

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 18, 2010**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 18, 2010.

Closed Session

2:00 p.m. Property and litigation

Work Session

3:30 p.m.	Council questions/comments	
3:40 p.m.	3 rd Quarter goals	P. 5 - 18
4:10 p.m.	Street dining decks debrief	P. 19 - 46
4:30 p.m.	Sundance supplemental plan	P. 70 - 86
4:50 p.m.	Taxi licensing ordinance	P. 91 - 153
5:15 p.m.	Public Art Advisory interviews	

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 MEETING OF NOVEMBER 4, 2010
P. 47 - 58

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

1. Consideration of a sewer easement agreement with Snyderville Basin Water Reclamation District across Park City property to provide sewer service to 74 Prospect Avenue
P. 59 - 65
2. Consideration of a Professional Service Agreement, in a form approved by the City Attorney, with URS Corporation for engineering services related to the management, handling, storage and disposal of mine waste and soils contaminated with mine waste in an amount not to exceed \$50,000
P. 66 - 69

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

1. Consideration of the Sundance Film Festival Supplemental Plan for 2011, in a form approved by the City Attorney
P. 70 - 86
 - (a) Public hearing
 - (b) Action

2. Consideration of sponsorship of a Community Development Block Grant Small Cities Program application for funding of a Business Resource Center on behalf of Salt Lake Community College P. 87 - 90

- (a) Public hearing
- (b) Direction

3. Consideration of an Ordinance amending Title 4, Chapter 15 of the Municipal Code of Park City, Utah to include a vehicle age limit requirement, a background check requirement, and a drug free workplace policy requirement in for-hire licensing P. 91 - 153

- (a) Public hearing
- (b) Action

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

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

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 25, 2010**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will **not** hold its regularly scheduled meeting on Thursday, November 25, 2010.

Posted: 11/15/10
See www.parkcity.org

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

November 2010

18 **Liza gone**
25 **Thanksgiving**

December 2010

2 Outlook training – work (30 min)
Main Street deliveries and anti-idling law
Local and State Legislative Items - Environmental
BFO prioritization exercise
Amendment to facility leases – Library and Education Center
Final resolution – RDA refinancing – NR
RDA agreement with City
9 **Alex and Joe gone**
Market analysis and carrying capacity study metrics - JW
Acceptance of audit
Contract state lobbyist
10 *Holiday luncheon – Park City Ice Arena*
16 Debrief of Bonanza Road construction – *things learned*
2011 Insurance Placement – CL
BFO prioritization exercise
23 **Holiday**
30 **Holiday**

January 2011

6 BFO prioritization exercise
Montage record of survey plat amendment – KW
Tower Club record of survey plat amendment – KW
LMC amendments - KW
13
20
27

February 2011

3-4 *Visioning Session*
3 **No meeting**
10
17
24

Pending Items:

Preservation process
Board and commission training
Review of two year special event policy
U S Postal Service gang boxes in Old Town - MC

MEMO



Executive Department

To: City Council
From: Tom Bakaly, City Manager
Subject: City Council Goals Update
3rd Quarter (July-Sept. 2010)
Date: November 18, 2010

On November 18, 2010, we have scheduled time in work session for City Council to review Staff progress on City Council Goals for the 3rd Quarter (July through September) and confirm the form and substance of the update report.

Approximately eight years ago, Staff began providing Council with quarterly goals updates as a vehicle for reporting progress related to goals and targets for action that Council identifies at their annual Visioning sessions.

Staff created this report to provide a link between Council's policy direction (the "what") and Staff's progress implementing the specific tasks required to accomplish Council priorities for the year (the "how"). The Quarterly Goals Report is not a comprehensive list of all department programs and activities. Although not listed as Council Goals, Neighborhood and Business District Needs Assessment reports are included in order to keep Council informed about progress on those programs.

In creating the report, Staff assigned "target dates" for each of the actions. These dates are estimated working dates for each project and are not completion deadlines.. These target dates allow the Council to get a sense of resource prioritization of all the projects at the same time so that Council may provide revised direction to modify prioritization as needed. Accordingly, the "target" dates are not performance measurements; they are flexible and general program timeframes. Additionally, since many of the actions require coordination with outside agencies, the targets allow the City to gauge progress on projects often with timeframes controlled by third parties (state legislature, counties, districts, etc.).

Staff continues to use a system of one-word summaries: **complete** - project is complete; **in progress/in process** - on target for revised or initial date; **pending** - project may not meet time lines depending on action by entities outside the City. Completed items remain on the report through year-end. All updates are in **bold**. In addition, Staff recently added comments to explain revisions to target dates. Staff also tentatively adds new action items based upon consensus input from Council. Individual members, the Mayor or staff often request additional items or updates and those items are also in bold and need to be affirmed by a majority of Council.

Staff requests that Council reaffirm whether they want to continue with this method of reporting on Council's Goals. Clearly, one deficiency of the update is that it does not

provide a comparison for the prioritization of the projects in the context of core government services (day-to-day department functions). Staff currently utilizes Manager Reports, department updates, performance measures and specific council briefing to update Council on core functions. One suggestion may be to include a very brief (5 min) verbal report from each team as part of the quarterly work session review of the goals update.

Council should review the report format and provide Council's suggestions for improving the Quarterly Goals Report to provide relevant information about projects that Council has listed as priorities for the current year.

2010 Park City Council Goals & Targets for Action (July - September, 2010)

Top Priority

Goal 1 Preservation of Park City Character

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
1. Old Town Improvements - Jonathan Weidenhamer and Dave Gustafson				
Downtown Projects				
1. Pocket Park/Historical Wall Renovation	Aug-10	Jun-11	Pending	Project scope pending policy input - Historic Park City Alliance & Council
•Temporary Landscaping	Aug-10	Jun-11	Pending	Work out maintenance and costs with HOA
2. Town Plaza/Swede Alley	Oct-12		Pending	
3. Last Phase of Downtown Improvements (streetscape, sidewalks, pedestrian connections, etc.)	Ongoing		Ongoing	
2. Affordable Housing - Phyllis Robinson				
1. Snow Creek Affordable Housing				
•Lottery & Selection	Apr-10	Nov-10	Complete	12 of 13 units closed. Final unit under contract, scheduled to close late December.
•Occupancy	May-10		In Progress	
2. Affordable Housing Resolution Update	Jul-09	Apr-11	Pending	Draft revisions to resolution in progress. Deferred until new Census data is available and Housing Demand Study is updated.
3. Monitor Developer Obligations & Compliance	Oct-10		Complete	2010 Compliance complete
3. Trash and Recycling - Michael Kovacs/Diane Foster				
1. Work with County Solid Waste Team to represent the City's interest in discussion of future recycling & solid waste solutions	In Progress		In Progress	Foster participating in bi-weekly meetings with County Solid Waste Team (Jasper, Lewis, Blonquist, Koehler) & Recycle Utah's Exec Dir
2. Support HPCA Recycling Program Efforts (recycling contract completed)	Ongoing		In Progress	Poulson representing City n HPCA's Solid Waste & Recycling Task Force
3. Discussion on recycling facility relocation	Dec-12	Dec-12	Pending	Kovacs volunteered to bring this forward in conjunction with the Bonanza Park Redevelopment
4. Environmental Initiatives - Diane Foster				
1. Environmental Heroes Awards	Jul-10	Dec-10	In Progress	First award will be given in December.
2. Update to Environmental Strategic Plan	Aug-10		Bi-Annual	Completed Aug 2010
3. Install 19kw photovoltaic array on City Hall	Dec-10		In Progress	Expected completion in November 2010 (weather permitting)
4. Launch internal revolving loan fund and finance CO ₂ emissions reduction projects at the City	Dec-10		In Progress	Council approved fund on July 29, 2010
5. Develop and Implement community CO ₂ emission and water consumption reduction program in conjunction with partners - community outreach or rebate program for residential and Green Businesses program for commercial properties	Aug-09	Mar-11	In Progress	Website development required for Green Biz program, anticipate launch in spring/summer 2011.
6. WAVE Project/Electric Trolley in partnership with USU	Dec-11		In Progress	
5. Historic Preservation - Thomas Eddington				
1. Planning Department to work with HPB to clarify their role and Joint Meeting with Council	Jul-10	Feb-11	In Progress	At request of City Council, Planning held joint CC/HPB meeting. HPB and Planning working to implement recommendations. Follow-up meeting scheduled Feb 2011.
3. Create a plan for 1450/1460 Park Avenue	Aug-10	Feb-11	In Progress	Project scope and contract approved and begun in September.
2. Clean up miscellaneous Historic Preservation Issues	Aug-10	Mar-11	In Progress	In Progress and partly tied to Preservation Solutions contract.
4. LMC Amendments for Sustainability	Jun-10	Apr-11	In Progress	Planning is working through LMC amendments relative to architecture. Will try to partner with Sustainability in early 2011
5. Assessment of National Historic District - Main Street Designation	Aug-10	May-11	In Progress	Project scope/contract approved and begun in September.
6. Senior Issues - Rhoda Stauffer				
1. InterAgency Working Group & Strategies	Sep-10	Apr-11	In Progress	Initial target date was for group formation. Group is formed and meets monthly. Revised target date is for draft strategic plan on senior services.

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
7. Park City Heights Joint Venture - Phyllis Robinson				
1. Annexation - City Council Determination	Apr-10	Jul-10	Complete	
2. Status update with Council - prior to initiating MPD process	Sep-10		Complete	
3. Master Planned Development (MPD) for site	Jun-10	Mar-11	In Progress	Pre-MPD completed. June 2010 date was for initiating MPD process with Planning Commission. Revised date is anticipated approval date.
8. Lower Park Avenue Property Redevelopment - Jonathan Weidenhamer, Michael Kovacs				
1. Create implementation strategy for City Land and Master Plan for District near Senior Center	Apr-10		Complete	Master plan for city-owned property in RDA complete
2. Market Analysis and Carrying Capacity Study	May-10			
• Council Update		Dec-10	Pending	
• Completion	Mar-11		In Progress	
3. Identify potential components and tax increment	Feb-10	Dec-10	In Progress	Projects identified. Identifying tax increment.
4. Extend Revoltment Agency	Apr-10	Feb-11	Pending	Return to Council for direction
5. Implementation				
a. Elliott Workgroup workforce housing first phase	May-10	Apr-11	Pending	Return to Council for direction
b. City Property	Ongoing			Community Center, Housing, Transportation Goals
c. PCMR	Ongoing			
9. General Plan Update - Thomas Eddington				
1. General with Sustainability on the PC Heights Annexation	Apr-10		Complete	
2. Work with Sustainability on PC Heights MPD	Jun-10	Mar-11	In Progress	Pre-MPD completed. June 2010 date was for initiating MPD process with Planning Commission. Revised date is anticipated approval date.
3. Data collection, analysis, meetings with Planning Commission, recommendations and complete plan preparation	Dec-11		In Progress	
10. Bonanza Park Plan - Michael Kovacs, Jonathan Weidenhamer, Thomas Eddington				
1. Change General Plan section name to Bonanza Park	Feb-10	May-10	Complete	
2. Launch private/public meetings and concept discussions	Feb-10		Complete	
3. Promote/discuss advantages of new General Plan concept (Bonanza Park, form-based coding, etc.) with Council	Jun-10		Complete	
4. Identify transportation corridors as part of General Plan Transportation Element	Dec-10	May-11	In Progress	Transportation Plan and Bonanza Park Road ideas are rolling
5. Examine ability for new anchor tenant	Feb-10	Jul-11	In Progress	Exploring options.
6. Examine ability to do event venue, convention area, and permanent Sundance area	Sep-10	Dec-11	In Progress	Venues are possible depending on density desires and Sundance interest. Need details.
7. Concept planning and Bonanza park functional priorities - talk to power company	Dec-10	Dec-11	In Progress	City Task Force and property owner working with Rocky Mountain Power
8. Adoption of new General Plan section on Bonanza Park Redevelopment				
• Planning Commission	Sep-10	Dec-11	Pending	Section to be adopted with General Plan
• City Council	Dec-10	Jan-12	Pending	Section to be adopted with General Plan
11. Neighborhoods - Thomas Eddington				
1. Tie Lower Park Avenue / Bonanza Park Redevelopment concepts into General Plan	Jun-10	Dec-11	In Progress	
2. Planning Department to work with the Planning Commission to better define Old Town Neighborhoods	Oct-10	Dec-11	In Progress	

2010 Park City Council Goals & Targets for Action (July - September, 2010)

Top Priority

Goal 2 World Class, Multi-Seasonal/Resort Community

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Status
1. Economic Development - Jonathan Weidenhamer				
1. HP/CA Requests				
• Vision	May-10	Aug-10	Complete	Annual Update to Council Complete
• Prioritization		Jun-11	In Progress	Continue to work with HP/CA on implementation strategy
• Street Dining	Nov-10		Pending	Year end debrief
3. Implementation of 2010 Economic Development Plan	Dec-10		Ongoing	
4. Tents and Temporary Structures	Dec-08	Feb-11	In Progress	Part of event overhaul
5. City-wide market analysis & carrying capacity study		Mar-11	In Progress	
2. Public Art - Sharon Bauman				
1. Art in Public Places Implementation	Ongoing		Ongoing	
2. Ice Rink Artistic Banners	Apr-09		Complete	
3. Strategic Plan	Jun-10	Jun-10	Complete	
4. Marsac Building Exterior Art				
• Three finalists selected to prepare proposals	Sep-10		Complete	
• Selection of artist for Marsac Project	TBD		Pending	Council extended deadline for final selection.
• Installation 2011	Sep-11		Pending	
3. Community Amenities and Events: Evaluation, Future Direction - Jonathan Weidenhamer				
1. Event Overhaul Discussion		Dec-10	Pending	Scheduled for Work Session December 16, 2010.
• Event Fees, revenues and costs	Jun-09	Dec-10	In Progress	
• Criteria to Close Main Street	Jun-10	Dec-10	In Progress	
• Update Municipal Code	Jun-10	Dec-10	In Progress	
• Update of administrative processes (applications, etc.)	Jun-10	Dec-10	Complete	
2. Event Overhaul Implementation	Mar-11		Pending	
3. Regional Event Calendar Cooperation	Jun-11		Ongoing	

2010 Park City Council Goals & Targets for Action (July - September, 2010)

Top Priority

Goal 3 Effective Transportation System

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
1. Neighborhood Traffic Management - Kent Cashel See Attached Neighborhood Traffic Management Summary Report				
2. Regional Transportation - Kent Cashel				
1. Enhance Transit Marketing	Annual		Ongoing	
2. Implement employee vanpool incentive program	Annual		Ongoing	Program implemented. One van operational
3. Regional/Rural Transportation Issues - COG	Ongoing		Ongoing	
4. Iron Horse Expansion				
• Begin Construction	Nov-09 Dec-10	Mar-10 Dec-11	Complete In Progress	Construction began March 2010
• Construction Complete				
3. Transportation Strategic Plan - Kent Cashel				
1. Annual Progress Report to City Council	Annual		Annual	Next report due December 2010
2. Implement Transportation Plan Strategies	Ongoing		Ongoing	
3. Implement Task Force Recommendations	Ongoing		Ongoing	
4. Update Strategic Plan to include pedestrian-bicycle and transit modes - Pending General Plan Update	Sep-08	Jan-11	Pending	Pending General Plan Update
5. General Plan	May-10	Jan-11	In Progress	
4. Public Parking - Kent Cashel				
1. Conduct Main Street Circulation Study	May-09		Ongoing	2011 update awaiting input from HMBA
2. Taxi Drop-off/Pick-up	Oct-11		Pending	
5. Community Transportation Plan - Matt Cassel, Kent Cashel, Jonathan Weidenhamer, Thomas Eddington				
1. Entry Corridor	Ongoing		Ongoing	
2. Park and Ride	Jan-10		In Progress	Park and Ride occupied through 12/31/10
3. Citywide Transportation Plan and Modeling	Dec-10		In Progress	
4. Tie to General Plan	Dec-10		In Progress	
6. Highway 248 - Kent Cashel				
1. Complete Environmental Study for Richardson Flat Road Intersection	Apr-10	Jan-11	In Progress	
2. Complete Environmental Work for Corridor	Sep-10	Jan-11	In Progress	Working with UDOT to define scope & requirements.
3. Engineering design of Richardson Flat Road Intersection	Aug-10	Feb-11	In Progress	Engineering contract executed. Design work underway
4. Engineering Design of Strategic Plan Improvements	Feb-11			
5. Secure Funding for Strategic Plan Improvements	Mar-11			
6. Construct Improvements	Oct-11			
7. Traffic Study - Kent Cashel (tie with economic carrying capacity)				
1. Complete Highway 224 Strategic Plan	Oct-10	Jan-11	In Progress	Component of Transportation Master Plan Study
2. Complete Transportation Network Modeling	Oct-10	Jan-11	In Progress	Component of Transportation Master Plan Study

2010 Park City Council Goals & Targets for Action (July - September, 2010)

Top Priority

Goal 4 Quality and Quantity of Water

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
1. Pipeline Preferred Project Agreements - Kathy Lundborg				
Determine a preferred project with Weber Basin and Bureau of Reclamation				
1. Quinn's Treatment Plant - design	Dec-08		Complete	Pipelines complete.
2. Pipeline Construction - Incremental - All Sections in progress	Apr-09	Nov-10	In Progress	Quinn's Segment - final payment application being prepared. Lower Silver Creek Segment - final punch list items (seeding touchups, wiring, Promontory segment - complete Scheduled completion in 2011
3. Quinn's Treatment Plant - Begin Construction	Sep-09	Oct-11	In Progress	
2. Judge Water Treatment Plants - Kathy Lundborg				
1. Judge delivery system to Quinn's Water Treatment Plant construction	Apr-06	Mar-11	Pending	See EA comments below.
2. Determine Scope and Timing for Plant Design and Construction (Evaluating alternatives due to antimony level increases)	Aug-04	Aug-11	Pending	Draft EA w/EPA since 2010. They have reviewed but stated they will not issue a FONSI until UPDES requirements are determined for Judge Tunnel. Final design cannot begin until after FONSI. Original plan was to bid in 2011 and start construction of pipeline in 2011. Schedule depends on EPA's issuance of FONSI. STAG grant extended to Dec 2012.
3. NPDES Permit	Sep-05	Aug-11	Pending	Staff recommended a schedule to UDEQ with a draft UPDES application submission of Dec 2011. UDEQ requested date be moved to August 2011. The schedule is not yet final
3. Other Water Solutions - Supply Options/Conservation - Kathy Lundborg				
1. Summit County, Snyderville Basin Water Reclamation District Cooperation Discussions/Stream Flow Enhancements	Annual		Ongoing	
2. JSSD Water Discussions	Annual		Ongoing	
3. Supply/Demand Update to City Council		Jul-11	Pending	Awaiting on-going discussions with Summit County, SWDC and SBWRD
4. Water Funding Strategy - Kathy Lundborg				
1. Pursue future appropriations and authorizations	Annual		Ongoing	

2010 Park City Council Goals & Targets for Action (July - September, 2010)

High Priority

Goal 5 Recreation, Open Space and Trails

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Comments
1. Ongoing Open Space Acquisition - Diane Foster, Matt Twombly				
1. Flagstaff - Distribution of open space contribution	Ongoing		Ongoing	
2. Osguthorpe Conservation Easement Acquisition	Feb-10	Feb-10	Complete	
3. Red Maple/Air Force	Oct-04	Dec-10	In progress	
4. Other Properties	Ongoing		Ongoing	
2. Open Space Management - Diane Foster, Matt Twombly				
1. Additional easement monitoring on new acquisitions	Ongoing		In Progress	
2. Install legacy signage on all open space acquisitions	Jun-09	Oct-10	Complete	
3. Kimball and new Round Valley Conservation Easement	Feb-10	Jul-11	In Progress	
4. Gambel Oak & White Acre Conservation Easement	Jul-10	Jul-11	Pending	
3. Trails - Matt Twombly/Heinrich Deters				
1. Trailhead Parking Phase III - as sites are available	Ongoing		Ongoing	
2. Coordinate new connections by development/TMP CIP	Ongoing		Ongoing	
3. Flagstaff Trails reconstruction	Ongoing		Ongoing	
4. Implement back-country trails maintenance plan and budget	Ongoing		Ongoing	
5. Quinn's to Silver Summit through IHC/PRI	Aug-10	Oct-10	Complete	
6. Trails Webpage	Feb-10		Ongoing	
7. Citywide Pedestrian/Street Lighting guidelines consistent with General Plan, Trails Master Plan and WALC	Jan-09	Apr-11	Pending	Coordinating with Transportation Mater Plan Update
8. Bike Route Plan	Jul-10	Apr-11	In Progress	Coordinating with Transportation Mater Plan Update
9. Armstrong OS trail connection	Jul-10	Jul-11	In Progress	Under Construction
10. April Mountain Trails & Recreation Plan	Jul-10	Nov-11	In Progress	Access road has been improved
11. Evaluate and Improve backcountry trail signage	Aug-10		Ongoing	
4. Neighborhood Parks - Ken Fisher/Matt Twombly				
1. Dog Park				
• Receive \$10,000 Donation from Dog Park Fundraiser	Jan-10		Complete	
• Install Shade Structure at Dog Park	May-10		Complete	
2. Creekside Park on Holiday Ranch Loop				
• Park construction	Jun-09	Sep-10	Complete	
3. Off-leash Dog Park Option at Library Field (RAB)	May-10	Oct-10	Complete	
4. Begin Master Plan for north and south ends of City Park	May-09	Nov-10	Complete	Developing conceptual master plan with IBI
5. Recommendation on amended Summit County Leash Law Ordinance	Jul-10	Nov-10	In Progress	

Target for Action / Actions / Staff Coordinator		Initial Target Date	Revised Target Date	Status	Comments
5. Ice Rink - Jason Glidden & Jon Pistey					
1. Install new scoreboards on sports fields		Aug-08	May-10	Complete	
2. Work with PAAB to install artistic banners		Dec-08	Jul-10	Complete	
3. Install event lighting inside ice arena		Aug-10		Complete	
4. Repaint locker rooms and party rooms		Oct-10	Nov-10	In Progress	
5. Dismantle and move Trailside rink to the dirt lot for storage		Dec-10		Complete	
6. Install sump pump into elevator shaft		Jan-11		In Progress	Construction scheduled to begin November 10
7. High Altitude Training/Master Planning City property at Quinn's					
●Goal Setting with USSA and UOP		Jan-10	Jul-11	Pending	
●Develop Model		Mar-10	Dec-11	Pending	
6. Recreation and Racquet Club: Next Steps - Ken Fisher					
1. Racquet Club Renovation					
●Development of Construction Documents		Feb-10	Apr-10	Complete	
●Bid for construction		Apr-10	May-10	Complete	
●Relocation of Recreation to Ironhorse		Jul-10		Complete	
●Construction - Completion		Oct-11		In Progress	On schedule: complete F&F 11/10; begin steel, masonry 11/10.
7. Outdoor Recreation Complex - Matt Twombly					
1. Phase II Improvements		FY'10	FY'13	Pending	
8. Walkability Implementation Phase I - Matt Twombly, Heinrich Deters					
1. SR-248 Tunnel		Oct-09	Nov-10	Complete	
●School Campus ped/Connectivity Improvements Construction (SR248) Construction		Aug-11		Pending	1) WALC plan calls for exterior connections; 2) tunnel implementation plan includes inter-campus connectivity
2. Holiday Ranch Loop Path - Construction		Aug-10	Nov-10	Complete	
3. Bonanza Tunnel					
●Tunnel Infrastructure		Oct-10	Dec-10	In Progress	Under Construction
●Tunnel Streetscape & Final Landscaping		Oct-10	Jul-11	In Progress	To be completed in Spring
5. Traffic Calming Improvements					
●Monitor Drive - Island		Oct-10	Oct-11	In Progress	
●Wyatt Earp - Entry Feature / Island		Oct-11		In Progress	
●Sidewinder @ Gold Dust - Entry Feature / Island		Oct-11		In Progress	
6. Comstock Sidewalk		Oct-09	Oct-11	In Progress	Survey Complete
7. Sidewinder Drive Sidewalk		Oct-11		In Progress	Survey Complete

2010 Park City Council Goals & Targets for Action (July - September, 2010)

High Priority

Goal 6 Regional Collaboration and Partnerships

Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status
1. Transportation - Kent Cashel			
2. Flagstaff-Wasatch County - Tom Bakaly 1. Work with Wasatch County re SR-224 and public versus private access	Ongoing		Ongoing
3. Recreation - Ken Fisher See Goal 5			
4. Health - Pace Erickson 1. Noxious weed coordination and enforcement on private property	Ongoing		Ongoing
5. Water - Kathy Lundborg See Goal 1	Ongoing		Ongoing
6. Solid Waste - Pace Erickson 1. Implementation of Solid Waste Alternatives	Ongoing		Pending
7. Mosquito Abatement - Pace Erickson 1. Continued coordination with Summit County	Ongoing		Ongoing
8. Library - Linda Tillson 1. Library Reciprocal Borrowing for Summit County Students	Ongoing		Ongoing
9. Inter-Agency Task Force 1. Continued Participation	Ongoing		Ongoing
10. Open Space Acquisition See Goal 5	Ongoing		Ongoing
11. SOG Community Carbon & Water Action Plan - Diane Foster 1. Engage community, in partnership with Summit County and other groups (non-profit, HMBA, Chamber, School District) in reducing water consumption and carbon emissions	Ongoing		Ongoing
12. Rocky Mountain Power Transmission Line and Substation Siting Task Force - Thomas Eddington, Matt Cassell and Diane Foster 1. Provide direction to RMP with regard to the location of future transmission lines & substations (Task Force & RMP meetings)	Sep-10		Completed
13. Public Safety - Special Events 1. Information Sharing 2. Special Event Staffing to Reduce Overtime Costs 3. Police/Sheriff's Spillman records Management Data Merge	Ongoing Ongoing Apr-11		Ongoing Ongoing Ongoing
14. Council of Governments - Kent Cashel 1. Continued Participation	Ongoing		Ongoing
15. Utah League of Cities and Towns - Michael Kovacs 1. Continued Participation	Ongoing		Ongoing

2010 Park City Council Goals & Targets for Action (July - September, 2010)					
Other Priorities					
Goal 7 Open and Responsive Government to the Community					
Target for Action / Actions / Staff Coordinator	Initial Target Date	Revised Target Date	Status	Status	
1. Community Vision - Phyllis Robinson					
1. Update Material for Vision Presentations annually following Council Visioning sessions	Annual		Annual		
2. Community Visioning Plan					
• Project Deliverables					
• Evaluative Framework Development and Implementation	Jul-10	Jul-11	In Progress		Framework complete. Included in Treasure Hill discussions and Budgeting for Objectives process. Additional strategies under development.
3. Utilize Vision Plan and four levers for inclusion in General Plan (with Michael Kovacs and Thomas Eddington)	Jul-10	Dec-11	Pending		
2. Budget Review & Benchmark - Bret Howser					
1. Budgeting for Outcomes	Jan-11	Feb-11	Pending		Council Visioning delayed until February, which is target finale for BFO.
2. ICMA Resort Consortium	Fall 2011		Pending		Have buy-in from several resort communities through CAST. Working with ICMA to develop a strategy/workplan.
3. Customer Service: Evaluation and Action Plan - Craig Sanchez, Phyllis Robinson					
1. Accountability/responsibility training for Staff	Quarterly		Ongoing		
2. Employee Survey & Training - communication of results	Annual		Annual		
3. Customer Service Survey (P Robinson)	Oct-09	Aug-10	Complete		
4. Citizen Satisfaction Surveys (P Robinson)		May-11	Pending		Scheduled for Spring 2011
5. City "Fam" Tours	Semi-Ann		Ongoing		Scheduled for December 2010.
4. Public Safety - Wade Carpenter					
1. Incident Command Training for Public Safety		Apr-10	Complete		
2. Senior Elected Officials Emergency Training (new members)	Feb-10	May-10	Complete		
3. Community Oriented program - Citizens Academy	Dec-07	Complete	Ongoing		Class Two graduated July 14, 2010. Class Three scheduled for Spring 2011.
4. Lexipol Service Evaluation (Comprehensive Police Policy Manual Program based on model policies developed by a national board)	Dec-08	Dec-10	Ongoing		Pending Admin and Legal review. Living document. Updated every six months
5. Emergency Response Plan Update					
• Input		Dec-10	Complete		Manager's Intern assisting with input
• NIMS Training for new employees	Aug-07	Dec-10	Ongoing		Scheduling test sessions in Nov 2010
6. Create problem-solving committees, physical fitness criteria, and take-home vehicle committees	Jul-10	Jan-11	Pending		Data submitted to Budget for response
5. Communications - Phyllis Robinson, Scott Robertson, Myles Rademan					
1. Leadership 101	Annual		Ongoing		
2. Media Seminars	Annual		Ongoing		
3. Sustainability Promotion	Ongoing		Ongoing		
4. Park City University - (rebrand)	Ongoing		Ongoing		
5. Annual Communications Plan & Implementation	Annual		Ongoing		Communications survey complete. Newsletter re-branded. Ongoing public outreach on capital projects.
6. Community Emergency Preparedness	Ongoing		Ongoing		Reverse 911 Campaign launched in October.

