goal 2, preservation of Park City character, the Mayor relayed that some residents are interested in assisted living options and Phyllis Robinson indicated that she has also received calls. There is a possibility to explore it with the design of the senior center area and discussion ensued about assisted living projects being large because of operational costs and economic considerations. Jim Hier believed senior or group housing might be more appropriate in the area and Liza Simpson encouraged that discussions be very clear with regard to describing type of senior housing and level of health care provided. The Mayor was dismayed to learn the large number of Par City seniors who do not use our local facility and travel to the Coalville center. Ms. Robinson added that there is an informal group preliminarily exploring assisted living needs in the community.

Joe Kernan asked if the Council is interested in expanding Main Street sidewalks to better accommodate outdoor dining. Candace Erickson felt this is more of a visioning session topic. Kent Cashel updated Liza Simpson on a circulation study being conducted for Main Street with regard to loading zones, taxis, tour buses, etc.

With regard to neighborhood and business district needs, Ms. Erickson expressed concerns about not having sufficient funding to install pedestrian lighting. Matt Cassel explained that federal funds will be used for lighting on Deer Valley Drive and the Mayor raised the need for lighting on Iron Horse. Ms. Erickson felt that safety is a core service of the City and Ms. Simpson asked staff to check to make sure lighting was not duplicated among the WALC recommendations. Joe Kernan suggested a comprehensive lighting plan for City streets and pointed out that lighting could be improved on Kearns Blvd. The City Manager suggested placing lighting under Goal 5.

4. Field trip – application of historic preservation guidelines. Council members and staff conducted a field trip to a few properties in Old Town.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 6, 2008

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, November 6, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer; Kirsten Whetstone, Planner; Max Paap, Special Events Manager; Pace Erickson, Operations Manager; Mattt Cassel, City Engineer; Diane Foster, Environmental Affairs Manager; and Brooks Robinson, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Disclosure - Joe Kernan disclosed that PCMR, Powdr Corp, Royal Street, USSA, Talisker and Summit County are among his recycling customers.

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

The Mayor invited public input.

1. Public apology request and process for purchase of National Garage (aka Watts) property – Peter Roberts, Glory Hole Hot Glass Studio, stated that since his move to Park City in 2000, he has been trying to establish a hot glass studio. In 2003, the City decided to sell the Watts property and issued a request for proposals which were evaluated by a City formed committee. His proposal met the criteria as stated in the RFP, he was selected, and over 80 people attended Council meetings in support of his proposal. Mr. Roberts stated that Tom Bakaly then told him that he would not support his project before the findings of the committee were released to the public. He asked Mr. Bakaly several times why he would not support the hot glass studio and he was never given a reason, and as a result, he could never address his concerns.

Mr. Roberts stated that he raised the money to purchase and rehabilitate the property but the conditions of the sale kept changing and the money was never accepted by the City. As a result, the process became very lengthy and the RFP closed within ten days and during this process, he raised the necessary funds yet again and personally informed Council. The City preferred to sell all three associated parcels together and he was the only one willing to do this, intending to sell the Woodside Avenue house to the Bertinelli's who were long-term tenants. His bid amount was the exact same amount as Perkins who was selected to purchase the Watts house and National Garage. After the award to David Perkins, he attended a Council meeting to thank members for their time because he wants to work with the City in a positive and constructive way.

He alleged that employee Alison Butz made comments which appeared in the newspaper along with Myles Rademan on the radio that Perkins' project was selected because he was the only one with the money. This is simply not true. The City contacted his loan officers who were shocked that he was not selected to purchase the property. There was a lot of press coverage and local attention paid to this story and as a result no one thought he had any money. He heard this many times from a variety of sources which really damaged his reputation and continues to be *a thorn in his side*. He provided over $130,000 with his own cash and over $120,000 in solid assets that he was willing to sell. In addition, his main investor had several million dollars earmarked for this project. He reiterated that his reputation has been seriously damaged by the City's actions, and asked the Council to issue a statement that he had the money. He is asking that the City acknowledge the truth. He doesn't want anything more and respects the current deal for the property. Mr. Roberts stated that he simply wants his reputation *fixed* and is giving the City a week to consider his request. He urged members to do the right thing and acknowledge the truth of the matter. If there are any questions, he urged members to contact him. He thanked Council for its time.

2. Echo Spur Project - Susan Graves Peterman, resident, relayed her surprise that this project has begun behind residences on Ontario Avenue and home owners did not receive notice. She was contacted on October 16 by the property owner that she needed to move her shed which is supposedly on his property. Several residents are confused how this development was approved. Over a year ago, the neighborhood met with City staff to review plans. They were informed of a prescriptive easement on the road behind their homes which has been used for over 60 years. This road has provided parking and access for residents. She asked why notification was not provided to the neighborhood and asked for more information on the prescriptive easement. The developer indicated to her that there would be 14 homes built and they would like to know the square footage numbers. Over a year ago, they were told that there would be a maximum of three to five houses. Grading has begun and they are looking for some answers.

Brooks Jacobson, Ontario Avenue resident, believes that the Echo Spur property is very visible from the other side of the canyon. It is important to Old Town and as many resources should be dedicated to the site as possible to obtain the best possible development scenario there. He is unclear how this project received a grading permit and why he did not receive notification. Mr. Jacobson acknowledged that he knew about the proposed development but understood it was off the table until he observed the grading activity. Parking and snow removal issues are huge problems in the area. He asked Council to urge the Planning Commission to work toward a quality project.

Gary Wolfhart, Ontario Avenue, supported his neighbors' comments and pointed out that the big issue is the prescriptive easement.

This comment was made after Mr. Schueler's following comments but appear here for ease of reference. Jim Hier understood that originally the developer proposed to modify the street and reduce the number of lots. There was significant public input at the

Planning Commission meeting requesting that the plan not be approved because of a number of other issues. The developer then withdrew that concept and decided to build according to the way the property is platted. Mr. Hier emphasized that there is not much flexibility with platted property and the owner has the right to develop his property as platted. As such, noticing an allowed uses is not provided, however, he is aware that the planning staff has tried to work with the developer to change the plan which he understands has not been very successful.

With regard to the prescriptive easement, Mark Harrington explained that since the reconfiguration is no longer in play, it is not a City issue but a private matter between the neighbors and the owner. No building permits have been issued, just the grading permit for the road and there is still a lot of process remaining for the single family homes. Many are situated on steep slopes and the conditional use process provides additional opportunities for input. The square footages are not determined until this process takes place.

Matt Cassel added that the developer is cutting the road to grade and prepare it for spring construction if they are approved. The road will be constructed to City standards so that it can be dedicated to the City.

Jim Hier reiterated that residents will be noticed when the steep slope CUP is scheduled before the Planning Commission. Mark Harrington interjected that the planning staff continues to maintain a dialog with the neighborhood to arrive at a better plan. Mr. Harrington invited the neighbors to meet with him if they have questions.

3. Complaint about Hillside Avenue construction and treatment by the City – Alan Schueler, Prospect Avenue resident, complained about the total anarchy that his neighborhood and his house have become. The Hillside Avenue construction is out of hand and his yard is used for loading and unloading. The police made him move his car off private property so that his land could be used for the project. He was chased off his land by Officer Fierro in the midst of eight illegally parked cars. He was the only one legally parked in front of his neighbor's house and he was told that he would be ticketed, impounded and towed because the contractor didn't like him parking there. The workers have taken over the neighborhood; they enter his yard and garage and use his water hose. They lunch on his rock wall; set up a burrito stand, sit on the neighborhoods' automobiles; they are in yards, on property, on lawn furniture, and throw their garbage everywhere. The street dumpster is used by all the contractors in the area and he sees 5,000 people a day pee right outside his front door. The garbage is everywhere, there is no parking, and he can't get to his house. Mr. Schueler stated that both of his cars have been vandalized and one is not drivable because of the damage. He has been physically assaulted on public property and in the public parking lot across the street from his house. Park City Police allowed the same man to come back. Mr. Schueler indicated that he left for a week to get away from there and today a week later, the man is leaning up against the same car that he vandalized before and intending to do it again.

Mr. Schueler stated that he calls the police every day who do nothing every day. They make all kinds of excuses and one of the officers got into a verbal fight with his wife yesterday about what people are allowed to do in our neighborhood.

The Building Department has been horrendous to work with; staff has lied to them, cheated, have been incompetent and now they are being vengeful and spiteful. He saw a man on his property with his pants unzipped and thought it was someone peeing in his garage, but it turned out to be a building inspector who intended to shut him down for illegally building a bathroom in his home, which was not the case, he was installing tile in his laundry room. He was shut down by the Building Department when he was trying to replace his deck which was destroyed by a roll-over dump truck. His shed and fence have been vandalized so many times now that it is falling down and when he tried to replace them, the Building Department issued him a stop work order insisting that he has to work with the City. There is no chance he will do that.

Mr. Schueler stated that he has checked with everyone outside of the City for help because nothing ever happens when dealing with the City. The Summit County Sheriff has expressed a keen interest in this matter and the neighborhood now calls the County instead of the Park City Police Force, so that some of this mess can be cleaned up which has been created and forced on them on a daily basis. Mr. Schueler left the meeting room.

Jim Hier suggested that Mr. Schueler's issues be outlined with a corresponding position from the City since he has approached Council a number of times and unfortunately doesn't stick around long enough for a response. The City Manager explained that the City has a summary of events available. Captain Rick Ryan stated that the police have been meeting with Mr. Schueler and another meeting is scheduled on Tuesday with him, Sergeant Little and Officer Howard. Mr. Hier expressed an interest in receiving a written report.

IV NEW BUSNINESS *(New items with presentations and/or anticipated detailed discussions)*

1. <u>Consideration of an Ordinance approving a plat amendment known as 308 Ontario Avenue Subdivision combining Lots 1, 2 and most of Lot 3, of Block 57 of the Park City Survey into one lot of record, Park City, Utah</u> – Planner Kirsten Whetstone explained the request to combine three Old Town lots into one 5,387 square foot lot of record for a historic house at 308 Ontario Avenue. The property is located in the HRL Zone. The existing house straddles lot lines and the owner is intending to build an addition. On October 22, 2008 the Planning Commission conducted a public hearing where there was no public input and a positive recommendation was forwarded to the Council. In response to a question from Roger Harlan, Ms. Whetstone explained possible elements in a construction mitigation plan which is finalized at the time of the building permit. A steep slope CUP and design review are pending. The Mayor opened the public hearing and with no comments from the audience, closed the public hearing.

Jim Hier, "I move we approve the subdivision plat for 308 Ontario Avenue according to the findings of fact, conclusions of law, and conditions of approval outlined in the Ordinance". Joe Kernan seconded. Motion unanimously carried.

2. Consideration of a Master Festival License including a partial street closure of Main Street from Heber Avenue to 9th Street and amplified music for the World Cup to be held on January 29, 2009 – Max Paap explained the partnership approach to host this event between Park City Mountain Resort, USSA, and Deer Valley Resort. PCMR and Deer Valley submitted an application requesting a MFL to hold the FIS Freestyle World Championship test event in Park City. Activities will be held at PCMC and Deer Valley and an opening night concert is planned for lower Main Street on January 29, 2009. The closure proposed would be similar to the PSSM street closure. The HMBA Executive Board has been notified of the partial closure and had no negative comments. Mr. Paap stated that the application is being reviewed as a MFL due to the request for amplified music, attraction of large crowds, partial street closure, use of an off-street parking facility, and use of City property. The amplified music is restricted to the hours of 7 p.m. and 9 p.m. The Mayor opened the public hearing; there were no comments. Liza Simpson, "I move we approve the Master Festival License for the 2009 FIS Freestyle World Cup as conditioned in the staff report". Jim Hier seconded. Motion unanimously carried.

3. Consideration of an Ordinance amending Section 14-4-9, Sidewalks to be Cleared, Section 4-2-18(G), Transportation Service, and Section 14-4-10, Fire Hydrants to be Uncovered, in the Municipal Code of Park City, Utah – Pace Erickson stated that on September 11, 2008, staff presented options to Council for amendments to the snow removal provisions in the Municipal Code and the amendments presented tonight reflect Council direction. The revised sidewalk snow removal section provides for a three tiered plowing priority, develops a strategy to implement a regulatory process for private snow plow operators, heightens enforcement of the current ordnance, and increases public awareness to remove snow from fire hydrants. Liza Simpson asked if there is a way to get the Fire District to agree to clear their hydrants. Pace Erickson explained that the typical practice of cities is to have the home owner maintain the fire hydrant and make sure it is clear. Joe Kernan asked if there are any communities where the fire department provides this service and Pace Erickson relayed that he is not aware of any. Ms. Simpson asked that Fire District participation be discussed during the upcoming visioning session.

Mayor Williams didn't perceive a problem with the current ordinance and was unsure if the City could impose a service on a separate taxing district. Mark Harrington didn't think Council could, but would explore this further if desired. He suggested that the topic be addressed through a cooperative inter-local government forum, pointing out that the Fire District's primary function is response.

Jim Hier asked for further clarification for the need for a sticker program. Pace Erickson explained that now there is no way to identify who is licensed in the City. Through this process if an operator does not comply with the ordinance and there is a complaint and a citation, they will go through the City's administrative hearing program or ACE. Violations are becoming a growing problem. Discussion ensued on administering the sticker program. The Mayor opened the public hearing.

Ruth Gezelius, resident, felt that in years of extremely high snowfall when the City snowplows bury the fire hydrants, and in consideration of the number of tenants and guests who won't shovel, it really becomes a fire safety issue that the hydrants be marked and checked periodically. The Fire District does an excellent job of installing flags but once they are knocked down by the snowplows, they are no longer visible. There should be a plan in place.

Alex Butwinski, resident, felt this is a good amendment to the Ordinance and commended Pace Erickson on an excellent staff report where WALC's recommendations are incorporated.

Brian Hardman, High Peak Snow Removal, asked about the sticker requirement for rental equipment which may be rented for a day or two. Also, the City office may be closed when additional stickers are needed.

Pace Erickson suggested working with the Building Department Code Enforcement staff to create a flexible program for temporary tags. Liza Simpson felt it could be handled at the other end so that if a licensed operator is cited for untagged rental equipment, the ticket could be waived. There was discussion about monitoring the program and that violations are largely reported by residents. Pace Erickson expressed that the Building Department is committed to heightened enforcement and the Police Department will pay more attention to private operators.

Mark Dean, operator, discussed the challenges with contracting for people and equipment last winter and expressed concern about requiring every vehicle to have a sticker.

Pace Erickson explained that it is the contractor's responsibility to make sure his subcontractors abide by the same rules and regulations as the contractors. Mr. Dean argued that this adds another level and Jim Hier admitted that it is another level of bureaucracy but it is needed because of the number of infractions occurring last year. Dana Williams felt that the operator should be able to obtain a number of temporary permits upfront, and strongly felt snow removal should be better regulated.