2010 Park City Council Goals & Targets for Action (July - September, 2010)					
Neighborhood Traffic Management Summary Report Attachment "A" to Quarterly Status Report					
Location	Date Recd/ Phase 1 Mtg	Citizen Concerns	Phase 1 Follow-up	Status	Target Completion
Norfolk Avenue	Apr-09	• Traffic Calming Requests	• Order and Install Signs • Traffic Counts • Crosswalk Study • Post Reconstruction Parking Study • Review recommended Plan with Neighborhood and Plan with Council	Complete Complete Complete Complete Complete	Complete Complete Complete Complete Complete
Crescent Tram	Jan-10	• Traffic Calming Request	• Committee Response to Initial Phase 1 Request • Engineering Report • Safety Study • Neighborhood Moved Request to Phase II • Schedule Phase II Neighborhood Meeting • Evaluate and study neighborhood requests	Complete Complete Complete Complete Complete In Process	Complete Complete Complete Complete Complete Mar-11
Marsac Avenue	Mar-10	• Traffic Calming Request	• Traffic Counts • Committee Response to Request • Traffic Engineering Analysis	Ongoing Complete Complete	Ongoing Complete Complete

PROJECTS COMPLETED IN 2010					
Daly Avenue - COMPLETE	Mar-10	Traffic Calming request	• Traffic Counts • Committee Response to Request	Complete Complete	May-10 May-10
McHenry/Rossi Hill - COMPLETE	Sep-08 Oct-08	• Sight lines at intersection	• Field Study and Data Gathering • Committee Meeting • Implement Action Plan	Complete Complete Complete Pending	Oct-08 Oct-08 Nov-08 Complete
Rail Trail Cross Walk @ Wyatt Earp - COMPLETE	Jul-09	Traffic Calming Requests	• Traffic Counts • Crosswalk Study • Order and Install Signs • Stripe Crosswalk	Complete Complete Complete Complete	Sep-09 Sep-09 Spring-10 Spring-10
Iron Mountain Drive - COMPLETE	Jan-10	Parking restriction request	• Staff visit • Order and Install Signs	Complete Complete	Jan-10 Apr-10

2010 Park City Council Goals & Targets for Action (July - September, 2010)

Neighborhood & Business District Needs Assessment

Request for Elevated Levels of Service Request (RELS) Attachment "B" to Quarterly Report

Status Report

Staff met with neighborhood and prioritized requests - Project 1 sidewalk on Deer Vally Drive completed. Bus stop installed. School bus stop pending completion by private developer.

Target for Action / Actions / Staff Coordinator

Budget

**Target
Date**

Status

1. Pedestrian Lighting - Matt Cassel

1. Install street and pedestrian lights from Stonebridge condos to roundabout.

Summer 2012 Cost identified

State Road Funds Grant

2010 Park City Council Goals & Targets for Action (July - September, 2010)				
Neighborhood & Business District Needs Assessment Request for Elevated Levels of Service Request (RELS) Attachment "B" to Quarterly Report				
<u>Status Report</u> Staff met with HPCA. Step 6 of RELS				
Target for Action / Actions / Staff Coordinator	Target Date	Status	Budget	
1. Main Street Improvements				
1. Conduct feasibility study regarding installation of lighting system on Main Street Buildings - pending discussion with HPCA	Pending	Pending	\$5,000	

City Council Staff Report



Subject: Street Dining on Main Street
Author: Thomas Eddington, AICP, Planning Director
Francisco Astorga, Planner
Jonathan Weidenhamer, Economic Development Manager
Date: November 18, 2010
Type of Item: Informational/Update

Summary Recommendations:

Review the Street Dining on Main Street program. Consider affirming support to continue the program with the modifications as outlined in the staff report, specifically:

1. Minor updates to the operational & lease agreements.
2. A framework to temporarily remove the majority of decks during Arts Festival.
3. Parking fees of \$270/space for the entire season (reduced from \$2,700).

Topic/Description:

In the spring of 2010, the City Council began reviewing requests to lease City property/right-of-way for temporary street dining decks on Main Street. Since then, the City Council approved a total of four (4) dining decks, of which, three (3) were actually installed in the Summer 2010. The leases are for a one year period that automatically renews contingent upon annual revisions/review at the end of each season. After a year of general success, staff would like to review the lease agreements and operational restrictions in anticipation of more requests in the forthcoming years to ensure the program is being managed consistent with Council's goals and to further balance competing interests.

Finding a balance between increased activity and minimizing impacts on adjacent residential neighborhoods is not a new dilemma. Park City's Historic residential neighborhoods adjacent to Main Street are a vital part of the community and one reason for their success is livability. Other LMC exceptions for outdoor activity include Outdoor Dining, Outdoor Grills and Beverage Service Stations, and Outdoor Music. Street Dining strategy needs to be balanced with existing prohibitions on street vending and health, safety and welfare concerns regarding pedestrians, parking, traffic and additional commercial activity within traditional public spaces.

Council has also:

- 2004 – Created a Sidewalk Dining Program
- 2005 – Created an Outdoor Merchandising Program
- 2006 – Modified Codes to allow use of outdoor patios until midnight

The City's Economic Development Strategic Plan's top priority project is to assist in redevelopment of resort and commercial areas. Street dining decks are part of a broader strategy for a more vital and active business district that was first articulated by City Council during Silly Market negotiations. As we discuss this topic and in anticipation of a discussion in December about delivery vehicle noise and hours, we encourage City Council to consider the broader framework and levers as specific policy and direction are given.

Background:

Section 15-2.6-125 of the Land Management Code (LMC) allows outdoor dining on "leased public property" as an Administrative Conditional Use Permit (CUP) subject to the specified standards in the LMC. Additionally, the City Council reviews public property lease requests, and is the final authority on lease terms, which may include additional restrictions or requirements.

The seasonal lease of the use of a portion of Main Street granted by the City regulates the time, place and duration of the use, provides for consistency in look and materials on the street, ensures the aesthetic value of the Historic District by preventing visual clutter, prevents conflicts with Special Events/Master Festival Licenses, mitigates for conflicting uses in the public right-of-way, ensures pedestrian flow on sidewalks, and provides an ongoing monitoring mechanism and revocation provision for failure to comply with regulations.

A copy of the lease agreement and operational restrictions that was used as a template for the four (4) approved restaurant decks in 2010 is provided (Exhibit A). In addition to the requirements set forth in the lease agreement/operational restrictions, Planning staff has to find compliance with the following criteria for any outdoor dining permit in the Historic Commercial Business (HCB) District as part of an Administrative CUP:

- The proposed seating Area is located on private Property or leased public
- Property and does not diminish parking or landscaping.
- The proposed seating Area does not impede pedestrian circulation.
- The proposed seating Area does not impede emergency Access or circulation.
- The proposed furniture is Compatible with the Streetscape.
- No music or noise is in excess of the City Noise Ordinance, Title 6.
- No Use after 10:00 p.m.
- Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

In 2010 the Park City Council approved four (4) restaurant sites for street dining decks. The lease term was for three (3) years with automatic renewal conditioned on annual review and input from Council. The sites that received an approval in 2010 were the following restaurants:

- 306 Main Street Ciseros's Ristorante
- 412 Main Street Bistro 412

- 501 Main Street Zona Rosa
- 322 Main Street Red Banjo

Of the four (4) sites, only three (3) decided to build their approved street dining deck. The existing lease agreements with these four (4) sites will expire on October 2012. Staff received e-mail correspondence from representatives of two (2) restaurants that participated in the outdoor dining program this year (Exhibit B). Their comments range from the success of the *additional seats; the giant “open sign” and meeting place that the decks portray; recommendation of first copying a successful model and then improving on its success; inclusion of the retail community with specific events; addition of more decks in the future; and improved incorporation with other events, such as the Art Festival and Park Silly Market.*

The HPCA held their own debrief meeting on Street Dining on November 2, 2010. About 20 members attended, along with Planning and Economic Development staff and City Council Liaison Alex Butwinski. Representatives from each restaurant that used street dining decks attended. Input from each deck holder was strongly supportive of the program and represented financial success. The HPCA’s detailed, formal position is attached as Exhibit C. In general, the HPCA:

- Likes and supports expansion of the Deck program
- Would like to see a maximum of twelve (12) decks
- Believe restaurants should be assessed a user fee for use of public parking spaces. The fee should go back into the District.
- Seek further discussion about standardizing the decks into a scaffold like system, which could be customized, but still provide flexibility and efficiency for removal.

Analysis:

Staff identified a total of thirty-one (31) restaurants that meet minimum requirements to request a Street Dining Deck lease agreement. A restaurant is an allowed use within the HCB District and therefore the potential exists of more restaurants on Main Street in the future. Staff has prepared Exhibit D – Main Street Dining Map Analysis that illustrates a current snapshot of the restaurants on Main Street that have sufficient exposure to the street and, therefore, the potential to locate an outdoor dining deck.

Events:

There are approximately twelve events that include Main Street from May 1 – October 30th. While a number of them would be easier to implement logistically if there were no decks on the street (e.g. July 4 Parade, Tour of Utah, Savior the Summit, Miners Day), event planners & staff can typically work around the structures. The Halloween event is the fencepost that triggers the end of the season and besides weather triggers the closing of the street and sidewalk dining season.

Event	Date	Long Term City-cvcs contract	reoccurring event w/ Admin OK	New Event 2010	Street Dining Conflict (y/n)
PSSM	June 13- Sept 26, 2010 (Sundays) & July 3	yes			no
Triple Crown	July 12-31, 2010	yes			no
Kimball Arts Fest	August 6-8, 2010	yes			yes
Savor the Summit	June 19, 2010		yes		yes
4th of July	July 4, 2010		yes		yes
Classic Car Show	July 31, 2010		yes		no
Intermountain Mustang Show	August 14, 2010		yes		no
Tour of Utah	August 21, 2010			yes	no
Miner's Day	September 6, 2010		yes		yes
Viper Show	October 1 & 2, 2010			yes	no
Porsche on Main	October 9, 2010			yes	no
Halloween	October 31, 2010		yes		no

* All events dates are subject to change from year-to-year with the exception of the 4th of July.

Kimball Arts Festival

The Arts Festival is totally different in nature from other events due to the long-term contract between them and the City. The contract defines the entire Street as a Use Area, which Kimball has full rights to. Therefore any street dining deck would need Kimball's permission to be erected during the Arts Festival. The current contract with Kimball runs through the 2011 Festival and automatically renews for an additional five (5) year term unless either party provides written intent not to renew.

Staff met with the Kimball Art Center Staff in anticipation of this presentation. The operations and logistical layout of the Festival has been fine tuned through years of refinements and practice. At present, they have approximately 260 booths that line the center of Main Street, providing open space for pedestrians (and emergency vehicles) along either side of the booths near the curb. This current layout allows for maximum exposure to the existing businesses on Main Street during the festival, rather than having the booths lined up against the sidewalk and potentially blocking access/visibility to the commercial establishments. Kimball supports the decks and the vitality they bring to Main Street and the Art Festival, but are concerned about impacts to their operations. Kimball has a detailed position included as Exhibit E. Their submittal also includes a general overview of the 2010 Festival.

In Summer 2010 Kimball was able to incorporate each of the 3 street dining decks into their operational plan. Each paid the going food vendor fee to Kimball and was officially included in the Festival. While the 412 Bistro and Zona Rosa decks were assimilated into Kimball's program fairly easily, the deck as Cisero's resulted in layout and logistical impacts (see below). While Kimball has iterated a willingness to work with individual businesses where possible, the decks do pose a significant threat on the Festival's overall program, layout and efficiency. Decks between 4th and 5th street may be able to be blended into the Kimball program, but decks along the rest of the street pose significant concerns, for example:

- Street frontage & impact on tent locations - Each deck requires a 15' turning radius on either end for fire access. So for a 50' deck, approximately 80' of linear street would be precluded from having booths in the middle of the street (all parties agree that pushing the tents back to the curb is non-negotiable).

- Extending Footprint - Detailed research by Kimball reveals that simply extending the Festival footprint either north or south has heavy detrimental impacts, in that the booths at either end of the event have greatly reduced foot traffic. In the case of Cisero's deck, about a 100' gap between booths resulted and the vendors that were pushed south were very unhappy with their tent location.
- Adding street decks within Current Layout – With parties committed to not moving the booths back to the curb, installing a 25' foot deck anywhere except 4th – 5th streets would effectively remove a bank of 20 booths. This would be devastating to the layout of the Festival.

Kimball is continuing to work with HPCA to minimize impacts of the festival and specifically they continue to refine the Friday night “locals’ night” program for the 2011 Festival. The current lease language that no street dining decks can be erected without written permission from Kimball must stay in place. Both in support of the Festival’s operation and in order to abide by the contract the City has entered into with the Festival. Staff recommends temporary removal of all decks during the Festival that can’t be incorporated into Kimball’s operational plan.

Interim Deck Removal

Cisero’s reports it took them about two (2) days to each remove and reinstall decks. The current lease template requires decks to be removed during Arts Festival unless they have express permission from Kimball to remain. We estimate the cost to be approximately \$1,500 to remove and re-install the decks. A small portion of the surface parking lots on Swede Alley could be used to store the decks during Arts Festival. This can be included into the Arts Festival MFL where the majority of Swede Alley surface parking is already included. Removal and installation of wooden decks has wear and tear impacts, that eventually will require portions of them to be rebuilt.

Paying to Remove Decks

This discussion along with parking costs gets back to the broader question of supporting programs to meet our vitality goals while solving practical impacts and mitigating for unintended results. Based on the tenet that decks will have to be removed during the Festival, We’ve discussed a series of payment options and cost-sharing scenarios with the HPCA, including:

1. Splitting cost with HPCA using fees generated from increased parking;
2. Use parking space fee for deck owners (\$270/space as recommended below), along with City subsidizing the rest of the cost;
3. Allow full cost to be borne by deck holder.

While, the potential of adding additional costs, wear and tear of removal, and precluding ability to generate revenue during Arts Festival will likely be dissuasive to some merchants to pursue street dining, the HPCA and staff recommend Option 3 above, in that we are recommending a significant reduction in the fees charged for parking spaces (next section).

Parking Fees

The City fee resolution currently charges \$15/day per parking space removed from the Main Street inventory for construction or other purposes. This past season, the pilot street deck program did not charge this fee to the business owners. Given the 180 days that the decks are permitted to remain on Main Street, the fee for a deck that takes away one (1) on-street parking space would be \$2,700 for the season (most decks are a little more than 1 parking space, larger ones like Ciseros are a little more than 2 spaces).

Allowing use of public property for individual business is a use that only restaurants can enjoy per the existing program. The use of the public parking to support the program further reduces supply available to all businesses. However, a fee of this magnitude would likely be cost prohibitive for restaurants and could put an end to the entire outdoor dining deck program. Staff has the ability to waive up to 50% of parking fees administratively, however, Given Council's direction to improve the vibrancy on Main Street, staff recommends a set "parking" fee in the amount of \$270 per space (90% fee reduction) to offset costs to move the decks would be more appropriate. This fee should go into the parking revenue account.

Number of Street Dining Decks (total by block)

Based on staff's review, there are thirty one (31) restaurants on Main Street (street frontage) that qualify to apply for a street dining deck (Exhibit D). Ten (10) of these are located between 4th and 5th Streets. This concentration of restaurants illustrates the challenges of working these decks into the Arts Festival – given the emergency access requirements, a majority of these decks would need to be removed during the Festival to avoid a huge gap in the booths.

Staff currently does not recommend limiting the number by block. Requirements in the operational restrictions give Park City the ability to reject applications if they create health or safety concerns.

Business licensing

In 2010, businesses were not charged additional fees for the deck space. An assumption was made that licensees reduced use of comparable interior space in return for expanded outdoor space. The fee for an outdoor dining deck for the six (6) month lease term would be \$.08/sf. For instance, Cicero's deck was approximately 450 square feet and would incur an additional \$36 in fees. Staff recommends application of all licensing related fees moving forward.

Operational Requirements

Staff also recommends the lease and operational requirements are updated to require the following:

- For the 2011 season, a submittal deadline for all applications on March 1st, 2011 so that staff can better understand the number of decks proposed and their locations relative to each other AND to allow staff to work with Kimball Arts

Center to understand where the “no deck zones” (NDZs) exist – those areas that must be available for booths.

- Lunch and dinner service – the decks should be used during the entire day (the appearance of tables and chairs open to the public rather than an empty deck is important to the desired vibrancy on Main Street).
- Additional Business License Fees
- Reduced Parking Related Fees as noted in this report.
- Design Standards – Staff will continue to work with HPCA to refine design standards to meet both City and HPCA needs.

Procedure:

The Planning Department has developed two (2) informational documents to assist the public regarding Street Dining on Main. These documents include the On-Street Dining Guide and the On-Street Dining Process (Exhibit F). The Planning Department began utilizing these documents to assist the interested parties in better understanding the regulations, the process, and the goals of the program.

Recommendation:

Review the Street Dining on Main Street program. Consider affirming support to continue the program with the modifications as outlined in the staff report, specifically:

1. Minor tweaks to the operational & lease agreements.
2. A framework to temporarily remove the majority of decks during Arts Festival.
3. Parking fees of \$270/space for the entire season (offset from \$2,700).

Exhibits:

Exhibit A – Lease & operational Restrictions

Exhibit B – Email correspondence from approved sites

Exhibit C – Statement from HPCA

Exhibit D – Main Street Dining Map Analysis

Exhibit E – Kimball Submittals

E1 – Position on Decks

E2 – Overview of 2010 Festival

Exhibit F – On-Street Dining Guide and Process

Exhibit A: Lease Agreement

STREET DINING ON MAIN OUTDOOR DINING LEASE

This LEASE AGREEMENT is made and executed this ____ day of _____, 20____, by and between Park City Municipal Corporation, a municipal corporation and political subdivision of the state of Utah ("Park City") and _____, located at _____, Park City, Utah ("Tenant").

RECITALS

WHEREAS, the City wishes to enable opportunities for restaurants on Main Street to be able to provide additional outdoor dining opportunities; and

WHEREAS, the City's goals include the establishment of new and creative opportunities to facilitate the Main Street experience for residents and visitors alike during the shoulder and summer seasons; and

WHEREAS, the City's goals include the preservation and enhancement of Park City's character regarding Old Town and the desire to strengthen the pedestrian experience along Main Street; and

WHEREAS, the City recognizes the desire of many visitors and residents to dine outdoors along historic Main Street; and

WHEREAS, the City's General Plan recommends utilizing street design techniques to encourage slower traffic speeds and a more intimate pedestrian-oriented scale; and

WHEREAS, the City's goals include maintaining and furthering the resort community's economic opportunities, as well as enhancing the economic viability of Park City's Main Street Business District;

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

TERMS & CONDITIONS OF LEASE

Based upon good and valuable mutual consideration, the Parties agree as follows:

PROPERTY. The property affected by this lease is generally described as the street area directly fronting Tenant's building located at _____ Main Street, and more specifically described in site plan Exhibit A, attached hereto and incorporated herein by this reference (hereinafter referred to as the "Premises"). The length of the outdoor dining deck per restaurant may not exceed fifty (50) feet.

RENT. Annual rent is hereby waived in exchange for other indirect and intangible benefits provided to the City. Tenant shall be solely responsible for payment of any and all costs associated with Tenant's performance under this lease, including but not limited to City additional business licensing fees, insurance, sales taxes and other expenses.

TERM. The term of this Agreement shall commence on May 1, 2010 and shall terminate on October 30, 2010. The term shall automatically renew each year for a total of three (3) years terminating on October 30, 2012 unless terminated earlier as provided herein. The Property may only be utilized for a six (6) month period commencing on May 1st and terminating on October 30th each year except for the period of the Arts Fest (the first Friday, Saturday and Sunday of August). An annual review by the City Council, with input from the Planning Department will be conducted by April 1st of each year. City Council may terminate or change the terms of this lease at that time. Additional term restrictions are attached hereto and incorporated herein by this reference in Attachment 1 (Street Dining Operation Restrictions). This Agreement may be terminated by Park City upon a finding of non-compliance of this lease or the attached operational restrictions.

The use of the Property shall not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest (Kimball Arts Center). The Kimball Arts Center has been leased exclusive use of Main Street during the first Friday, Saturday and Sunday of August. The Property must be vacated (i.e. removal of decks) no later than 10 a.m. MT of the first Thursday of August for the duration of Arts Fest (including set-up and breakdown) unless the Kimball Arts Center consents in writing to allow Tenant's use of the Property. If the outdoor dining structure is not removed as required, the Landlord will remove the structure at Tenant's cost.

USE OF PREMISES. Tenant may use the Premises only for outdoor dining services in a manner consistent with Section 15-2.6-12(B)(1) of the Park City Land Management Code and the terms of this Agreement. Additional operational restrictions are attached hereto and incorporated herein in Attachment 1. Park City makes no representations regarding the premises and Tenant accepts the premises "as is."

IMPROVEMENTS TO THE PREMISES. Tenant shall not make any improvements to the Premises without first obtaining Park City's written consent. Any improvements approved by Park City shall be completed at Tenant's sole expense and removed at Tenant's sole expense upon expiration of this Agreement. No permanent alterations to the City's property are permitted.

SIGNS. No signs shall be permitted on the Premises except as specifically approved by the Park City Municipal Corporation Planning Department pursuant to the Park City Sign Code and/or Tenant's Master Sign Plan.

INSURANCE. Tenant shall, at Tenant's sole expense, carry a policy of general liability insurance in an amount of at least Two Million Dollars (\$2,000,000) per combined single limit per occurrence and Three Million Dollars (\$3,000,000) per aggregate for personal injury, bodily injury and property damage. Park City shall be named as an additional insured by endorsement on each policy. Tenant's insurance is to be primary to Park City's and Park City's insurance shall be noncontributory. A certificate of insurance with a thirty (30) day cancellation notice provision shall be provided to Park City on or before the lease commencement date, and maintained continuously during the term of the lease. Tenant may carry whatever other insurance Tenant deems appropriate. The parties agree that Tenant's sole remedy in the event of business interruptions, fire, windstorm, or other loss from hazard shall be its own insurance and Tenant will have no action against Park City. Park City is protected by the Utah Governmental Immunity Act, and nothing herein is intended to waive or limit the protection of the Act in behalf of either entity, but to the extent it is consistent with this intent, it is the purpose

of this provision to protect Park City for liability or allegations arising out of the Tenant's use of the Premises.

HOLD HARMLESS. Tenant covenants and agrees to defend, indemnify, hold Park City harmless from all claims, loss damage, injury or liability (hereafter "Liability") resulting from Tenant' use and occupancy of the Premises to the full extent permitted by law and/or the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any Liability resulting from acts or omissions of Park City, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. Sections 63-30-1, et seq.), as amended. The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act. In case of an emergency including but not limited to a flood, storm drain, utility, the structure may be removed or damaged by response teams at the cost of the owner.

Tenant shall indemnify, protect and hold the Landlord harmless from and defend (by counsel reasonably acceptable to Landlord) the Landlord against any and all claims, causes of action, liability, damage, loss or expense (including reasonable attorneys' fees and costs and court costs), statutory or otherwise arising out of or incurred in connection with (i) the use, operation, occupancy or existence of the Premises or the presence of visitors, or any other person, at the Premises during the Term or the Renewal Term, (ii) any activity, work or thing done or permitted or suffered by Tenant in or about the Premises, (iii) any acts, omissions or negligence of Tenant, any person claiming through Tenant, or the contractors, agents, employees, members of the public, invitees, or visitors of Tenant or any other such person ("Tenant Party" or "Tenant Parties"), (iv) any breach, violation or nonperformance by any Tenant Party of any provision of this Lease or of any law of any kind, or (v) except to the extent resulting from any negligence or intentional torts of Landlord.

ASSIGNABILITY. Tenant shall not assign or transfer any interest in this Agreement without the prior written consent of Park City. Any assignment or transfer without written approval is void.

PROFESSIONAL PERFORMANCE. Tenant agrees to perform services under this contract at the highest professional standards, and to the satisfaction of Park City.

APPLICABLE LAW. This Agreement shall be governed by the laws of the state of Utah.

ENTIRE AGREEMENT. This Agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

Executed the day and year first above written.

Street dining may be allowed by the Planning Department upon issuance of an Outdoor Dining Administrative Conditional Use Permit. Street dining is permitted from May 1st, and shall terminate on October 30th of each year. The Applicant must submit an application, pay an application fee, and provide all required materials and plans. Ongoing monitoring will be provided to ensure compliance with these parameters. The Administrative Conditional Use Permit or the Lease may be revoked for failure to comply with these restrictions.

Required Submittals:

- Dining Site Plan – This plan shall be to scale and indicate: the Applicant's building as it relates to the exact proximity of the street dining deck. The plan shall include accurate locations of proposed chairs, tables, umbrellas, planters, and any other existing public improvements (light fixtures, fire department connections, parking meters, etc.).
- Details/specifications sheets – Shall be submitted for each piece of equipment proposed with the street dining is application. This will include all tables, chairs, umbrellas, etc.

Design Standards:

1. Size. Street dining area shall be limited to the linear frontage a building has on Main Street and shall not exceed nine feet (9') in width. The encroachment of the proposed decks into street will not exceed seven feet, nine inches (7'-9") in width from the curb, as the encroachment of the proposed decks into the sidewalk will not exceed one foot three inches (1'-3"). With the written permission of the adjacent property owner submitted to the City, they may extend into the neighbor's street frontage. Forty-four inches (44") of clear sidewalk width shall be available at all times where the street dining deck is being constructed. Each outdoor dining deck shall not exceed fifty (50) feet in length.
2. Location. The City Council reserves the right to reject an application for an outdoor dining deck:
 - If the proposed deck is too close to a previously existing deck and would eliminate needed parallel parking along Main Street thus creating a concentrated parking issue.
 - If the proposed deck is for a restaurant that does not have direct access at street level.
 - If the proposed deck is for a business with existing outdoor dining space and the expansion of such is deemed excessive.
 - If the proposed deck creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area.
3. Material. Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The railing shall be painted solid to also complement the building. While outdoor dining deck is not subject to a complete Historic District Design Review (HDDR), the guidelines are applicable to the project.
4. Advertising. Additional signing or advertising beyond what is allowed by the Park City Sign Code is prohibited.
5. Furniture. All tables and chairs shall be metal, wood, or other comparable material. Plastic furniture shall not be allowed. All furniture must be approved by the Planning Director.
6. Umbrellas. Umbrellas must be free standing and are prohibited from extending beyond the dining area. Any umbrellas shall be affixed permanently to the deck as required by the International Building Code requirements (including fire standards) and shall not create any public hazard.
7. Lighting. No additional electric lighting is permitted, including exterior building lighting.

8. Planters. Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter. All plant material must be maintained in a manner that ensures their viability throughout the summer outdoor dining season.
9. Use. The terms and scheduling of the use of the outdoor dining decks must not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest (Kimball Arts Center). Existing MFL recipients must be consulted with if the outdoor dining decks are to remain during their event. If no agreement is reached, the outdoor dining structure must be removed in full for the duration (including set-up and breakdown) of the MFL event. If the outdoor dining structure is not removed as required, PCMC will remove the structure at cost to compensate for the employees and equipment needed to complete the task.
10. Licensing. The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the Applicant to ensure that all licenses are properly obtained and adhered to.
11. Duration. Street dining is permitted from May 1st, and shall terminate on October 30th, each year.
12. Health & safety. The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.
13. Music. The use of outdoor speakers and music is prohibited.
14. Maintenance. The dining area shall be clean and maintained in a neat and orderly fashion.
15. Storage. All equipment and other associated materials must be removed and stored on private property during prohibited times (off season). No material associated with the outdoor dining decks may be stored outdoors on-site during the off-season.
16. Drainage. Design of the deck and its skirting shall not interfere with the existing street drainage. Deck plans shall be reviewed by the City for drainage and may be modified so as to not interfere with the existing drainage patterns of the street.
17. Utilities. Access to utilities shall not be hindered by the structures. No outdoor dining decks will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed as a result of the proposed outdoor dining.
18. Insurance requirement. The tenant shall carry a policy of liability insurance in an amount of at least \$2 million per combined single limit per occurrence and \$3 million per aggregate for personal injury, bodily injury and property damage. Park City Municipal Corporation shall be named as additional insured by endorsement of each policy.

Exhibit B – Input from Deck Holders

Exhibit B - E-mail correspondence from approved site

Francisco Astorga

From: Bob Murphy [dwnhlr@comcast.net]
Sent: Thursday, November 04, 2010 8:08 PM
To: Francisco Astorga; Paul Marsh
Cc: Jim Preib
Subject: Re: Street Dining on Main
Francisco

The deck was a fantastic addition to our location at 501 On Main. It added 12 seats to our main dining room. The deck served its purpose as a giant "OPEN SIGN". It was used as a meeting place, leaning post and even a picnic spot for a few folks that brought their own food. The deck during the special events were a well used and well liked addition to the Main St experience. Our deck was structurally designed by Jim Preib Construction and the removal process went off without a hitch. The deck was removed October 18th. We certainly look forward to the deck returning, in the Spring. We plan to add a fireproof shading system with large plants – designed by Maria's Plants. One issue is the disposal of cigarette butts from the uphill businesses using the street drainage as an ashtray and the cigarette butts find their way to the 501 deck. Isn't this considered littering? I also look forward to more decks appearing on Main St – they will only help the cause. The cause being to make Main St a unique and fun destination spot all Spring & Summer.