Pace Erickson detailed the snow removal brochure containing regulations and a map which is mailed to every address in Park City. Staff is intending to publicize these changes in the newspaper, on the radio and on the City's website and contact as many businesses as possible. Code enforcement will not be issuing tickets for the first offense and will put people on notice. Mr. Hier felt there should be a deadline like the fist of the year, to comply with the sticker requirement. In response to a concern from Mark Dean, Pace Erickson stated that the stickers would be good for the year. He didn't feel the program is going to be difficult to implement; the City issues temporary parking passes and he felt confident that a reasonable solution can be worked out. He emphasized that the ordinance protects the public, as well as licensed providers. Jim Hier recommended that staff work with the contractors on a program.

Jerry Gibbs clarified that the focus of enforcement is not whether operators have stickers on their equipment, but whether they are plowing snow onto other people's property or into the street. The sticker is just a method for the City to identify who should be cited.

Brandon Bertagnole, Mountain Top Services, felt the stickers are a good idea because of the number of unlicensed operators. At the same time, it is another level of bureaucracy that could slow things down. He detailed removing snow from a driveway and moving it into the street and then back on the property. Leaving huge piles of snow on the side of the road hinders the City's snow removal efforts, but evenly lining it along the road is not such as issue as long as it doesn't end up in other driveways. He admitted this is a complicated issue and hoped everyone can work together. He repeated that the stickers are a good idea.

Although it is a violation of the ordinance, Jim Hier felt that spreading snow along the edge of the road rarely causes a problem, it's the piles of snow left in the middle of the street. Joe Kernan suggested adding language where a reasonable person could make the call.

Jake Layson, Advanced Trucking and Snow Plow, urged Council to not take action until the particulars are worked out. There are too many ideas up in the air.

Jim Hier explained that specific procedures are not usually included in ordinances. Procedures are developed separately because they may change from year to year which can be done administratively without the process of amending the ordinance.

Mayor Williams revisited the fire hydrant issue, acknowledging Ms. Gezelius' comments that snow plows bury hydrants making them very difficult to clear and asking residents to clear them. Jim Hier stated that this has been a requirement for a very long time and suggested that a level of service change be discussed during the budget review. Mark Harrington pointed out that there are community service groups and the Fire Department may have resources as well for this task. The solution may be understanding what currently occurs and what needs to be augmented.

Roger Harlan, "<u>I move we approve an Ordinance amending Section 14-4-9, Section 4-2-18(G) and Section 14-4-10 of the Municipal Code of Park City, Utah</u>". In response to a question from Jim Hier about timing, Mr. Erickson felt the procedures could be developed by December 15 which provides some time to work with the contractors and once prepared; the procedures will be outlined in a manager's report for Council's information. Joe Kernan seconded, expressing his confidence that the details can be reasonably worked out. Brandon Bertagnole suggested identifying contractors by installing different colored driveway markers, which was not supported by anyone.

Motion unanimously carried. Jim Hier thanked the snow removal operators for coming to the meeting on such short notice.

4. Consideration of award of contract to H W Lockner in the amount of $359,602 for the Bonanza Drive design, in a form approved by the City Attorney – City Engineer Matt Cassel explained that in August 2007, H W Lockner was hired to develop a corridor and pedestrian short term (2009 – 2016) and long term (2016 – 2030) plan and Bonanza is identified in the short term improvements. These include raised medians, traffic signal at the Iron Horse and Bonanza Drive intersection, acceleration lanes at Prospector Avenue, no left turn lanes, bike lanes, bus pull-out, trail connections, pedestrian tunnel at Iron Horse, mid-block pedestrian crossings, six foot wide sidewalks up and down the whole corridor, feed-back signs, and a southbound left turn lane along with updating and replacing utilities as needed because of the construction. He added that the project will be administered by UDOT because of the federal funding received. Lockner will be providing the design, environmental work, a survey, and outreach services to businesses.

In response to a question from Candace Erickson, Mr. Cassel indicated that the proposed traffic signal requires a warrant study to determine the timing for installation. Ms. Erickson stressed that one of the reasons she was willing to support constructing a tunnel under the intersection was because the street was free-flowing. A tunnel project is very expensive and a traffic signal would seem to have the same effect by stopping traffic for pedestrians. Liza Simpson acknowledged that she discussed this with Ms. Erickson and reviewed her WALC minutes to see if the traffic signal was ever discussed. WALC was never informed of an option to install a full four-way traffic signal at the intersection and members voted to set aside funding for the Bonanza Drive tunnel based on an at-grade crosswalk and a beacon. She agreed there is no point in spending $1 million for a second *band aid* if a light is planned. As a member of WALC, Roger Harlan recalled discussion on better delineation of the crosswalk but never any discussion on a traffic light.

Matt Cassel felt that staff could return to Council to finalize improvements at the intersection. Ms. Erickson recalled the reason for maintaining a free flow approach on Bonanza Drive and the pedestrian tunnel under the intersection was that a light would back up traffic creating other issues. Ms. Erickson reiterated that she doesn't have an issue with the traffic signal and questioned the necessity for an expensive tunnel. Matt Cassel agreed that it should be one project or the other which will be analyzed in the study. Jim Hier suggested that prohibiting left turns off of Iron Horse would solve some conflicts. The Mayor invited public input.

Shirin Spangenberg, WALC member, acknowledged the high cost of the tunnel but felt that the great thing about the tunnel was the ability to get to the Rail-Trail in a safe manner. She felt that WALC's recommendations should be seriously considered because they spent a lot of time on this feature. She clarified that she feels a tunnel is more important than a light.

Jim Hier, "I move we authorize the City Manager to execute the UDOT consultant services agreement with H W Lockner in the amount of $359,601.93". Candace Erickson seconded. Motion unanimously carried.

5. Consideration of an Ordinance amending Title 4, Chapter 9 of the Municipal Code of Park City to require all sexually oriented businesses operating within the boundaries of Park City to obtain business licenses from Park City Municipal Corporation – Captain Rick Ryan explained that in November 2006, an amendment to the SOB Ordinance to strengthen it was made but since that time, there have been some challenges to the arrests made in Park City in the Justice Court where the judge dismissed cases because of unclear wording in our ordinance. The proposed amendment specifies that licenses must be issued by Park City Municipal Corporation rather than the individual or the company simply having a business license. There are also minor grammatical changes proposed. The Mayor opened the public hearing; there were no comments from the audience and the hearing was closed.

Roger Harlan, "I move that we amend Title 4, Chapter 9 of the Municipal Code of Park City". Liza Simpson seconded. Motion unanimously carried.

6. Consideration of a Letter of Intent in a form approved by the City Attorney between Summit County and the City related to joint property acquisition (Kimball Junction, Round Valley) with Boyer Snyderville Junction, L.C. - and

7. Consideration of a Purchase Agreement in a form approved by the City Attorney between Boyer Snyderville Junction, L.C. (Seller) and Summit County and Park City (collectively Buyers) in the amount of $25,000,000 for two parcels of land located at Kimball Junction and Round Valley composed of approximately 727 acres for open space acquisition and limited other public uses – Diane Foster explained that Item 6, the letter of intent, is a joint agreement between the City and Summit County to acquire approximately 727 acres of property of which at least 680 acres will be preserved as open space. She noted a minor change from the document in the meeting packet. Mayor Williams thanked everyone involved for the amount of time spent on this significant acquisition. He invited public input on the letter of intent and/or the purchase agreement.

Shirin Spangenberg, COSAC member, believed this is something the community should be very proud of.

With no further comments, the Mayor requested a motion. Jim Hier, "I move we approve the letter of intent with Summit County and authorize whoever is supposed to sign it to sign it". Roger Harlan seconded. Motion unanimously carried.

Diane Foster explained that the second action is authorization of the purchase and entering into a purchase agreement with the Boyer Company and Summit County. The City and County will be contributing $12.5 million each and the purchase was unanimously supported by COSAC and BOSAC. The survey will include only needed features and the cost will be split equally between the City and the County. Staff is recommending that the City set aside 10 to 20 acres for future possible infrastructure needs. The Mayor invited public input; there were no comments. Mayor Williams thanked all parties involved with the purchase which will benefit all of the citizens of Park City and Summit County.

Jim Hier, "I move we approve the purchase agreement with Summit County and the Boyer Company for the purchase of open space as outlined in the staff report". Roger Harlan seconded. Motion unanimously carried.

V OLD BUSINESS *(Continued public hearings)*

Consideration of an Ordinance approving the Marsac Avenue Affordable Housing Subdivision located at 100 Marsac Avenue, Park City, Utah – Planner Brooks Robinson explained that the application is for a subdivision creating lots of record for metes and bounds parcels. On March 12, 2008, the Planning Commission ratified the pre-MPD and found compliance with the General Plan after several public hearings; this action was not appealed. On July 9, 2008, the Planning Commission approved the MPD and the preliminary plat after a work session and several public hearings and this action was not appealed. On October 22, 2008, the Planning Commission approved ten steep slope CUPs and this action was also not appealed.

He added that the Commission discussed the location of the lots which is the intent of a preliminary plat review and combined the review of the preliminary plat with the MPD and the final plat with the subdivision, which is before Council this evening. With regard to site suitability, the discussion with the Planning Commission on the MPD and subsequently on the subdivision focused on clustering, density, preservation of the historic walls, and minimizing grading and retaining walls. The original application proposed ten duplex buildings or 20 units, with a large surface parking lot which was not favored by the Planning Commission or the neighborhood. The plan was changed to ten single family units on ten individual lots with open space being created. The subdivision plan was reviewed by the Council who remanded it back after some public input to be reviewed concurrently with the steep slope CUP which was conducted by the Planning Commission on October 22, 2008. A minor height exception was granted on one building for architectural reasons. The subdivision was also reviewed and revised replacing the adjacent parking pad on the sides of the houses, with a single car garage and a tandem parking space in the driveway which had the effect of narrowing the lots. The south property line remains the same but the north property line was moved further away from the Ontario Court neighborhood by about 40 feet and Units 6 through 10 were further clustered resulting in a more compact design. Ontario Court is located in the HRL Zone and the homes are much larger than the ones proposed here or in the Prospect and/or Sandridge neighborhoods. Brooks Robinson summarized that the application is a subdivision, the Planning Commission forwarded a positive recommendation to City Council on October 22, 2008 and staff has provided findings of fact, conclusion of law and conditions of approval for the subdivision.

Joe Kernan stated that he appreciated the improvements made to the subdivision plan which now provides more separation from the Ontario Court neighborhood. Discussion ensued on providing Council with renderings detailing the progression of plans and the computer modeling provided at the Planning Commission meeting. Brooks Robinson explained that the presentation related to the steep slope review. He continued to explain that the original 1880 Park City Survey created lots of record with the exception the Millsite Reservation. The Ontario Mill, Marsac Mill, and the loading station were located in this area but are not part of the Park City Survey; there are no lots of record. Jim Hier asked if noticing is an issue. Mr. Robinson clarified that the property was properly posted, and a courtesy notice was mailed 18 days prior to the first Planning Commission hearing. The Mayor opened the public hearing.

Ruth Gezelius, Prospect Avenue resident, stated that she remains opposed to any development on this prominent site on the entry corridor to upper Deer Valley and the visual corridor of the Historic District. It is important to recognize the scale of the neighborhood, acknowledging that the new design is much more compatible with single family sized lots than a large condominium development. Subdividing the land into ten parcels makes sense and is more compatible with the Sandridge and Prospect homes and transitions from the large homes on Ontario Court. She expressed concerns about hillside reconstruction and the severe impact of construction traffic in an area of town that has very little parking and many frustrated residents. She remains concerned about development on the site which will create pedestrian and traffic problems. The landscaping should be mature, the buffer next to the Mine Road maintained, and parking can not spill over on the Mine Road.

John Pool, resident, stated that he has been assured by Talisker that the buffer between the Mine Road and Chambers Street will be landscaped. He hasn't seen a landscape plan but understands that UDOT has approved the plan. He felt that the raised wall on the Mine Road side will help with potential parking and noise problems.

Jamie Thomas, 134 Ontario Court, stated that he represents the Ontario Court Driveway Association and Peter Barnes and distributed his notes to Council members. He believes that the recommendation to approve the subdivision from the Planning Commission is based on inadequate analysis of the project. He referred to the comments he and Peter Barnes submitted which are included in the meeting packet. At the October 22, 2008 Planning Commission meeting, Planner Robinson stated that this property was not part of the Park City Survey. Subsequently, the staff changed its opinion in the staff report and he read, "*The property does not include any lots created by the Park City Survey*". In the next paragraph he quoted, "*The Park City Survey quite obviously includes streets, blocks, smaller platted lots, and variously described parcels*". He stated that Block 51, a single platted lot, is part of the Park City Survey as are Lots 48, 49, 50, etc. as are platted Marsac Avenue, Seventh Street, the Millsite Reservation, and everything else shown on the map. To claim anything else is patently absurd and the meaning is plain. He insisted that the property is a part of the Park City Survey. He referred to and read an excerpt from Section 15-15-1 of the LMC under Property, "*any* *parcel, lot, or track of land including improvements thereon in the possession of or owned by or recorded as a real property of the same person or persons. . ."*

The MPD process analysis and agreement are invalid. This is important because the project in question was presented to the Planning Commission as a density reduction from 51 units permitted to ten approved. Under existing conditions, only two parcels exist so the density increases from two to ten. He relayed that these notes were prepared by Peter Barnes in response to staff's report. The property is in Block 51, therefore the MPD process is flawed and the subdivision process was referred to during the MPD review. This is an example of why they are so concerned about the process. The Ontario Court Driveway Association was initially concerned that their property rights were infringed upon because of the emergency access proposed. As they became more involved in the process, they became more concerned about the impacts of this project on Old Town. The model that was presented at Planning Commission showed a massive project and the presentation fell short in many regards because it didn't show the view from Ontario Avenue from the north. Mr. Thomas pointed out that the steep slope CUP has been approved before the lots were created so in effect, the buildings were approved before there were lots to put them on. The Association still remains true to its concerns about property rights but are equally concerned about the way the project looks and the way it reflects on Old Town.

He recalled that at the last Council meeting, the City Attorney indicated that the driveway for 100 Marsac Avenue was for the benefit of Ontario Court residents who already have a driveway and emergency access. They support affordable housing and would like to find a design solution.

Jim Hier stated that the MPD ordinance was amended to exclude the Historic District because most of the property was already platted and to require a MPD would add another level of process. While the Millsite claim is listed on the plat, it is there because it exists not because it is platted lot within the Park City Survey. If this project were not considered as a MPD in its final stage, it would have been reviewed as a subdivision where the lots would be consistent with the HR-1 District. It would have been an appropriate subdivision under the subdivision regulations. He felt the project was processed properly by having it reviewed as an MPD, noting it was originally submitted with density greater than ten units. With the result being the same, he didn't understand the significance in trying to argue the letter of the law as opposed to the intent. Additionally, a block is not a platted lot.

Candace Erickson commented on the importance of landscaping to buffer the project. She walked the property and wished there was an alternate emergency access rather than the driveway through Ontario Court. She felt that the City is treading on private property rights to a certain extent. Liza Simpson pointed out the alternative of making Ontario Court a public street. The Mayor discussed the current difficulty for fire trucks to reach Ontario Court in a timely and safe manner and feels that the connection will ensure improved fire protection for residents there. The access road is a much easier grade to negotiate than Ontario Avenue and he feels it is a benefit to the neighborhood;

the private road issue is an argument he can't buy. Mr. Hier expressed that he was pleased to hear about the landscaping of the Chambers median. Roger Harlan agreed with the Mayor's comments about providing safer emergency access. With regard to impacts to Old Town, he pointed out the large homes on Ontario Court and the smaller homes proposed for this project. Joe Kernan thanked the public for their input, the applicant, staff, and the Planning Commission for their efforts on this project. Liza Simpson, "I move we approve the Marsac Avenue affordable housing subdivision based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance". Jim Hier seconded. Motion carried.

Candace Erickson stated that she is not opposed to the project and in fact, likes the design. She expressed concerns that the Ontario Court residents did not expect their private road to be extended into and used for emergency access for another project.

Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Aye

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Stacey Noonan, Sports Complex Manager; Jason Glidden, Marketing Analyst; and Mark Harrington, City Attorney. Jim Hier "I move to close the meeting to discuss property and personnel". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 3:45 p.m. Liza Simpson, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

City Council
Staff Report

FINANCE DEPARTMENT

Subject: FY 2008 Audit Report
Authors: Lori W. Collett, Finance Manager
Chelese M. Rawlings, Accounting Manager
Date: November 20, 2008
Type of Item: Administrative

Summary Recommendations:
City Council should formally accept the audit. No other action is required.

Description:
Topic: Audit report for the Fiscal Year Ended June 30, 2008.

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

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

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

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

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

Staff suggests attention be focused on the MD&A (Pages 4 through 21) and the notes to the basic financial statements (Pages 43 through 69). The notes to the basic financial statements in the Financial Section provide required detailed disclosures and a description of the financial statements.

The Statement of Net Assets (Page 23-24) may serve as a useful indicator of a government's financial position. The City had positive net assets of $224.7 million at fiscal year end. The largest portion of the net assets, $128.2 million, represents the investment in capital assets. Restricted net assets of $15.8 million are resources that are subject to external restrictions on how they may be used. The remaining $80.7 million in net assets are unrestricted and may be used to meet the City's ongoing obligations. Again, this is an overall financial position indicator and is not the amount of current resources available for budgetary purposes.

Looking at results on a fund basis (Page 29), the City's governmental funds reported combined ending fund balance of $68.9 million, an increase of $1.5 million compared to the beginning of year fund balance amount. A transfer of $3.9 million was made from the General Fund to the Capital Improvements Fund to be spent on capital projects in accordance with the City's budget.

Utah State code establishes a 5.0 percent minimum ($1,357,987) and an 18.0 percent maximum ($4,888,754) limit to the amount that may be accumulated as the fund balance in the General Fund. As of June 30, 2008 the unreserved, undesignated fund balance of the General Fund was $3,672,132 and was $1,216,622 below the 18.0 percent limit. The unreserved, undesignated fund balance decreased by $941,883 in 2008 as compared to an increase of $1,493,358 in fiscal year 2007.

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

Comments from the City's Audit Firm of Wisan, Smith, Racker & Prescott LLP
The auditors identified no major improvement areas or areas involving material weakness in the operations or internal control structure of the City.

Consequences of Not Taking Recommended Action: If Council does not accept the audit or delays action, this may impact the upcoming issuance of the General Obligation Bonds in early December. Staff needs to release the CAFR to bond rating agencies and cannot do so without Council first accepting the audit.

City Council
Staff Report

Subject: Community Engagement & Visioning Process
Author: Phyllis McDonough Robinson
Department: Sustainability
Date: November 20, 2008
Type of Item: Administrative

Summary Recommendation:
Staff recommends that City Council authorize the City Manager to execute a Special Service Contract in a form approved by the City Attorney to czbLLC in the amount of Fifty-Three Thousand Fifty Dollars ($53,050).

Description:
Topic: Contract Award

Background:
At the 2008 Council Visioning Sustainability Team staff outlined a process for implementing a community engagement and visioning process. Park City has conducted several community events in the past. Through Community Vision processes conducted in 1987, 1993, and 2002, we have seen that community values, concerns and perceived or actual problems have remained remarkably consistent over the past 20 years.

- ***Preserve:*** *community, history, scale and natural environment*
- ***Promote:*** *resorts, year-round economy, quality growth, and recreational opportunities and amenities*
- ***Address:*** *housing, sprawl, transportation, water and sustainability.*

What each visioning session had in common was a focus on current conditions and resources. The focus was on addressing problems and anticipating what they might be 5 – 10 – 20 years out. The outcomes/strategies were largely focused on creating goals for the municipal government.

<u>ANALYSIS</u>
The last comprehensive community outreach effort was conducted in 2002. Park City's population, economy, land boundaries and demographics have changed significantly in the past five years. Although Park City remains a premier destination resort and full-time residential community, the needs and values of its residents, business people, workers, and visitors continue to evolve.

In July 2009 City Council authorized $65,000 to fund the Community Engagement and Visioning Process. Park City solicited consultant team proposals in accordance with the City's procurement procedures. Nine responses were received from throughout the country including Park City and Salt Lake City. The City reserved the right to select the Applicant(s) whose qualifications, in the City's sole judgment best meet the needs of the City. The selection criteria outlined in the RFP were as follows:

- **Project and Community Understanding:** The Consultant Team has a clear understanding of the nature and objectives of the Visioning project, and the types of services needed to prepare the Vision Action Plan.

- **Consultant Team Qualifications:** The Consultant Team has the experience, professional skills and resources needed to provide the services to undertake the project successfully and on schedule. Professional references may also provide strong indication of consultant team capabilities.

- **Approach:** The consultant team demonstrates an approach which has an effective and clear process, links all aspects of the scope of work, successfully integrates technical and public involvement activities, completes the project on schedule, offers creative and unique public involvement approaches or tools, and offers cost-efficiencies.

- **Budget: The** total budget, including direct expenses, is within or below the maximum limit of $55,000 and maximizes the amount of work completed. Any additional tasks suggested outside of the maximum limit are reasonable in cost and hours. The remaining budget will be available for graphic design, publications and meeting expenses.

A team of city staff consisting of Thomas Eddington, Scott Robertson, Phyllis Robinson, Craig Sanchez, Kayla Sintz, and Jonathan Weidenhamer, together with Council appointed liaisons of Mayor Williams and Councilmember Simpson participated in reviewing all nine proposals. The top two firms were selected and participated in an initial introductory interview and final team phone interview. At the conclusion of this process, the consensus was to award the contract to ***czb LLC***, an Alexandria, Virginia-based neighborhood planning firm. They have experience working in 44 states on strategic analysis and planning with the goal of helping communities move away from one dimensional physical approaches to complex problems and to help communities ask and work on hard questions. Members of the team have resort economy experience including most recently in Santa Fe, NM, Snowmass, CO as well as other Colorado Front Range communities such as Montrose and Wheatfield.

Key to czb's selection was their inherent understanding that we're not looking for just another plan, but rather the ability to mobilize the community to do the adaptive work needed to clarify and then live up to our values. In their proposal, czb identified that it's not enough to list a community's values. The challenge is doing the hard work of evaluating dozens of ideals and working through the conflicts one set of goals may have with another. Communities often have many core values but that it is often "*very difficult for a community to articulate which of their cherished beliefs are more cherished than others*."

czb brings a unique approach and perspective that the review committee believes fits wells with Park City's culture as well as the goals of this project. The process is defined more appropriately as a community design project in which the community becomes a "*design team chartered to generate the values-based boundaries within which plans such as a land use or general plan must exist*." The outcome is a criteria based way of moving the community to design and build a "*civic colander whereas a community can have confidence in what makes it through the sieve is reflective of this values, and in keeping with their sense of what Park City is all about*."

Significant Impacts
Funds for this contract are allocated in the Sustainability Team FY 2009 budget. The most significant impact of not moving forward with this project is the loss of the opportunity to promote civic engagement and future thinking for Park City.

Department Review: Sustainability, Legal and City Manager reviewed this report.

Alternatives:

> **A. Approve the Request:** The City Council may authorize the City Manager to execute a contract in a form approved by the City Attorney's Office to czbLLC in the amount of Fifty-Three Thousand Fifty Dollars ($53,050). **This is Staff's recommendation.**
>
> **B. Deny the Request:** Council may direct staff to rescind the RFP and not award the contract. This would result in the project being removed from the staff's work program.
>
> **C. Modify the Request:** Council can modify the request to award and reduce the scope of work. Staff would return with a revised fee schedule for a modified scope of work.
>
> **D. Continue the Item:** Council could direct staff to return with additional information on the recommended firm. This would delay the start of the design for the project and have an adverse impact upon the overall project schedule.
>
> **E. Do Nothing:** This would have the same effect as denying the request.

Recommendation: Staff recommends that City Council authorize the City Manager to execute a Special Service Contract in a form approved by the City Attorney to czbLLC in the amount of Fifty-Three Thousand Fifty Dollars ($53,050).

Attachment:
Service Provider Contract

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of _____________, 2008, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and **czb**, a Virginia limited liability corporation ("Service Provider").

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "Addendum A" and incorporated herein (the "Project"). The total fee for the Project shall not exceed Fifty-Three Thousand Fifty Dollars ($53,050).

2. TERM.

The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate on September 30, 2008 or earlier, unless extended by mutual written agreement of the Parties.

3. COMPENSATION AND METHOD OF PAYMENT.

A. Payments for services provided hereunder shall be made monthly following the performance of such services.

B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.

C. For all "extra" work the City requires, the City shall pay the Service Provider for work performed under this Agreement according to the schedule attached hereto as
"Addendum B," or if none is attached, as subsequently agreed to by both parties in writing.

D. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for sixty (60) days or more.

E. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.

4. <u>REPORTS AND INSPECTIONS</u>.

A. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.

B. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider's activities, which relate directly or indirectly, to this Agreement.

5. <u>INDEPENDENT CONTRACTOR RELATIONSHIP</u>.

A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. SERVICE PROVIDER EMPLOYEE/AGENTS.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. HOLD HARMLESS INDEMNIFICATION.

A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. INSURANCE.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing: (*amend the following insurance requirements as applicable*)

A. General Liability insurance written on an occurrence basis with limits no less than two million dollars ($2,000,000) combined single limit per occurrence and four million dollars ($4,000,000) aggregate for personal injury, bodily injury and property damage.

The Service Provider shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63-30d-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

B. Automobile Liability insurance with limits no less than two million dollars ($2,000,000) combined single limit per accident for bodily injury and property damage.

C. Professional Liability (Errors and Omissions) insurance written on claims made basis with limits no less than one million dollars ($1,000,000) combined single limit per occurrence.

D. Workers Compensation insurance limits written as follows:
Bodily Injury by Accident $500,000 each accident;
Bodily Injury by Disease $500,000 each employee, $500,000 policy limit

E. The City shall be named as an additional insured on the insurance policies, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive thirty (30) days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.

F. The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

9. TREATMENT OF ASSETS.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. COMPLIANCE WITH LAWS.

A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services. Unless otherwise exempt, the Service Provider is required to have a valid Park City Business License.

B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

11. NONDISCRIMINATION.

A. The City is an equal opportunity employer.

B. In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

C. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. ASSIGNMENTS/SUBCONTRACTING.

A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.

B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.

C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

13. CHANGES.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. MAINTENANCE AND INSPECTION OF RECORDS.

A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. POLITICAL ACTIVITY PROHIBITED.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. PROHIBITED INTEREST.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS.

A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.

B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an "extra" pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.

C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

18. TERMINATION.

A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.

B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

19. NOTICE.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. ATTORNEYS FEES AND COSTS.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

21. JURISDICTION AND VENUE.

A. This Agreement has been and shall be construed as having been made and delivered with the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. SEVERABILITY.

A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. ENTIRE AGREEMENT.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

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

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

____
Thomas B. Bakaly, City Manager

Attest:

____
City Recorder’s Office

Approved as to form:

____
City Attorney’s Office

czbLLC

By:___________________________________
Charles Buki, Principal
Address:

Tax ID#: ________________________

STATE OF)
) ss.
COUNTY OF)

On this ____ day of ________, 2008, personally appeared before me ___________, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he is the (title) ____ of ___________, and acknowledged that he/she signed it voluntarily for its stated purpose as ________________________ *(title)* for ________________________________, a ______ corporation.

____
Notary Public

ADDENDUM A
SCOPE OF WORK

Phase I: Community Understanding	November - February
Total Projected Hours:	144 hours
Total Fee Phase I	$15,120
Travel	$ 4,250
Phase II: Community Synthesis	February – April
Total Projected Hours	120 hours
Total Fee Phase II	$12,600
Travel	$ 6,750
Phase III: Vision Action Plan	April - June
Total Projected Hours	96 hours
Total Fee Phase II	$10,080
Travel	$ 4,250

Additional Services will be billed at the rate of $135.00

	i Pre-Phase	1 Discovery	2 Integration	3 Design-Ratify
Time	November	December-February	February-April	April-June
Purpose	Interact w Client	Understanding	Synthesis of Small Group Work into Values Statement	Implementation of Values Work
Objective	Clarity on Process and Outcomes	Development of the 'back story' on Park City	Generation of Values and Core Values of All	Design of a *Values-Consistency Process*
Means	Discussions	Small Group Research Work in Key Areas 1. History (Jan) 2. Intentional Success (Jan) 3. Strengths (Pitfalls) (Jan) 4. Self View (Jan) - 5. Focus Groups (Dec)	Facilitated Large Group Work	Small Group Design Work in Key Areas 1. Filter 2. Process 3 Scenerios for pressure test
Product(s)	Articulated Process in Detail; Shared Objectives	4 Presentations to Large Group	Translation of 4 *narratives* into Values Document	Ratifiable Filters and Procedures to be Used
Notes	Data and Other Documents Needed (To discuss w PC)	Small Group work will be assisted by Charles Buki and Lindsey Mosby	Presentations to Large Group and Digestion of Small Group Research Work	Facilitated Consolidation of Small Group Design Work
Meetings	Precise # Meetings TBD	Large Group Kickoff and Charge to and for Small Group Work	2 Large Group Meetings	Large Group Meeting and Charge to and for Small Group Work

These notes represent an iteration beyond the initial proposal, based in part on a conversation with Phyllis Robinson (10-30-08)

The key process difference proposed here is to integrate the Park City community into the design process itself; not merely to tap into the community and upload its views to a pre-existing format such as a Comprehensive Plan or a Housing Element or a new set of zoning or smart or other codes.