Thanks again for all of your help!!!!!!!

Bob

On 11/3/10 12:03 PM, "Francisco Astorga" <fastorga@parkcity.org> wrote:

Bob and Paul,

The Planning Department is preparing a debriefing report to be presented before a City Council meeting this month related to the Street Dining on Main program. We would like to receive your thoughts and comments. Could you please provide a response by the end of this week outlining your thoughts at this point?

Respectfully,

Francisco Astorga, Planner
Park City Planning Department
Ph: (435) 615-5064
Fax: (435) 615-4906
fastorga@parkcity.org



Exhibit B - E-mail correspondence from approved site

Francisco Astorga

From: Paul Marsh [marsh@xmission.com]
Sent: Wednesday, November 03, 2010 12:01 PM
To: Francisco Astorga
Cc: 'Bob Murphy'; 'Catherine D. Marsh'; 'File'
Subject: FW: Street Dining on Main

Dear Francisco,

This is an excerpt from an email sent to the HPC. Hopefully this will work as to "input" from our group.

First, thanks. I was genuinely excited about the accomplishments of the HPC efforts for the summer and though, due to personal reasons, was not able to up on Main Street much, I certainly enjoyed both what Bob communicated and what was published in the paper.

As to suggestions and other.

I think we need to (and what I believe will be beneficial to the Council) sculpt our efforts on Main Street with the objective of first copying a successful model and then improving on its successes. If we can offer a visible "target" and set of tangible objectives to both the City Council and the members (of the HPC), it will give both you and the participating members a tangible and visual image to either embrace and/or question.

Simply stated, the initial church did not speak to the existence of heaven without describing it (albeit, I never did understand the "streets of gold" description when I was a kid). We should identify communities that have "redone" their Main Streets with outdoor decks and/or mall which have a collection of outdoor dining venues and select kiosks (such as Gateway). From that model we can work toward the inclusion of the retail community with specific events (endorsed and sponsored by the dining deck participants – which, by the way, may be a filtering mechanism as to who wants to participate with both the City and the HPC), i.e., promotions and advertising specific to events which will feature the retailing community). This could be as simple as the deck "application" and approval carrying a requisite contribution to the overall marketing of Main Street retail and other events. This could include contributing dinners for retail purchases in excess of specific \$ (you want a deck you have to contribute both dollars and in-kind specified amounts, etc). The outdoor decks could contribute by validating parking for their sales and the sales of the retail groups (purchases over \$10 comes with a \$5 dollar gift card for these participating outdoor dining venues – the retail equivalent of 2 for 1).

I understand the pressures which will come to bear as to the expansion of Main Street to allow everyone a "fair" opportunity to conduct business "on the street." I trust, however, that we can use the wisdom of those before us and create a "better" Main Street...not just a "bigger" one.

Again, thanks.

Exhibit B - E-mail correspondence from approved site

Francisco Astorga

From: Steve [stevemccomb@earthlink.net]
Sent: Thursday, November 04, 2010 6:28 AM
To: Francisco Astorga
Subject: Re: Street Dining on Main

Hi Francisco,

We were very happy with the response we received from everyone.

We are hoping that there will be more decks next year and that they are incorporated with other events such as PC Silly market and the Art Festival. I believe we need to try new ways to invigorate Main St.

I think we should try bringing the silly market next to the decks and make main a one way up hill so that all may benefit from the market and we can have a mini festival each Sunday, maybe retailers could bring their wares outside adding to the outside festivities!

The biggest problem we had was with umbrellas and have talked to Tom Eddington about having awnings next year.

Thanks
steve

Exhibit C – HPCA Position



November 11, 2010

Jon Weidenhamer
Thomas Eddington
Francisco Astorga
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Dear Jon, Thomas and Francisco:

Thank you for attending our meeting last Tuesday where we discussed the future of Outdoor Street Desks within the District. As you are aware, the HPCA invited all members of the District to attend. An accompanying survey was also sent with the invitation. Those comments were taken into consideration during the discussion.

Please see the attached Outdoor Dining Deck Position Paper for HPCA's formal position on the decks, as reviewed by our Board, for the 2011 summer season. Please feel free to contact me at 435-640-2732 with any additional questions or for clarification.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Alison Butz", is written over a light gray, stylized outline of the same signature.

Alison Butz
Executive Director

cc. Andy Beerman, HPCA President

Position Statement: Outdoor Dining Decks located in Public Parking

It is the objective of the HPCA to promote Historic Park City as a fun, friendly and vibrant destination. We wish to foster an atmosphere that encourages longer stays and gives pedestrians time to circulate throughout the District. We believe that prolonged exposure to our businesses will increase sales and diversify revenues.

The HPCA agrees upon the following:

- The outdoor dining decks, located in public parking spaces, brought a vibrancy and positive atmosphere to the District.
- The outdoor dining decks, located in public parking spaces, may not have measurably increased traffic to the District, but continuing and expanding the program will help to maintain HPC's vibrancy, competitiveness, and overall economic health.
- That the outdoor dining program should be managed in a proactive manner to insure that it is consistent with all of our efforts to improve the district and serve our membership.

The HPCA believes that the decks are a positive addition and support their continuation and expansion. However, the HPCA is cautious about rapid growth in numbers of decks, and will closely monitor (and annually review) their effect on public parking, site lines, events, and pedestrian flow.

Recommendations: While participation during the 2011 summer season is anticipated to increase, the HPCA provides the following recommendations.

- 2011 be limited to no more than 12 outdoor dining deck.
- Participating Restaurants must be located at street level, or receive annual permission from the street level business owners if the business is located on an upper or lower floor of the building
- Maximum length of any deck is 40', but in no case can the deck be longer than the width of the building
- Decks should have consistency in construction, but be decorated to match the building
- Restaurants must have full lunch and dinner service 7 days a week
- Decks cannot be enclosed in any sort of way, including a tent
- Height should be limited to maintain visual corridors
- Restaurants should be assessed a user fee for use of public parking spaces. The user fee should be similar to the business license and take into account the 6 months use of this space. The fees collected should go back to the ongoing promotion and marketing of the District.

With regards to events, such as the Arts Festival, the HPCA requests the City and the Kimball explore modifications to the event footprint to accommodate the use of the decks during the festival. If such negotiations are unable to allow this, the City must notify the applicants at the time of application as to the timeframe for deck removal. In no case should the decks be removed for more than 3 events per season.

The HPCA will retain the option for a retailer to experiment, during the summer of 2011, with retail sales on an outdoor deck constructed by the retailer. They would be required to meet similar time and days of the week requirements as the dining decks. The HPCA would also like to explore the use of smaller, temporary decks for entertainment and artists painted, etc.

Actions: The HPCA will present the position to Park City Municipal Corporation in preparation for City Council discussions. If a retailer is interested in use of a deck, the HPCA Events Committee will review their request, and if deemed suitable, make a formal recommendation to the City.

Exhibit D – Map of Potential Dining Decks on Main Street

Exhibit D - Main Street Dining Map Analysis

Current restaurant sites with
sufficient frontage for possible
On-Street Dining on Main.

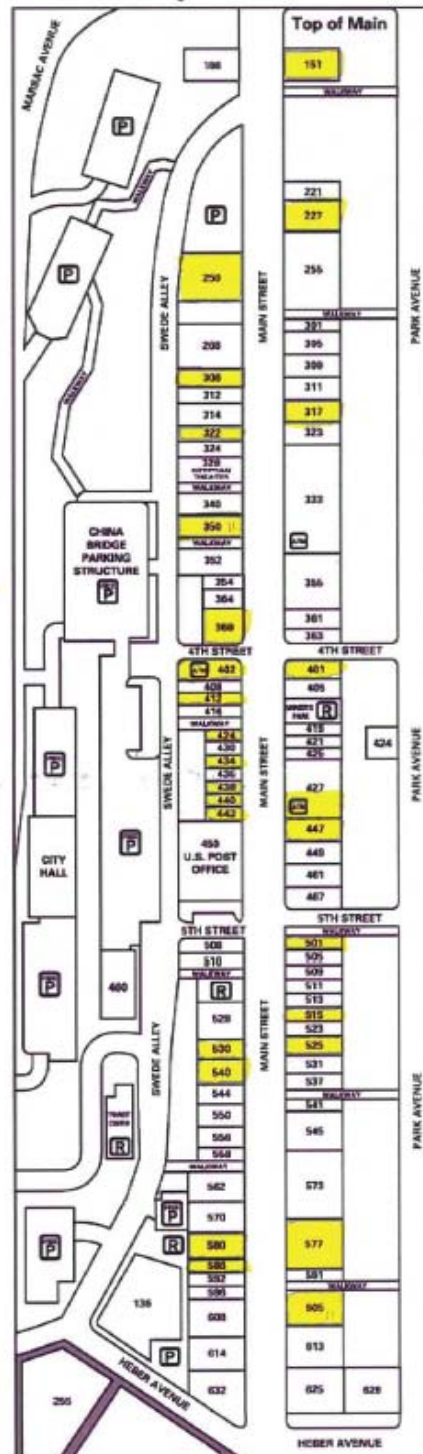


Exhibit E – Kimball Submittals

Park City Arts Festival & Main Street Outdoor Dining Deck Cooperative Agreement

Proposal: Develop a policy for managing permanent and temporary Outdoor Dining Decks during the Park City Kimball Arts Festival.

Background: The Park City Kimball Arts Festival, in its 42nd year, requires detailed and timely planning around layout and development windows in order to deliver upon the contractual agreements with artists, contractors and the Park City Municipality. Though the Outdoor Dining Decks add a positive element to the PCKAF's atmosphere, their construction and use creates a significant impact to the layout, revenue opportunities and operations of the Festival.

Definitions:

*Permanent Decks: Decks left in place during the entire duration of the approved seasonal use: May 1 through October 30.

**Temporary Decks: Decks removed during the Park City Kimball Arts Festival. Removal is required no later than the Wednesday, August 3rd prior to the Festival's opening on Friday, August 5th.

Discussion:

Preparations for the PCKAF are extremely complex, multifaceted and detailed. Beginning in early fall, the juried selection process begins allowing potential artists to plan their arts festival season, create their product inventory and market their presence at the different arts festivals.

Competition at the Park City Arts Festival is heavy with just under 900 artists applying for 260 carefully distributed spots. Ranked in the top ten arts festivals in the US by Sunshine Artists Magazine, the industry publication for professional artists and festivals, the PCKAF is an extremely desirable festival for exhibiting artists around the country. In 2010, artists came from 31 states and one country to participate in the 41st PCKAF.

Operationally, the PCKAF is at or near capacity. Challenging move in/out logistics, traffic conditions, parking, storage and transportation are just a few of these issues. Countless operational refinements have helped to smooth the process out and reduce communal disruptions to a bare minimum. Compounding the challenges of the festival however, is the growth of simultaneous events happening in and around town. These events include the soccer tournament, multiple concerts and private functions happening within the larger hotel properties.

The current layout of the festival has been developed over a number of years utilizing information garnered from artist satisfaction surveys, observation and basic trial & error methods. It is the desire of the PCKAF to maintain a "middle of the street" approach to

booth layout in order to maintain a consistent and enjoyable environment for visitors, maximize the Old Town experience and offer equitable exposure to Main Street businesses during the Festival. It is our intent to eliminate all curb-line structures.

Growth of the Festival is currently focused on qualitative, programmatic, branding and market penetration. Each of these elements is intended to support the mission of the Kimball Art Center as well as create a better connection between the Art Center and the festival as it's primary fundraising activity.

Planning for the 2011 PCKAF will take place according to the following timeline:

September 1, 2010	Application planning and input to on-line application tool.
October 1, 2010	Festival marketing development and ad-insertion.
November 1, 2010	Application period open.
March 1, 2011	Application period closed.
March 1, 2011	Jury selection begins.
March 1, 2011	PERMANENT DECK APPLICATIONS DUE
March 15, 2011	Artist booth layout complete. Operational plans recalculated and amended.
April 1, 2011	Artist acceptance notification
May 1, 2011	Artist booth assignments complete; Artists notified.
May 1 to October 1, 2011	OUTDOOR DINING DECK SEASON
June 1, 2011	Operational planning materials sent to artists.
July 1, 2011	Waitlist Artists notified.
August 3, 2011	REMOVAL OF TEMPORARY OUTDOOR DINING DECKS
August 5 - 7, 2011	Park City Arts Festival

It is estimated that as many as ten or more additional decks are currently under consideration by Main Street merchants. As a result, the PCKAF will need to completely redesign the street layout, recalculate operational schedules for move in/out, develop a new financial model for booth and sponsor sales, notify artists and marketing outlets and amend all operational documentation to reflect these changes.

Proposed Solutions for Managing Outdoor Dining Deck Requests:

1. Establish Application deadlines to coincide with PCKAF planning timelines:

Applications for permanent decks:	March 1, 2011
Applications for temporary decks:	Not applicable

2. Create a method to identify "typical festival uses" during the Arts festival in order to manage deck placement and removal requirements and eliminate non-compliant programming.

3. Develop a fair and equitable a system to limit the number of permanent deck placements.
4. PC Muni to continue to work with the PCKAF on approval of Outdoor Dining Decks.
5. Require all Outdoor Dining Decks to comply with event requirements and policies including fees, product distribution, alcohol service and other elements.
6. Develop partnership agreements with Outdoor Deck operators to increase festival operations, marketing and exposure.



Date: 10/25/2010
To: Jonathan Weidenhamer
From: Robin Marrouche
Re: Notes on the 2010 Park City Kimball Arts Festival

The 2010 Park City Kimball Art Festival was a success on many levels: increased attendance; more programming through community partnerships; greater promotion and media coverage; and increased economic impact in Park City and Summit County. To understand who is attending, KAC hired Lighthouse Research to conduct a two day survey of Festival Attendees. Below I have highlighted some major points about the Festival.

Attendance:

49,500¹ people attended the 41st Park City Kimball Arts Festival, August 6th - 8th, 2010. Attendees represented 32 states and 2 countries. 66% of the attendees came from Utah. **225 Exhibiting artists** came from 31 states and 1 country.

Programming:

Kimball Art Center reached out in our community to leverage community partnerships to better the Arts Festival and showcase all the offerings of Park City. KAC created, in partnership with Spiro Art, **RELEVANT 2010** artist in-residency program. This program combined Sundance Institute's lab model with Project Runaway, bringing selected art students from around the country for an intense week of creativity and craft developed. Resulting in great success plans are already underway for **RELEVANT 2011**.

This year **Taste of Art** was created to showcase the world-class cuisine Park City has offer to the Festival attendees - 16 restaurants participated with special offerings and discounts. KAC reached out to the Sundance Institute and Park City Film Series to program **art-focused films** during the weekend with a special free outdoor screening on opening night. **BMI music café at the Downstairs** was launched to showcase emerging BMI artists such as Saint Motel. These artists also played at Miners Park and on the Main Stage.

Media buy and coverage:

KAC bought advertising space in **20 outlets** from *The San Diego Union Tribune* to *St. George Spectrum*, to *The Denver Post*, to *SignonSanDiego.com*, to *Wyoming Tribune Eagle*, etc... The entire buy received **18.4 million impressions** across print, online and broadcast (TV and Radio). The Festival had the most spots on KSL TV and KSL broadcasting family which includes KSL Newsradio, The Arrow and Soft. KSL.com also rotated web banner ads to promote the event.

Media coverage for the Arts Festival grew both in number of stories and geographic reach with coverage online at Bella Online, BMI.com, KSL.com, ehow.com, examiner.com, etc... Also the Festival was featured in publications outside of the area like *Southwestern Art*, *Estates West* and *The De Moines Register*. Broadcast coverage was on all Salt Lake City's affiliate stations NBC Channel 5, Fox Channel 13 and ABC Channel 4. The total reach was **62.8 million impressions**.

Economic Impact:

The Park City Kimball Arts Festival directly resulted in **\$10.6 million² in economic stimulus** to the Park City over August 6-8, 2010. This figure doesn't include the indirect economic impact of all Arts Festival attendees such as Park City residents or tourists attending Arts Festival but not coming to Park City primarily for Arts Festival, i.e. soccer player families.



THE 2010 PARK CITY KIMBALL ARTS FESTIVAL DEMOGRAPHICS

Attendance:

49,500

Gender:

Male: 52%

Female: 48%

Attendees Residence:

Utah 66%

California 6%

Arizona 4%

Florida 3%

Texas 2%

Colorado 2%

Other States 15%

(DC, GA, ID, IL, IN, KA, LA, MA, MD, MI, MN, MS, NC, NE, NJ, NV, NY, OH, OK, OR, RI, SC, SD, TN, WI and WY)

Other Countries 2%

(Canada and Mexico)

UT Attendees breakdown by County:

Salt Lake 35%

Summit (incl. Park City) 24%

Utah 11%

Davis 10%

Weber 7%

Cache 4%

Tooele 2%

Washington 2%

Other 5%

(Box Elder, Carbon, Emery, Morgan, Sevier & Wasatch)

Age Range of Attendees:

Under 18 years-old 1%

Between 19-30 years-old 14%

Between 31-45 years-old 17%

Between 46-60 years-old 41%

Between 60-70 years-old 19%

Over 70 years-old 9%

Income:

Less than \$50,000 12%

\$50,001 - \$100,000 32%

\$100,001 - \$149,999 23%

\$150,000 - \$200,000 12%

More than \$200,000 20%

No response 1%

Last Education Level Completed:

Less than High School 0%

High School Graduate 11%

Some College/Technical School 21%

College Graduate 44%

Post-College Graduate 24%

Artist Exhibitors Residence:

Utah 23%

California 16%

Colorado 8%

Oregon 7%

New Mexico 6%

Washington 6%

Arizona 5%

Texas 3%

Florida 2%

Idaho 2%

Kansas 2%

Michigan 2%

Montana 2%

Other States 14%

(AR, CT, GA, IA, IL, MD, MN, MO, NC, ND, NV, NY, OH, OK, PA, TN, WI and WY)

Canada 2%

Lodging when visiting the Festival

Home 51%

Hotel, Motel, B&B 18%

Family & Friends 8%

Vacation Rental 8%

Vacation/Second Home 8%

Other 7%

Was the Arts Festival your primary reason for visiting Park City?

Yes 62%

No 38%

How many cars does your household own?

Zero 1%

One 14%

Two 42%

Three 22%

Four or More 21%

¹ Estimate of attendance was compiled from ticket sales, gate counts, parking lot counts, survey results and transit number.

² $49,500 * 52.619\% = 26,046.429$ (this is the point estimate for the total number of attendees who visited Park City primarily to attend the arts festival. Persons that live in Park City are excluded, as their spending is not representative of an influx of additional funds to the local economy. Similarly, persons visiting from outside of Park City but not primarily for Arts Festival are excluded, as they most likely would have visited Par City in the absence of the Arts Festival. \$406.80 - this is the average amount spent per person of attendees who visited Park City primarily to attend the Arts Festival (we need to use the Avg. Spending per Person, NOT the Sum of Means. $26,046 * \$406.80 = \$10,595,687.14$

So You Want to Join the Fun on Main Street and Create Street Dining On Decks For Your Restaurant

In recognition of the ongoing nationwide trend to dine outdoors, Park City Municipal Corporation has created the opportunity for restaurant owners to utilize a portion of the Main Street right-of-way for outdoor dining decks. In March 2010, the City Council authorized the Planning Department to begin working with interested Applicants and assist them with the approval process. In short, street dining may be permitted for your existing restaurant on Main Street upon the execution of a Lease Agreement between the City and the Applicant (done at a Council meeting) and the issuance of an Outdoor Dining Administrative Conditional Use Permit (CUP), to be completed through the Planning Department. Applicants must submit an application, pay an application fee, and provide all required materials and plans as noted below.

WHAT YOU NEED IN ORDER TO SUBMIT:

- Administrative Conditional Use Permit Application
- Dining Site Plan – This plan shall be to scale (1/4") and illustrate the Applicant's building as it relates to the exact proximity of the street dining deck. The plan shall include accurate locations of proposed chairs, tables, umbrellas, planters, and any other existing public improvements (e.g. light fixtures, fire department connections, parking meters, etc.)
- Details/specifications sheets – Shall be submitted for each piece of equipment proposed with the street dining application. This will include all tables, chairs, umbrellas, etc.

DESIGN GUIDELINES AND CRITERIA FOR OUTDOOR DINING DECKS

Size

Street dining area shall be limited to the linear frontage a building has on Main Street. The encroachment of the proposed decks into street will not exceed seven feet, nine inches (7'-9") in width from the curb. The encroachment of the proposed decks into the sidewalk should be minimized to provide a minimum of six feet (6') clearance between the deck and the building (in extreme cases, demonstrating severe hardship/restrictions, the minimum ADA width permitted is forty-four inches (44")). With the written permission of the adjacent property owner submitted to the City, they may extend into the neighbor's street frontage. A minimum of forty-four inches (44") of clear sidewalk width shall be available at all times where the street dining deck is being constructed. Each outdoor dining deck shall not exceed fifty (50) feet in length.

Location

The City Council reserves the right to reject an application for an outdoor dining deck:

- If the proposed deck is too close to a previously existing deck and would eliminate needed parallel parking along Main Street thus creating a concentrated parking issue
- If the proposed deck is for a restaurant that does not have direct access at street level
- If the proposed deck is for a business with existing outdoor dining space and the expansion of such is deemed excessive
- If the proposed deck creates too much private use of the public right-of-way that may be deemed detrimental to the health, safety, welfare of the area

So...please note the importance of not waiting until the last minute – this, like your food order, is on a first-come first-served basis!

DESIGN GUIDELINES AND CRITERIA FOR OUTDOOR DINING DECKS (cont)

Material

Street dining decks may be built of wood platforms and shall have a solid base. The design of the base shall complement the style of the building. The railing shall be painted solid to also complement the building. While the outdoor dining deck is not subject to a complete Historic District Design Review (HDDR), the guidelines are applicable to the project.

Advertising

Additional signing or advertising beyond what is allowed by the Park City Sign Code is prohibited.

Furniture

All tables and chairs shall be metal, wood, or other comparable material. Plastic furniture shall not be allowed. All furniture must be approved by the Planning Director.

Umbrellas

Umbrellas must be free-standing and are prohibited from extending beyond the dining area. Any umbrellas shall be affixed permanently to the deck as required by the International Building Code requirements (including fire standards) and shall not create any public hazard.

Lighting

No additional electric lighting is permitted, including exterior building lighting.

Planters

Any proposed landscaping or atmosphere pieces shall be reviewed at the time of initial application, and shall not create any public hazard or unnecessary clutter. All plant material must be maintained in a manner that ensures their viability throughout the summer outdoor dining season.

Use

The terms and scheduling of the use of the outdoor dining decks must not conflict with any previously existing Master Festival License (MFL) recipients on Main Street, specifically the Arts Fest. Existing MFL recipients must be consulted with if the outdoor dining decks are to remain during their event. If no agreement is reached, the outdoor dining structure must be removed in full for the duration (including set-up and breakdown) of the MFL event. If the outdoor dining structure is not removed as required, PCMC will remove the structure at cost to compensate for the employees and equipment needed to complete the task.

Licensing

The additional square footage of the dining area must be added to the existing licensed area for the restaurant. The Applicant shall also adhere to other applicable City and State licensing ordinances, including the Department of Alcoholic Beverage Control. It is the responsibility of the Applicant to ensure that all licenses are properly obtained and adhered to.

Duration

Street dining is permitted from May 1st, and shall terminate on October 30th of each year.

Health & safety

The Use shall not violate the Summit County Health Code, the Fire Code, or International Building Code.

Music

The use of outdoor speakers and music is prohibited.

Maintenance

The dining area shall be clean and maintained in a neat and orderly fashion.

Storage

All equipment and other associated materials must be removed and stored on private property during prohibited times (off season). No material associated with the outdoor dining decks may be stored outdoors on-site during the off-season.

Drainage

Design of the deck and its skirting shall not interfere with the existing street drainage. Deck plans shall be reviewed by the City for drainage and may be modified so as to not interfere with the existing drainage patterns of the street.

Utilities

Access to utilities shall not be hindered by the structures. No outdoor dining decks will be approved if located in an area that blocks access to fire hydrants, etc. No new utility lines shall be installed as a result of the proposed decks.

Insurance Requirement

The tenant shall carry a policy of liability insurance in an amount of at least \$2 million per combined single limit per occurrence and \$3 million per aggregate for personal injury, bodily injury and property damage. Park City Municipal Corporation shall be named as additional insured by endorsement of each policy.

Ongoing monitoring will be provided to ensure compliance with these parameters. The Administrative Conditional Use Permit (CUP) and/or Lease may be revoked for failure to comply with the aforementioned restrictions.

Beginning Summer 2011 Park City Municipal Corporation will review all proposed on-street dining decks collectively. To facilitate this review process, all applications for on-street dining decks will be due March 31, 2011.

Please contact the **Planning Department at 435.615.5060** should you have any questions or wish to pursue an application for outdoor dining. We look forward to working with you to create a unique Main Street experience this summer!

ON-STREET DINING DECK CONDITIONAL USE PERMIT

APPLICATION SUBMITTAL

the planning department will only accept applications that meet all submittal requirements of the specific application

1

PLANNER ASSIGNMENT

applications submitted on monday by 5 pm will be assigned to a planner on tuesday at 9 am

2

COMPLETE APPLICATION

application is given a cursory review by the project planner to check all requirements - comments and anticipated schedule are sent to the applicant within seventy-two hours from the assignment of the application

3

DEVELOPMENT REVIEW MEETING

development review meetings occur every second and fourth wednesday of the month - if the application is deemed complete the project planner, on behalf of the applicant, will meet with representatives of local utility companies, building department, legal department, and engineering department to discuss the anticipated impacts of all the proposed application

4

PRE-HISTORIC DISTRICT DESIGN REVIEW (HDDR)

while outdoor dining permits are not required to go through a complete hddr application process in terms of noticing, etc.; the application must be presented to the design review team (drt) to ensure compliance with the design guidelines - these meetings are held every Wednesday on an as-needed basis - the drt is made up of the applicant, the project planner, the building official, and the city's historic preservationist

5

STAFF ANALYSIS – LEASE AGREEMENT

the project planner will prepare a staff report based on expert analysis of the information submitted – this report and supplemental information will be include in the informational packet distributed to city council for their next available meeting

6

CITY COUNCIL HEARING

the city council, as owner of the city's rights-of-way, must approve the staff-prepared lease agreement at a public hearing - the city council meetings are held every thursday evening

7

STAFF ANALYSIS – ADMINISTRATIVE CONDITIONAL USE PERMIT

the project planner will prepare a staff report based on expert analysis of the information submitted – the property will be posted and a courtesy mailing will be sent to adjacent property owners - this noticing begins a ten day period during which the planning department will assess any public comment on the proposed outdoor dining decks

8

ACTION LETTER

subsequent to the ten day noticing period, the applicant will receive a letter outlining the decision of the planning department along with the final findings of fact, conditions of approval, and/or conclusions of law

9

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 4, 2010**

Present: Mayor Dana Williams; Council members Alex Butwinski, Candace Erickson; Joe Kernan; Cindy Matsumoto; and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Bret Howser, Budget Manager; Kim Leier, Human Resources Manager; Tyler Poulson, Environmental Analyst; and Ken Fisher, Recreation Director

Sue Galusha, High School French teacher and President of the Park City Courchevel Exchange Program; Sally Elliott, County Councilor

Recreation Advisory Board members Meg Steele, Craig Moyes, Rob Lea, Jen Franklin, and Kathy Kahn

1. Council questions/comments. Liza Simpson relayed that the Board of Realtors took a tour of the Montage affordable housing units and Joe Kernan discussed topics presented at the inter-agency meeting. Alex Butwinski expressed that the neighborhood meetings on the General Plan seemed well attended and the Planning Commission continues to work on this project. The Public Art Advisory Board met on the public art project for the Marsac Building and the HPCA discussed the future of portable decks on Main Street which will return to Council in several weeks. Cindy Matsumoto announced that she drove to the meeting from Bonanza Drive; the project is close to completion. Candace Erickson reported on a Chamber meeting where the decision on building, renting or leasing space at Kimball Junction was discussed. The economic round-table held last month was well attended by members in eastern Summit County. She noted that a convention space study will be conducted and the City will be participating with the Chamber. She reported on the interest in basketball camps, junior golf tournaments, adventure racing, and lacrosse tournaments as new special events or programs. The Utah Taxpayers Association filed a lawsuit in Utah County on the 1% additional tax on fast food. She attended the Recreation Advisory Board meeting where this work session presentation was discussed. She updated members on Historical Society business. Liza Simpson interjected that the Historic Preservation Board met to discuss goals and outreach programs which will be presented to Council at some point.

2. Sister-City discussion – Courchevel, France. Michael Kovacs explained that Park City has had a cordial relationship with Courchevel since the early 1980s. This is not a traditional sister-city association and not recognized by Sister-Cities International. Park City Mountain Resort introduced the idea which was assisted by the City, but the program today is largely a high school exchange program. The School District has recently determined that this is a dangerous activity and has withdrawn its endorsement

and support of all high school exchange programs. The non-profit board is trying to revive the organization and recruit new volunteers to support the student exchange program. Both resorts honor each other's season pass. Park City's financial support has been minimal and has involved hosting an event or dinner for the group. This work session item was requested by County Councilor Sally Elliott who is looking for a commitment for continued support. Mr. Kovacs indicated that staff's biggest concern is staff time if the level of participation increases.