RESOLUTION ACKNOWLEDGING THE IMPORTANCE OF SUPPORTING NON-PROFIT ORGANIZATIONS IN OUR COMMUNITY AND DECLARING FRIDAY, NOVEMBER 28, 2008 AS GIVING DAY IN PARK CITY, UTAH

WHEREAS, it is natural to associate charitable acts with the Thanksgiving holiday, and for several years, various philanthropic leaders across the country have called for this natural connection as part of the new national movement to promote and increase giving nationwide by establishing and promoting *Giving Day*; and

WHEREAS, Park City is blessed with a variety of non-profit organizations, providing recreational, artistic, cultural, educational, health services, and other outreach programs to citizens, enriching our lives on many levels; and

WHEREAS, more and more communities celebrate Giving Day each year and in consideration of Park City's extraordinary number of worthy non-profits, and Its extremely caring and generous residents, it is appropriate to recognize this special dynamic; and

WHEREAS, we have much to be grateful for this holiday season but with today's uncertain economy and world events it is more important than ever to give and volunteer to a local non-profit because it makes a positive impact on our entire community;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby declare Friday, November 28, 2008 as:

GIVING DAY IN PARK CITY, UTAH

To acknowledge the value that non-profits make in our community and to thank Parkites for their continued financial support and their contribution of time and talent as volunteers.

PASSED AND ADOPTED this 20th day of November, 2008.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

City Council Staff Report

Subject: BOWEN COLLINS, & ASSOCIATES PROFESSIONAL SERVICES AGREEMENT ADDENDUM NO 2
Author: Todd Touchard
Department: Public Works
Date: November 20, 2008
Type of Item: Administrative

Summary Recommendations:
Staff recommends Council authorize the City Manager to execute the Second Addendum to the Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates, for General Engineering Services in an amount of $252,560.

Topic/Description:
The Water General Engineering Services Contract Amendment No 2 acts in accordance with the Water Strategic Plan's Source Strategies & Polices as follows:

- Provide and maximize source redundancy
- Ensure adequate water supply for projected Park City build-out.
- Keep the Water System Master Plan current.
- Make operational efficiency a goal in new infrastructure design and existing operational practices.
- Maximize useful life of all water infrastructure
- Maximize the availability of Park City's water from the Rockport Importation project

Background:
Bowen Collins & Associates (BC&A) was selected for General Engineering Services for Water Division projects after advertising an RFP and receiving proposals at the end of 2006. A Professional Services Agreement was executed in December 2006.

BC&A has performed very well on projects assigned since the beginning of their contract. BC&A has provided a variety of expertise in master planning, hydraulic modeling, design, and construction. The first amendment to the Contract (dated September 13, 2007) included updating the Master Plan, designing replacement lines for fireflow deficiencies, and infrastructure designs to meet demands.

This proposed second amendment includes the continuation of services including further updates to the Master Plan by modeling and making recommendations for future projects such as the Quinns Water Treatment Plant and related infrastructure. Long term production capacity of the City's wells will also be studied.

Projects where BC&A provided preliminary studies and designs will be continued to final design and construction in this service contract. These projects include: Mt Air Flume Replacement, Boothill Transmission Line Phase 2, Park City Interconnection with Summit Water Distribution Company (SWDC) at IHC, Spiro Water Treatment Plant Drainage Improvements, and Hillside Avenue Waterline Design and Construction.

BC&A will also provide the design for the new finished waterline at the proposed Quinns Water Treatment Plant. This waterline will deliver water from the Plant to the Fairway Hills Zone at the Quinn's recreation complex. From the existing Fairway Hills Zone, water can be delivered to the Boothill Zone and then distributed throughout the system.

Analysis:
The following table lists the updated estimates for capital projects, general services, and the Master Plan.

Task	Project	Engineering Service	Cost
00	2009 General Services	Miscellaneous projects	$20,000
07	Mt. Air North Flume Replacement	Complete design to lower water level in McLoed Creek to prevent flooding, and construction documents.	$13,000
08	Boothill Transmission Line Phase 2 (Bonanza)	Complete the transmission line design and evaluate/design the replacement of existing lines in Bonanza, coordinate with roadway and pedestrian tunnel Engineer.	$72,600
09	Additional Master Plan Scope	Further evaluate: water treatment plant at Quinn's, water source for Deer Valley snowmaking (JSSD water directly to DV), raw water use, and the Park City Heights improvements.	$10,400
12	Park City/SWDC Interconnect Design & Construction	Provide final design and construction documents for the connection between SWDC and IHC. (This work will only occur if agreements with SWDC are executed)	$15,960
13	Hillside Avenue Waterline Design & Construction	Re-design Hillside Avenue waterline improvements that coordinates with new design of roadway.	$22,300
14	Antimony Consulting for Spiro WTP	Provide recommendations and support for the removal of antimony at Spiro Water Treatment Plant. (Reviewing past pilot study data against work they are doing at Snowbird)	$8,300
15	Quinns WTP Finished Water Pipeline	Provide complete design and construction documents for waterline from the new treatment plant into City.	$78,000
16	Well Sustainability Analysis	Examine and report long term production capacity of the City's three wells.	$7,000
17	Spiro WTP Drainage Improvements	Evaluate existing drainage and recommend improvements.	$5,000
		Total Cost	$252,560

The funds for the additional fees are budgeted within the FY09 Water CIP and Water Operating budget.

Department Review:

This staff report has been reviewed by Public Works, Legal, Budget and City Manager.

Alternatives:

A. Approve the Request:

Staff recommends Council authorize the City Manager to execute the Second Addendum to the Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates, for General Engineering Services in an amount of $252,560.

B. Deny the Request:

Council could deny Staff's request. Denying the request could jeopardize the ability to get all of the needed and budgeted projects completed.

C. Continue the Item:

Council could continue the request. Continuing the request would delay the ability to get all of the projects designed in time.

D. Do Nothing:

Staff does not recommend this alternative. Delaying approval of the request could jeopardize the ability to get all of the needed and budgeted projects completed in time to meet increasing demand.

Significant Impacts:

The funds for the additional fees are budgeted within the FY09 Water CIP and Water Operating budget.

Recommendation:

Staff recommends Council authorize the City Manager to execute the Second Addendum to the Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins & Associates, for General Engineering Services in an amount of $252,560.

SECOND ADDENDUM TO PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS SECOND ADDENDUM is made and entered into in duplicate this ____ day of ________________, 2008, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation and political subdivision of the State of Utah ("City"), and BOWEN COLLINS & ASSOCIATES, a Utah corporation having offices located at Draper, Utah ("Service Provider") to amend the Service Provider Agreement signed and executed by the Parties on December 21, 2006.

WITNESSETH:

WHEREAS, the parties entered into a Professional Services Agreement on December 21, 2006 (hereinafter "Original Agreement"); and

WHEREAS, both parties to the Original Agreement desire to amend the Original Agreement to include additional scope, fees and time to complete additional projects of similar scope to those described in the Scope of Services in the Original Agreement; and

WHEREAS, the parties desire to amend the Original Agreement to provide sufficient time for such performance.

NOW, THEREFORE, in consideration of the mutual promises made herein and other valuable consideration, the parties hereto now amend the Original Agreement as follows:

1. **INCREASE of $252,560.** Park City shall pay Service Provider for professional services in an amount not to exceed $671,560, which is an increase to the Original Agreement and Addendum No. 1 of $252,560 for additional professional services. The amended Scope of Services is attached hereto as Exhibit A.

EXTENSION OF TERM. The term of the Original Agreement shall be extended to a termination date of December 31, 2009, or upon such later date as agreed to in writing by City and Service Provider, as provided for in Paragraph 23 of the Original Agreement.

2. **OTHER TERMS**. All other terms and conditions of the Original Agreement shall continue in full force and effect and shall not be affected by this First Addendum.

3. **ENTIRE AGREEMENT**. This Second Addendum is a written instrument pursuant to Paragraph 23 of the Original Agreement between the parties and cannot be altered or amended except by written instrument, signed by both parties.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first herein above written.

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

____

Thomas B. Bakaly, City Manager

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark D. Harrington, City Attorney

SERVICES PROVIDER
BOWEN & COLLINS & ASSOCIATES
Address: 756 West 12200 South
Draper UT 84020
801-495-2224
801-495-2225 fax

Tax ID#: ________________________

____
Signature

____
Printed name

____
Title

Corporate Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF __________________)

On this ____ day of ___________________, 2007, personally appeared before me _________________________, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he/she is the _________________________ (title) of ________________________, Inc. by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said Corporation executed the same.

____
Notary Public

City Council Staff Report

Subject: Proposal to Purchase Property with Summit County
Author: Diane Foster
Department: Sustainability
Date: November 20, 2008
Type of Item: Administrative

Summary Recommendations:
Review the proposal to purchase, in conjunction with Summit County, approximately 107 acres of parcel SS-57-1, located to the east of highway 40 and just to the southeast of the UDOT facility, to be reserved for future City/County needs. Staff recommends City Council holds a public hearing and consider approving the Purchase Agreement and the Letter of Intent.

Description:
The purchase agreement describes the potential acquisition of approximately 107 acres of the estimated 112 acre parcel number SS-57-1, located to the south east of the UDOT facility, just east of highway 40. The Church of Jesus Christ of Latter-day Saints, or its affiliates, will retain an option on five acres of parcel SS-57-1 potentially for a future church site.

The Letter of Intent details the future ownership of the property and how Park City Municipal and Summit County will jointly determine future use(s) of the property.

Background:
The City and County recently signed a purchase agreement and associated Letter of Intent to purchase approximately 727 acres of property from the Boyer Company, of which at least 680 acres will become open space and a maximum of 20 acres to be reserved for future City water infrastructure needs. Other minor uses are described in the associated Letter of Intent approved by the Park City Council on November 6, 2008.

In addition to the aforementioned land, The Boyer Company is also willing to sell to Park City and Summit County 107 acres of parcel SS-57-1 located to the south east of the UDOT facility. This parcel would be purchased with general funds and other funding sources and be reserved for future City/County needs. The total purchase price of this parcel is $4.5 million, with the City and County each contributing half of the purchase price.

Council will also be presented with a Letter of Intent with Summit County for consideration, public hearing and possible vote. The Letter of Intent describes the agreement between Summit County and Park City Municipal regarding joint ownership and decision making responsibility.

Analysis:
The parcel located to the south east of the UDOT facility is valued at $42,000 per acre. The proposal suggests that Park City allocate $2,250,000 of general funds and other funds to acquire this property. Roughly $1 million from the sale of the Short Line property to Frontier Bank from a few years ago could be applied towards the City's share of the purchase. The City and County will jointly share ownership of this parcel.

Recommendation:
Review the proposal to purchase, in conjunction with Summit County, approximately 107 acres of parcel SS-57-1, located to the east of highway 40 and just to the southeast of the UDOT facility, to be reserved for future City/County needs. Staff recommends City Council holds a public hearing and consider approving the Purchase Agreement and the Letter of Intent.

Attachments:
Exhibit A – Purchase Agreement – **To be delivered prior to meting under separate cover**
Exhibit B – Letter of Intent

Summit County and Park City Municipal Corporation
Letter Of Intent: PRI/Boyer Joint Property Acquisition

This Letter of Intent is made and entered into this ____ day of _____ 2008, by and between Summit County ("County") and Park City Municipal Corporation ("City") (jointly referred to herein as the "Parties").

Purpose: The purpose of this Letter Of Intent (hereinafter referred to as the "LOI") is to clarify the understanding of Summit County and PCMC regarding cooperation on the joint acquisition of approximately 107 of the estimated 112 acres of parcel number SS-57-1, property owned by The Boyer Company located to the south east of the UDOT facility.

Whereas, the Parties wish to pool resources to maximize their respective ability to acquire land for public uses; and

Whereas, the Parties do not individually possess the funding sources to acquire this property unilaterally; and

Therefore, the Parties intend to work cooperatively, and in good faith, on the following:

1. The Parties agree to use best efforts to approve and execute jointly an acceptable Purchase Agreement and all necessary closing documents in a timely manner. The purchase agreement shall be for the triangle parcel.

2. The deed to the parcel shall reflect the following ownership breakdown and corresponding purchase amount due from each party.

    a. County Amount: $2,250,000; and
    b. City Amount: $2,250,000.
    c. Total Amount: $4,500,000.

    Accordingly, the triangle parcel will be owned by the County and City as Tenants in Common.

    Parcel number SS-57-1 is estimated to be 112 acres in size. The County and City will purchase approximately 107 acres and The Church of Jesus Christ of Latter-day Saints, or its affiliates, will retain an option on five acres for a potential future church site.

3. Closing costs attributed to buyers at closing shall be split equally.

4. The Parties agree that the Purchase Agreement will require a survey and an ALTA title report payment of which will be split equally between the County and City.

5. The Parties agree that the deed may be executed directly by PRI and held in escrow pursuant to a Boyer purchase agreement and mutually acceptable closing instructions.

6. Joint contribution to mutual goals: The City and County will work cooperatively to determine the future utilization of the property. The City and County will jointly develop a master plan. The City and County agree not to sell or transfer ownership of any portion of the parcel prior to completion of the master plan.

7. Any party may cancel the Purchase Agreement prior to closing for any reason.

8. Either party will give advanced notice to the other if a different course of action or decision contrary to the terms herein is contemplated.

IN WITNESS WHEREOF, the parties have duly executed this LOI the day and year written above.

SUMMIT COUNTY

____
Ken Woolstenhulme, Chair
Summit County Board of Commissioners

Attest:

____
Kent Jones
Summit County Clerk

Approved as to form:

____
David L. Thomas
Chief Civil Deputy
Summit County Attorney

PARK CITY MUNICIPAL CORPORATION

____
Dana Williams, Mayor

Attest:

____
Janet M. Scott, City Recorder

Approved as to form:

____
Mark Harrington, City Attorney

City Council
Staff Report

Subject:	**2009 Park Silly Sunday Market**
Author:	**Max J. Paap & Jonathan Weidenhamer**
Department:	**Sustainability**
Date:	**November 20, 2008**
Type of Item:	**Administrative –2009 Master Festival License**

Summary Recommendations:
Review the Master Festival License application for the 2009 Park Silly Sunday Market, conduct a public hearing, and consider approving as conditioned, or amended as otherwise conditioned by Council.

Background:
The Park Silly Sunday Market (PSSM) submitted a completed MFL application on October 20, 2008 for the 2009 Market. PSSM intends to operate the 2009 market exactly the same as the 2008 market (specific vendors aside). The 2009 Market will run for 15 Sundays - every Sunday from June 14 – September 27, with the exception of Arts Fest. They would also like the City to enter into a longer term City services contract to allow the festival to be on-going. The 2009 application was initially reviewed by Council on October 30, 2008 (minutes Exhibit G). General direction from Council was for the PSSM and HMBA to continue working together towards compromise, to proceed with an independent economic analysis, and to further address some of the operational issues raised at the meeting. At time of printing of this report, they had not met.

On March 27, 2008 City Council approved an MFL for the 2008 PSSM. The 2008 approval modified the use of the street from 9:00 am – 3:00 pm in 2007 to 10:00 am to 4:00 pm in 2008; and included a series of supporting operational strategies aimed at addressing and/or mitigating specific concerns raised during the approval process. During the spring 2008 approval there was lengthy discussion regarding the perceived positive and negative financial impacts of the 2007 PSSM on individual businesses. At that time it was agreed an Economic Analysis should be conducted to better understand the impacts on Main Street business owners.

Analysis:
<u>Operational Review - 2008 Market</u>
Staff finds the additional operational aspects employed by the Event organizers and Council were positive, and on the whole contributed to what staff considers a successful event from an event management and operational standpoint. These efforts included:

- Amending PSSM hours
- Street closure to include 9th Street
- Regulation of Coalition Park use
- Additional Parking & Sign Plans

- Additional management of parking on Park Ave
- Enhanced Transit Plan that tried to encourage market goers to visit the rest of Main Street
- Efforts towards sidewalk sales on Main Street outside the license area.

Review of these efforts included counts on parking in China Bridge and Trolley ridership. Unfortunately, both are inconclusive at best. The parking counts are conducted on Wednesday and Saturday and comps are uncertain for PSSM analysis. The 2008Trolley counts indicate average ridership of 362 people every Sunday during the weeks of the PSSM for a total of 5,073 passenger trips. Overall passenger counts in 2008 were down from 2007. In 2007 the average daily count on Sunday was 452 with a total of 7,690. 4 Sundays in 2008 passenger counts were higher than 2007.

<u>Additional Short-term Parking Operational Plan for 2009</u>
During the October 30, 2008 review, the parking/operational plan was discussed. Specifically to address the concerns of Main Street merchants that customers of brick and mortar businesses are having difficulty finding short-term parking spaces, especially those adjacent to the PSSM. PCMC Sustainability, Transit, and Parking met to discuss options to remedy this concern.

It was brought to light that there are a variety of time limits and hours of enforcement in the parking spaces around that portion of the PSSM entrance. These range from 15 minute, 30 minute and 2 hour spaces. Ampco Parking Service employs consistent enforcement. 7 days a week to all portions of Old Town. Because Ampco provides enforcement to all PCMC parking lots and has a finite number of staff “making the rounds”, it could take as long as 30 minutes to provide regular enforcement.

Staff recommends implementation of the same 2008 Operational plan with the following amendments to specifically address parking & loading near the PSSM, which will be referenced as conditions of approval.

- The 2 hour parking that is in front of the Kimball Arts Center (On the north side of Heber Avenue) is to be temporarily signed as 30 minute “Drop and Load” during the hours of the PSSM; including both set-up and take-down time. These signs are to be put in place on temporary Type-1 barricades.
- Dedicated Ampco/City parking staffing to those short-term areas in and around the south entrance to the. Staff feels that this would ensure the intent that these spaces are truly drop and load zones and keep free the essential Heber Avenue corridor to keep Transit moving freely.
- PSSM will have to absorb the cost of any additional parking enforcement on the days of the Market.

<u>Economic Analysis</u>
The staff report on October 30, 2008 indicated that the HMBA “agreed” to conduct a quantitative economic analysis to measure specific impacts on existing Main Street businesses. A detailed recap of prior Council and HMBA meeting minutes, indicate that this commitment was slightly overstated by staff. Although the HMBA believed a study

would be beneficial and was imperative for moving forward, it became clear to their Board that there was no funding mechanism in place to conduct the study. No specific agreement to what that was to look like, or exactly when it was to be conducted was ever formalized or committed to in a public forum.

Staff is working with a private consultant (Wikstrom Economics) to complete this analysis. Furthermore, staff recommends breaking the study into 2 phases (Exhibit F). Phase I (approx. $10,000) would be a cursory, higher level look at the fiscal impacts on brick and mortar businesses of the 2008 PSSM. Assuming all data collection is completed by thanksgiving staff would return to Council with Phase I analysis by the end of January 2009. It is important to remember that Phase I will still be limited to very general trends, and doesn't expect it to be a "silver bullet". Therefore Staff recommends the 2 phased approach. Should the HMBA members not provide enough data to have a statistically relevant study, staff recommends moving forward without it.

Phase II (approx. $15,000) would be a comprehensive qualitative and quantitative measure of direct and indirect benefits. This study would take place throughout the 2009 Market, and would be the basis for consideration of a long-term City Services contract with PSSM, similar to how we have addressed Sundance and Arts Festival.

Staff finds an independent 3rd party study is crucial to have an unbiased analysis, and therefore PCMC is committed to funding Phase I of this study. With other past City-services contracts, the event organizer has been responsible for providing the broader analysis. Council should provide direction if they want financial participation from either the HMBA or PSSM to conduct the Phase II Study. Staff recommends Council consider retaining authority over scope and methodology of Phase II in exchange for fully funding Phase I. Council should also be aware that per the budget policy, any study over $10,000 will need to be advertised for bid.

The Budget staff has provided some base line geographic analysis of the current economic climate on Main Street (Exhibit B).

<u>Fee Waiver Request</u>
In 2006 Council approved an enhanced business license fee to facilitate special events. That license fee automatically waives event fees for: Main Street cleaning; Electronic sign rental; Traffic control signs; Police time (for directing traffic only); and Bus service. Section 4-8-9 of the Municipal Code provides Master Festival and Special Event License applicants with the ability to request a waiver for all or a portion of other associated fees. All fee waiver determinations made by the City Manager may be appealed to the City Council.

The Park Silly Sunday Market requested Fee Waivers for the 2009 market. See Exhibit H for a breakdown of all estimated fees and fee waiver requests. The total fees estimated are $23,890. Staff agrees to waive $3,600, and the City Manger agrees to waive an additional $3,430 in parking fees (which represents ½ of the parking fees, and is consistent with other parking waivers for Main Street events), for a total waiver of $7,030; leaving a total estimated invoice of $16,860 – which is almost identical to the 2008 fees.

Traditionally, the City has only considered additional fee waivers through a long-term City Services contract. During consideration of the 2008 PSSM event, Council denied the PSSM request to waive these additional fees.

<u>Recap, Resolution, and Recommendation</u>
PSSM's position is that a delay in a Council decision is prohibiting them from retaining sponsors contracts, vendors, and marketing for the 2009 Market. Overall the HMBA is generally supportive, but contend an economic analysis is imperative for them to take a formal position – see Exhibit D.

Staff finds the operational steps taken by the event organizer have been successful at minimizing day to day impacts (parking, traffic, noise, etc.). Furthermore, staff finds that the event organizers have succeeded with promoting a community oriented, eco-friendly and sustainable event. To measure the long-term potential and success of any event, the 3rd season is seen as the "make or break" year. Staff finds it important to use the comprehensive economic analysis as the final measuring stick for consideration of moving forward after 2009 and a long-term City services contract.

Neither PCMC nor the HMBA are experts in programming, operational and management of large-scale events. Neither is equipped to promote or market an event of this proportion. While staff finds that there is broad community support for many of the successes and ideals PSSM have brought, there is a perception from some that the PSSM continues to be competition to existing businesses instead of a being a complement. Unless PSSM demonstrates a willingness to consider additional compromises (vendor mix, hours of operation, etc.) the PSSM may continue to be viewed by some as unwilling to truly be a community "partner".

To that end, should Council find additional measures are needed to mitigate impacts (parking, traffic, pedestrian flow) on other businesses, the Council should provide direction regarding additional conditions of approval. These items may be a way to mitigate potential impacts in 2009 until the more detailed Phase II economic analysis is completed. Please note that the PSSM may elect not to continue should Council pursue certain regulatory options. Staff finds the following items are critical and warrant specific consideration:

- <u>Festival purpose: Vendor mix & hours of operation</u>

To be consistent with the City's economic development goals and General Plan, the Festival was approved as a unique gathering event with a sustainable focus and not merely an additional retail venue. It has been a continual concern that certain businesses may be disproportionally impacted by the PSSM. As part of the approval on November 20, 2008 Council could consider limiting the hours of sale for certain items. For example if there is a concern restaurants are being harmed, food sales could be limited to lunch time, ie noon – 2pm. Furthermore, the applicant agrees that if Phase I of the study indicates a fatal flaw or specific disproportionate impact that they will take operational steps to mitigate that impact. Council can consider, as a condition of approval, what level of agreement they seek to ensure this commitment. Staff recommends addressing any necessary changes at a staff level, with Council having final authority if it can't be resolved.

- Number of Sundays

Staff and Council have been under continued pressure to carefully consider shutting down a portion or all of Main Street to accommodate events. The continued balance of direct and indirect benefits versus impacts is always a fine line – not always answered by analyzing the bottom line or "return on investment". In the next few months staff will have discussions with Council to consider establishing criteria for using Main Street for events. Staff finds there are significant implications of allowing one Event organizer to shut down a portion of Main Street for 15 days. In cases where Friday night or Saturday events are also closing down the street, staff finds the impact become much more of a significant concern. Approval of the PSSM may preclude or limit our ability to consider other Main Street events, depending on the outcome of future discussion.

The repercussion of limiting the number of PSSM days would directly impact their business plan, although staff is unclear to what extent. Also it is likely important from a continuity standpoint to provide a consistent product (every Sunday). Staff also finds that starting early in June is a good way to kick off the summer season for the local community.

- Venue Change

Staff finds the current venue lends itself to a quality and memorable overall experience for residents and visitors. Relocation of the venue would likely minimize impacts on existing businesses, but would certainly affect the experience, and may compromise a series of goals and priorities of the event organizers. Other possible venues could be the Flagpole lot, Swede Alley or a series of downtown venues.

Conditions of Approval

- Staff recommended Conditions beyond the 2008 PSSM (included in attached findings & conditions of approval)

1. No additional approvals for future markets will be granted without completion of a comprehensive economic analysis.
2. The 2 hour parking that is in front of the Kimball Arts Center (On the north side of Heber Avenue) to be temporarily signed as 30 minute "Drop and Load" during the hours of the PSSM; to include both set-up and take-down time. These signs would be put in place on temporary Type-1 barricades.
3. One dedicated Ampco parking staff in and around the south entrance to the PSSM to ensure that these spaces are being used as they are intended. PSSM will have to absorb this cost.
4. Should the Phase I economic analysis indicate that any one type of business is bearing a disproportionate impact of the PSSM, the event organizers agree to modify their operational plan to address said impact. Should staff and the PSSM not be able to agree on an appropriate remedy, Council will have final authority.

- Additional Conditions of Approval that Council may consider to minimize impacts:

Because the Phase II Study will not be completed until next October, if there are changes that Council wants for the 2009 Market, they should provide that direction now, so that conditions can be included in the MFL approval. This is not intended to be an exhaustive list of options.

1. Further modify or limit hours of operation.
2. Require PSSM to share their vendor mix & business plan.
3. Dictate, limit or additionally regulate vendor mix.
    a. Require food sales to stop at 2:00.
    b. Require certain % of produce or fresh perishable goods.
    c. Incorporate more Main Street business vendors.
4. Limit or reduce total number of Sundays.
5. Specifically prohibit a Sunday market, if a Saturday or Friday night Special Event or MFL on lower Main Street or adjacent to lower Main St. is approved.
6. Require programming of the Brew Pub lot.
7. Venue Change

Each of these conditions may have unintended, or unanticipated consequences on PSSM operations and planning. They PSSM may not agree to continue should Council pursue some of these. Additionally, should Council direct staff to include some or all of these conditions, staff recommends continuation of a decision in order that staff can work with PSSM on how to move forward.

Department Review:
Sustainability, Legal, and Executive Departments have reviewed this report.

Alternatives:
Approve the Request:
Approve the Master Festival License allowing the Park "Silly" Sunday Market as conditioned. **This is Staff's recommendation.**
Modify the Request:
Council may wish to add more conditions of approval to the Master Festival License.
Deny the Request:
Deny the request
Continue the Item:
The City Council may continue the discussion in order to receive additional information.

Significant Impacts:
1. If approved, there will be general operational impacts including amplified music, and parking availability, and inconvenience during load and unload times.
2. There may be financial impacts on individual business that are undetermined at this time.
3. Approval of PSSM for 15 Sundays may limit or preclude approval of other summer events.
4. If no decision is made, the event organizers stipulate delays are impacting their ability to secure vendors, sponsors, and marketing for the 2009 Market.
5. The Phase I Economic Analysis study is approximately $10,000 and can be funded within the existing FY2009 budget. The Phase II study is estimated at $15k and is not anticipated in the FY budget. Should Council agree the City

should pay for the study; a request would be made during the FY 2010 budget process.

RECOMMENDATION:
Review the Master Festival License application for the 2009 Park Silly Sunday Market, conduct a public hearing, and consider approving as conditioned, or amended as otherwise conditioned by Council, based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

<u>Findings of Fact:</u>

1. The Park "Silly" Sunday Market be held on successive Sundays during June, July, August, and September of 2009, with the exception of the Park City Kimball Arts Festival. The event will last from 10:00 am to 4:00 pm and will occur at described locations. Street closures would be from 6:00 am to 7:00 pm.
2. Parking for the anticipated crowd of 1500 people can be accommodated with the existing parking in and around the venue and the use of China Bridge parking structure. The conduct of the Park "Silly" Sunday Market will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The event is oriented towards families and youth. The events associated with the Park "Silly" Sunday Market will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held on lower Main Street between Heber Avenue and 9th Street. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. At this time, no other Master Festival and Special Event License has been issued for any Sunday during June, July, August and September of 2009, with the exception of the first Saturday in August for the Park City Kimball Arts Festival.
6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
8. The event necessitates additional city staff resources be provided; namely Police, Special Events, Building Department and Streets.
9. PCMC does not regulate content or vendor mix. Any disputes over content should be addressed with the event organizer.

<u>Conclusions of Law</u>:

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

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided.
2. Current approval indicates that the street shall reopen at 7:00 pm on each Sunday. Should the applicant not be able to open the street by 7:00 pm the closing time of the Market shall be adjusted to meet that 7:00 pm time limit.
3. A 12' Fire Lane will be maintained to provide access from Deer Valley Drive through to Park Avenue at all time of market operation. Park Avenue sight lines and sight tri-angle shall be maintained to ensure traffic traveling south on Park Avenue can visually see 9^{th} Street is closed and to maintain current direction of travel. Applicant shall provide signage to indicate closures and detour options.
4. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. Applicants and all vendors shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
5. Applicant shall notify all adjacent neighbors 48 hours prior to the event in June of the dates and a description of the event. The applicant shall provide to the City a list of all vendors that participated in the event for each Sunday during the license period on the Monday following the event.
6. Applicant must obtain Relief from Noise Restrictions (6-3-11) for any set-up activity occurring before 9:00 am on any given Sunday.
7. Applicant shall comply with all UDABC regulations and obtain applicable approvals for the beer garden area and all other areas of compliance.
8. Applicant has met with Park City Police and is aware that event has grown to a level where it warrants more than routine patrol and the cost of additional Police will be the responsibility of the applicant.
9. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by May 15, 2009. The cost of Building Inspection time will be the responsibility of the applicant.
10. The costs to provide additional City staff, as estimated in the report herein, will be incurred by the applicant, unless otherwise waived by the City Council.
11. The applicant will orient the six (6) temporary stages so as to minimize sound impacts to the neighborhood. Monitoring of the amplified shall be consistent with 4-8A-7; regulations for Public Outdoor Music Plazas. The General Regulations of this section indicate the following:

    4-8A-7. GENERAL REGULATIONS**.**

    (A) The program manager, or his/her designee, shall provide on-site management for each event.