Sue Galusha explained that a group visits Courchevel every two years and this year there are 18 kids who will stay with families for eight days. She emphasized the hospitality offered by Courchevel officials and the prestige involved. In response to a question from the Mayor about the China exchange, she explained that it is also viewed as a liability and shut down by the District and marketing these programs is strictly prohibited on school premises. Joe Kernan pointed out the irony of the District continuing the ski program for students. Ms. Galusha stated that the Mayor is the honorary President of the Club and traditionally, the Chamber has provided the Secretary. Board members are selected from the community or parents of exchange students and most of the hard work is done by volunteers. She suggested that someone from the Chamber and the City monitor the meetings involving only two to three hours a year. Ms. Galusha stated that Park City is going there in February and the Courchevel kids here in August and visitors must also be hosts. Candace Erickson felt the exchange program is worthwhile and has value. Sally Elliott explained that she will retire in two years and will not be involved to keep the program going. Liza Simpson agreed that the exchange is good for the community and felt that it is appropriate to fund a trip for a City official.

The City Manager understood that in addition to funding a trip, the City will take on an added organizational role. Joe Kernan expressed that he does not view this program as a crucial function of the City. He can support providing some staff time but not providing a guarantee from the City that the organization will survive. Its future should be dependent on program volunteers, kids and parents. The Mayor agreed with Mr. Kernan's comments. The City doesn't want ownership but is willing to facilitate. He is extremely concerned about the District's interpretation of the liability associated with these exchange programs and Tom Bakaly suggested this topic be discussed at the next inter-agency meeting.

3. Pay Plan policy. Bret Howser referred to his staff report outlining some options. Alex Butwinski asked for clarification about impacts to service levels based on adjustments to the pay plan. Tom Bakaly explained that if salaries decrease some employees may leave and pay drives the City's ability to attract and retain qualified personnel. This was true with police officers and bus drivers. If the pay plan is lowered, he did not believe there would be a change in behavior or performance for most individuals. Mr. Butwinski suggested considering separate pay plans for exempt and non-exempt. Mr. Bakaly explained the compression factor when the pay for supervisors and line employees gets close. Mr. Howser believed that individual plans are possible and could be treated differently for benchmarking purposes. Mr. Butwinski asked about

the trigger for the 2% across-the-board adjustment and the City Manager stated that operational costs will need to be covered.

Joe Kernan believes that a pay plan based on the average of the top five of 36 cities lacks flexibility. He likes the option of supervisors recommending a pay range when recruitments are unsuccessful. In some instances, paying the average of the top five may be too much, pointing out that market demands change. He stated that any additional money in the last budget was allocated to the personnel side rather than operations. Controls on costs were applied to materials, services and supplies which were growing at an average of 7% per year for the past seven years and he doesn't have a fear of the compression element. He reiterated that he would like managers to have the ability for more flexibility and to use their expertise to narrow the range of pay, recognizing that managers would take on more responsibility. This would place downward pressure on a supervisor to manage a high performing department.

Cindy Matsumoto stressed that she wants to pay employees well, but does not want to overpay them; it is a responsibility to taxpayers. The pay plan feels very inflationary to her. She agrees with Mr. Kernan about providing managers with more flexibility to determine salaries. She emphasized that she doesn't want to overwork employees and there should be a way for managers to hire more people if needed. The current pay plan seems rigid and inflationary. She understood the reason for putting it in place when Park City was growing creating a need for more City employees. It is time for a different system where people are paid appropriately and there are assurances that public funds are not mismanaged. She would have to answer *no* to Joe Kernan's first question, *Is Council okay with our current pay plan policies?*

The Mayor recalled the importance that the pay plan be based on analytical data which can be applied consistently. Ms. Matsumoto expressed that she has some ideas about a new pay plan. She understood that the plan needs to be equitable which was probably needed at the time, but the formula appears to be inflationary. Most corporations do not use this type of pay plan and other salaries should not be increased just because one position moved up. Ms. Matsumoto stated that she wants Park City employees to continue to be well paid but even if there is enough money to provide a 2% across-the-board raise, not all of our extra funds should go toward personnel.

Candace Erickson pointed out that the City is not like a private company with a business plan projecting revenues. Benchmarking makes sense and should continue as the City finds itself competing with other municipalities and the private sector. She stated that she is not ready to throw the pay plan out and emphasized that benchmarking provides a general range for specific jobs. She agreed with Ms. Matsumoto's observation that the plan was created during a different economic climate and acknowledged public criticism about not cutting back enough during this tough financial time. She does not like being told that the raises have to be given, especially since this is contrary to the message of most of her constituents. If employees are being paid the top of the range, she questioned if this is the right time to award raises during these lean times. Ms. Erickson questioned the 2% every year, because it doesn't comport with the consumer

price index which is probably 0 and not 2%. This is not a punishment to staff but financial practices should mirror what is actually happening in the world. She is also nervous about adjusting employees' levels to retain them. New hires often bring a different perspective to a position and affect positive change; everyone can be replaced. Benchmarking is needed but maybe not as frequently. Mayor Williams agreed with her comments and believed the implementation of the pay plan was driven by the need to bring some positions to market level. He acknowledged public criticism about raises but at the same time pointed out that public demands for service remain high. He questioned directing managers to determine salaries for department employees which could end up costing the City more money because of subjectivity.

Joe Kernan relayed his appreciation of having this discussion and agreed that benchmarking information is beneficial to determine appropriate ranges for positions. He suggested identifying positions that should be paid at a higher level and those that should receive average pay. Filling positions should be based on demand which can be better determined by a supervisor. He recognized that government is different than the private sector but has more flexibility to cover costs,

The Mayor acknowledged agreement on continuing to conduct benchmarking and members were comfortable with the 36 cities for comparison. Discussion ensued on receiving numbers on positions from other cities but not having associated information on the employees' years of service or level of performance. Ms. Matsumoto again mentioned that the goals of the pay plan have been met and there may be better approaches. Liza Simpson explained that staff investigates anomalies which may surface in comparison data and Kim Leier clarified this process further. In response to a question from Liza Simpson about practices of other municipalities, Ms. Leier stated that pay for performance is more common in the private sector and governments typically use step and grade systems. The City has tried to mirror the private sector for some time but she didn't know the level of use of pay for performance in other public agencies.

The Mayor pointed out that the City is comparing our data with step and grade systems and asked if that is a good comparison. Ms. Leier stated that it will never be *apples to apples*. Ms. Simpson emphasized that it would only matter if the numbers were out of whack. Market-driven data is important to have and benchmarking is really important. She is willing to adjust the plan and is looking forward to including the ICMA information. Ms. Erickson discussed market data showing that salaries for a position need to be increased and Bret Howser stated that the budget will reflect the new salary range but the raise for affected employees is a function of their performance review and is not automatic. He emphasized that only a few positions are reclassified in a year in which benchmarks are conducted.

Alex Butwinski felt that more discussion is needed and members are not ready to give direction at this point. He suggested a step and grade system but if performance exceeds expectation, a bonus is awarded. He questioned the assumption that within two years everyone is proficient since position types vary significantly. Joe Kernan

stated that he looks forward to continuing discussions on the pay plan. Liza Simpson relayed that City employees are valued. However, Council members have a responsibility to their constituents to spend public funds wisely. She agreed with Ms. Erickson that turn-over is vital to an organization and feels comfortable moving forward with a detailed analysis of the pay plan next year after the budget process. Ms. Simpson stated that she supports *up to* a 2% across-the-board, depending on budget numbers. At some point, it would be prudent to consider an independent labor market salary analysis. A policy discussion among members needs to occur about the target level of pay. She felt that a culture of excellence has been created in town and people want to work at the City because of this.

Ms. Erickson referred to a conversation she had about paying employees less because of where they are working. Although City employees enjoy great benefits like skiing, golf, etc., the cost of living here is a lot more than other places and customers are more demanding. Because of this, she felt higher salaries are justified. Cindy Matsumoto clarified her position and stated that City employees should be paid more than average pay, however, it is unclear if the City can continue to pay the average of the top five. The Mayor pointed out that some cities should be eliminated from the bench-mark comparison process because of their numbers. Joe Kernan suggested defining *the market* and considering service population and budget size to determine what cities fit the criteria. If cities are eliminated that don't meet the top of the market, the only ones left are the top five. Mr. Kernan stated that it makes sense to pay higher than average at the City. It may be that some people need to be paid at the very top. He cautioned making a decision on the 2% raise tonight as the decision should be made in context of the whole budget to understand if there is additional money and how it should be distributed. Liza Simpson recommended keeping the pay plan flipped this year. This topic will return to Council.

3. Community carbon mitigation projects. Tyler Poulson referred to the July update where the \$127,000 balance in the Johnson Controls' budget was discussed. One hundred thousand dollars is being allocated to an internal revolving loan fund and Council directed staff to return with options. There are three proposals in the staff report aligning with Council objectives in the Environmental Strategic Plan. Salt Lake County is rolling out a \$1 million revolving loan fund for the community using some stimulus and county-based funding sources. He pointed out municipalities able to allocate funding toward rebates and certain incentives on a local level but programs are staff intensive.

Carbon mitigation is most closely aligned with climate change but that should not be the only reason to address carbon emissions because there are other considerations like energy costs, reliance on finite fuels, pollution levels, and health and social impacts. Local incentives for renewable energy are offered in St George and Logan for residential PV solar systems and both have a municipal utility. Solar is a renewable energy source providing over 1,500 times the amount of total global energy usage in any given year. He described the solar applications in Germany and decreasing installation costs for solar over the years. One option is to provide a direct cash

incentive or \$1,000 for the next 27 solar PV or solar thermal installations in Park City. But staff does not recommend this option because any rebate provided discounts the amount of tax credit received by the consumer. An alternative recommendation to the rebate is to waive future building permit and plan review fees associated with renewable energy systems. This value is not discounted with regard to tax credits and is not a financial outlay for the City but rather represents foregone revenue.

Mr. Poulson referred to the home performance program with Energy Star. The state received just under \$10 million from the Department of Energy for stimulus funding and \$2 million has been directed to this program. He recommends leveraging this program, rather than creating a new one. For energy improvements the household pursues, the home performance program rebates 50% of the total cost of the job. A marketing campaign can be created on a local level directing citizens to this rebate opportunity.

Tyler Poulson described the low carbon diet program designed to coach families to reduce their carbon footprints. He believes there is genuine interest from community members in volunteering their time and energy toward reducing carbon emissions. The booklet offers ways to reduce 5,000 lbs of carbon a year in the areas of home energy use, transportation, solid waste and recycling, water consumption and consumer choices. The booklet also provides a framework to promote participation to magnify reductions. Staff recommends using the \$27,000 and hiring a part-time project coordinator for outreach and marketing. Staff proposes that the City cover the cost of the workbooks at \$8 each and set aside some money for incentives and awards for participants in the program. The success or failure of the program is driven by the community. He again addressed the recommendation to use the \$27,000 for the carbon diet program and waiving future building permit and plan review fees associated with solar PV, solar thermal, and wind.

Liza Simpson suggested that foregone revenue be projected in the budget and asked if the booklet is available on-line. Mr. Poulson responded that certain portions are available electronically. Mayor Williams expressed his support of the project but pointed out that the marketing budget may not be sufficient. Candace Erickson felt it makes good sense to reimburse the Building or Planning Departments foregone fees. Joe Kernan liked the plan presented, especially encouraging the public to take advantage of the state's home performance program. He suggested that waivers be offered on a temporary basis or intermittently. Liza Simpson felt it would be helpful to implement the program for a couple of years and assess budget implications. Mr. Kernan felt that waivers should be strategically used as incentives. Diane Foster suggested capping waivers or extending them to residential units only. The Mayor suggested that installations over a certain size be considered on an individual basis. Alex Butwiski believed the \$27,000 should be carefully managed so costs are not exceeded. There was discussion about selling workbooks to sustain funding and marketing the home performance program on the City's website.

5. Recreation Advisory Board Visioning. Ken Fisher introduced RAB Board members in attendance indicated above. Members are looking for Council direction on

their proposed work plan, conceptual master plan for City Park, and dogs off-leash at the Library campus.

Last year, Council asked RAB and staff to look at making the Library field an off-leash area and it was discovered that the County Animal Control Ordinance didn't recognize dog parks. Summit County is in the process of formulating a new leash law regulation that will allow local communities to designate off-leash areas and the proposal is scheduled for review on November 24, 2010. Over the past year, RAB has received some public input on this issue and four options have been identified. (1) Do nothing and leave as is and (2) designate the field as an off-leash area. Neighbors were not supportive because they feel this area should remain multi-use. (3) Install a fenced-in dog park. RAB believed users should use the recently constructed dog park at Quinns. (4) Increase signage and poop dispenser bags. Signage would display leash laws, encourage owners to pick up after their dogs, and guide people to the dog park at Quinns Junction.

Mayor Williams explained that he has always been a proponent of not designating this field a particular use, although he recognized the conflicts with kids and dogs and keeping the field clean and usable. Candace Erickson, liaison to RAB, relayed a suggestion of making the people using the park responsible for those who are not. Another option is to hire a service to clean up the park on a regular basis. Liza Simpson observed that the evening user group is self-policing and she is inclined to support Option 4. Mayor Williams questioned the need for a sign directing people to the dog park. Joe Kernan supports Option 4 except for posting the leash law ordinance which could be confusing. He didn't feel it necessary to hire a maintenance service and suggested considering an electronic border system. Liza Simpson stated that conflicts with school children and dogs may significantly diminish when tenants move out of the building because of the potential Library expansion in a couple of years. Members agreed on Option 4 with all three suggested signs.

Mr. Fisher stated that all but \$12,000 has been spent in City Park from the 2001 \$2 million neighborhood bond and at Quinns Junction, improvements are funded at \$300,000 from open space impact fee revenue. Last year, Council directed staff to hire a landscape architect to look at creating a master plan for the north and south ends of City Park. Dave Nicholas from IBI has worked on many parks throughout town was hired; he referred to conceptual drawings. Discussion ensued on City-owned property located behind 7-11 which looks more like it is associated with the store. He noted that programming this area is pretty dangerous with the potential of errant baseballs as the playing field is across the street. It is recommended to do nothing with this area at this point in time.

Ken Fisher referred to a possible site for a community garden on Park Avenue and creating a bandstand area on the southwest corner to try to bring some music back to the park because. This area is underutilized. Currently there are two tennis courts which will need to be rebuilt and there is enough space to accommodate a third court. Alex Butwinski was not supportive of a third court, felt there is no demand, and prefers

more grass. The Mayor disagreed and stated that he often sees people waiting to use the only free courts in town. Candace Erickson agreed that the two courts are used on a regular basis all summer long. Cindy Matsumoto stated she is okay with three courts and Joe Kernan would also like to see the area used. Most members were supportive of the small performing area, but Ms. Matsumoto felt it is too small. Liza Simpson stated that she does not want to use City-owned property on Park Avenue for a community garden and preferred an area by Snow Country Condominiums, explaining that she wants to preserve the property for affordable housing. Kathy Kahn explained that community gardens can easily be moved and vacant property is typically used until it is developed. Mr. Fisher expressed the importance of placing community gardens conveniently close to participating households.

He asked if Council is supportive of lighting the skate park to expand use. If Council agrees, an amended CUP application would have to return to the Planning Commission for approval. The Mayor discussed covering the skate park so it could be used year round, which was presented to Council two years ago. Liza Simpson felt lighting the skate park for a month is a waste of money; spend the money to study the cover option. Joe Kernan supported lighting and exploring covering the facility. Alex Butwinski didn't like either option. Cindy Matsumoto felt night lighting is often annoying to the neighborhood and is against extended lighting at the skate park. Candace Erickson agreed. Lighting was not supported.

Mr. Fisher stated that the next phase of the approved Sports Complex conceptual master plan is to build fields between the maintenance building and the National Ability Center. RAB would like to review the plan again to ensure it is a plan that should be implemented. In response to a question from the Mayor, Ken Fisher felt that the biggest demand on fields is evening play but there are available times during the day. With regard to clearing snow from a field this winter for lacrosse and soccer play, Tom Bakaly explained that Council approved the purchase of the snow bucket and the cost to clear it with corresponding revenue from the School District, SBSRD, and the users. If \$3,000 is received from the user group, the program will be implemented.

Liza Simpson asked RAB to look at a possible field house at Quinns as the Newpark facility is constantly booked. Joe Kernan cautioned embarking down this road because of the expectations it will immediately prompt in the community. The Council should develop some budget procedures to make sure that the improvement is needed by demonstrated use. Existing facilities should be fully utilized first. Mr. Fisher explained the location of future conceptual fields and relayed that indoor playing fields ranked very low in the 2006 recreation needs assessment survey for Park City. He spoke about conducting a joint needs assessment with the County and Ms. Matsumoto suggested including the School District in discussions. Mr. Kernan felt that significant capital projects should be put to the voters.

Mr. Fisher stated that the group will be working with the Public Art Advisory Board for public art for the new recreation center. Tom Bakaly confirmed that PAAB will make the final recommendation to Council.

With regard to the master plan discussion, Ms. Erickson stated that if the City is not in a financial position to build a field house, it doesn't make sense to spend the time and money to include it in a master plan. The Mayor clarified that the request is to just take a cursory look. Kathy Kahn explained that a field house has not been a topic of interest and she personally likes the idea of an indoor pool. It was clarified that an architect will not be hired for the next phase.

6. Comstock Tunnel ribbon-cutting. The work session adjourned and members celebrated the completion of the Comstock Tunnel on site with School Board members.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 4, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, November 4, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Liza Simpson commented on the passing of Kathy Herschberg and remarked on her many contributions the community over the years.

Joe Kernan disclosed that he pays to park his vehicles on The Yard property. He hoped the national results of the election held Tuesday will prompt needed partisan cooperation. With regard to the sister-city discussion, he acknowledged the commitment of "friends" group to raise money and support and would like to see a "friends" group emerge committed to fiscal conservatism so there is another voice out there to balance funding requests.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF OCTOBER 14 AND OCTOBER 21, 2010

Joe Kernan, "I move we approve the minutes of the 14th and 21st of October". Cindy Matsumoto seconded. Candace Erickson disclosed that she was not in attendance at the meeting of October 21. Motion carried to approve.

	<u>10/14</u>	<u>10/21</u>
Alex Butwinski	Aye	Aye
Candace Erickson	Aye	Abstention
Joe Kernan	Aye	Aye
Cindy Matsumoto	Aye	Aye
Liza Simpson	Aye	Aye

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

1. Consideration of an Ordinance approving The Yard Subdivision, located at 1251 and 1225 Kearns Boulevard, Park City, Utah – Kirsten Whetstone explained that the request is for a one-lot subdivision to create one lot of record in the General Commercial District. The site is about 4.5 acres and the subdivision eliminates overlaps, gaps and errors in various legal descriptions of the eight parcels. She pointed out one open structure not meeting the side yard setback adjacent to Woodbine Way creating a legal non-conforming use. The Planning Commission conducted a public hearing and forwarded a positive recommendation to City Council. For the benefit of Joe Kernan, Ms. Whetstone explained that properties must be legally subdivided to receive a building permit and develop. The Mayor opened the public hearing; there were no comments from the audience and the hearing was closed. Liza Simpson, “I move we approve The Yard Subdivision based on the findings of fact, conclusions of law and conditions of approval as found in the draft Ordinance”. Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the Second Amendment to the Courchevel Condominiums Record of Survey Plat, located at 2700 Deer Valley Drive East, Park City, Utah – Planner Kirsten Whetstone explained that the application is to amend the record of survey plat. The original plat was recorded in 1989 including 40 residential condominium units in three buildings with 60 parking spaces. Two of the three buildings were built but Building A was not constructed because most of the density from Building A was transferred through an amendment to the Deer Valley Master Plan to neighboring properties. There is enough density left to convert some of the common area of two of the units in Building B. She pointed out the record of vote of the homeowners association in the packet material. An analysis of the unit equivalents was conducted and the amendment is code compliant. The Planning Commission held a public hearing and forwarded a positive recommendation. A condition of approval specifies that any future construction of units will trigger a review of the parking.

Mayor Williams referred to a letter sent to Council members from an owner concerned about potential density and parking problems. Ms. Whetstone confirmed that there aren't sufficient unit equivalents available to increase density. Alex Butwinski asked what the City would do if the HOA didn't support the application. Ms. Whetstone stated that the HOA has to be the applicant and Mark Harrington clarified that although the City does not regulate CC&Rs there has to be demonstration that the vote occurred. The Mayor opened the public hearing; there were no comments and the hearing was closed. The applicant pointed out that the objecting owner was serving on the Board of Directors when the vote was taken.

Joe Kernan, “I move we approve New Business Item 2, approving the Second Amendment to the Courchevel Condominium Record of Survey Plat”. Alex Butwinski seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a closed session convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 6:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney, Joan Card, Consultant, Jason Christensen, Legal Intern, Michael Kovacs, Assistant City Manager; Kathy Lundborg, Water Manager; Jon Weidenhamer, Economic Development Director; Thomas Eddington, Planning Director; Diane Foster, Sustainability Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Cindy Matsumoto seconded. Motion carried unanimously.

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



City Council Staff Report

Subject: Sewer Easement for 74 Prospect Avenue
Author: Matthew Cassel, City Engineer
Date: November 18, 2010
Type of Item: Administrative

Summary Recommendations:

Staff recommends that the City Council grant a Sewer Easement, in a form approved by the City Attorney, to Snyderville Basin Water Reclamation District (SBWRD) for the purpose of constructing and accessing a proposed sanitary sewer located across Park City Parcel PC-224-B-X.

Description:

Park City parcel PC-224-B-X is located between the west lots along Prospect Avenue and the east lots along Daly Avenue. SBWRD has requested a 20 foot wide Permanent Sewer Easement and a 10 foot wide temporary construction easement across parcel PC-224-B-X to provide sewer service to 74 Prospect Avenue. This sewer easement runs from the back lot of 74 Prospect Avenue north to Hillside Avenue. The Sewer Easement would allow SBWRD access for the construction and future operation, maintenance and repair of their proposed sanitary sewer.

Background:

As part of the 2006 Prospect Avenue Re-Construction Project, the sewer system was modified for the home located at 74 Prospect Avenue. The home was originally connected to a failing sanitary sewer located to the west of the home (see green line on attached drawing). During the Prospect Avenue re-construction, a pump station was installed for the 74 Prospect Avenue. This pump station pumps to the sewer line in Prospect Avenue and the sewer line west of the home was abandoned.

The use of a pump station has brought an assortment of other problems including numerous pump failures, inaccessibility during the winters because the station is buried under snow (roof shedding snow) and the station is currently located on the adjacent property (68 Prospect Avenue) without consent. The homeowners of 74 Prospect Avenue and their lawyers have requested SBWRD to find alternatives to the pump station.

SBWRD has determined two feasible alternatives. The first alternative is to move the pump station to the west of 74 Prospect Avenue. This would move the pump station off 68 Prospect Avenue's property and would move the pump station away from the snow shedding from the roof of 74 Prospect Avenue. If the pump station is located to the west, it would be located on City property and would be difficult to access during the winter months. The second and preferred alternative is to re-construct the sewer from 74 Prospect Avenue down to Hillside Avenue (see yellow line on attached drawing).

Analysis:

SBWRD has requested to proceed with the second alternative listed above. This parcel was investigated by City staff and determined to not have any restrictions attached.

Staff reviewed both alternatives and though alternative one may have slightly less initial construction impacts, the reliability of a lift station is much less and the possibility of a sewerage spill is great especially during a power outage. City staff recommends the gravity sanitary sewer solution (alternative two).

Department Review:

This report has been reviewed by Legal, Building, Sustainability and Planning. All concerns raised by these departments have been incorporated herein.

Alternatives:

A. Approve the Request:

Approving the sewer easement will allow SBWRD to complete the gravity sewer and thus provide 74 Prospect Avenue with a solution to their sewer system problems. This is Staff's recommendation.

B. Deny the Request:

Denying the sewer easement will require 74 Prospect Avenue to find an alternative method to discharge their sewerage which may include pumping up to the Prospect Avenue sewer.

C. Continue the Item:

If the Council desires more information about the easement, the item may be continued.

D. Do Nothing:

This would have the same affect as denying the request for the sewer easement.

Significant Impacts:

Other than the construction scar across this parcel, which will take two to three years to heal, there are no other significant impacts arising from the recommended action.

Consequences of not taking the recommended action:

If the sewer easement is not granted, 74 Prospect Avenue would need to find an alternative method to discharge their sewerage most likely requiring them to relocate their pump system and continue to pump up to Prospect Avenue.

Recommendation:

Staff recommends that the City Council grant a Sewer Easement, in a form approved by the City Attorney, to Snyderville Basin Water Reclamation District (SBWRD) for the purpose of constructing and accessing a proposed sanitary sewer located across Park City Parcel PC-224-B-X.

Attachments

Prospect Ridge Exhibit

Prospect Back lot Easement

Prospect Back lot Easement Exhibit



Hillside Avenue public wastewater line

Abandoned back lot public wastewater line

Proposed replacement back lot public wastewater line

DISCLAIMER
This drawing is neither a legally recorded map or a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, including the Snyderville Basin Water Reclamation District which is not responsible for its accuracy or timeliness. The Snyderville Basin Water Reclamation District advises that anyone requiring survey quality positions, such as for, but not limited to, construction or boundary work, should consult with a competent licensed surveyor.
Every effort has been made to ensure the accuracy of this information. However, the information contained in this map is subject to change without notice. The Snyderville Basin Water Reclamation District reserves the right for such change without prior notice.

When recorded return to:
 Snyderville Basin Water Reclamation District
 2800 Homestead Road, Park City, Utah 84098

**GRANT OF EASEMENT
 FOR CONSTRUCTION AND MAINTENANCE OF WASTEWATER COLLECTION
 AND TRANSPORTATION PIPELINE(S) AND APPURTENANCES**

Park City Municipal Corporation, Grantor, does hereby convey and warrant to the Snyderville Basin Water Reclamation District, a local District of the state of Utah, (the District) Grantee, of Summit County, Utah, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, a permanent non-exclusive easement and right-of-way for the purpose of constructing, operating and maintaining one or more underground pipelines and appurtenances in the easement granted herein for the collection and transportation of wastewater as permitted by the District in the exclusive discretion of the District, over, across, through and under the premises of the Grantor situated in Summit County, Utah which are more specifically described as follows:

Permanent Easement

A 20-foot wide permanent easement located in the southeast quarter of Section 16 and the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said easement being more particularly described as follows:

Beginning at a point that is South 46°50'21" East 92.96 feet from the street monument at the intersection of Main Street and Daly Avenue, according to the Monument Control Map, Entry No. 199887, in the office of the recorder, Summit County, Utah; and running thence South 72°11'33" East 20.00 feet; thence South 17°48'27" West 17.28 feet to a point on a curve to the right having a radius of 160.00 feet, of which the radius point bears North 72°11'33" West; thence along the arc of said curve 29.71 feet through a central angle of 10°38'18"; thence South 31°06'27" East 33.66 feet to a point on a curve to the right having a radius of 110.00 feet, of which the radius point bears South 58°53'33" West; thence along the arc of said curve 54.48 feet through a central angle of 28°22'33"; thence South 02°43'54" East 150.27 feet to the westerly line of Block 18, Amended Plat of Park City in the office of the recorder, Summit County, Utah; thence along the westerly line of Block 18 South 14°02'00" West 9.56 feet; thence South 87°16'06" West 17.24 feet; thence North 02°43'54" West 159.43 feet to a point on a curve to the left having a radius of 90.00 feet, of which the radius point bears South 87°16'06" West; thence along the arc of said curve 44.57 feet through a central angle of 28°22'33"; thence North 31°06'27" West 7.95 feet to the easterly line of Block 73, Park City Survey; thence along the easterly and northerly lines of Block 73 the following two (2) courses: 1) North 21°33'00" East 4.94 feet; thence 2) North 81°31'00" West 5.10 feet; thence North 31°06'27" West 31.01 feet; thence North 28°54'50" East 10.25 feet to a point on a curve to the left having a radius of 140.00 feet, of which the radius point bears North 61°05'10" West; thence along the arc of said curve 27.14 feet through a central angle of 11°06'23"; thence North 17°48'27" East 17.28 feet to the point of beginning.

Description contains 0.14 acres.

Temporary Construction Easement

A 30-foot wide temporary construction easement located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said easement being more particularly described as follows:

Beginning at a point that is South 17°10'44" East 119.44 feet from the street monument at the intersection of Main Street and Daly Avenue, according to the Monument Control Map, Entry No. 199887, in the office of the recorder, Summit County, Utah; and running thence North 88°53'40" East 34.64 feet; thence South 31°06'27" East 33.66 feet to a point on a curve to the right having a radius of 110.00 feet, of which the radius point bears South 58°53'33" West; thence along the arc of said curve 54.48 feet through a central angle of 28°22'33"; thence South 02°43'54" East 150.27 feet to the westerly line of Block 18, Amended Plat of Park City in the office of the recorder, Summit County, Utah; thence along the westerly line of Block 18 South 14°02'00" West 9.56 feet; thence South 87°16'06" West 27.24 feet; thence North 02°43'54" West 159.43 feet to a point on a curve to the left having a radius of 80.00 feet, of which the radius point bears South 87°16'06" West; thence along the arc of said curve 39.62 feet through a central angle of 28°22'33"; thence North 31°06'27" West 0.32 feet to the easterly line of Block 73, Park City Survey; thence along the easterly and northerly lines of Block 73 the following two (2) courses: 1) North 21°33'00" East 17.52 feet; thence 2) North 81°31'00" West 18.08 feet; thence North 31°06'27" West 28.51 feet to the point of beginning.