    (B) A sound technician shall provide on-site monitoring for each event with music, amplified or otherwise, and any amplified event.

    (C) Except as otherwise provided at Subsection 6(A) herein, for amplified events or music, the program manager shall be responsible to ensure that the sound system maintains the sound at an A-weighted sound level adjustment and maximum decibel level of 90, as measured twenty-five feet (25') in front of the stage. The data currently available to the City indicates that a maximum decibel level of 90 satisfies the purpose of this ordinance. The City may amend this ordinance consistent with newly acquired data.

(D) All events shall be open to the public and free of charge.

(E) No event shall exceed 250 people at one time unless a separate Master Festival License is granted for that event. [applies to each stage]

(F) The Police Department or other proper City official shall have access at all times to all Public Outdoor Music Plazas under this Chapter, and may make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

(G) All events shall take place only on authorized Stages and shall have clean-up services directly following each event so as to leave the plazas in a clean and litter free manner.

12. If at any time, the vendor participation drops to below 75% of its highest point, the City Council shall conduct a review of the MFL at the first available Council meeting. Event staff and public safety shall provide an assessment of success of the event pursuant to the criteria listed in the Master Festival License, PCMC Title 4, Chapter 8 and whether the findings, conclusions and conditions are still correct and/or being implemented. Upon one or more findings that the MFL is no longer meeting the anticipated vendor/public participation levels justifying the street closure, the above MFL criteria, or conditions approval, the City Council may amend or revoke this approval accordingly.
13. As part of the Master Festival License, the applicant shall provide PCMC a confidential list of participating vendors before the event begins. Consistent with section 4-8-7 of the Municipal Code, concessions directly related to the event do not require a regular business license. The Utah State Tax Commission does require a Temporary Sales Tax License. Included in that list, each vendor shall provide a Utah State Tax ID Number. Applicant must maintain vendor agreements for all vendors and their goods and merchandise. Applicant is responsible for approving and enforcing these agreements.
14. The City Council retains the ability to approve a different MFL at the location of lower Main used herein on one Sunday during the approval period, provided that the City gives the Applicant 90 days written notice, and the City provides an alternative location for the Sunday Silly Market, such as next to the Library or City Park.
15. Nothing herein shall limit use of Coalition Park by non-vendors in accordance with the Art in the Park Ordinance PCMC § 4-3A-7.
16. The applicant shall regularly review the vendor list to ensure the participants reflect the integrity of the Market's purpose and mission, and avoid sales of mass produced goods.
17. Organizers shall return to Council no later than November 19, 2009 to review the 2009 Market, Phase II Economic Study.
18. Park City retains authority over scope and methodology of the Phase II economic analysis in exchange for fully funding Phase I. Unless otherwise directed, Park City will not pay for Phase II.
19. The 2 hour parking that is in front of the Kimball Arts Center (On the north side of Heber Avenue) is to be temporarily signed as 30 minute "Drop and Load"

during the hours of the PSSM; including both set-up and take-down time. These signs are to be put in place on temporary Type-1 barricades.

20. Dedicated parking staffing is required to those short-term areas in and around the south entrance to the. PSSM is responsible for this cost.
21. Should the Phase I economic analysis indicate that any one type of business is bearing a disproportionate impact of the PSSM, the event organizers agree to modify their operational plan to address said impact. Should staff and the PSSM not be able to agree on an appropriate remedy, Council will have final decision making authority.

Exhibits

A- MFL Application
B- Main St. Geo Analysis
C- PSSM Recap & Press Releases
D - HMBA Position Statement
E - Written public input received
F – Scope of Economic Analysis – Phase I & II
G – October 30, 2008 Council Meeting minutes
H – Fees

Exhibit A
2009 MFL Application

PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION-PART i
A completed electronic copy submitted to the Special Events Department

Special Events and Facilities Department
435.615.5150
specialevents@parkcity.org

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

EVENT NAME: Park Silly Sunday Market

FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS): Annual Event-1 year

EVENT DATE(S): June 14 (Opening day), 21, 28
July 5, 12, 19, 26
August 9, 16, 23, 30
September 6, 13, 20, 27 (Oktober Silly Fest-Closing celebration)
Total of 15 Sundays

EVENT TIME(S): Hours of operation 10:00am to 4:00pm-(close Main Street 6:00am to 7:00pm

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
Lower Main Street between Heber Ave and 9th Street
7th Street
9th Street
9th Street-round green circle and Collation park

ANTICIPATED ATTENDANCE: 2000

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
Free community space to featured artist and chefs, sustainable issues, non-profits, musicians, performing artists

Arts, crafts, collectibles, music, food

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

CONTACTS

Event Manager: Kimberly Kuehn
Mailing Address: PO BOX 684229 Park City, Utah 84068-4229
Phone: Fax:
Cell Phone: 435-901-0511
E-Mail: kimberly@parksillysundaymarket.com

Assistant Event Manager: Jewels Harrison
Mailing Address: same
Phone: Fax:
Cell Phone: 435-655-0994
E-Mail: jewels@parksillysundaymarket.com

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

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*
A public event which any one of the following:
☒attraction of large crowds, (Over 500)
☒street closure,
☒use of City park, building or property,
☒use of off-site parking facility,
☒use of amplified music.

☐ **Special Event;**
A private or public event, which creates significant public impacts through:
☐causes significant public impacts via disturbance, crowd, traffic/parking,
☐disruption of the normal routine of the community or affected neighborhood,
☐necessitates temporary business or liquor licensing
☐event signs, visible from public property
☐temporary structures

CITY SERVICES (SERVICES WILL REQUIRE ADDITIONAL APPROVAL AND FEES)

- request for street closure(s)? ☒yes ☐no
  if yes, then list street(s) and closure time and date: Lower Main Street-7:00am to 8:00pm
  Heber Ave to 9th
  7th Street
  9th Street
  9th-Round circle/green patch park
- request for closure of or access to any public parking spaces? ☒yes ☐no
  if yes, then list lot and closure times and dates: 6:00am to 7:00pm
  if yes, complete and attach *Request for Special Use of Public Parking* form.

- request for use of any City owned bleachers? ☐yes ☒no

SALES AND FOOD VENDING

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

APPLICATION FEES

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

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

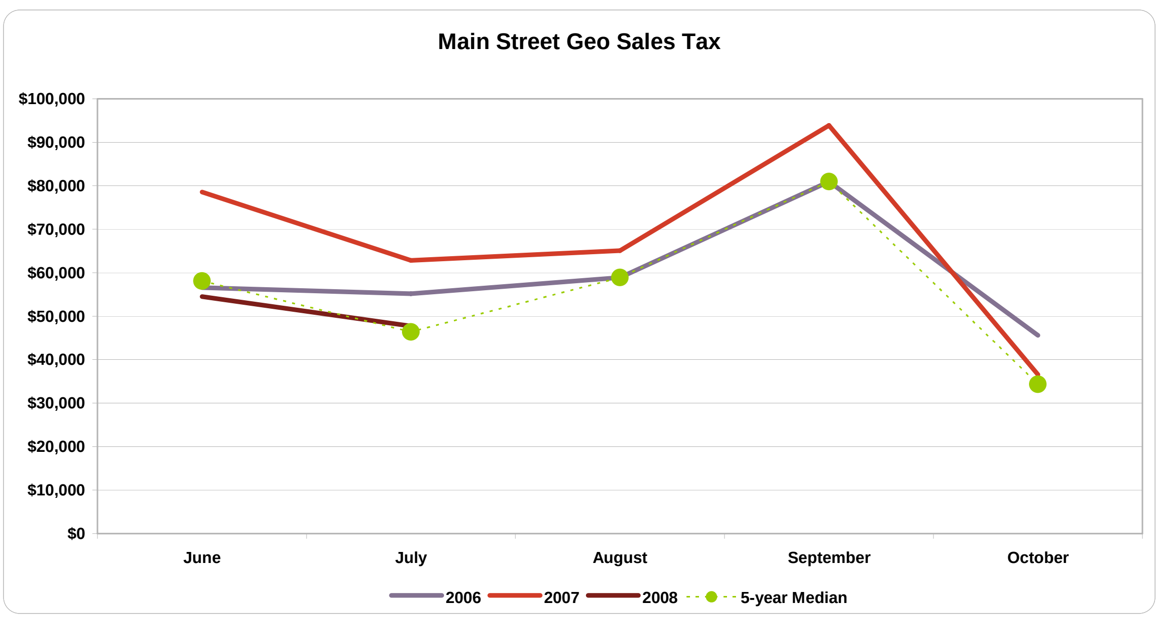
INSURANCE

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

Exhibit B
Main Street Geo Sales Trends

The Budget Department compiles citywide sales tax data and organizes it into statistical reports showing historical sales trends from various perspectives. The purpose of this reporting is not to project future sales in the City or extrapolate future sales tax revenues. These reports are intended only to present historical data with analysis limited to explanations of what has already transpired. For the purpose of better understanding trends within Park City, the area within the city limits was split into eight geographical areas or *geos*. Each geo is analyzed to show specific trends within the area that make it unique and add to the overall sales makeup of the City. The data collected for this reporting is comprised of sales figures reported to the State Tax Commission by businesses in Park City. The resultant sales tax numbers are therefore estimates based on the l% local option tax that is assessed in Park City. The analysis does not deal with the Resort Community Tax (1.1%) or the City's Transit Tax (.30%).

The City receives these figures on a monthly basis, thus the Budget Department is unable to isolate this data to one specific day. Since the Silly Market only operates on Sundays, it would be impossible to know with any certainty, how much sales tax revenues the Main Street businesses—not the PSSM vendors—accumulate on that day. What we can do, however, is isolate the Main Street Geo (the geographic area in and around Main Street) and look for trends by comparing the monthly sales tax revenues with that of prior years. We can also look at Main Street Geo growth within those five months that PSSM ran and compare that with the other Geos in Park City to see if there are any trends. So far this year we only have sales tax revenue data from June and July, but we can still compare it with other years.



The Main Street Geo saw an increase of 13.41% in sales tax revenue during the months of June through October (2007) versus the same months in 2006. Citywide sales tax grew by 11.82% during that same period. This means that the Main Street Geo grew its sales tax revenue by 1.59% more than the rest of the City in 2007 from June through October. However, June and July (2008) sales tax revenues are down 27.73% over last year and down 3.35% from the 5-year median for the same time period. Conversely, sales tax revenue is down 4.02% citywide for June and July (2008) over last year.

Exhibit C
PSSM Recap & Press Releases

PSSM/HMBA ideas for 2008-from March 27, 2008 Council

Executed list from PSSM 2008 season

HMBA's involvement with the free booth space rotation program

- 10 out of 15 Sundays used the booth
- Historic Museum, Bahnoff, Red Banjo, Aura Spa, Village Candy(4), clear Channel (2)

How effective was the signage from China Bridge to Main Street?

- 14 new "A" frame signs
- Directed people traffic to upper Main

The new route for the trolley-effective?

- Per Destry Pollard-Overall passenger counts from 2007 were in fact higher than 2008. But there are several factors as to why this is so, The Silly Market being one. Type of trolley used on that day (small bus was used twice in 08) is another. In 2007 the average daily count on Sunday was 452 with a total of 7,690
  4 Sundays in 2008 passenger counts were higher than 2007. Also, there were two less Sundays during 2008.

Gray Line bus tours dropped off on upper Main Street

- Per AllResort/Lewis Stages/Grayline-Geary Furin
- Averaged 5 couches for 11 out of 15 Sunday's with 45 to 55 people each – 200 to 300 additional persons per Sunday that buses came to PSSM.

PR efforts thru our media/marketing plan that was a joint effort for all of us

- Co-op advertising with HMBA-Clear Channel
- Video's for b-roll TV, print, radio – advertising all of Main Street

SILLY MARKET--Communication with merchants on Main Street—one-on-one

- Kimberly and PSSM staff met through-out the season to chat with merchants about business on Sundays and in general.
- Last years relationships are in a much better standing this year.
- Working together as a team on solutions and idea's.

Change of hours – effective? moved hours to 10:00am to 4:00pm

- Waiting to hear back from HMBA on programming the Street till dinner hour (music, entertainment etc.).
- Mtn. Town Stages Labor Day had music at the Minors Park!

Sidewalk sales – who is proactive on the street

- Over 15 Sunday's we had an average of 6 side walk sales each Sunday!
- Proactive merchants-Quicksilver, Quicksilver Kids, Overland, Destination Sports, PC Museum, Expanding Heart, Rocky Mtn. x-mas, Banhoff, Mt. Body, PC Artwork, LaNiche, Village Keepsakes, Dancing Hand Gallery, Alpaca

HMBA ideas or 2008

-Trolley-signage for Main Street/coupon giveaways
-PSSM booth--coupons/giveaways
-Conduct street survey
-Merchant sales tracking system in place

-Communication to merchants on Free space at the market offered

-Side walk sale encouragement

-Silly Sunday Sale sign in merchant windows

-Program music/entertainment on Main Street (with focus on upper Main) during -Sunday hours and at closing hour 4:00pm to keep attendee's on Street till dinner hour.

Co-op advertising

Apply for grants

Media Contact:
Kimberly Kuehn
Park Silly Sunday Market
(435) 901-0511
kimberly@parksillysundaymarket.com

FOR IMMEDIATE RELEASE
October 22, 2008

Park Silly Sunday Market Thanks the Park City Community For a Successful Season

Park City, UT – After a successful silly summer season of great weather and the outrageous fun of the Oktober SillyFest event, Park Silly Sunday Market sends out a whole-hearted thank you to the Park City community. Without the participation of the entire community and the generous support of The Shops at the Village on Main, Park City Mountain Resort, Park City's Chrysler, Jeep, Dodge and other market sponsors- Park Silly Sunday Market could not be the free community festival it is. It would not be the local ritual of family and friends coming together and the nationally renowned event it has become.

In PSSM's commitment to creating a blueprint for large events to have less impact on their environment, The Park Silly Sunday Market continued to improve upon its environmental initiatives in its second season. Most impressive on this list was creating a "Zero Waste" event each week of the season. With the collaboration and compliance of Park City locals, an ever-growing eco-conscious community, PSSM made great strides in reaching their goal of being 100% waste-free. Park Silly Sunday Market's exceptional zero waste staff, Greta Andreini and Brian Medesci, recycled 450/ 50 gallon bags of paper, plastic and aluminum in the Park City Mountain Resort's Rocky Mountain Recycling collection dumpsters and recycled clear, green glass and 65 cases of Squatters' brown beer bottles at the Recycle Utah facility. Nearly 1000 lbs. of food waste was delivered over the summer to the grateful pigs at Potter's Farm in Coalville. The denouement of 15 Sundays, PSSM hosted approximately 60,000 visitors and sent only 7.5/ 50 gallon bags of actual trash to the landfill.

In addition to its sustainable initiatives, an integral part of Park Silly Sunday Market's mission is to give back to the community through involvement. Throughout the season, Park Silly Sunday Market was able to provide free space to the community in a number of ways. Park Silly Program Diva, Jaimie Atlas organized the 80 nonprofit organizations, 25 sustainable issues groups, 15 featured local artists, 15 featured local chefs, several Main Street businesses and local farmers that Park Silly hosted over the summer. To maintain the market's appeal as a free family event where everyone has a great time, Park Silly Sunday Market also featured 40 free kids' activities and over 100 free musical and performance art presentations.

The Park Silly Sunday Market directors Kimberly Kuehn and Jewels Harrison are humbled by the acknowledgements they have received from the community of Park Sillians who participated in making it another magical summer in Park City. "We are proud to be part of something that brings so much joy to so many people."

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Media Contact:
Kimberly Kuehn
Park Silly Sunday Market
(435) 901-0511
kimberly@parksillysundaymarket.com

FOR IMMEDIATE RELEASE
October 1, 2008

Park Silly Sunday Market Greened the Summer

Park Silly Sunday Market Boosts Environmental Initiatives and Helps Others Follow in Their Footsteps

Park City, UT – Park Silly Sunday Market, has been striving all summer to put on a "green" event and improve upon its environmental initiatives. Most important on this list of issues is creating a "Zero Waste" event each week of the season. With the collaboration and compliance of Park City locals, an ever-growing eco-conscious community, PSSM has made great strides in reaching their goal of being 100% waste-free. By adding more zero waste stations and providing volunteers to assist market goers in sorting their waste, the market has seen their goal quickly becoming a reality. After the busy July 6th market, attended by around 4,000 people, 36 bags were recycled, 7 bags were composted at Potter's Pig Farm, and only a half a bag of trash was shipped to the landfill. The idea to put on the first "Zero Waste" event in Utah was originally inspired by the staggering statistics; the national average of waste created per person per day is 4.5 pounds. In contrast the average waste created per person per day in Summit County, Utah is an embarrassing 13 pounds.

Some of the other initiatives that Park Silly has adopted include advertising riding your bike and taking the bus to the market, the free bike valet, provided with the help of Cole Sport, promoting reusable bags at the market, selling only eConscious merchandise at their merchandise booth, and providing water from Culligan water in 5-gallon jugs rather than selling individual bottles of water. In addition to these practices, Park Silly Sunday Market features a "Sustainability Lecture Series" which features interactive, educational lectures on the individual's ability to positively impact the environment. Some of the presenters include Recycle Utah, Utah Solar Power, the Green Building Center, and Swaner Nature Preserve. The short lectures are designed to reach a wide audience as well as drive traffic to the sustainable issues booth, where more in depth conversations and information are available.

In trying to maintain the sustainability of the event in all aspects of the market, the Park Silly Sunday Market added solar power to its main stage. The local music series highlights a solar powered stage a few Sundays throughout the season. The Solar Saucer, a fully functioning and mobile art piece, provides solar power to the main stage via a battery and inverter. The large, eye-catching installation attracts the curiosity of market goers and opens doors for in-depth conversation on the viability of solar power. The Solar Saucer's creator, Scott Whittaker, is on hand during the market for an open forum discussion and Q and A.

Park Silly Sunday Market executive director Kimberly Kuehn presented at the Utah Nonprofit Association's annual Utah Nonprofits Conference on September 17th on how to put on a green event. The presentation was met with a great response from nonprofit organizations participating in the workshop. Organizations and cities throughout the state, expressed interest in having Park Silly Sunday Market help them to green their events as well.

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Exhibit D
HMBA Board Position Statement

10/24/08

The HMBA's overall position is supportive of the Silly Market and the use of Main Street as a center for community gathering. In light of the board's responsibility to our member businesses we feel it is very important to quantify the economic effects of the Market on the Main Street core in order to provide additional data to the discussion of "How is the Market doing?" This question is on the minds of the HMBA board and our member businesses.

We recognize the importance of positioning Main Street as a visible destination in Park City and as a welcoming gathering place for locals and visitors; assessing the Markets effects on these aspects of Main Street are more easily done "at a glance". We also recognize the vitality of Main Street is dependant on the viability of its brick-and-mortar businesses, and the economic effects of the Market on these businesses, either positive or negative, are harder to see. It is our desire to move forward with the Market to enhance Main Street's vitality through increased visibility, a welcoming atmosphere *and* increased economic benefit to the City and our member businesses as well as the Market.

We would ask the City Council to conduct a study to try and determine what effects, either positive or negative, the Market is having on the district. We believe the City is best positioned to conduct, or contract with a third party, an un-biased and comprehensive study. This was previously discussed, and I believe recommended, during the decision making process to extend the Market's hours for 2008. In light of the Market's time constraints and their desire to plan the 2009 market as quickly as possible, we would ask that the study be conducted in a timely fashion. The HMBA is willing to help collect economic data from our member businesses to assist in the study's timely completion.

It is our mandate as an organization to help ensure a vibrant downtown core, and we feel the Silly Market can be an important part of that vibrancy, but given the size and duration of this event in particular, we believe that it is in everyone's best interest to *know* what the benefits and/or impacts are, and to rely as little as possible on assumptions and educated guesses.

Thank you,

As President of HMBA,

Jeff Ward
General Manager
350 Main Brasserie, The Spur Bar & Grill

Exhibit E
Public Input

From: Steve Lund [mailto:lundstevek@comcast.net]
Sent: Wednesday, October 22, 2008 10:37 PM
To: Sandy Geldhof
Subject: Park Silly Sunday

Hi Sandy,

Here is a short synopsis of the experience The Village Candy Shoppe has had with the Market during the last two years.

2007 Average Sunday dollar sales were down approximately 60% from previous years while business during the summer for the other days of the week were static or showed slight increases. 3%-5%

2008 Sunday dollar sales were down slightly, 5% from previous year. However sales for the summer of 2008 were static for July and down considerably, 10%-25% for August and September. Indicating that the Markets impact was similar both years; Business down significantly on Sundays, particularly during the hours of operation of the Market.

The Village Candy Shoppe participated in the Market on 4 separate Sundays, taking advantage of the Fee Waiver offered to the HMBA. We averaged approximately $400 per week in Sales at the Market which represents 70% of the business loss to the Market during the last two years. While I was resolved that I needed to participate in the market to recoup lost sales, I remain very strongly opposed to the Market continuing as currently formatted. After factoring in the increased labor cost, increased hours to set up and tear down, the amount of sales that reached the bottom line was greatly diminished. If next year we decide to have a booth presence in the Market we will incur the additional cost of space rental, $90 - $120 per week as well as initial costs of portable booth and supports.

I did find the Market Staff was very helpful and did everything possible to make my experience a positive. Jules, Kimberley, and their staff should be applauded for their efforts. The Main Street District is under assault from Kimball Junction other new retail areas that compete for the same dollars, both local and tourist, as do Main Street Merchants. However, in my opinion, the Market does not stimulate Main Street Brick and Mortar business, nor does it stimulate the compounding effect of dollars spent in the local community circulating within that community. Most of the Market Venders take their money with them at the end of the day to the Valley and beyond to be spent on groceries, taxes, fuel, etc. rather than that money being circulated within the confines of Park City.

Exhibit F
Economic Analysis Scope

Wikstrom Economic & Planning Consultants

Economic Impact of
Park Silly Sunday Market

Tourism • Market Research • Economics

Proposal to
Park City Municipal Corporation
November 7, 2008

Figure 1: Example of Wikstrom's online dashboard for real-time data monitoring made available by digital data capturing.

COST

Phase 1 will cost $10,000 and will include:

- Cleaning the data provided HMBA businesses
- Collection and analysis of control data
- Evaluation of impact of the Park Silly Market on Sunday sales at HMBA businesses.
  - Without knowing the number of businesses that will report, we cannot commit to specific evaluations at this time, but to the extent that the data can be evaluated for subgroups (business types, locations, etc.) without revealing confidential sales data, we will commit to do this.

Phase 1 would commence immediately with a report completed by January 7, 2009. This assumes all data is delivered to Wikstrom by November 30th.

Phase 2 will cost an additional $15,000 and will include:

- Real time surveying of market visitors and businesses
- Monitoring customer traffic at select business locations
- Additional sales data analysis for 2009
- Full report of impact and strategies for mitigation of any negative impacts through operational approach.

Additional services

- Real-time dashboard analysis – $5,000.

Phase 2 survey design will be completed by March 31, 2009. Complete report will be completed within 30 days of last market Sunday.

We recommend personal, on-site interviews—for the most accurate results

Personal interviews obtained through random sampling are the best way to survey visitors. Because personal, on-site interviewers approach people, rather than the other way around, self-selection problems are avoided. Personal interviews also have very high participation rates, which further ensures an accurate sample.

Effective Interviewing

Our surveyors use personal digital assistants to ensure rapid and accurate recording of information. We can analyze and report data very quickly, giving Wikstrom a unique flexibility in data design and analysis.

The selection and training process for our interviewers is detailed and thorough. These interviewers are front-line representatives for our clients, so we make sure their courtesy and professionalism is superb.

Quality Control and Assurance

We are committed to quality. The survey methodology we use is designed to be statistically sound and ensure a representative sample. Additionally, Wikstrom uses several quality assurance measures to assess the validity of the survey, such as surveyor training and monitoring, and comparisons to expected results.

Reporting—Results When and How You Need Them

Our professional, comprehensive reports convey accurate, interpretive results on which to base sound decisions. Our immediate data capture allows us to generate reports quickly—turning data into actionable information fast. We write detailed reports with in-depth explanations, cross-tabulations, and comparisons to other research. Or, if you just need information fast, we can set up a customized system to allow you to access selected information quickly. We create "dashboard" monitoring systems that allow clients to view data on a regular basis, allowing them to make decisions based on real-time data.

Contents

Contacts

Karen Wikstrom, Principal
karen@wepc.biz
801-521-7724

Geoff Butler, Associate
geoff@wepc.biz
801-521-7724

ABOUT US

Wikstrom Economic & Planning Consultants is a Salt Lake City-based firm with 20 years of experience in economic impacts analysis, conducting surveys related to market research, and community planning. We bring strong, practical expertise in market research and economic impacts analysis, as well as a solid academic foundation, positioning us to provide sound, comprehensive analysis to each project. We are proficient in survey design, execution, interpretation and presentation.

Understanding the role of events and festivals

Economic impact analysis is one of Wikstrom's specialties. We estimate the impact of events (such as the Sundance Film Festival or the Park City Arts Festival) on local economies in terms of both direct and indirect impacts. We determine how much money is spent by visitors and show the importance of events to local businesses. We also evaluate potential negative impacts and costs related to providing services or potentially crowding out traditional sources of sales or revenues. Such information can be vital to local governmental agencies. It provides a metric that can be used in the evaluation of policies that support the event and as a powerful tool in negotiation.

OUR EXPERIENCE

Market Research & Analysis

Wikstrom provides resort market research for ski industry trade groups, ski resorts, resort communities and convention and visitor bureaus. Our extensive market research experience includes personal interviews with resort visitors, business owners, developers, city planners, business people, etc., as well as mailed surveys to community residents. We focus on a wide range of issues such as tourism, real estate development, land planning, economic impacts and recreation.

Economic Impacts

Wikstrom quantifies the direct and indirect costs and revenues associated with tourism. Wikstrom completed an analysis of the economic impact of the Sundance Film Festival on the lodging, ski, retail and restaurant Industries and just recently completed an evaluation of the economic impact of the festival when it occurs over the Martin Luther King Jr. Holiday weekend. Economic impacts analyses were also prepared for both the Park City Arts Festival and the Park City Jazz Festival. We recently evaluated the tourism market for the town of Alta, developing an analysis to prepare and support a marketing plan. We understand economic events in resort communities.

Our wide range of experience with economic impacts analysis spans a broad range of industries from oil and gas to the ski industry to transportation infrastructure. Our approaches measure historic and anticipated economic impacts.

Resort & Tourism Experience

Surveys

- Ski Utah 2007/2008 Skier Survey
- Ski Utah 2005/2006 Skier Survey
- Ski Utah 2005/2006 Winter Vacation Planner Survey
- Ski Utah 2001 Utah Resident Survey
- Ski Utah 1999/2000 Skier Survey
- Ski Utah 1996/1997 Skier Survey
- Park City Ski Area Airport and On-Mountain Skier Survey
- Park City Chamber & Visitors Bureau Colorado Skier Survey
- Park City Ski Area 1997 Lift Line Survey
- Moab Visitor Survey
- Piute County Tourism Survey and Recreation Plan
- Park City Chamber & Visitors Bureau Customer Service Survey
- Panguitch Business, Resident and Tourism Survey
- Dixie Convention Center Market Survey and Analysis
- Park City Special Events User Survey
- Park City Jazz Festival Survey
- Park City Arts Festival Survey
- Sundance Film Festival Survey
- Utah Main Street Resident and Business Surveys for 11 communities
- Highland City Community Survey
- Flaming Gorge National Recreation Area Plan

OUR APPROACH

Wikstrom proposes two scopes for your consideration:

- Phase I Study – Review of financial impact of the Park Silly Market on Main Street businesses for 2006 through 2008; and
- Phase II Study – Additional quantitative and qualitative analysis of direct & indirect benefits of the 2009 market. This would be the basis for discussion for a long-term city services contract.

Phase 1

Initial scoping of issues and questions to be answered in the analysis

Wikstrom will meet with representatives of Park City Municipal Corporation, the Historic Main Street Business Alliance and the Park Silly Market organizers to identify the issues that will be addressed in the analysis and any factors that will be treated as independent variables in the analysis such as weather conditions, visitor nights, etc.

Trend Analysis

Changes over time in demographics and spending can answer questions such as: How much has the Park Silly Market increased Sunday visitation to Main Street? Have total sales on Main Street increased as a result? Are certain businesses experiencing negative impacts form the market? Do the Main Street trends reflect retail trends found in other parts of the community? As a first step of the analysis, Wikstrom will collect sales data for the City, County and State for July 2006, 2007, 2008 and 2009 and establish a baseline against which the Main Street data will be compared.