Description contains 0.17 acres.

The Temporary Construction Easement will automatically terminate upon completion of all construction, warranty, and restoration work on the easement area.

Also granting to the Snyderville Basin Water Reclamation District a perpetual right of ingress and egress to and from and along said right-of-way and with the right to operate, maintain, repair, replace, augment and/or remove the pipelines and appurtenances deemed necessary by the District for the collection and transportation of wastewater; also the right to trim, clear or remove, at any time from said right-of-way any tree, brush, structure or obstruction of any character whatsoever, which in the sole judgment of the Grantee may endanger the safety of or interfere with the operation of Grantee's facilities. The Grantor and its successors in interest hereby forever relinquish the right to allow or construct any surface or underground improvement which would interfere with the operation, replacement or repair of the pipelines constructed and maintained under the provisions of this easement and covenant and agree that no underground or surface improvement, trees or structures will be constructed under or over the surface of the easement granted herein, without the express written consent in advance of the Grantee, which would interfere with the exercise of the rights of the Grantee to operate, maintain, repair or replace the sewer pipeline constructed by or for the Grantee.

The easement granted herein is subject to the condition that the Grantee shall indemnify and hold harmless, the Grantor, its heirs and successors against any and all liability caused by the acts of the Grantee, its contractors or agents, during the construction, operation or maintenance of the sewer pipeline provided for in this easement; the Grantor's right to indemnification or to be held harmless by the Grantee under the terms of this paragraph are expressly conditioned upon prompt and immediate notice to the Grantee of any claim or demand which would cause a claim against the Grantee and upon the Grantee's right to defend any claim against the Grantor

SANITARY SEWER EASEMENT & TEMPORARY CONSTRUCTION EASEMENT

SURVEY MONUMENT
PI MAIN STREET/DALY AVENUE

SURVEY MONUMENT
C/L PI MAIN STREET

BASIS OF BEARING
S 08°54'00" W
146.22'

BLOCK 20

30' TEMPORARY
CONSTRUCTION
EASEMENT

45
HILLSIDE
STREET

BLOCK 73

BLOCK 18

20' SANITARY
SEWER
EASEMENT

SCALE: 1"=50'



City Council Staff Report

Subject: Professional Service Agreement for engineering consulting services for the management, handling, storage and disposal of mine waste and soils contaminated with mine waste

Author: Joan Card, Legal Counsel

Department: Sustainability

Date: November 18, 2010

Type of Item: Administrative

Summary Recommendations:

Staff recommends Council authorize the City Manager to execute a Professional Service Agreement, in a form approved by the City Attorney, with URS Corporation for engineering services related to the management, handling, storage and disposal of mine waste and soils contaminated with mine waste in an amount not to exceed \$50,000.

Topic/Description:

Contract for Engineering Services

Background:

Staff identified a need for engineering expertise to assist in quantifying Park City's immediate mine waste disposal needs; working with EPA, under CERCLA, to remediate certain PCMC owned contaminated property; working with EPA to secure repository space at a local repository; and planning for the Park City area's future mine waste disposal needs.

Specifically Park City required on an as needed, as assigned basis:

- Evaluation of regulatory issues and constrains, including Federal, State and local regulations, administrative agreements and orders, work plans, reports and other historical records, engineering designs and specifications.
- Evaluate and review, or prepare/draft as needed and directed by Park City, technical documents, plans, studies, reports, engineering designs (stamped by a Utah PE), and specifications for management, handling, storage, and disposal facilities related to mine waste and related soils materials. Designs shall include consideration of capacity needs, siting issues, regulatory constraints, future land use, natural resources and environmental conditions, site construction phasing and scheduling, estimates of cost, and procedures for construction or implementation.
- Evaluate, critique and comment upon design alternatives from outside sources, including review of technical designs and specifications, cost estimates or schedules, considering accuracy, precision, constructability and effectiveness.
- Support Park City in technical negotiations and strategic planning meetings with external stakeholders and environmental agencies at state and federal levels.

- Provide support in development of strategic plans both on short and long term time-frames, based upon broad understanding of local needs, historical context and external agreements.
- Provide support to community relations and meetings.

After identifying these needs, Park City requested statements of qualifications from engineering consultants.

Analysis:

The City received four statements of qualification for the project. Consistent with the City's purchasing policies, professional service contract are exempt from competitive bidding. Instead, consultants are chosen by selecting a consulting firm whose expertise, capabilities and past performance best meet the needs of the City. A selection committee was engaged to select a consultant. The selection committee for this contract consisted of Joan Card, Diane Foster, Tom Daley, and Jason Christensen. The following criteria were used as guidance in evaluating the statements of qualification submitted.

- Expertise in investigation, design and construction of waste management facilities under regulatory environments including RCRA (Resource Conservation and Recovery Act), CERCLA (Comprehensive Environmental Response, Comprehensive, and Liability Act), and state equivalents.
- CERCLA expertise and working relationship with EPA Region 8 and Utah DEQ.
- Knowledge of Park City's environmental history, especially as it relates to the Silver Creek Tailings/Prospector Square CERCLIS site and the PCMC Soils Ordinance

Each rate schedule contained hourly rates for different positions. The rates for Project Manager are provided in the table below.

Consultant	Project Manager
URS	\$130/hour
Terracon	\$113/hour
Hansen Allen & Luce	\$133.50/hour (Managing Professional)
IGES	\$90-100/hour (Senior Consultant or Geologist)

Based on the selection criteria, the committee unanimously determined that URS Corporation was the best choice to provide the required services to Park City.

Staff has provided the Scope of Work and has negotiated the fee with URS Corporation. The Scope of Work is included as Addendum A in the Professional Services Agreement and the fee for the service under this contract is an amount not to exceed \$50,000.

Department Review:

Legal, Sustainability, and Executive have reviewed this staff report.

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

This is staff's recommendation. Engineering consulting services will assist staff in their interactions with regulators and increase the chances of a desirable outcome.

B. Deny the Request:

Denying the request would, at a minimum, reduce staff's ability to interact with regulators. Denying the request would limit Park City's ability to meaningfully evaluate mine waste soil repository options.

C. Continue the Item:

This would impair staff's ability to respond to regulators in a timely and effective manner.

D. Do Nothing:

This would have the same impact as denying the request.

Significant Impacts:

Park City is facing what is perhaps the most significant environmental challenge in its history. The issues raised by the EPA's capacity determination at Richardson Flat and their proposals for addressing mine waste soils in Park City are new and therefore were not addressed in the budget for this year. Future FY11 expenses for EPA issues, including for this proposed contract, will be distributed among the Risk Management Fund and affected capital projects. URS' expertise will be essential in Park City's analysis of the challenge and to protect the health, safety and welfare of Park City's residents and visitors.

Recommendation:

Staff recommends Council authorize the City Manager to execute a Professional Service Agreement, in a form approved by the City Attorney, with URS Corporation for engineering services related to the management, handling, storage and disposal of mine waste and soils contaminated with mine waste in an amount not to exceed \$50,000.

ADDENDUM “A”

SCOPE OF SERVICES

- Evaluation of regulatory issues and constraints, including Federal, State and local regulations, administrative agreements and orders, work plans, reports and other historical records, engineering designs and specifications.
- Evaluate and review, or prepare/draft as needed and directed by Park City, technical documents, plans, studies, reports, engineering designs (stamped by Utah PE), and specifications for management handling, storage and disposal facilities related to mine waste and related soil materials. Designs shall include consideration of capacity needs, siting issues, regulatory constraints, future land use, natural resources and environmental conditions, site construction phasing and scheduling, estimates of cost, and procedures for construction or implementation.
- Evaluate, critique and comment upon design alternatives for outside sources, including review of technical designs and specifications, cost estimates or schedules, considering accuracy, precision, constructability and effectiveness.
- Support Park City in technical negotiations and strategic planning meetings with external stakeholders and environmental agencies at state and federal levels.
- Provide support in development of strategic plans both on short and long term time-frames, based upon broad understanding of local needs, historical context and external agreements.
- Provide support to community relations and meetings.
- Provide labor, materials and equipment to complete environmental, or geotechnical field sampling, surveying, and testing to support and provide information to complete the above services

City Council Staff Report



Subject: Sundance Film Festival
2011 Supplemental Plan

Authors: Dave Gustafson – Project Manager
Max Paap – Events Coordinator
Jonathan Weidenhamer – Economic Dlvpt. Manager

Department Sustainability

Date: November 18, 2011

Type of Item: Administrative- Master Festival License

Summary Recommendations:

Review the 2011 Supplemental Plans to the Master Festival License, conduct a public hearing, and approve the plan for the 2011 Sundance Film Festival.

Background:

In October of 2005, Park City Municipal Corporation and the Sundance Institute entered into along term agreement for the 2006 through 2018 film festivals with an option to renew for an additional ten (10) years.

Section 1.2 of the Agreement refers to annual review of the Supplemental Plans, which details the implementation and operational plans with respect to those functions of the Use Areas that may change with each annual Festival. The Supplemental Plans and any annual modifications are a material part of the Agreement. Generally, Supplemental Plans for future Festivals will follow Supplemental Plans for the previous Festival unless changes that are mutually acceptable to the Parties will promote the efficient and successful operation of the Festival. Failure of the Parties to agree on changes to newly proposed Supplemental Plans will result in use of the immediately prior year's Supplemental Plans.

During the 2010 Festival debrief in April, staff described an ongoing commitment to working as partners with the Sundance Institute and jointly address critical issues. The balancing of this collaboration with the City's primary health, safety and welfare responsibilities is vital to the ongoing relationship between Park City and the Institute and critical to the ongoing success of the Festival in Park City.

City and Sundance Staffs have met on numerous occasions to work on both short term fixes and longer-term goals and strategic planning. Both parties believe these meetings are effective in both fine tuning specific issues while also providing a better high level framework for future success. At minimum the efforts continue to enable a better and more effective working relationship. The main areas of focus include: the New Frontier Program relocation to Miners Hospital; Screening Venues; Lodging, and especially Transportation.

In the transportation arena specifically, Sundance operations, UDOT, and the Transit Department have worked over the past few months to identify transportation solutions and improvements during the Festival. The primary goal is to enhance patron experience by increasing the efficiency of shuttles and shortening travel times around Park City. Immediate initiatives for 2011 Festival include the following:

- Increased pedestrian control at key intersections on Park Avenue; specifically at Empire Avenue and at the pedestrian crossing in front of Fresh Market on SR 224. By ensuring that pedestrians cross in groups, rather than one at a time, we will increase the ability of traffic to move and increase safety.
- UDOT has proposed to manually control the traffic light at the intersection of Hwy 224 and Hwy 248. UDOT will be in position to collect data helpful in determining whether this kind of control should be included in future Festival planning.
- The Festival will be increasing customer service volunteers stationed at shuttle stops.

Future transportation strategy includes:

- Collecting additional data on traffic patterns and light timing.
- Developing and utilizing “bus only” lanes.
- Assessing future park and ride options.

Analysis:

Sundance, in partnership with Sustainability Economy staff continues to focus on improving the audience experience overall by making processes easier and the event more affordable and accessible. The easier it is to get in and around the festival the more films people will see, achieving the Institute's mission of connecting artists and audiences and in turn encouraging more people to come to Park City and participate.

Continued improvements to the festival are ongoing and the Sundance Institute continues to morph their operational planning in efforts to best achieve their mission, while minimizing local impacts. The Institute continues to refine efforts to work with local stakeholders such as the HPCA, Restaurant Association, and the Lodging Association. Efforts are described in more detail in Exhibit B.

In an effort to not make significant decisions on important operational or facility programming and planning, staff presented an overview of the 2011 Festival on September 16, 2010 (Exhibit E). The supplemental plan considered tonight is consistent with that presentation

Council should specifically consider approval of the changes to the 2011 Festival Supplemental Plan as attached in Exhibit C (Use Area Table), which include the following major changes (*staff analysis in italics*):

- Racquet Club – The Racquet Club will not be used as a venue this year. We anticipate returning it as a venue for the 2012 Festival.
- Old Town Parking plan - Consistent with the 2010 model, the plan:
 - o Removes Pay and Display from the west side of Main Street on Tuesday, January 18, 2011
 - o Removes Pay and Display parking on both sides of Main Street from the first day of the festival (Thursday, January 20, 2011) through the last Saturday of the festival. With the following exception:
 - Tuesday – Thursday, the east side of the street will have the traditional pay and display from 11 am – 5 pm, then revert back to drop and load starting at 5pm on Thursday.
 - o All pay and display spaces removed become 15 minute Drop and Load zones.
- China Bridge paid parking plan - \$20 charge from the first Friday through Monday, then decreasing to \$10 on Tuesday through the final Saturday of the festival. *In 2010 the \$10 decrease occurred on the first Wednesday of the festival. Staff recommends lowering the price to the \$10 fee a day earlier based on the reduced parking demand demonstrated in Exhibit C.*
- Park Avenue parking plan - Restrict parking along the west side of Park Avenue from Heber Avenue north to 14th Street. *This will remove approximately 55 parking spaces from available public inventory. Transit and Public Safety recommends this mitigation measure to increase Transit circulation, safety, and emergency response times. PCMC staff recommends analysis of traffic flows after the first weekend to contemplate adjustments in parking inventories later in the festival, possibly scaling back the restrictions. Although we haven't done outreach to gain specific input from neighbors, based on complaints regarding blocked driveways, garbage and noise impacts, we believe the property owners along Park Avenue will be supportive.*
- Skier load out/pedestrians crossing from Deer Valley Drive/Empire Ave. to Kearns Blvd. - Transit, Public Safety, and Special Events recommend a plan that would run from 3 PM to 7 PM from the first Thursday of the festival through the first Monday of the Festival. The plan would be reevaluated at the all hands meeting on Tuesday to see if it needs to carry forward for the remainder of the Festival. This mitigation tool addresses the combined additional vehicle totals of Sundance patrons

and ski resort load-out along Park Avenue northbound and the significant increase in pedestrian crossings in the corridor. The Plan includes:

- o Increased pedestrian control at DV Drive/Empire/ Park Ave intersection as well as the pedestrian crossing in front of Fresh Market. By ensuring that pedestrians cross in groups, rather than one at a time, we will increase the ability of traffic and transit to move and increase pedestrian safety levels.
 - o UDOT has proposed to manually control the traffic light at the intersection of Hwy 224 and Hwy 248. UDOT will be in position to collect data helpful in determining whether this kind of control should be included in future Festival planning.
- New Frontier relocation to City Park - Sundance will use the PCMC Recreation Building, Miners Hospital, and the gazebo in City Park to create a "campus" atmosphere for the New Frontier program. This program would replace what was previously housed in the lower level of the Main Street Mall. Activities would include art installations, panel discussions, performances, events, and sponsor activities. A detailed description and venue information are included as Exhibit A, and a power point presentation will be given at the meeting to provide additional information.

Sundance along with PCMC staff delivered door to door fliers with venue operations and programming and contact information. Two neighborhood pre-meetings were held at Miners. There was limited neighborhood participation. Those who did attend were supportive of the use, particularly because it brought an operational regulatory plan that mitigates the unintended secondary impacts at the Park such as taxis speeding to avoid traffic on Park Avenue, and overflow Main Street parking.

Staff finds the operational plan and efforts laid out by the Institute will mitigate for any impacts on the neighborhood, including:

- o Parking, Circulation and Access plan to address pass-through traffic and taxi staging
 - o Pushing hospitality uses to the Recreation building

Department Review:

Sustainability, Transit, Police, Parking, Streets, Building, and Legal departments have reviewed the Sundance Film Festival 2011 Supplemental Plans Update and their comments have been incorporated into the report.

Alternatives:

A. Approve:

Approve the Supplemental Plans for 2011 Sundance Film Festival based on the findings of fact, conclusions of law and conditions of approval at the end of this report. This is staff's recommendation.

B. Deny:

Direct Staff to provide more information regarding the 2011 Supplemental Plans.

C. Modify:

Direct Staff to modify the condition of the Supplemental Plans to the 2011 Sundance Film Festival.

D. Continue:

Staff may return at a future date with additional information requested by Council.

Significant Impacts:

Staffing and material resources for the services along Park Avenue (barricades, manpower) may need to be increased and financial impacts would need to be addressed by Park City Municipal and Sundance Institute per the terms of the agreement.

Consequences of not taking the recommended action:

The 2011 Sundance Film Festival Supplemental Plans would not be allowed to be pursued. Sundance would proceed under the 2010 Supplemental Plan with the exclusion of the Racquet Club venue.

Recommendations:

Review the 2011 Supplemental Plans to the Master Festival License, conduct a public hearing, and approve the plan for the 2011 Sundance Film Festival.

Attachments

Exhibit A - New Frontier Information – submitted by Sundance

- 1 page overview
- Customer Service Line
- Site Plan
- Photos & Imaging of venue (to be presented during meeting)
- Examples of exhibits planned at Venue(to be presented during meeting)

Exhibit B – Sundance submittal – Sundance Film Festival and the Community

Exhibit C– Public Use Areas in MFL

Exhibit D - 2007-2010 Parking Comparisons

Exhibit E – Minutes 9.16.10 Council Work Session

Exhibit F – HPCA submittal on parking

The 2011 Sundance Supplemental Plan approval by the City Council of Park City, Utah is based on the following:

FINDINGS OF FACT.

1. Section 1.2 of the Sundance City Services Agreement identifies implementation and operations of the Festival to be the same as the previous year, unless the Supplemental Plan is specifically amended.
2. The 2010 Festival Supplemental plan will be amended to:
 - a. Update the Main Street and Park Avenue Parking, Traffic mitigation and Circulation Plan.
 - b. Recognize the Racquet Club will not be used as a venue.
 - c. New Frontier Program will move to City Park
 - d. Expanded Pedestrian and traffic circulation efforts will be put in place on Park Avenue between Deer Valley Drive and Kearns Blvd.
3. These modifications are consistent with the Agreement.

CONCLUSIONS OF LAW.

1. As conditioned the Supplemental plan is consistent with Section 1.2 of the Long term City services Agreement with the Sundance Institute.
2. Findings are consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

CONDITIONS OF APPROVAL.

1. A final programming and operational plan for the New Frontier venue, is to be submitted and approved by January 5, 2010 to address all aspects of the operation and programming of the City Park.

EXHIBIT A

SUNDANCE FILM FESTIVAL NEW FRONTIER PROGRAM

The Sundance Film Festival's New Frontier Program highlights work that pushes the boundaries of storytelling and the moving image. New Frontier celebrates the convergence of film, art, and new media technologies as a hotbed for cinematic innovation. New Frontier presents feature films, media installations, multimedia performances, panel discussions, and more.

As an experiment in Festival presentation, the New Frontier venue is a social and creative space that showcases media installations, multimedia performances, thought-provoking panels, and a DJ lounge and café.

We plan to use Miners, the Rec Center building and some outside spaces in between to create a campus for artists and audiences to connect.

New Frontier will include large-scale sculptural works, intimate installations, screenings, performances, educational panels and special events in and around this iconic and historic Park City landmark.

This venue is free and open to all Festival Credential Holders and the general public as space permits.

Dates

Load in: We will do some preliminary work starting in November.
Heaviest load in will occur Jan. 15 - 19th.
Load out: Jan. 30 - Feb. 2

Open to the Public: Thursday, January 20 - Saturday, January 29th
Public Hours: 10:30am - 10pm

*Staff will arrive by 9am each day to prepare and will remain in the space after 10pm for clean up.

Contact information for Venue Manager, Festival Operations and Production Managers and the Sundance Film Festival Customer Service line will be made available in early January for surrounding neighbors and City Staff.

SUNDANCE FILM FESTIVAL CUSTOMER SERVICE LINE

Sundance Institute has a year-round Customer Service Hotline number and e-mail address to field all questions, concerns and comments regarding the Sundance Film Festival and other Institute programs.

Number: 435.776.7878

E-mail: customerservice@sundance.org

Year-round

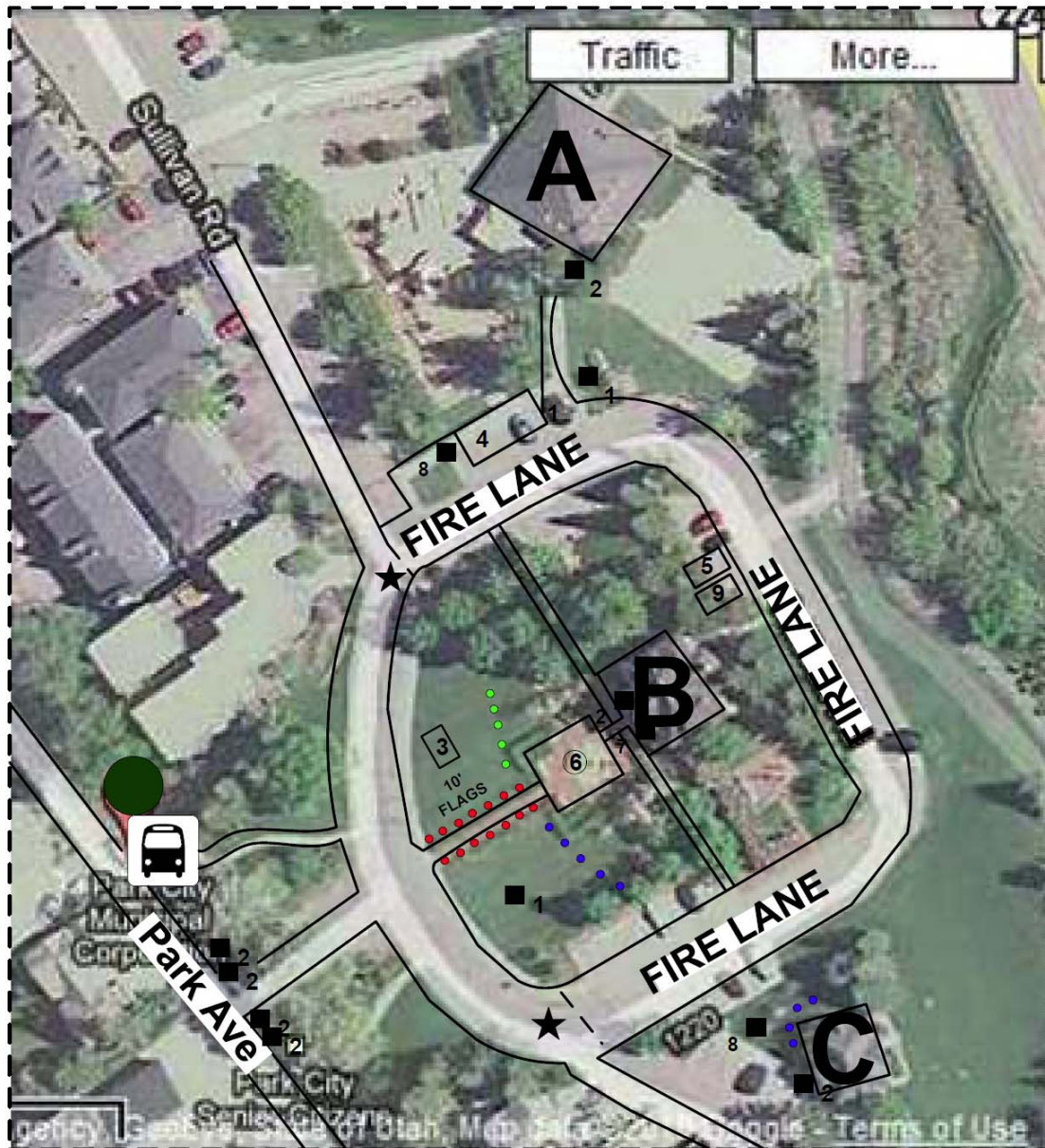
Hours of Operations: 10:00 AM - 4:00 PM, Monday - Friday. After 4:00 PM the caller is instructed to leave a voice message. A representative from the Institute will return the call or reply to an e-mail within 24 hrs.

During the Sundance Film Festival

Hours of Operation: 9:00 AM - 12midnight including weekends. After midnight the customer is instructed to leave a voice message. A customer service representative will respond to any phone or e-mail inquiry on the same day or by noon the following day for the after hours messages.

Our customer service representatives will be happy to answer any questions about the Sundance Film Festival and our other Institute programs. We'd also like to hear your feedback -- your experiences, impressions and suggestions. We are always happy to hear from you and value your comments regarding our programs and services.

Sundance Film Festival: New Frontier 2011
1354 Park Ave



A: Rec Center
-Lounge
-Artist Exhibit

B: Miner's Hospital
-Artist Exhibits

C: Pavillion
-Panels
-Artist Exhibit
-Microcinema

1: Signage Tower Structures for Venue Identification (8x8x12)

2: Lightboxes, 3x6x2 each

3: Artist Exhibit w/ Projection

4: Concessions Area (food truck, coffee truck—approx 4-6 parking spaces used for this)

5: TBD Storage container (1 parking spot)

6: UL Listed Fire Pit as required by building department. (propane)

7: Info Booth (on porch near entrance)

8: Sponsor Car—2 potential locations

9: TBD Garbage Dumpster

★ : Ampco Parking attendant by barricades with sign stating "Permit Parking Only All Others Will Be Towed"

EXHIBIT B

SUNDANCE FILM FESTIVAL AND THE COMMUNITY

Sundance Film Festival Official Sponsors

Official Festival sponsorship covers over 50% of our Festival budget. Without these important contributors an individual ticket would cost over \$45. Not only do our official sponsors and other corporate relationships contribute greatly to the effort of Sundance Institute and its mission, many of them also rent venues on Main Street and produce their own events at various restaurants around town. Many of these venues are open to the public and all of them stay open and operating through the entire festival.

Our partnership with The Sundance Institute and HP is invaluable to the Kimball Art Center. They have become our trusted partners and strategic allies on several levels. Every year their support through their rental helps to keep us free to the community. Additionally each year they contribute new upgrades to our technology, furniture for the garage gallery and adult studio, and new flooring that we could otherwise not afford which improve both our appearance and offerings. They installed greater power last year that allowed us more flexibility for outdoor offerings at the annual Arts Festival. As our relationship with Sundance Institute and HP evolves we find new ways to invest in one another in a collaborative approach which ultimately benefits Park City year round.

*Robin Marrouche
Executive Director, Kimball Art Center*

Sundance Film Festival on Main Street

In addition to the venues our sponsors rent, the Sundance Film Festival will also rent six venues on Main Street in 2011. This year we are thrilled to be using the Slifer, Smith and Frampton building on the corner of Heber Avenue and Main Street. This venue will be open to the public providing unique opportunities to interact with our sponsors. It will also house our Festival Store. Additionally, we are working with the Park City Gallery Association to cross promote their Gallery Stroll happening during the festival on Friday, January 28th and our New Frontier venue at Miners Hospital.

We are introducing a new program this year called Festival Insiders. These highly trained volunteers will serve as hosts or ambassadors to help our attendees navigate the Festival. They will spend time in our busiest spots – Main Street, wait list tents, events, and on the shuttles. They will also conduct daily one-hour tours of Main Street pointing out all the amenities and activities available to them.

Restaurants

Thanks to an anonymous donor we have a budget to purchase food for our volunteers. We have chosen to use these funds for volunteer vouchers. These vouchers can be exchanged at participating local restaurants for a discount or free offering. Sundance pays the difference. With over 1600 volunteers this program drives a lot of business to those participating.

The festival also produces 25 official events in local restaurants.

Press at the Festival

Sundance Film Festival accredits over 1200 journalists from around the world.

The following is a small sampling of the outlets that attend the entire festival and report on everything from the Day One Press Conference to the Awards Ceremony on the last Saturday:

NY Times, Wall Street Journal, USA Today, Sundance Channel, Entertainment Weekly, Associated Press, CNN, Hollywood Reporter, Variety, NPR, LA Times, BBC, Canal +, The Guardian, Times of London, New York Magazine.

Festival Access for Locals

Locals make up 40% of our audience and we greatly value that participation. In 2011 we will continue to offer a free screening during the festival for Summit County residents. It has been a huge success and we will continue to offer this in the coming years. In 2011 this screening will be on Tuesday, January 25th at the Library Theatre.

For the past two years we have been able to increase the number of ticket packages and passes held specifically for locals. In 2011, we added a significant number of Film Lovers packages for locals.

We also continue to have the following programs for locals:

- Free access to Sundance House, New Frontier, Music Cafe and several sponsor venues on a space available basis.
- Best of Fest screenings on Monday, January 31st
- Filmmakers in the Classroom program for Park City High School students
- Year round free film series
- Employment opportunities directly through Sundance Institute as well as indirect job creation for the event.
- Volunteer opportunities
- Ticket package donations for local non-profit organizations. We gave away ticket packages to 17 Park City organizations to be used at the 2011 Festival.
- Significant economic impact to Summit County

Ski Resorts - We work with the resorts each year to inspire our attendees to ski by offering discount coupons. We are also offering a promotion on our travel service, Destination Sundance Film Festival, that includes lift tickets.

Lodging Association

Destination Sundance Film Festival was a great success last year and we are continuing to work with the lodging community to ensure it is a win-win for everyone. We are also working with several companies to offer a "buy 3 get the 4th free" package that includes lodging, skiing and film tickets for the second half of the Festival.

EXHIBIT "1"
MASTER FESTIVAL LICENSE AND CITY SERVICES AGREEMENT
Modified & Updated for 2011 Festival

USE AREAS

Use Area	Address	Use Period *	Intended Use	Type of Use	Basic City Services	Access Control	Traffic Control
Santy Auditorium of Park City Public Library and Education Center, all associated furnishings, fixtures, and equipment; including 201, 202, 205, & 207;north lawn area and Reading Garden.	1255 Park Avenue	Santy & Proj. booth- 1/13/11- 2/3/11 Classrooms- 1/17/11- 2/1/11 Courtyard& field- 1/13/11- 2/3/11	Screening venue; Concessions/ Hospitality; Wait list Line; Box Office, kiosk, volunteer use, tent, storage	Parking – Nonexclusive (except 16 reserved via permit; All others – Exclusive	Park City shall maintain regular Cleaning, Waste Removal and snow and ice removal inside and outside the use area. In addition, Park City shall clear snow, ice and debris from the field & courtyard for placement of Sundance's Tent & other activities.	Sundance and Park City	Sundance and Park City
PCMC Recreation Building, Miners Hospital, and pavilion	1354 Park Avenue	Rec. Building 1/10,2011 – 2/1, 2011 Miners 11/10/11- 2/15/11	New Frontier programming, art exhibits, & sponsor activities	Parking – Exclusive- adjacent to Recreation and Miners; Other - Nonexclusive	Park City shall maintain regular, Cleaning, Waste Removal and snow and ice removal inside and outside the use area. Park City shall clear snow, ice & debris for placement of Sundance programming.	Sundance	Sundance and Park City
Park Avenue- Between Heber & 9 th St.	Park Ave	1/20,2011 – 1/29, 2011	Parking mitigation	Parking/exclusive	Park City shall place	Park City	Park City

					barricades and enforce the operations plan		
Park Avenue- Between 9th and 14th St	Park Ave	1/20, 2011 – 1/29, 2011	Parking mitigation	Parking/exclusive	Park City shall place barricades and enforce the operations plan	Park City	Park City
Main Street - Entire east & west sides.	Main Street	1/18, 2011 – 1/29, 2011	Parking control to increase response time and increase traffic mitigation	Pedestrian	Park City shall place the barricades, provide snow removal and place “no parking” and “drop zone” signs	None	None

Exhibit D – 2007 – 2010 Parking Comparisons

SUNDANCE FILM FESTIVAL

2007 - 2010 COMPARISON

	2007	2008	2009	2010	09-'10	% INCR		2007	2008	2009	2010	09-'10	% INCR
	Vehicles Parked	Vehicles Parked	Vehicles Parked	Vehicles Parked	VAR	09-'10		Total Revenue	Total Revenue	Total Revenue	Total Revenue	VAR \$	08-'09
2 FRIDAY	995	1083	1419	1340	-79	-5.57%		\$19,738.00	\$21,570.00	\$28,382.00	\$26,765.00	(\$1,617.00)	-5.70%
3 SATURDAY	1212	1281	1705	1442	-263	-15.43%		\$24,270.00	\$25,560.00	\$34,016.00	\$28,871.00	(\$5,145.00)	-15.13%
4 SUNDAY	1100	1148	1377	1337	-40	-2.90%		\$21,950.00	\$22,961.00	\$27,556.00	\$26,680.00	(\$876.00)	-3.18%
5 MONDAY	958	844	1140	979	-161	-14.12%		\$19,160.00	\$16,821.00	\$22,810.00	\$19,580.00	(\$3,230.00)	-14.16%
6 TUESDAY	808	739	755	743	-12	-1.59%		\$16,080.00	\$14,840.00	\$15,080.00	\$14,880.00	(\$200.00)	-1.33%
7 WEDNESDAY	604	746	628	923	295	46.97%		\$12,070.00	\$14,921.00	\$12,540.00	\$9,300.00	(\$3,240.00)	-25.84%
8 THURSDAY	784	651	563	1180	617	109.59%		\$15,680.00	\$13,010.00	\$11,241.00	\$11,800.00	\$559.00	4.97%
9 FRIDAY	831	768	729	1521	792	108.64%		\$16,600.00	\$15,320.00	\$14,610.00	\$15,155.00	\$545.00	3.73%
10 SATURDAY	1030	1073	818	1634	816	99.76%		\$20,580.00	\$21,480.00	\$16,345.00	\$16,320.00	(\$25.00)	-0.15%
TOTALS	8322	8333	9134	11099	1965	23.61%		\$166,128	\$166,483	\$182,580	\$169,351	(\$13,229)	-7.96%

Exhibit E

September 16 2010 Work Session Minutes

PARK CITY COUNCIL WORK SESSION NOTES SUMMIT COUNTY, UTAH SEPTEMBER 16, 2010

Present: Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Dave Gustafsen, Project Manager, Jason Glidden, Business Development Manager, Jon Pisty, Operations Manager; and Phyllis Robinson, Public Affairs Manager

Sara Pearce, Exective Director Sundance; and Spence White, consultant for The Boyer Company

Absent: Council member Liza Simpson

2. 2011 Sundance Film Festival. Dave Gustafsen reported that staff has been working with Sundance on the upcoming Festival and a meeting was held today on an enhanced transportation plan. Sara Pearce emphasized that Sundance is looking further than 2011 and is strategically planning for the long-term. Transportation has some short term fixes but longer term solutions are being explored. She reported on the Telluride and Toronto Film Festivals which she attended, pointing out that each festival has its own personality. She discussed Toronto's newly built Film Festival headquarters and the need to remain ahead of the competition. Sundance competes with these festivals for films and industry and visitor attendance. Ms. Pearce explained the importance of unique programming and described last year's Sundance Festival USA Program, involving a number of cities, which will be continued this year.

She pointed out that Sundance is always looking for ways to improve the audience experience with improved transportation, lodging/skiing packages, and access to films. Ms. Pearce stressed that losing the Racquet Club was a huge hit, representing five screenings a day with 600 seats each. An alternative could not be identified so this year the Festival will operate without it. Sundance started using the Racquet Club in 2005. Redstone Theaters have been added as well as midnight screenings at The Yarrow. Transportation service to Kimball Junction will be supplemented to encourage riding the bus. She spoke about the use of Miners Hospital for the artists workshops previously held at the Main Street Mall which is not available this year. Sundance is proposing to use Miners Hospital in the future and creating a campus including the Recreation Building and the Library Building. This venue would be open to the public. A more detailed operational plan will return to Council, but she was eager to share this new information.

Candace Erickson felt that the hours of operation of Miners Hospital seems reasonable and Ms. Pearce indicated that her staff will meet with the neighbors as soon as there are more details. All members were supportive.

Exhibit F

HPCA Statement on Parking



November 11, 2010

Dave Gustafson
Special Events and Facilities Department
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

Dear Dave:

Thank you for setting up the opportunity to sit and chat with Chief Wade Carpenter and Captain Rick Ryan regarding the 2011 Sundance Film Festival street parking plan. As discussed in the meeting, the Historic Park City Alliance (HPCA) is supportive of the elimination of street parking on both sides of Main Street beginning Thursday, January 20th. The HPCA is in agreement that the pedestrian traffic seen during the first weekend of Sundance is overwhelming and the elimination of street parking allows for vehicles to drop and load without double parking. This maintains the traffic flow along Main Street, which is critical for public safety in case of emergency.

The HPCA supports the removal of parking on the west side of Main Street for the duration of the Festival to facilitate deliveries. However, we differ regarding the elimination of street parking, on the east side of Main Street, from Tuesday, January 25th through the afternoon of Friday, January 28th and opening Main Street on both sides of the street Sunday morning January 30th. Beginning the first Tuesday of the festival, merchants note a significant drop in pedestrian traffic as well as evening special events in Main Street venues. A copy of lodging occupancy over the past years does show a 27% decrease in destination visitors the second half of the festival, and merchant revenues reflect a similar reduction to the numbers reported.

The HPCA strives to make Historic Park City fun, friendly and vibrant destination. A phenomenon exists that when parking is eliminated from the street, pedestrian traffic declines. Restoring parking on the east side from Tuesday through Friday will add energy to the street and add pedestrian traffic. It is the same philosophy that if Main Street is closed, programming needs to exist or else the street would be dead.

The HPCA requests the City Council review our request in the context as outlined. We appreciate your coordination with us regarding this issue and thank you for the plan to reduce the cost to parking in China Bridge during the second half of the festival. Please feel free to contact me at 435-640-2732 with any additional questions.

Historic Park City Alliance • PO Box 1348 • Park City, Utah 84060 • 435-658-9612

Respectfully yours,

A handwritten signature in dark ink, appearing to read "Alison Butz". The signature is fluid and cursive, with the first name "Alison" written in a larger, more prominent script than the last name "Butz".

Alison Butz
Executive Director

cc. Andy Beerman, HPCA President
Wade Carpenter, Park City Police Department



City Council Staff Report

Subject: Park City Business Resource Center
Author: Michael Kovacs, Asst. City Manager & Jeff Chance, Salt Lake Community College
Department: Executive
Date: November 18, 2010
Type of Item: Administrative

Summary Recommendations:

Staff recommends that the Council hold a public hearing on the City's and Salt Lake Community College's application to the Community Development Block Grant (CDBG) program with the U.S. Dept. of Housing and Urban Development (HUD) for the needs of a Park City Business Resource Center.

Topic/Description:

This proposal is for the addition of a business resource center for the Park City area administered by the Miller Business Resource Center at Salt Lake Community College. The City is assisting the college attain federal grant funds to start up the program with a grant application under our sponsorship for up to \$80,000.

Background:

The Salt Lake Community College, through its Miller Business Resource Center (Miller Campus), in partnership with Zion's Bank is establishing a Park City business resource center that will serve the business community with assistance in business development needs. Services typical of a Utah business resource center include:

- One-on-one small business and new business counseling including business planning, identifying sources of capital, pro-bono professional counseling, business mentoring, etc.;
- Access to and/or information regarding State and Federal business resources such as grant opportunities, export assistance, government procurement, business training, and other resources;
- Business and training classes such as business plan writing, customer service certification, State tax requirements, licensing, fees and reporting requirements, forming a legal entity, etc.;
- Introductions to relevant business contacts for small business and a business liaison connecting business and government entities.

There is also opportunity to leverage the college's and other entities resources such as United Way to offer training programs to the Summit County residents including hospitality services certification and work-related sustainability certification as driven by the needs of the Park City / Summit County community.

Salt Lake Community College is targeting a mid-November hire of a part time director for a Park City Business Resource Center, to be located Zions Bank, 1100 Snow Creek

Dr., Park City. The college is contributing \$15,000 toward director wages and seeks additional funding to meet the first year's annual operating costs. The college is targeting wage and expenses funding opportunities through a Community Development Block Grant proposal, due December 2nd (awards made in July 2011), and a USDA Rural Business Enterprise Grant (estimated award timing Spring 2011). A Summit County Council meeting is scheduled for November 17th to formally present the Business Resource Center proposal and to request additional resources of the County. The college also intends to apply for a Park City local economic development grant this fiscal year.

Analysis:

In the 2009-10 fiscal year the Miller Business Development Center positive economic impact totaled over \$23 million in capital formation and sales increase for Salt Lake County. Jobs created and saved through the Center totaled 401 for the same period. Other partners in the Miller Business Resource Center created further job and economic impact that is in addition to the sales, capital formation and jobs data of the business development center. A satellite location would be of great benefit to Park City area businesses. The support of the CDBG grant application is largely complete and has consisted of only staff time. The college is contracting the grant application's preparation with EDC Utah staff. No matching funds are being contributed by Park City. Park City is the sponsoring local government and is responsible to the State and Federal governments for oversight of the College's compliance with the requirements of the grant. The people helped by the program, based on County demographics and the types of small businesses assisted, are projected to have an adequate amount of low-moderate income individuals to qualify for the grant. The City must abide by all federal requirements as we have with other grants we have received to include:

D. INCLUSIVE FEDERAL COMPLIANCE REQUIREMENTS

1. 70 PERCENT LOW/MODERATE INCOME COMPLIANCE: Assurance must be made to HUD that over each two year grant period at least 70 percent of the entire state CDBG allocation will support activities that benefit low and moderate income persons. To do this, the State must receive adequate information regarding the LMI population proposed to be assisted by each grantee regardless of the National Objective selected (see application form).

This requirement does not affect the activities selected by applicants. The State will continue to fund any one of the three National Objectives (low to moderate income benefit, slum and blight elimination, or urgent need).

2. OTHER APPLICABLE FEDERAL REQUIREMENTS: Applicants must be in compliance with all applicable federal and state regulations and overlay statutes. The federal statutes that apply to the program include:

Davis-Bacon Fair Labor Standards Act;
Contract Work Hours and Safety Standards Act;
Title VI of the Civil Rights Act of 1964;

Title VIII of the Civil Rights Act of 1968;
Section 504 of the Rehabilitation Act of 1973;
Section 3 of the Housing and Urban Development Act of 1968;
Section 109 of Title I of the Housing and Community Development Act of 1974;
Age Discrimination Act of 1975;
Architectural Barriers Act of 1968;
Title II of the Americans with Disabilities Act of 1990;
Executive Orders 11063, 11246, 12892, 12898, 13166;
The Hatch Act (5 USC 1501 et seq.);
The National Environmental Policy Act of 1969;
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
Title IV of the Lead-Based Paint Poisoning Prevention Act;
HUD Reform Act;
Office of Management and Budget Circulars:
A-87--Cost Principles for State and Local Governments and 24 CFR Part 85,
Administrative Requirements for Grants and Cooperative Agreements to State,
Local and Federally Recognized Indian Tribal Governments
A-128--Single Audit Act;
Section 104(d) of the Housing and Urban Development Act of 1974..
Residential Lead Based Paint Hazard Reduction Act of 1992 and Final Rule, September
1999.

Department Review:

The Executive and Legal departments have reviewed this report.

Alternatives:**A. Approve:**

Hold the public hearing, take questions, have staff explain the program and its alternatives, and discuss public comments. The application will move forward.

B. Deny:

If negative public comments are received at the hearing, stop the application to HUD.

C. Modify:

At this stage, an alternative project is unlikely to be funded.

D. Continue the Item:

Continuing the public hearing to receive more input is not realistic due to the advertising requirements of the CDBG program and the grant deadline.

E. Do Nothing:

Continuing the grant application process or stopping it must be decided.

Significant Impacts:

A Park City Business Resource Center will provide the community with business assistance resources and promote home-grown economic strength and employment.

Consequences of not taking the recommended action:

Salt Lake Community College is contributing \$15,000 to the wage for a part-time director. Given anticipated expenses this funding will maintain a director through January 2011. The College seeks additional funding to maintain the director position for a six month period. Additional funding may be provided by Summit County to allow the director position to be staffed until further funding is secured. Lack of City support with the CDBG program could send a bad message to the college about our level of support for the program.

Recommendation:

Staff recommends that the Council hold a public hearing on the City's and Salt Lake Community College's application to the Community Development Block Grant (CDBG) program with the U.S. Dept. of Housing and Urban Development (HUD) for the needs of a Park City Business Resource Center.

City Council Staff Report



DATE: November 18, 2010
DEPARTMENT: Finance Department
AUTHOR: Shelley Hatch, Business License Analyst II
Kent Cashel, Transit & Transportation Manager
TITLE: For-Hire Vehicle Licensing
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION:

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and consider adopting the amended ordinance.

Topic/Description: Park City Municipal Code, Title, 4, Chapter 15 For-Hire Vehicle Licensing.

A. Background

The City has devoted significant time and energy to addressing For-Hire transportation industry concerns since 1998 when the City's taxi ordinance was first adopted. It has been challenging to maintain robust industry involvement and even more challenging to gain industry consensus on regulatory needs and approaches.

To provide for a simplified review of all the changes that have been requested over this time period, by both the transportation industry and City Council, a table containing these requests is attached to the back of this report. This table includes an analysis of the following for each requested regulatory change:

- An assessment of legal permissibility
- An assessment if further study is required
- An assessment of the staff time required to implement
- An assessment of enforcement challenge

To ensure Council has ready access to the record of the dialogue between the Industry and the City over the last five years, attached as Exhibit B are the 2005 and 2009 task force memos, as well as City Council staff reports and minutes from 2005, 2009 and 2010 .

In May 2002, responding to industry concerns, Council made the following revisions to For-Hire licensing:

- Taxi stickers must be applied to vehicle in presence of business license clerk.
- Permitted vehicles must display company name on vehicle.
- Process must verify all drivers have a Utah Drivers License with "Z" or "P"

endorsement. The “Z” endorsement (15 or less passengers) “P” endorsement (Commercial Drivers License for 16 or more passengers). These endorsements require applicant to pass an additional written test that requires an understanding of safe passenger vehicle operations.

- Enforcement strategy must not negatively impact visitors\customers.
- Three individual license categories (taxi, taxi\shuttle and shuttle) combined into one license per industry request.

In 2005, an industry task force was formed, in response to industry concerns over changes in insurance requirements (change from \$750,000 to \$1,500,000) and the large number of taxi companies licensed with the City. Current insurance requirements are \$750,000. Staff conducted several meetings with this group to determine what industry concerns existed and if consensus could be reached on regulatory approaches. Staff presented its findings from these meetings to City Council on November 10th, 2005. No consensus on regulatory approaches was achieved by the industry task force, Staff recommended no ordinance revisions, and Council took no formal action.

In 2009, Staff again met with an industry task force several times in response to industry requests to limit For-Hire licenses to locally owned transportation companies. The industry group offered numerous regulatory approaches but no clear consensus could be reached amongst the group. Staff presented its findings to Council on October 1st, 2009 and recommended the City secure a consultant to conduct a For-Hire transportation study to research and recommend regulatory approaches. Council directed Staff to form an internal task force to determine appropriate elements for a transportation study and to return to Council with a recommendation.

On September 30, 2010, Staff returned to Council with a recommendation to issue a Request for Proposal (RFP) to conduct a For-Hire transportation study. Council did not support Staff's recommendation (to conduct a For-Hire transportation study) and directed Staff to return with ordinance amendments, where appropriate, that addressed the following seven items:

- 1 – Council supports a “free market” approach to regulating For-Hire fares or the number of For-Hire licenses the City issues (no franchise, fare limits or other market based controls).
- 2 – An age limit of 10 years should be placed on For-Hire vehicles.
- 3 – Licensed firms should be required to have a “drug free workplace” policy.
- 4 - Operators should be subjected to background checks.
- 5 – Fines should be increased for failure to post fares.
- 6 – Educational efforts should be enhanced.
- 7 - Review whether a 90 day period is needed to process a For-Hire business license application

B. Analysis

An Internal task force with staff members from Code Enforcement, Special Events, Transportation, Police, Public Works, Economic Development and Business Licensing met to review the requested amendments. The City Attorney's office provided legal support to the internal task force.

1. Preferred "Free Market" Approach.

City Council indicated it preferred a "Free Market" approach to For-Hire fares and any limits on the number of For-Hire business licenses issued. This approach relies on the open market to determine the appropriate number of For-Hire vehicle licenses and the appropriate fare for a given For-Hire service. Staff has integrated the following language into the preamble of the amended ordinance:

"WHEREAS, the City Council supports allowing the Free Market to determine appropriate For-Hire vehicle fares as well as the number of For-Hire business licenses issued."

This language will clearly codify and communicate City Council's preferred approach.

2. Vehicle Age Limit

City Council directed Staff to explore placing an age limitation on For-Hire vehicles. Public comment during the September meeting indicated that a 5 year limit would place financial hardships on some For-Hire firms but that a 10 year limit would be workable.

Implementing an age limit on vehicles would accomplish the following objectives:

- o Require the For-Hire industry to contribute to the reduction of the community's carbon footprint
- o Help protect Park City's image as a world class resort town
- o Help protect the safety of Park City's residents and guests.

With each passing year the United States Environmental Protection Agency's (EPA) emission standards and National Highway Safety Traffic Administration's (NHSTA) fuel economy standards become more and more stringent. The effect of these regulations is a reduction of carbon emissions from the tailpipes of newer vehicles. An age limit on For-Hire vehicles would require the For-Hire industry to assist the community in reducing its overall carbon footprint.

For-Hire vehicles older than ten years are more likely to suffer from cosmetic degradation of interior upholstery, body panels, paint, glass, and lighting than newer model years. Placing an age limit on For-Hire vehicles would help protect Park City's image as a world class resort town.

With each passing year the National Highway Safety Traffic Administration (NHSTA) institutes stricter vehicle safety standards. Crash absorbing frames, passenger restraint systems, air bags, and vehicle lighting systems continue to improve. Adopting an age

limit on For-Hire vehicles would help ensure these safety improvements are more rapidly integrated into Park City's For-Hire fleet.

3. Drug Free Workplace

City Council requested that Staff determine if the City could require For-Hire firms to adopt a drug free workplace policy prior to obtaining a business license from the City.

The internal task force recommends the City amend its For-Hire Vehicle Licensing Ordinance to require For-Hire licensees to certify that the licensee has adopted and implemented a drug free workplace policy prior to receiving a For-Hire vehicle business license from the City.

Staff recommends that the firm's drug free policy at a minimum meet the following requirements:

1. The licensee must publish and give a policy statement to all employees informing them that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees who violate the policy.
2. The licensee must establish a drug-free awareness program to make employees aware of a) the dangers of drug and alcohol abuse in the workplace; b) the policy of maintaining a drug-free workplace; c) any available drug counseling, rehabilitation, and employee assistance programs; and d) the penalties that may be imposed upon employees for drug abuse violations.
3. The licensee must notify employees that as a condition of employment the employee must abide by the terms of the policy statement;
4. The licensee must notify the City within 10 days after receiving notice that an employee has been convicted of a criminal drug violation in the workplace.
5. The licensee must make an ongoing, good faith effort to maintain a drug-free workplace .

The above requirements were modeled after those set forth in the United States 1998 Drug-Free Workplace Act. Staff has included this amendment in the draft amended For-Hire Vehicle Ordinance attached to this report.

It is important to note that Staff's recommended amendment does not require For-Hire firm's to adopt a drug testing program as part of its policy. Utah State requirements for drug testing requirements are set forth in Utah Code Ann. 34-38-101. The City could adopt these requirements and the requirement for a drug testing program, however doing so would require significant Staff time to research and determine the following prior to implementation:

- What substances must be tested for.

- What testing frequencies should be required (e.g., pre-employ, annual, random, post accident).
- What testing thresholds are set for pass/fail.
- What type of testing is required (i.e., urine, blood, saliva, hair, sweat)
- What testing labs are acceptable.
- What actions must be taken upon a positive (fail) test.

In addition to the Staff time required to develop and implement a required drug testing program, a significant amount of Staff time would also be required for the ongoing administration and enforcement of such a requirement.

Should Council direct Staff to include a drug test requirement in the ordinance Staff would need additional time to accomplish this. Staff does not think this requirement could reasonably be implemented for the 2011 or 2012 business license renewal cycle.

Staff does not recommend inclusion of a drug-testing requirement in the ordinance.

4. Background Checks

Council indicated it was interested in requiring a background check on any person who operates a For-Hire vehicle for the welfare and safety of passengers.

The internal task force, with the support of the City Attorney's office, recommends that the City adopt an amendment that requires all drivers of For-Hire vehicles to complete the following prior to being permitted to operate a For-Hire vehicle (and every subsequent 3 years):

- Obtain a fingerprint card and FBI application materials from the Park City Police Department (Mondays and Wednesdays)
- Apply for and Obtain a U.S. Federal Bureau of Investigation (FBI) Identification Record from the FBI (FBI process time may take up to 12 weeks)
- Submit the Identification Record to the Park City Police for review (Police will require 5 business days to review).
- Submit to Police a valid Utah Drivers license with a "P" or "Z" endorsement.
- If the For-Hire vehicle driver submits all required documentation and meets all of the requirements of the background check the Police will issue the driver a background check certificate that shows the applicant's name, drivers license number, date of issuance and statement that the person has met the requirements of the background check.
- The Police Department may further investigate any information that is relevant to the background check in order to determine the accuracy of the information. Pursuant to the investigation, the Police Department may also ask the applicant driver to provide additional information.
- Drivers must carry the Police issued background check certificate at all times when operating a For-Hire vehicle. Failure to possess the Police background check certificate when operating a For-Hire vehicle may result in the revocation of the vehicle owner's business license.

The FBI report will provide the Park City Police with a 50 state and international record of arrest and disposition of arrest record (court findings) of the operator. City Police shall review the record and identify any disqualifying offense. A disqualifying criminal offense includes if the driver has been convicted, or found not guilty by reason of insanity, of any of the crimes listed below, or of a conspiracy or attempt to commit any such crime, in any jurisdiction during the five (5) years prior to the request for the certificate.

Disqualifying offenses include:

- Murder
- Assault or aggravated assault
- Kidnapping or hostage taking
- Rape, aggravated sexual abuse or other sex crime, including, but not limited to, unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation of a minor, incest, lewdness or obscene acts, sex acts for hire, or solicitation of sex
- Stalking
- Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon
- Extortion
- Robbery, burglary, theft, bribery
- Distribution of, or intent to distribute, a controlled substance
- Felony arson
- Felony involving a threat
- Felony involving willful destruction of property
- Felony involving dishonest, fraud, or misrepresentation
- Possession or distribution of stolen property
- Felony involving importation or manufacture of a controlled substance
- Illegal possession of a controlled substance punishable by a maximum of imprisonment of more than one year
- Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving
- Felony involving a driving offense

If the Police Department finds that a driver's criminal record contains arrests for a disqualifying offense without indicating disposition, the Police Department would be required to investigate and make a further determination as to whether the arrest resulted in a disqualifying offense as to be denied a background check certificate

Prior to making a final decision to deny a background check certificate, the Police Department would advise the driver that the Identification Record discloses a disqualifying offense, and the driver would be able to obtain a copy of his or her record after making a written request. If the driver believes that their Identification Record is inaccurate, the driver would then be able to correct the Information Record by contacting the local jurisdiction responsible for the information and the FBI within thirty

(30) days following notice of the disqualifying information. The driver would be required to notify the Police Department and indicate his or her intent to correct any inaccurate information. The Police Department must then receive a copy of the FBI record or certified true copy of the information from the appropriate court before granting a background check certificate. If no such notification is received by the Police Department within the thirty (30) day period, the Police Department would be required to make a final determination based on the information available to them.

Any individual engaged in any of the above disqualifying offenses within the last 5 years would be denied a background check certificate and prohibited from driving a For-Hire vehicle licensed in Park City.

Any person who is granted background check certificate requirements would have a continuing obligation to disclose to the Police Department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to comply with the provisions of the section, at any time while he or she possesses a background check certificate

The proposed requirements for a background check are almost the same requirements Salt Lake City. Therefore, any drivers who have been licensed for the Salt Lake Airport or within the City will already have this information readily available.

Estimated costs and time requirements impacts that the background check would place upon For-Hire operators are contained in the table below.

Background Check (Applicant Time and Fees)

Background Check Task	Fees	Estimated Time Required
Obtain finger print card from Park City Police and submit Identification Report application to FBI	No Fee	Approx 1 week (5 working days).
Obtain Identification Report	\$18 fee paid to FBI	FBI requires <u>up to 12</u> weeks to process request. (Current backlog is up to 6 months.)
Submit report to Police for review	No Fee	Approx 1 week (5 working days).
Submit reviewed report to City business license clerk	No Additional Fee	No Additional Time Required.
	Total time required to meet driver background check requirement (estimate)	Up to 14 weeks

Staff has included an amendment requiring the FBI Identification Record for all For-Hire vehicle operators in the draft amended ordinance attached to this report.

5. Increased Fines for failure to post rates

Park City Municipal Code 4-15-12 reads *“All rates to be charged for the use of a for-hire vehicle shall be posted on the inside of the vehicle in such a manner as to be plainly visible to all passengers.”* This language clearly requires posting of the rates on the inside of the vehicle and this requirement does not need amendment.

The City currently uses the Administrative Code Enforcement (ACE) program to enforce business license ordinances as well as building code and various other code violations. Some of the advantages of utilizing this civil law program over a criminal law approach are as follows:

- Provides ability to provide notice of violation or citation
- Provides for a simplified and quicker appeals process
- Fines go to City and not district court
- Facilitates more rapid compliance (reduced appeal process time)

Staff believes the ACE program has been very successful and beneficial to the City's enforcement efforts. The ACE program uses fees and not fines to gain compliance.

Currently the City's Administrative Code Fees (ACE) are as follows:

Daily Violation Fee	\$25
Minimum Fee for Noncompliance	\$50
Maximum Fee for Daily Violations	\$2,000
Re-inspection Fee	\$75
Reoccurrence Fee	\$250
Hearing Request Fee	\$100
Late Payment Fee	\$100

Council reviewed and approved the above fees as part of the 2010 budget process. The internal task force thinks that the current fee schedule which provides for a daily fee of \$25, a minimum fee of \$50 for a violation and a maximum fee for non-compliance of \$2,000 is adequate to obtain compliance with the City' fare posting requirements.