Regression Analysis

Regression analysis shows the effects of the event on the economic performance of Main Street businesses. It isolates the effects by controlling for other variables such as weather conditions, consumer confidence, visitor nights, currency exchange rates, etc. Regression analysis requires robust data, collected over time.

In this instance, we will collect daily data for retail sales at individual Main Street businesses for the month of July in the years 2006 (the year prior to the formation of the market), 2007 and 2008. We understand that the Historic Main Street Business Alliance will be responsible for data collection and while we will generally rely on the accuracy of the information collected from the businesses , to the extent possible, we will compare reported sales with monthly total sales reported to the Utah State Tax Commission and against a "control" group of selected businesses that will allow us direct access to their sales data.

The above course of action has certain limitations. Because businesses will respond on a voluntary basis it is likely that only those who perceive an impact in their sales will respond by allowing the HMSB access to their sales data. Because of this "self selection" it may be the case that impacts will be overstated. Voluntary participation should be viewed as an interim

Resort & Tourism Experience

Resort Market Research

- Beaver Creek Development Market Analysis
- Breckenridge Development Market Analysis
- Aspen Development Market Analysis
- Brian Head Market Research
- Alta Marketing Analysis
- Deer Crest Resort Development Market Analysis
- Colorado Resort Market Research

Economic & Fiscal Impacts Analysis

- Economic Impacts of Tourism on Park City
- Economic Impact of the Coincidence of the Sundance Film Festival and the MLK Holiday
- Economic Impacts of Sundance Film Festival
- Economic Impacts of the Park City Arts Festival
- Economic Impacts of the Park City Jazz Festival
- Deer Crest Resort Development Annexation Analysis
- Impacts of Recreation Development at Five State Parks in New Mexico
- Flaming Gorge National Recreation Area Plan
- Bonanza Flat Resort Development
- Empire Canyon (Park City) Resort Development (multiple projects)
- Jordanelle Development Impacts on Wasatch County
- Brian Head Fiscal Analysis

step in establishing the true impact to Main Street. In order to make accurate inferences for the entire group of Main Street businesses Wikstrom will need to either collect data from each and every business, or collect data from randomly selected businesses. Unfortunately, this will be very time consuming and cannot be completed by January. Wikstrom recommends that after Phase 1 is completed the HMSB collect data from businesses selected randomly by Wikstrom. Analysis of this data can be included with the Phase 2 report.

The outcome of Phase 1 will be an analysis of the impact on specific types of businesses (to the extent that a sufficient number of businesses report their sales to assure confidentiality in reporting conclusions), impacts based on a businesses' geographic location along Main Street, the impact of changed hours of operation (related to the 2008 market season) and any other variables that are identified in the initial scoping.

Phase 2

Phase two would incorporate survey research, business traffic monitoring and real time data collection that will occur at critical periods during the 2009 Park Silly Market season. We propose that this analysis be used to track impacts of certain operational changes that could be tested to determine their effectiveness in maximizing potential economic impact to Main Street businesses. For example, if the market were held in two different locations during the 2009 season, we could evaluate the impact that proximity to the market has for Main Street businesses. If there are no operational issues that the city would like to address, we would focus on data collection to allow for testing of hypotheses regarding the nature of the market's impact in both quantifiable and more qualitative terms. We will work closely with PCMC to identify the questions that need to be answered. Our surveys capture and disseminate updated information regarding the demographic and economic characteristics of visitors, such as expenditures per person per day by type of expenditure, age, household income and place of residence.

At the same time, we will be collecting the daily sales data for the month of July to complete the trend analysis of sales impacts to main Street businesses.

OUR METHODOLOGY

We carefully design our survey methodology to ensure accuracy and statistical validity with minimum inconvenience to respondents.

The success and credibility of our research is based on

1. Thoroughly trained interviewers;
2. Appropriate timing and location of interviews to assure that the sample is representative of all visitors;
3. Accurate data collection;
4. Expert interpretation of results; and
5. Professional, comprehensive presentation of findings.

Exhibit G

PARK CITY COUNCIL WORK SESSION NOTES
OCTOBER 30, 2008

Park Silly Sunday Market 2008 review. Jon Weidenhamer explained that an application for the 2009 market was submitted on October 20, 2008. In March, Council requested that staff return in October so that 2008 operations could be discussed before reviewing a license for 2009. Members also requested that an economic analysis for the 2009 market be conducted by the HMBA. The 2009 application is identical to 2008 with some minor operational changes and action is not requested tonight. Mr. Weidenhamer stated that staff believes the 2008 festival was a success based on a variety of changes the organizers introduced with regard to parking, signs, etc. He found the event to be consistent with economic development goals and strategies and felt there are indirect and intangible benefits to the street and our town as a whole. The applicants are seeking an approval as soon as possible so that vendor contracts and marketing plans can proceed. The HMBA is generally supportive but would like an economic analysis to better understand negative financial impacts. Staff is recommending that an economic analysis be conducted before taking action which could be available by early January, providing sufficient time in the event of operational changes. Mr. Weidenhamer referred to public input received from Steve Lund and Jolie McTavish who are not supportive of the market.

Dana Williams emphasized that the HMBA agreed to conduct the study last year and is confused why the City is paying for the study. Jeff Ward, President of the HMBA, explained that he understood that a study would cost about $10,000 and the organization had no funding available. The Mayor expressed concerns that the HMBA agreed it and the City did not hear anything from the HMBA until last month when it was contemplated to be available by the end of October. Mr. Ward understood the process was to be a partnership. The Mayor added that there seems to be no participation from the street with the total cost falling to the City. Mr. Ward explained preparing a spreadsheet on businesses after the market closed for the season. Tom Bakaly explained that it was felt that the City could conduct a more objective study where the data would not be debated. The information is difficult to quantify and may not be the *silver bullet* everyone is looking for but is information that is important for Council to consider. Staff looked at the spreadsheet but felt that it would be a good expenditure to conduct an objective analysis. Jim Hier felt that if the data needs to be substantiated, it needs to be collected by a third party and he is not opposed to the City paying for it, but felt it important to identify what elements would be changed as a result of the data. As an option, an MFL could be approved subject to the possibility of modifications based on the study. Not identifying elements of interest until the economic study is produced would be a mistake. Extended hours of operation were discussed. Candace Erickson explained that Jolie McTavish's issue deals with parking. She felt there was an effort to get patrons to walk, bike or take the bus at the beginning but more people seemed to drive by the end of the season. Kimberly Kuehn explained that they provided 14 new signs up Deer Valley Drive directing motorists to the China Bridge Parking Structure and upper Main Street. She is willing to look at new options for 2009 and PSSM will remain committed to sustainable practices.

Ms. Erickson asked if vendors at the market have business licenses. Jewels Harrison explained that vendors are licensed through the MFL and are required to pay sales tax.

Ms. Erickson noted that she witnessed many cash transactions at the market and is concerned about the City losing sales tax dollars and market vendors competing with year-round licensed businesses. Ms. Kuehn stated that they are committed to ensuring benefits to the entire street in the long term as PSSM is in its beginning stages. She was pleased to meet consultant Karen Wikstrom who would have been helpful last spring to begin formulating an approach to produce an economic analysis. Ms. Kuehn stated that she will always put forth her best effort toward the vitality of the street and has personally visited with merchants who have expressed concerns about PSSM; she keeps in contact with them. Her background is in retail and she is happy to work with businesses on solutions; she is listening to people and good relationships have been established. Jewels Harrison relayed that Council asked them to build relationships and create a partnership with the HMBA which she feels they are doing. The Mayor invited public input.

Sandy Geldorf, HMBA, felt that consultant Karen Wikstrom could objectively identify trends on a regional basis which is something that the HMBA could not produce. With regard to changes to the application, impacts to types of businesses, like restaurants or galleries could be identified through a study. She felt that conducting a street study is helpful to identify the type of patron attracted to the market. Jon Weidenhamer added that staff is supportive of expanding the study rather than cramming it into a timeframe. A broader study may be beneficial in the long term.

Brad Olch, PSSM board member, referred to Ms. Erickson's comments on cash transactions. He felt that staff could perform the analysis internally or perform the study in the spring.

Jolie McTavish, Silver Queen Gallery, believes that the PSSM brings vitality to Main Street but her Sunday business is down 80% during the summer which is attributable to the market. One of her main concerns is that her customers can not find a place to park close to the gallery. People who come to the market do not buy anything at the Silver Queen Gallery. She favors doing an economic study. Mayor Williams acknowledged that the customers may be different but there are 750 free parking places downtown every day of the week. He didn't believe that PSSM patrons deter gallery customers from shopping on Sundays. In response to a question from Liza Simpson, Ms. McTavish stated that the gallery has been there for two years. She agreed that demographic groups are divided and some customers have stopped coming to the gallery on Sundays because there is no convenient parking. Jewels Harrison felt that the demographics in Park City is diverse which is a good thing Several artists this season sold high priced items, like paintings and metal artwork, and one of their goals is to provide something for everyone in the community.

Tim Helty, co-owner of Silver Queen Gallery, stated that his business was not down for the year and clarified that there is foot traffic on Sundays during the market but people are not interested in buying high end art. The concerns of businesses paying rent all year long should be considered. He requested that PSSM not operate on the Sunday of the Mustang Show which closes the street on Saturday. The market hurts their summer business on Sundays. He asked that the 15 minute loading zone beside the gallery be monitored during market days. Mr. Helty acknowledged that there is parking in the area but his clients like to park close to the gallery.

Joe Kernan asked the organizers if they have a plan to reach out to other demographic groups. Jewels Harrison explained that the Kimball Art Center has provided information to them on applicants who applied for participation in the Arts Festival as possible vendors. Kimberly Kuehn added that this represents a small percentage and the majority of artists involved with PSSM are from Summit County. One of the attributes of the market was creating a local community forum. Ms. Harrison discussed the importance of business owners communicating concerns and/or problems to them because they are committed to arriving at solutions.

Jim Hier stated that he appreciated Mr. Olch's comments but clarified that daily sales tax data is not available from the state so this information would have to be obtained through the business owner. This is the one of the reasons for considering hiring an independent consultant. In an effort to proceed, he suggested structuring some sort of an approval that would allow for modification of hours and perhaps vendor mix that would allow PSSM to begin working on 2009 plans. He felt that the study should be conducted now for the past two years and again next year, which would reveal information about extended hours. Parking should be addressed

Joe Kernan asked if the organizers could experiment on hours next year. Kim Kuehn explained that one of the reasons they submitted a 2009 application in October was to have the ability to process applications, sponsorships and contracts. Many vendors will not commit until they know the hours. She added that when the change in hours of 10 a.m. to 4 p.m. was proposed last year, the HMBA spoke about programming the rest of the street to provide pocket entertainment up Main Street. Mountain Town Stages was set up on only one of the 15 Sundays.

Mike Sweeney, HMBA member, board member of PSSM, and business owner, stated that the signs directing people to the China Bridge Parking Structure worked very well. This is evident by the significant drop in the number of parked cars in his parking lot in the market area from 2007 compared to 2008. He recommended that the study also look at other commercial areas on PSSM days, including Deer Valley, Park City Mountain Resort, and NOMA.

Alex Butwinski, resident, stated that there is confusion about why the City is paying for the economic study when it involves two other parties. He felt that expanding the analysis, as suggested by Mr. Sweeney, will increase the $10,000 cost dramatically. He questioned if this is a good investment.

Roger Harlan agreed that the study is not a *silver bullet* and felt that continued communications between the street and the organizers is more essential. He questioned the benefit of the study because everyone believes their concerns are legitimate and not everyone will be happy with the outcome. He stated that he supports a conditional approval as suggested by Council member Hier. The City Manager suggested that staff return with an operational plan addressing potential issues identified in the study which will likely relate to times, location and product mix. There may be something that the organizers are willing to do this year to address those concerns. If this can not be arrived at by November 20, then the license could be conditioned according to information in the study. Mr. Bakaly felt that the information will be general and it may be beneficial to address these issues now in an operations plan. In response to a question from the Mayor, the City Manager believed the study will likely determine whether the PSSM hurt or helped particular types of businesses, businesses in certain locations, and/or product purchases at certain times of day. The information could then be applied to develop a compromise. Mr. Hier agreed and added that he would look to the study to determine if PSSM is an overall positive, negative or positive with areas that could be addressed. He pointed out that collecting the data may take some time and the City Manager interjected that is why the MFL could be conditioned on the study.

Jewels Harrison understood that Karen Wikstrom would provide a snapshot of direct financial impacts and the study would not provide an overall picture. Kim Kuehn believed that anything beyond the scope of a snapshot would take much longer and not meet the January date. Max Paap pointed out that the 2009 PSSM application is the same as 2008 with hours from 10 a.m. to 4 p.m. and he felt the hours of operation will be an issue. The HMBA is likely to suggest different times and he didn't believe that the collected data will specify time of day for sales. Because of the meeting schedule, the Mayor suggested continuing discussion to a future date. He expressed confusion over what the study would tell us. Tom Bakaly explained that it would be a tool to help mediate conflicts and identify trends and in the meantime, the HMBA and PSSM could meet to discuss these areas of mutual concern and come up with solutions.

Fee Estimate PSSM June-Sept. 2008	HIDE	HIDE	HIDE	Special Events Department PO Box 1480 Park City, UT 84060			
SERVICE DESCRIPTION	COST	# OF ITEMS OR HOURS	# OF DAYS	FEES	Fees waived per Festival Fee Waiver Ordinance*	City Manager Waived Fees**	COST
Special Events and Facilities Department							
Application Fee - Reoccuring Event	50.00	1.00	1.00	50.00			
Streets Department							
Electronic Sign Rental	120.00	2.00	15.00	3,600.00	3,600.00		
Police Department							
Base Officer Time	35.00	16.00	15.00	8,400.00			
Parking Department							
Application Fee	20.00	1.00	1.00	20.00		10.00	
Main Street Parking Space	12.00	38.00	15.00	6,840.00		3,420.00	
Parks Department							
Street Banner Installation	360.00	3.00	1.00	1,080.00			
Building Department							
Building Inspection	65.00	4.00	15.00	3,900.00			
Miscellaneous							
Payments Received							
TOTALS			**Totals**	23,890.00			23,890.00
WAIVED AMOUNT				7,030.00	***3,600.00***	**3,430.00**	**-7,030.00**
				TOTAL DUE			16,860.00

* Enhanced Business License Fee automatically waives fees for : Main St. cleaning; Electronic sign rental; Traffic control signs; Police time (directing traffic only); and bus service.

** Per Section 4-8-9 of the Municipal Code, the City Manager can administratively waive fees for: application costs; facility rental; field rentals; bleachers; and parking. The Manager has agreed to waive the fees indicated above.

*** Fee waiver determinations made by the City Manager may be appealed to the City Council. Per Section 4-8-9(C) of the Code, unless otherwise approved in a City services agreement by the Council, other requests for fee waivers are not eligible.