Staff has previously accepted the possession of a laminated fare card (for customer viewing if requested) as meeting the code's fare posting requirement. Staff will now only accept a fare card permanently affixed inside the vehicle in a position readily visible by passengers as meeting the posting requirement. This requirement will have to be met as part of the vehicle inspection process. Additionally, the city's code enforcement officers have the capacity to conduct a minimal amount of proactive enforcement of this requirement (spot checks). Aggressive enforcement will require additional staff resources.

Staff does not recommend any amendment to the City's For-Hire ordinance or the City's fee schedule concerning posting fares. Should Council desire to increase fees Staff

would need to analyze what level of increased fee could be justified and then return to Council for amendment of the City's fee schedule.

6. Educational Effort

City Council indicated an interest in exploring an increase in City provided educational programs for both the For-Hire industry and consumers.

The internal task force felt that the most effective way to address complaints of fare gouging (which appears to primarily be a problem during Sundance) would be to provide education to consumers. The task force recommends that City staff work with Sundance staff to include taxi information in event information distributed by Sundance. This information would educate event participants on what is required of For-Hire operators (posting of fares, most direct route, stickers, and etc). This information would provide For-Hire customers with the information they need to avoid and report non-compliant providers.

To implement Staff's recommended education program requires no ordinance amendment. Should Council desire to implement a broader educational effort this direction should be provided to Staff and Staff will implement the expanded educational program.

7. Requirement of a 90 day period to process For-Hire business license applications

City Council indicated an interest in exploring a 90 day period to process applications for For-Hire business licenses. The internal task force, with the support of the City Attorney's office, determined that any "waiting period" must be reasonably required for the City to process an application. Staff believes the current 10-day process period for all business licenses is adequate to process the City's For-Hire license applications..

It is important to note that should Council choose to amend the City's For-Hire Business License ordinance to require FBI background checks for all operators, and each business license requires at least one completed driver background check, the process to have the necessary documents to apply for a For-Hire Business License could take up to 16 weeks for a first time applicant to complete as depicted in the table below. For-Hire vehicle drivers will have to obtain an updated background check every three years.

For-Hire Business License Process

Action Required	
1. Complete background check & obtain Police issued card	Up to 14 weeks (see Background Check table above).
2. Submit complete business license application including background check, Police background check certificate, other required documentation and fee payment to the City business license clerk.	No additional time required
3. Business license application process time	Up to 10 days
Estimated time to obtain initial For-Hire Business license	Up to 16 weeks

Staff has attached a draft amended For-Hire Vehicle Licensing Ordinance (Title 4 – Chapter 15). This draft amended ordinance includes preamble language and amended ordinance language required to implement the following items:

1. Free Market approach (contained in prelude)
2. Age limitations on For-Hire vehicles
3. Drug Free Workplace
4. Operator Background Checks
5. Description of Limousine-Black Car Service added to ordinance. This minor technical addition provides a clarifying definition of this For-Hire vehicle group.
6. Consolidation of some of the provisions for easier reading.

Staff recommendations on the following items do not require ordinance amendment.

1. Increased fines for failure to post rates
2. Educational efforts
3. 90 day application period

New for-hire applications (as allowed by City Code for the balance of 2010 and 2011 license years) began to be filed and processed on October 1st, and approximately five applications have been approved and issued to date. Staff recommends all proposed ordinance amendments be made effective October 1, 2011 (when new applications are permitted for business license year 2012). This time frame will allow licensees to have enough notice so that they can reasonably make changes necessary to be in compliance for 2012.

Though it is not Staff's recommendation, Council could choose to make some or all of the recommended changes effective immediately for all unissued 2011 licenses.

In particular, Staff thinks that implementing the vehicle age limit and the background check for the 2011 will place the following hardships on Park City's For-Hire companies.

- **Financial hardship:** For-Hire Businesses that currently operate vehicles over the 10 year age limit would have little time to make necessary adjustments.

- **Time hardship:** Implementing a drug free work place policy in six weeks would present a time hardship.
- **Employee hardship:** If For-Hire drivers were required to submit the recommended background checks for 2011 many drivers would not be able to meet this requirement until late February 2011.

If Council desires to implement some of the recommended changes immediately, while mitigating the worst of the impacts to for-hire companies, they could amend the attached ordinance to implement all the recommended changes immediately with the exception of the background checks and vehicle age limit which could then be implemented for the 2012 license year.

Department Review: City Manager, Finance, Legal, Police, Sustainability, Public Works, Building have reviewed and provided comment on this report. All comments received have been included or addressed in the report.

Alternatives:

A. Approve:

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and adopt the amended ordinance.

B. Deny Staff Recommendation:

Council could deny Staff's request. This would have the same effect as Alternative C

C. Modify:

Council could direct Staff to modify or add amendments to the current ordinance. Any significant changes to the attached draft ordinance would require Staff to return at a future Council meeting with an amended ordinance incorporating Council directed changes.

D. Implement Changes for 2011:

Council could amend the attached ordinance to make all changes effective for 2011 licenses. Staff does not recommend this alternative due to the hardship this could have on the For-Hire businesses.

E. Implement all Changes Except Vehicle Age-Limit and Background Checks for 2011:

Council could amend the attached ordinance to implement all recommended changes (with the exception of the background check and vehicle age limit) for 2011 For-Hire licenses. The ordinance would also be amended to require the recommended background checks and vehicle age limits for all 2012 For-Hire licenses.

F. Do Nothing:

Council could do nothing on this request. Staff does not recommend this alternative.

RECOMMENDATION

City Council should review this report and the attached amended For-Hire Vehicle Licensing ordinance, hold a public hearing and consider adopting the amended ordinance.

For-Hire Restrictions Proposed 2005 - 2010

Restrictions Proposed	Regulation Target	Legal Permissibility	Requires Study	Staffing Impact*	Enforcement Challenge	Comments
Require For-Hire company to be based in Summit County or Park City	Company	Not Legal	NA	NA	NA	State Code Prohibits
Require drug free policy	Company	Legal	No	Minor	Moderate	
Require all vehicles to be licensed or leased to company	Company	Likely Not Legal	Yes	Minor	Minor	
Place age limit on vehicles	Company	Likely Legal	No	Minor	Minor	Appears to have industry support
Pull For-Hire license based upon complaints	Company	Situational – based on individual circumstances	No	Moderate	Significant	Currently have process in Code
Prohibit “payola” to lodging properties	Company	Legal	No	Moderate	Significant	Enforcement extremely difficult
Require inspection criteria to match SLC airport	Company	Legal	Possibly	Moderate	Moderate	Legal would need to review specific Airport requirements
Restrict number of For-Hire vehicles	Company	Legal if Study Supports	Yes	Minor	Minor	
Require a Park City knowledge competency test	Driver	Legal	No	Moderate	Minor	
Require criminal background check	Driver	Legal	No	Moderate	Minor	
Require Z endorsement for For-Hire operators	Driver	Legal	No	Currently Required	Currently Required	
Require City issued ID badge for For-Hire drivers	Driver	Legal	No	Moderate	Minor	Per 9/30/10 staff report, not recommended
Operator drug testing	Driver	Legal	No	Significant	Significant	
Restrict number of For-Hire companies by requiring minimum number of vehicles and years of service	Industry	Likely Legal if Study Supports	Yes	Minor	Minor	
Require posting of fares	Industry	Legal	No	Currently Required	Moderate	
Require all vehicles to be licensed in Utah	Industry	Likely Not Legal	Yes	Minor	Minor	
Place cap on For-Hire fares	Industry	Likely Legal	Yes	Minor	Moderate	Would require Study to determine amount

Restrictions Proposed	Regulation Target	Legal Permissibility	Requires Study	Staffing Impact*	Enforcement Challenge	Comments
Centralized For-Hire complaint process	Industry	Legal	Process In Place	Process In-Place	Process In-Place	
Deadline for issuance of taxi licenses	Industry	Likely Not Legal	Yes	Moderate	Minor	
Separate rate for license issued during special events	Industry	Likely Not Legal	Yes	Moderate	Significant	
Separate Black Car service from other For-Hire regulations	Industry	Legal	No	Minor	Minor	All For-Hire vehicles merged at Industry request in 2002
Require PC taxi license/sticker for drop-offs	Industry	Not Legal	NA	NA	NA	
Set up central taxi dispatch	Industry	Legal	Yes	Significant	Significant	
Set-up taxi staging areas	Industry	Legal	No	Significant	Significant	
Flat rate set for all taxi's	Industry	Legal	Yes	Minor	Minor	
Require taxi's to use fare meters	Industry	Legal	Yes	Minor	Minor	
More enforcement of existing ordinances	Industry	Legal	No	Moderate	Moderate	
Franchise	Industry	Legal if Study Supports	Yes	Minor	Minor	
Prohibiting idling	Industry	Legal	No	Minor	Moderate	
Annual meeting between City/For-Hire industry	Industry	Legal	No	Moderate	Minor	
Educate special event visitors	Industry	Legal	No	Minor	Minor	
Owners permit	Industry	Likely Legal	Yes	Minor	Minor	
Monitor For-Hire impacts on Main Street	Industry	Legal	Internal study	Moderate	NA	
90 day waiting period for initial licensure	Industry	Likely Legal if Study Supports	Yes	Minor	Minor	Study would need to determine that 90 days are needed for City to process license application. Likely would change all business licenses.

Staffing Impact: Minor = 0 to 20 staff hrs annually, Moderate = 20 to 100 staff hrs annually, Significant = more than 100 staff hours annually.

Ordinance No. 10-

AN ORDINANCE AMENDING TITLE 4, CHAPTER 15 OF THE MUNICIPAL CODE OF PARK CITY, UTAH TO INCLUDE A VEHICLE AGE LIMIT REQUIREMENT, A BACKGROUND CHECK REQUIREMENT, AND A DRUG FREE WORKPLACE POLICY REQUIREMENT IN FOR-HIRE VEHICLE LICENSING.

WHEREAS, the City Council supports allowing the Free Market to determine appropriate For-Hire vehicle fares as well as the number of For-Hire business licenses issued.

WHEREAS, the use of newer model For-Hire vehicles will encourage the reduction of greenhouse gas emission in Park City and reduce the community's carbon footprint.

WHEREAS, the use of newer model For-Hire vehicles will ensure modern safety improvements are rapidly integrated into Park City For-Hire vehicles.

WHEREAS, City Council seeks to protect the image of Park City as a world class resort town.

WHEREAS, requiring a drug free workplace will protect the safety and welfare of residents and guests of Park City.

WHEREAS, City Council has found that requiring a drug free workplace will promote the safety and welfare of For-Hire vehicle drivers and businesses.

WHEREAS, City Council seeks to ensure the safety and welfare of Park City residents and guests by imposing a criminal background check on all For-Hire vehicle drivers.

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

SECTION I. FINDINGS. The above-recitals are hereby incorporated herein as findings.

SECTION II. AMENDMENT. Title 4, Chapter 15, of the Municipal Code is amended to read as outlined in Exhibit A.

SECTION III. EFFECTIVE DATE. This Ordinance shall become effective October 1, 2011.

PASSED AND ADOPTED this 18th day of November, 2010

Exhibit A

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CHAPTER 15 - FOR-HIRE VEHICLE LICENSING

4-15-1. DEFINITIONS.

All words and phrases used in this Chapter shall have the following meanings unless a different meaning clearly appears from the context:

(A) **CERTIFICATE OF INSPECTION**. The form pursuant to Section 4-15-5 certifying the for-hire vehicle has passed all requirements established in the Park City vehicle inspection checklist. Park City will accept a current Salt Lake City Vehicle Inspection Checklist in lieu of a certificate of inspection.

(B) **FARE**. The consideration or charge of a for-hire vehicle to provide service for a passenger within Park City. Consideration may include non-cash value such as participating in a commercial promotional activity such as viewing real estate or timeshare information, merchandise or art display, or display of movies, videos, or DVDs within or on a vehicle in exchange for the passenger delivery.

(C) **FOR-HIRE VEHICLE**. A vehicle used to transport passengers for a fee. For-hire vehicles include shuttles, taxicabs, limousines, or similar vehicles used for the purposes outlined in this Chapter.

(D) **FOR-HIRE VEHICLE BUSINESS LICENSE**. A Park City business license issued by Park City authorizing the licensee thereof to conduct a for-hire vehicle business.

(E) **FOR-HIRE VEHICLE DRIVERS LICENSE**. The permission granted by the State through the issuance of a Z endorsement for a person to drive a for-hire vehicles having less than fifteen (15) passengers including the driver.

(F) **FOR-HIRE VEHICLE STICKER**. A sticker issued by the City indicating that the owner of the vehicle has met all requirements to obtain a business license from the City to conduct a for-hire vehicle business.

(G) **SHUTTLE**. A vehicle that travels between fixed locations for a set or predetermined fare.

(H) **TAXICAB**. A vehicle used to transport passengers for a fare.

(I) **BLACK CAR AND LIMOUSINE**. A vehicle that has pre-arranged fees set prior to services.

(J) **BACKGROUND CHECK CERTIFICATE**. Certificate issued by Park City Police that includes the driver's name, Drivers License number, certificate date of issuance and date of expiration and a statement that the certificate holder has met the requirements of the background check.

4-15-2. REQUIREMENTS FOR FOR-HIRE VEHICLE OPERATION.

(A) No person shall operate or permit a for-hire vehicle owned or controlled by such person

to be operated as a vehicle for hire upon the streets of Park City without first having obtained a for-hire vehicle business license from the City in accordance with the procedures established in this Chapter.

(B) No person shall operate or permit a for-hire vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained commercial transportation insurance coverage for at least \$750,000 per vehicle if the vehicle provides taxicab service, has a seating capacity of eight (8) passengers or fewer, including the driver, and is not operated on a regular route, or \$1,500,000.00 per vehicle if the vehicle's seating capacity is fifteen (15) passengers or less including the driver. If the vehicle seats sixteen (16) or more passengers, including the driver, the owner is to provide proof of commercial transportation insurance coverage for at least \$5,000,000.00 per vehicle. Proof of this commercial insurance shall be required prior to the issuance of the for-hire vehicle permit.

(C) No person shall operate or permit a for-hire vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a certificate of inspection.

(D) All vehicles that have been licensed by the City shall be issued a for-hire vehicle sticker that shall be used as an identifying marking. The for-hire vehicle sticker must be placed on the bottom left corner of the rear window of the vehicle on the driver's side. The for-hire vehicle sticker shall be issued by the City and the numbers on the sticker shall correspond to the numbers on the business license.

(E) All for-hire vehicles shall have in the drivers possession a copy of the current certificate of inspection or Salt Lake City Corporation Vehicle Inspection Checklist, copy of the business license, proof of insurance as required in Section 4-15-2(B), and the driver shall have a 'Z' or 'P' endorsement on their Utah State drivers license and a background check certificate. Failure to produce any of this information may result in the issuance of a citation.

(F) For the purpose of this section, the term 'operate for hire upon the streets of Park City' shall not include the transporting, by a for-hire vehicle properly licensed in a jurisdiction outside the corporate limits of the City, of a passenger or passengers for hire where a trip shall originate with the passenger or passengers being picked up outside the corporate limits of the City and where the destination is either within or beyond the City corporate limits. The term 'operate for hire upon the streets of Park City' means and shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the City, whether the destination is within or outside of the corporate limits of the City.

(G) All office space must comply with Title 15, Park City Land Management Code.

4-15-3. DRUG FREE WORKPLACE REQUIREMENT

(A) Consistent with U.C.A. Sections 34-38-101 et. seq., as amended, all for-hire vehicle licensees shall adopt and implement a drug free workplace policy prior to obtaining a business license from the City. All for-hire licensees shall certify that the licensee has adopted such a policy prior to being issued a for-hire business license from the City.

(B) The for-hire licensee shall publish and provide a written policy statement to all employees informing them that the unlawful manufacture, distribution, dispensation, possession

or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees who violate the policy.

(C) The for-hire licensee shall notify all employees that as a condition to employment, the employee shall abide by the terms of the drug free workplace policy statement and shall notify the employer within five (5) calendar days if he or she is convicted of criminal drug or alcohol related violations.

(D) The drug-free workplace policy shall include the establishment of a drug-free awareness program to make employees aware of:

- 1) the dangers of drug and alcohol abuse in the workplace;
- 2) the licensee's policy of a drug free workplace;
- 3) any available drug counseling, rehabilitation and employee assistance programs;
and
- 4) any penalties or disciplinary action that may be imposed upon an employee for violation of the drug free workplace policy.

(E) The for-hire licensee shall notify the City within ten (10) calendar days after receiving notice that an employee has been convicted of a criminal drug violation in the workplace.

(F) The licensee shall make an ongoing, good faith effort to maintain a drug free workplace.

4-15-~~3~~4. FEES.

No for-hire vehicle business license shall be issued or continued in operation unless the licensee thereof has paid an annual business regulatory fee established by the Park City Fee Resolution. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the licensee of the vehicle or vehicles under the licensee's operation and control.

4-15-4-5. FOR-HIRE VEHICLE PERMITS FOR ALL VEHICLES AUTHORIZED UNDER BUSINESS LICENSE.

A licensee is required to have the total number of vehicles authorized under such licensee's business license to obtain the for-hire vehicle sticker required by Section 4-15-2, or its successor, for each and every vehicle.

4-15-5 6. VEHICLE INSPECTION PRIOR TO LICENSING.

(A) Prior to the use and operation of any vehicle under the provisions of this Chapter, the vehicle shall be thoroughly examined by a State inspection certified mechanic and issued a certificate of inspection by the City's business license clerk.

(B) All for-hire vehicles shall pass an annual inspection by a State inspection certified mechanic to insure the cleanliness and safety of each vehicle issued a for-hire vehicle sticker.

(C) The inspection criteria shall be printed on the vehicle inspection checklist and shall be completed by a State inspection certified mechanic. The vehicle shall be thoroughly examined and upon successful completion of the inspection shall be issued a completed Certificate of Inspection by the City.

(D) A copy of a current Salt Lake City Corporation vehicle inspection checklist shall fulfill the City's requirements for a certificate of inspection.

4-15-7. VEHICLE AGE REQUIREMENT

All For-Hire vehicles shall be no more than ten (10) model years in age from year of business license.

4-15-6 8. LICENSE REQUIRED FOR OPERATORS.

(A) It is unlawful for any person to drive a for-hire vehicle without a valid Utah State driver's license as required under the provisions of this Chapter.

(B) It is unlawful for any person to operate a for-hire vehicle upon the streets of the City without having first obtained and having then in force a valid taxicab driver's license endorsement or CDL class C driver's license with a P endorsement issued by the state, under the provisions of this Chapter.

4-15-7 9. COMPLIANCE RESPONSIBILITY.

The licensee shall not be relieved of any responsibility for compliance with the provisions of this Chapter, whether the licensee leases or rents for-hire vehicles to drivers, or whether the licensee pays salary, wages or any other form of compensation.

~~4-15-8. UNLICENSED OPERATOR UNLAWFUL.~~

~~It is unlawful for any person to drive a for-hire vehicle for a fee without a valid Utah State driver's license as required under the provisions of this Chapter.~~

4-15-10 BACKGROUND CHECK REQUIREMENT

(A) Prior to being permitted to operate a for-hire vehicle, all drivers shall obtain a Park City Police issued background check certificate. The background check certificate must be renewed every three years. Operating a vehicle without a background check certificate may result in the suspension or revocation of the For-Hire business license.

(B) All drivers shall obtain a fingerprint card and U.S. Federal Bureau of Investigation (FBI) application materials and submit the FBI Identification Record to the Park City Police Department for review. The City shall be permitted to further investigate any information that is relevant to such background check in order to determine the accuracy of the information. This investigation may include, but is not limited to, requiring the applicant driver to provide additional information.

(C) The Park City Police Department shall review the Identification Record of each driver

and identify if the driver has engaged in a disqualifying criminal offenses, as set forth by this section. A driver is deemed to have engaged in a disqualifying criminal offense if the driver has been convicted, or found not guilty by reason of insanity, of any of the crimes listed in this section, or of a conspiracy or attempt to commit any such crime, in any jurisdiction during the five (5) years preceding the request for the certificate. Disqualifying offenses shall include:

- 1) Murder
- 2) Assault or aggravated assault
- 3) Kidnapping or hostage taking
- 4) Rape, aggravated sexual abuse or other sex crime, including, but not limited to, unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation of a minor, incest, lewdness or obscene acts, sex acts for hire, or solicitation of sex.
- 5) Stalking
- 6) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon
- 7) Extortion
- 8) Robbery, burglary, theft, bribery
- 9) Distribution of, or intent to distribute, a controlled substance
- 10) Felony arson
- 11) Felony involving a threat
- 12) Felony involving willful destruction of property
- 13) Felony involving dishonest, fraud, or misrepresentation
- 14) Possession or distribution of stolen property
- 15) Felony involving importation or manufacture of a controlled substance
- 16) Illegal possession of a controlled substance punishable by a maximum of imprisonment of more than one year
- 17) Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving
- 18) Felony involving a driving offense

(D) If a driver's criminal record discloses arrests for a disqualifying offense without indicating disposition, the Police Department must investigate and make a determination as to whether the arrest resulted in a disqualifying offense as provided under this section.

(E) Prior to making a final decision to deny a background check certificate, the Police Department shall advise the driver that the Identification Record discloses a disqualifying offense. If the driver's Identification Record inaccurately contains a disqualifying offense, the driver may seek to complete or correct the Information Record by contacting the local jurisdiction responsible for the information and the FBI within thirty (30) days following notice of the disqualifying information. The driver must also notify the Police Department and indicate their intent to correct any inaccurate information. The Police Department must then receive a copy of the FBI record or certified true copy of the information from the appropriate court before granting a background check certificate. If no such notification is received within the thirty (30) day period, the Police Department shall make a final determination based on available information.

(F) The Park City Police Department determines that there is no disqualifying criminal

offense on a driver's record within five years of requesting the certificate and the driver has a valid P or Z endorsement on his or her Driver's License, it shall issue the driver a background check certificate

(G) The background check certificate shall include the driver's name, Drivers License number, certificate date of issuance and date of expiration and a statement that the certificate holder has met the requirements of the background check.

(H) Any person who complies with the background check certificate requirements shall have a continuing obligation to disclose to the Police Department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to comply with the provisions of this section, at any time while he or she possesses a background check certificate.

4-15-9 11. STATE MOTOR VEHICLE ENDORSEMENT OR COMMERCIAL DRIVERS LICENSE AND BACKGROUND CHECK CERTIFICATE REQUIRED FOR APPLICATION.

(A) Before any application is ~~finally passed upon~~ accepted by the Finance Manager, the applicant shall be required to show that such applicant has a current motor vehicle Z endorsement issued by the state authorizing the transportation of fifteen (15) or less passengers including the driver.

(B) A for-hire vehicle that seats sixteen (16) or more passengers shall require the driver to have a valid CDL license with a Class C or a P endorsement.

(C) Before any application is accepted by the Finance Manager, the applicant shall be required to show that such applicant has a valid background check certificate.

4-15-10 12. COMPLIANCE WITH CITY, STATE AND FEDERAL LAWS.

Every driver licensed under this Chapter shall comply with all city, state and federal laws. Failure to do so may result in the suspension or revocation of a business license by the City.

4-15-11 13. IDENTIFYING DESIGN.

(A) Each for-hire vehicle shall bear on the outside of each rear or front door, in painted letters not less than five-sixteenths inch (5/16") stroke and more than two and one quarter inches (2 ¼") in height, the name of the licensee and the company number, which number shall also be painted or placed on the rear of the for-hire vehicle.

(B) The identifying design shall be permanent. The use of magnetic or removable signs is prohibited.

(C) A City representative will inspect each vehicle at the tie of licensing or license renewal to ensure compliance with this section. The City representative will then witness the application of the for-hire vehicle sticker.

4-15-12 14. DISPLAY OF ADDITIONAL CHARGES.

All rates to be charged for the use of a for-hire vehicle shall be posted on the inside of the vehicle in such a manner as to be plainly visible to all passengers.

4-15-~~13~~-15. RECEIPTS FOR PAYMENT OF FARE.

The driver of any for-hire vehicle shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by specially prepared receipt, on which shall be the name of the owner, business license number, amount of charges, and date of transaction.

4-15-~~14~~-16. HIRING VEHICLE WITH INTENT TO DEFRAUD.

It is unlawful to any person to hire any vehicle defined in this Chapter with intent to defraud the person from whom it is hired of the value of such service.

4-15-~~15~~-17. REFUSING TO PAY LEGAL FARE.

It is unlawful for any person to refuse to pay immediately the legal fare of any of the vehicles mentioned in this Chapter after having the same.

4-15-~~16~~-18. DIRECT ROUTE REQUIRED.

Any for-hire vehicle driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his or her destination, unless otherwise directed by the passenger.

4-15-~~17~~-19. PROHIBITED SOLICITATION PROCEDURES.

(A) No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(B) The driver of any for-hire vehicle shall remain in the driver's compartment or immediately adjacent to their vehicle at all times when such vehicle is upon the public streets. The driver of a for-hire vehicle is permitted to leave the drivers compartment when actively aiding passengers in loading or unloading the vehicle.

4-15-~~18~~-20. SOLICITATION OF HOTEL BUSINESS PROHIBITED.

It is a violation of this Chapter for any driver of a for-hire vehicle to solicit business for any hotel, motel or other nightly lodging business, or to attempt to divert patronage from one hotel, motel or other nightly lodging business to another.

4-15-~~19~~-21. ENGAGING IN LIQUOR OR PROSTITUTION TRAFFIC PROHIBITED.

It is unlawful for any for-hire vehicle driver to sell intoxicating liquor or to knowingly transport persons for the purpose of buying liquor unlawfully, or to solicit business for any house of ill repute or prostitute. It is also unlawful for any for-hire vehicle driver to permit any person to occupy or use his or her vehicle for the purpose of prostitution, lewdness or assignation, with knowledge or reasonable cause to know that the same is or is to be used for such purposes, or to direct, take or transport, or offer or agree to direct, take or transport any person to any building or place, or to any

other person, with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation.

MEMORANDUM

TO: Chief Lloyd Evans, Sr.

FROM: Polly Samuels McLean
Jennifer Hansen

DATE: September 23, 2005

SUBJECT: Taxi Industry Task Force Questions

CC: Mark Harrington

INTRODUCTION

The Taxi Industry Task Force consists of “For-Hire-Vehicle” companies that are licensed with the City. The Task Force met on May 18, 2005 to discuss new regulations with a goal to submit revisions of the current City Ordinance to City Council this fall. The Task Force asked the City Attorney’s Office to review a list of questions and give an analysis of the legality of each proposition. During the summer, Salt Lake City released a study analyzing their taxicab situation. Below are the questions, the answers and a short analysis of the directions the City can take in regulating the taxi industry.

Several of the questions fall under two Utah statutes. Under the first statute, the State grants power to municipalities to pass ordinances that are, “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.” Utah Code Ann. §10-8-84(1) (2000) (“General Welfare Clause”). This law grants a municipality broad power to pass ordinances so long as they are rationally related to providing for the safety, health, good order, or convenience of the city and its inhabitants.

Under the second statute, Utah law allows “the governing body of a municipality [to] license for the purpose of regulation and revenue any business within the limits of the municipality and may regulate that business by ordinance.” Utah Code Ann. §10-1-203(2) (2003) (“Licensing clause”). This statute, too, gives broad power to the municipality to regulate businesses within its jurisdiction.

QUESTIONS PRESENTED AND ANSWERS

Question Presented #1: Is it legal to restrict the number of Transportation Companies by requiring the company be located in a Summit County Business zoned address?

Answer #1: No. Utah Code Ann. § 10-8-4 (2) (a) states “Municipal legislative bodies may not discriminate between resident community businesses and nonresident community businesses in establishing license requirements.” Based upon this statutory mandate, Park City can not require that the company be located in a Summit County Business zoned address.

Question Presented #2: Is it legal to restrict the number of Transportation Companies by requiring a company be a year round service provider to the Park City area with a minimum of three vehicles?

Answer #2: Maybe. Under the General Welfare Clause and the Licensing Clause, regulations requiring a minimum number of vehicles and year round service must be construed as rationally related to safety and convenience. It could be argued that year round service would ensure that there are enough for hire vehicles available in the off season. However, such a regulation may create a glut of vehicles in the off season or too few vehicles during the winter. Requiring a minimum of three

vehicles would also cut both ways. Although having three vehicles would be some assurance of backup service to passengers should a vehicle breakdown, it would also exclude smaller taxi services from the market, which may reduce the number of taxis available to customers. Such a requirement should not be instituted without a customer demand study in relation to existing service providers.

Question Presented #3: Is it legal to require transportation companies to have a drug free work place policy?

Answer #3: Absolutely. Under the General Welfare Clause, having a drug free work place policy would be considered necessary to provide for the safety and welfare of the city and its inhabitants.

Question Presented #4: Is it legal to require all vehicles be registered or leased to the company?

Answer #4: Probably not. Under the General Welfare Clause, this requirement would need to be rationally related to the public safety or convenience. Requiring all vehicles to be registered to one company may ensure more consistency in the maintenance of the vehicles. However, it is not rational to assume that an individual driver/owner who works for a company would not maintain the vehicle to the company's standards. The insurance, registration and inspection requirements are the same for all cabs whether registered to the company or a driver. Although such a restriction may be allowed in other jurisdictions, it is usually under a system where there is limited number of companies allowed and therefore is enforced in conjunction with other regulations.

Question Presented #5: Is it legal to require all for hire vehicles to be registered in the State of Utah?

Answer #5: Probably not. Utah law exempts a “vehicle or combination of vehicles designed, used, or maintained for the transportation of persons for hire or for the transportation of property if the vehicle or combination of vehicles is registered in another state and is owned and operated by a nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight of 26,000 pounds or less,” from in-state registration. Utah Code Ann. § 41-1a-202(2)(g) (2003). However, out of state for hire vehicles would have limited use here since the operator would have to be a nonresident of Utah.

Question Presented #6: Is it legal to require an age limit on all vehicles 15 passengers and less?

Answer #6: Probably. Under the Licensing and General Welfare Clauses, the age of a vehicle could probably be shown to be rationally related to the convenience and good order of the city. It would also likely fall under the general regulation of a business. Older vehicles impact air pollution and take away from the general appearance of the taxi fleet available to customers. If imposing an age limit is to be considered, Council should direct staff to research this item further to obtain evidence to augment the record.

Question Presented #7: Is it legal to require all drivers to have a Z endorsement drivers’ license to drive a Taxi, Shuttle and Limousine?

Answer #7: Yes. Requiring drivers to have an endorsement drivers’ license is legal under both the Licensing and General Welfare Clauses. In fact, currently, under the Park City Municipal Code 4-15-2 (E), all drivers of for-hire vehicles (which includes by

definition shuttles, taxis and limousines (4-15-1(C)) shall have “Z” or “P” endorsement licenses. “P” endorsements apply to vehicles carrying more than 15 passengers.

Question Presented #8: Is it legal to cap taxi rates and require them to be posted in vehicles and advertised on PCMC letterhead with a complaint line to the City?

Answer #8: Probably. Under the Licensing and General Welfare Clauses, capping for-hire rates enables consistency in fares, prevents gauging and would benefit the public. However, in other States, capping taxi rates has drawn lawsuits under anti-trust laws. Capping rates should not be instituted without further research and a study to determine what the effect such regulation would have on the taxi industry and customer service.

Question Presented #9: Is it legal for the City to have an organized complaint system?

Answer #9: Yes. It would be within the City’s powers to have an organized complaint system.

Question Presented #10: Is it legal to create a transportation committee to review complaints?

Answer #10: Probably. If such a transportation committee was established in order to review the type of complaints and frequency of complaints with the goal of bettering the service of for-hire vehicles it would be allowable. However, such a committee could not be delegated any police power nor granted any special enforcement powers.

Question Presented #11: Is it legal for the City to deny or pull a company’s business license because of complaints?

Answer #11: It depends. Park City has the authority to deny, revoke or refuse to renew licenses because of ordinance violations or to protect the public health, safety or the general welfare. The City may control licenses only within its legal authority and in a manner that is not arbitrary or capricious. However, Park City may not revoke cab licenses upon complaints alone, the complaints would have to be substantiated and be found to be a violation of an ordinance or a risk to the general welfare.

Question Presented #12: Is it legal to restrict the number of Transportation Companies by requiring drivers pass a competency test of the Park City area?

Answer #12: Yes. Under the Licensing and General Welfare Clause, a competency test of the Park City area could be required for drivers of taxis. Of course resources would have to be allocated to create and administer the test. Additionally, the test criteria would have to reasonably related to the city's police power.

Question Presented #13: Is it legal to restrict the number of Transportation Companies by requiring a criminal background check on all drivers?

Answer #13: Yes. Under the general welfare clause, it is permissible to require a criminal background check on all drivers.

Question Presented #14: Is it legal to restrict the number of Transportation Companies by requiring a city issued driver's badge?

Answer #14: Yes. Under the licensing clause, the City could require drivers to have a city issued driver's badge.

Question Presented #15: Is it legal to restrict the number of Transportation Companies by setting a deadline for registration of new licenses?

Answer #15: Maybe. Assuming the question is asking if a deadline can be put in place so that after a certain date there can be no new applicants for taxi licenses and therefore would limit the total number of licenses allowed. Such a regulation would require a study to examine how limited the number of licenses would impact taxi service in Park City, especially during peak times.

Question Presented #17 (sic): Is it legal to have a discounted vehicle license rate for existing licensed companies during Sundance?

Answer #17 (sic): Probably not. The regulation needs to be rationally related to public safety and welfare or the cost of regulation. Licensing fees can be related to the amount of use. However, if a discounted licensing rate was allowed for a short term license, it would have to be offered equally to all applicants and not just existing companies who are licensed.

CONCLUSION

The questions presented fall into three main areas: regulation of drivers, regulation of for-hire companies, and regulation of the taxi industry. Park City can regulate drivers and for-hire companies so long as the regulations rationally relate to protecting the safety and welfare or convenience of the inhabitants of the City. Regulations may not be arbitrary or capricious.

Regulation of the taxi industry may be permissible legally but would require an entirely new regulatory scheme for the industry. If regulation of the industry is contemplated, it can not be done piecemeal. Regulating the number of licenses, for example, would have industry-wide implications. Any ordinances which would in effect

implement a taxi firm system, a franchise system or even a limited number of cabs need to be examined based on the effect on the entire system. Such schemes would require an overhaul of the system. Resources would have to be allocated to conduct a study to show a need for a new industry scheme and the scope of the change. Implementation of the new scheme would also require resources for enforcement. An examination of the need to change the entire industry seems premature where there are few consumer complaints and good existing service.

In conclusion, although Park City may have legal authority to further regulate the taxi industry, the City Council would have to carefully consider the cost and resources of additional studies needed to justify a comprehensive regulation of the industry.

Currently, little to no customer complaints has been made to the City about existing service. Additionally, as a policy matter, the Council has generally allowed more competition from businesses during festivals or special events, not less.

City Council Staff Report

Author: Chief Lloyd D. Evans, Sr.
Subject: FOR HIRE VEHICLE ORDINANCE
Date: November 2, 2005
Type of Item: Informational and Discussion



POLICE DEPARTMENT

Summary Recommendations:

Staff is recommending that City Council make no changes to the current For Hire Vehicle Ordinance.

Topic:

For Hire Vehicle Ordinance Update

Background:

In December 2004 City Council at the request of City Staff made adjustments to the Municipal Code governing the For Hire Vehicle Licensing, Title 4, Chapter 15, Section 2(B), adding a new minimum amount of commercial transportation insurance coverage of \$750,000.00 as requested by the Salt Lake City cab companies to place Park City in compliance with FMCA (Federal Motor Carrier Act) for vehicles carrying eight passengers or less (including the driver).

After this change in ordinance, the local For Hire Vehicle companies expressed concerns to City Staff and Council Members over the change in the ordinance and concerns that this change would bring and has brought a greater numbers of For Hire Vehicle companies to Park City causing a dilution of their businesses. City Council requested staff to hold meeting with the For Hire Vehicle companies to better understand their concerns and issues.

In May 2005 staff held two open house meetings with these companies and invited their input on concerns, issues and local ordinances affective their businesses. Along with the meetings the City business licensing department researched and provided statistics of the companies holding business licenses as For Hire Vehicle companies and found that only a very few companies had actually insured their vehicles with the lesser amount of insurance, \$750,000 accounting for only about a dozen vehicles out of the nearly 400 plus vehicles licensed. However an increase in the number of licensed For Hire Vehicle companies and number of vehicles had indeed increased. Staff attributes that increase to a greater number of contacts through the police department's Community Support Unit, Officer Kingery, with unlicensed companies found to be operating in the area and informing them of the local business license requirements.

Input meetings with the For Hire Vehicle companies were held on May 9th and 24th and City Council received a summary update in a Manager's Report in June outlining issues raised by the industry as follows:

INPUT LIST MAY 9, 2005

1. Too Many Taxi's (400+)	10. Certificate of Convenience
2. Cut back number of licenses issued	11. Sticker change

3. Establish complaint system – revise	12. Redefine "TAXI"
4. Decide what to do with violators	13. Vehicles registered under co. name
5. Higher level of enforcement	14. Temporary permits to add vehicles
6. "Z" endorsement not needed	15. Require taxi's to have meters
7. Shuttle/Limo co.'s handled differently	16. Taxi stands???
8. Random drug testing for drivers	17. Use transit center staging??
9. Separation of "TYPES" of service/co.	18. No out of state plates or DL's

INPUT LIST MAY 24, 2005

1. Separate types of service	11. Limit size of fleets
2. Limit number of taxi's/licenses	12. est. minimum number of vehicles in fleet
3. Limit number of shuttles/licenses	13. What's the image PC Council wants
4. Check violations of state law by PCMC	14. Not only a Sundance Event issue – Sundance Event is a big part of issue
5. Check violations of fed law by PCMC	15. Small companies want to grow – how to grow in PC
6. Companies, "shouldn't under cut each other"	16. Certificate of Convince, is this the way to go?
7. Improved complaint system for user	17. eliminate \$750,000 insurance category – all agreed
8. Flat rate established for all	18. Don't issue any more licensed until issues addressed
9. Limit age of vehicles licensed	19. Revoke licenses for abuse or violation
10. In state vehicle licenses only	20. Who is the right company?

The attendees of the first meeting, May 9th, formed an Industry Task Force to begin to discuss the many and varied concerns of each company. Donnie Novelle with Park City Transportation volunteered to be the point person for this group. The Industry Task Force held another meeting on May 18th, I attended as the staff representative to interact with the group. Much of the conversation centered around issues that had legal concerns relating to restricting commerce and it was suggested that a list of questions be submitted to the City's Legal Department to help direct the discussions in a more productive direction through understanding the potential legal challenges. That list was submitted to the City Attorney for review and a response was provided to the Industry Task Force on October 17th, which is "Attachment A" of this staff report.

After distribution of "Attachment A" to members of the Task Force several e-mails concerning the next steps to be taken by the Industry Task Force were distributed amongst Task Force members and a Task Force meeting was scheduled and held on October 24th with few attendees and a second Task Force meeting was held on October 31st with a larger group of attendees who discussed the findings of the Legal Department. The Industry Task Force has written a letter outlining their desires and indicating their commitment to working on a long term solution for the benefit of all, see "Attachment B".

Analysis:

The issues relating to taxi, shuttle, limo and general transportation for Park City are board sweeping and diverse. From the meetings held with the For Hire Vehicle businesses it appears to me that several issues rise to the top; limiting the number of licenses (vehicles), separating the types of companies to establish more defined regulations/rules for each and growing already established businesses within Park City. There is, without doubt, a great deal of transportation business experience within the Industry Task Force and there appears to be interest by the participants to interact within their industry to indentify solutions to the concerns.

The transportation companies are now interacting with each other as a group in an attempt to understand the issues amongst themselves and this will provide an opportunity to obtain tangible data surrounding the identified issues rather than relying upon anecdotal information which often creates a reaction rather than a solution.

It is unlikely the issues identified by the involved parties will not be easily or quickly resolved but the City Staff's Taxi Ordinance Enforcement group would like to continue to support and work with the Industry Task Force in developing acceptable guidelines/regulations for operation of a For Hire Vehicle business in Park City.

Department Review:

Business Licensing, Legal Department, City Manager and City Staff's Taxi Enforcement Task Force have reviewed this report.

Alternatives:

Approve the Request:

Approving staff's recommendation will allow for continued interactions with the Industry Task Force to develop solutions.

Deny the Request:

Denying staff's recommendation will likely cause issues and concerns of the For Hire Vehicle business to linger and perhaps multiply as Park City's resort destination population increases. This is not recommended by staff.

Continue the Item:

Continuing this item to a later date is not recommended by staff.

Do Nothing:

Taking no action on this matter will only cause it to resurface at a later time.

Significant Impacts:

The continued interaction by staff with the Industry Task Force will cause some impacts on staff time, however the most significant impact may be a positive outcome thus benefiting our transportation companies, visitors and guests.

Consequences of not taking the recommended action:

Past history shows us that if the issues/concerns surrounding the For Hire Vehicle businesses is not address it will return for discussion at a later time.

Recommendation:

City Staff recommends that City Council take no action to change or amend the current city ordinance regulating the For Hire Vehicle businesses in Park City and allow staff to continue to work with the Industry Task Force to develop potential solutions to concerns identified by the For Hire Vehicle Industry.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 10, 2005**

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

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Lloyd Evans, Police Chief; Brian Andersen, Parking Services Analyst

1. Council questions/comments

Mayor Dana Williams offered congratulations to Jim Hier on his re-election.

Joe Kernan announced that he has been appointed Chair of ArtsKids. Chris Beere is the Director and Pat Drewy-Sanger is the Program Director.

Marianne Cone reported that the Public Art Advisory Board was developing new ideas and most of the bus shelters were complete.

Jim Hier stated that Cindy Hewson's funeral was one of the larger that he had ever attended and that reflected her importance in the community, and the importance of our bus drivers in the community. Candace Erickson added that one of our bus drivers was just elected to City Council and offered congratulations to Roger Harlan.

Dana Williams reported on meetings with Bureau of Reclamation to formulate and add comments prior to the final draft. He met with and received updates from the Executive Board of Mountainlands Community Housing. He announced that Jay Hamburger had been released from the hospital following his surgery, and was staying with family in Rochester, Minnesota.

2. For-hire vehicles

Mayor Williams stated that Council Members had received e-mail correspondence from Donnie Novelle.

Chief Lloyd Evans explained that in Dec 2004, Council directed staff to make adjustments to the For Hire Vehicle Ordinance adding a minimum coverage of \$750,000 as requested by legal representatives of Salt Lake cab companies. Following that, individuals from the transportation industry in Park City expressed concerns and Council directed Staff to hold open houses with the industry representatives to discuss those concerns. Two meetings were held in May and a recurring theme from each was the feeling there was a glut of companies offering taxi services. One result of the open houses was the creation of an industry task force comprised of company representatives.

Chief Evans clarified that the City's for-hire vehicle ordinance governed taxis, shuttles and limousines, and all companies in Park City were regulated under this ordinance.

The task force developed a list of questions they wished to have addressed. The Staff Report includes an analysis prepared by Polly Samuels McLean. This was presented to the task force whose response is detailed in the communication from Donnie Novelle. Chief Evans noted the task force needed additional time to discuss the recommendations, with the exception of their request for an ordinance requiring vehicles (15 passengers or less) to be no more than ten years of age. The task force will reconvene in March, 2006, to continue their discussions on other issues.

In response to a question from Joe Kernan, Public Works Director Gibbs explained that the City's fleet replacement schedule is ten years, but occasionally low mileage vehicles are retained longer. Federal requirements mandate bus replacement every twelve years. Mr. Kernan did not wish to preclude something unique, such as an old British cab, if it could be demonstrated that the vehicle was safe.

Mayor Williams commented only one or two companies carried the \$750,000 liability, and expressed concern about the City's requirement when it seemed that the industry standard is \$1.5 million. City Manager Tom Bakaly explained \$750,000 had been deemed sufficient by the Federal Motor Carrier Act, although many companies carry more than that. It could be increased, although the City may see lawsuits from Salt Lake City companies. Attorneys Mark Harrington and Tim Twardowski, at that time, felt it was of merit enough to recommend that change.

Chief Evans stressed that Park City governs all transportation companies under one ordinance. In Salt Lake City, as an example, taxi companies with standard sedans require the lower rate of \$750,000, while shuttles that operate as taxis and shuttles require \$1.5 million. However, to pick up at the airport, they must carry \$1.5 million. Manager Bakaly noted that 97% of the cabs coming to Park City carry \$1.5 million.

Council Members briefly discussed the feasibility of requiring \$1.5 million for cabs picking up in Park City, similar to the airport's requirement of \$1.5 million. They requested research into whether the City was restricted to Federal laws since it does not have a franchise agreement. Manager Bakaly stated the Staff's recommendation was to not change the ordinance, but to continue working with the task force. If Council wants to change the liability levels, Staff needs to receive that direction.

Jim Hier asked representatives of the industry how important it would be to increase the liability level to \$1.5 million.

Paul, Wandering Moose; Rob, 649-TAXI; Kevin, DayTrips; and Donnie Novelle with Park City Transportation were present. Ms. Novelle commented that 99% of the taxis currently comply with \$1.5 million. She believed everyone should comply with that for the safety and general welfare of guests. Mr. Hier requested another opinion from the

Legal Department as to the potential for lawsuits. Even though it could be considered discriminatory, it appears that for all practical purposes it is already the standard.

With regard to age limitations, Mr. Hier felt it was reasonable to place age limits on vehicles operating in Park City and it could be structured so that safety inspections requirements were extremely stringent for older vehicles, such as a double-decker bus, or some other unique older vehicle.

Joe Kernan asked how age restrictions might affect existing businesses. Ms. Novelle reported that the Task Force voted unanimously to have a ten-year age limit. They had asked the Finance Department to conduct an age study comparing their vehicles to Salt Lake vehicles. Eight vehicles out of fifty-five that are locally registered exceed the age limit, and it will prevent 18 from coming into town. Mr. Kernan asked whether this was a safety risk, or a way to prevent Salt Lake City vehicles from coming to Park City. Ms. Novelle stated it was a general safety issue and the newer the fleet, the better air quality will be.

Kay Calvert asked what standards were imposed on vehicles at the airport. Task force members responded that the airport imposes different standards than the Finance Department uses to certify that vehicles meet the standard. The City uses AVI (Salt Lake International Airport's standards) as one of its inspection standards, but the airport has a different standard for metered cabs. It also applies very stringent standards for fleet vehicles, including inspections for body damage. The Task Force members requested that the City require more stringent inspections in order to ensure that all vehicles are in top condition. Ms. Calvert requested that the Legal Department investigate what standards could be imposed.

Manager Bakaly suggested that Council could direct Staff to study the issue to determine whether we want to increase the requirements of our inspection.

Candace Erickson asked if it was legal to require companies to be year around, and just eliminate the minimum number of vehicles. Chief Evans cautioned that any restriction we devise that would limit the number of companies doing business in this area was based on an accepted standard and neither arbitrary nor capricious. Task force members suggested that they be allowed to set a number and adjust it if necessary. They stressed they did not want to exclude anyone, they just wanted a number.

Mayor Williams stated this would require additional discussions about increasing liability insurance to \$1.5 million, restricting the age of vehicles, and the legal ramifications of increasing inspection criteria. Donnie Novelle appreciated the discussion about methods to resolve the problem and assured Council that the Task Force would move forward. The one issue they wished to have addressed before Sundance was the age

restriction. Council members applauded the creation of this task force and suggested that a transportation association could evolve from their efforts.

3. New China Bridge regulations and special event parking

Brian Andersen addressed the two components of the parking management program discussed in the Staff Report: 1) day to day regulation of the expanded China Bridge garage during times outside of large events, and 2) Main Street parking regulation for special events.

Mr. Andersen stated Staff recommends continuing the four-hour time limit and the employee permit program in the new parking structure. This is an extension of the current program and was determined by weighing the following criteria: a) a customer first approach, b) accommodation of a wide variety of user groups, c) consistency, and d) break-even program. He stated the HMBA has expressed an interest in looking at possible changes, and Staff is not against considering their recommendations, but this would require data collection during the upcoming winter season to determine whether changes were warranted. Staff plans to collect the data and continue to work with the HMBA president, and return in November 2006 with an update.

Mr. Andersen explained there is a high degree of interest from Sundance to have sponsor parking. Restricting parking in China Bridge to event-permit holders would help to limit the number of circulating vehicles and encourage use of alternative modes of transportation. Staff is recommending a \$300 permit for guaranteed parking spaces during the ten-day event. Existing \$75 annual permit holders would be allowed to pay an additional \$225 for a premium event permit. In addition, Staff recommends increasing metered rates for the second and third hours on Main Street and at the Brew Pub Lot during the event.

Candace Erickson commented that some people feel it is easier to take the ticket because the fine does not cost enough to warrant moving their cars. She asked if the City actually recouped fines. Mr. Andersen responded they had experienced high payment rates from Sundance fines. He stated they were looking at increased rates for fines as well.

Mayor Williams asked for an estimate in terms of our regular contract and the additional service during Sundance. Gareth Jones site manager for AMPCO, stated there would be additional costs for managing the event parking area within the garage as well as additional enforcement on the street. The number of permits issued will determine how much staff is needed, but if permits were sold for the existing garage, they would probably require six officers and a supervisor.

May 28, 2009

For Hire Business owners,

On May 12, 2009 Park City Municipal Corporation and the For Hire Business owners met to discuss the concerns regarding the high flow of "For Hire Vehicles". In this meeting some of the topics were; current enforcement, current rules and regulations for SLC, requiring office space for business owners, franchise, payola, restricting the number of vehicles, black car service and requiring a sticker to drop off.

SUMMARY FINDINGS

Separate the Black Car Service.

- In 2002 the business owners for all taxis asked to be re-classed to "For Hire Vehicles".
- This would require lights on the top of all taxis.

Restrict the amount of For Hire Vehicles.

- To be able to restrict the number of taxis within the City limits, we would need to do a study on the number of vehicles that would be needed to service a city of our size.
- A lottery would be put in place to determine the number of vehicles that each company would be able to license.

Payola

- Have the laws changed to prevent payola.
- 100% unenforceable

Require taxi stickers for drop offs.

- The city is unable to require stickers for drop offs.

Office space must be in the city limits.

- The city is unable to require office space within the city Limits.

Set up a central phone system

- The central phone system would need to be set up through a private sector not through the city.

Staging area

- The city has provided a staging area in the past and have found that these areas were not used in the way that it was intended.

Extra enforcement

- Enforcement can only pull over taxis when a traffic violation has been made.
- City Council had concerns about the negative publicity for the City, the ski industry, and the Police department if a taxi was just pulled over for not having a sticker.
- Taxis, staff and taxi companies can fill out taxi complaint forms when a taxi does not have a sticker on their vehicle.

Franchise

- Franchising the For Hire Business could control the number of taxis, but could only be limited to a few businesses.

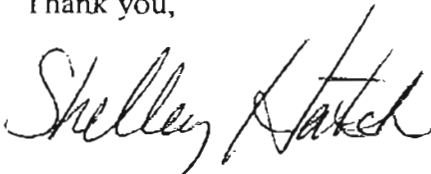
ATTENDANCE

JOHN DELONG	POWDER FOR THE PEOPLE
ROBERT OBRIEN	649-TAXI
CHUCK VERNSEY	PARK CITY DIRECT SHUTTLE
SPIKE	PREMIER
ZAFOD	MUSIC TAXI
ROB TAYLOR	P.C. PREMIER TRANS.
CHRIS ONEILL	P.C. PREMIER TRANS.
STUART ROSEN	ACE LIMO
RANDY CURTIS	EXPRESS SHUTTLE
VICTOR SOLIZ	A-LINE TRANS.
DONNIE NOVELLE	PC TRANSPORTATION
DIANIA TURNER	DEEP POWDER TRANS
RYAN APPEL	SKI TAXI
KYLE GERVUIS	PEAK TRANSPORTATION
ALAN POWELL	PEAK TRANSPORTATION
SPENCE PECHT	FREESTYLE TRANS
BOB GARCIA	CITIRIDE
GORDON CUMMINS	ALL RESORT
MIKE WILHUH	ALL RESORT
DAVE DAVIS	P.C.T.
RYAN PETTY	ELITE LIMOUSINE
MAE TERBURG	VIP LIMOUSINE

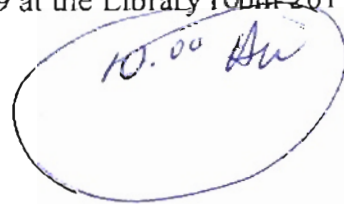
Conclusion

The City would like to meet on June 16, 2009 at the Library room 201 to discuss the issues that will be presented to Council.

Thank you,



Shelley Hatch
Business License Clerk
435-615-5225





City Council Staff Report

Subject: For Hire Vehicles
Author: Shelley Hatch, Analyst II
Department: Finance Department
Date: October 1, 2009
Type of Item: Informational

Summary Recommendations: This report is for information only. No action is required. Staff recommends that Council solicit input from the For Hire Vehicle industry, and the public. Staff recommends that Council concur with Staff plan to develop a proposal for an in-depth study of Park City's taxi/ground transportation service.

Topic/Description:

Discussion of how to address issues raised by licensed transportation companies and For-Hire Vehicles

Background:

In 1998, Park City Council adopted an ordinance regulating the Taxi and Shuttle industry in Park City. The ordinance largely mirrored Salt Lake City's For Hire Vehicle ordinance, but did contain some changes to reflect Park City's unique resort community. Franchising the Taxi Industry was discussed, but ultimately was decided against. The Taxi Industry did not support a franchise system at that time. The 1998 discussion led to an ordinance that required the use of identification stickers and vehicle inspections for For-Hire Vehicles.

In May of 2002 after receiving complaints from local transportation companies, City Council directed Staff to examine possible solutions to enforcement and administration concerns related to the City's taxi ordinance. In sum, the complaints generally concerned enforcement, identification stickers and licensing procedures. To address these concerns, in October 2002, City Council made the following policy decisions and corresponding revisions to the ordinance:

1. Require application of taxi stickers to the vehicle in the presence of the business license clerk. This would help the enforcement to identify the licensed taxis.
2. Inspect all vehicles for proper permanent identification.
3. For all new applications, verify all drivers have the proper Class Z endorsement.
4. Create an enforcement policy and strategy that did not negatively impact tourist and customers.
5. Limit police from pulling over and citing taxi cabs with passengers when there is only a sticker/for hire license violations.
6. Combine the three previous license categories: taxi, shuttle, and combined taxi/shuttle into a single license per the transportation company's request. This resulted in the present license structure which bunches all three types of service into the For-Hire License ("FHL") category and there will be one single fee.

On March 27, 2009, Donnie Novelle owner of Park City Transportation e-mailed the Mayor and Council with her concerns of the high number of "For Hire Vehicles" that conduct business in the City during the peak times. Ms. Novelle expressed concern for the welfare of citizens, guest, surrounding businesses, neighborhoods and wildlife. Ms. Novelle also expressed concern about unlicensed companies known as "gypsy cabs" that operate within the City and licensed companies that only operate during the peak/special event periods. Ms Novelle saw several gypsy cabs on Main Street during Sundance with handwritten signs in the window saying "Taxi" and no business license sticker in the rear window. Ms. Novelle's concerns include the reliability of the cabs, whether they carry the proper insurance, are paying taxes on their revenue, parking in residential zones and on the streets, and causing traffic congestion.

On May 12, 2009 staff held a meeting with the For Hire Vehicle Business owners to discuss their concerns and find a way to address those concerns. The following issues were discussed:

- Separate the Black Car Service from the Taxi service.
- Restrict the number of For Hire Vehicles
- Ban Payola: Payments to individuals such as doormen for calling a specific company.
- Require Taxi stickers for drop offs
- Require Office space to be in the city limits
- Set up a central phone system
- Setting up a Staging area
- Additional Enforcement
- Franchise the Taxi Industry
- Prohibit Idling

Attendance

JOHN DELONG
ROBERT OBRIEN
CHUCK VERNSEY
SPIKE
ZAFOD
ROB TAYLOR
CHRIS ONEILL
STUART ROSEN
RANDY CURTIS
VICTOR SOLIZ
DONNIE NOVELLE
DIANIA TURNER
RYAN APPEL
KYLE GERVUIS
ALAN POWELL

POWDER FOR THE PEOPLE
649-TAXI
PARK CITY DIRECT SHUTTLE
PREMIER
MUSIC TAXI
P.C. PREMIER TRANS.
P.C. PREMIER TRANS.
ACE LIMO
EXPRESS SHUTTLE
A-LINE TRANS.
PC TRANSPORTATION
DEEP POWDER TRANS
SKI TAXI
PEAK TRANSPORTATION
PEAK TRANSPORTATION

SPENCE PECHT
BOB GARCIA
GORDON CUMMINS
MIKE WILHUH
DAVE DAVIS
RYAN PETTY
MAE TERBURG

FREESTYLE TRANS
CITIRIDE
ALL RESORT
ALL RESORT
P.C.T.
ELITE LIMOUSINE
VIP LIMOUSINE

The For-Hire Industry was unable to reach a consensus as to which issues to pursue. The For-Hire Industry generally wants to protect their business from unlicensed transportation and licensed transportation that only operates during the busy time such as Sundance and the Ski Season.

The For-Hire Industry was informed that the City can not restrict competition. The City can only implement ordinances and licensing requirements that are for the health, safety and welfare of the citizens and visitors of Park City.

The For-Hire Industry contains a mix of differing interests. Increasing the license requirements was viewed by some as helpful and other as any increased burden on legitimate companies. Limiting the number of licensed companies by freezing the number of licensed taxi companies was discussed, but would prevent companies that aspire to expand from growing. A Franchise system would allow a company(ies) the exclusive right to the Park City market and would ease enforcement issues, but would not allow the large number of licensed companies that currently operate in the City to stay in business.

As Staff was unable to get a clear direction from the meeting, a follow up meeting was scheduled for June 16th, 2009. The industry was asked to see if a consensus or majority view could be reached concerning any of the proposed suggestions.

On June 16, 2009, an additional meeting with the For-Hire industry was held. At the end of the meeting Staff distributed a survey to asses whether there was a consensus as to which issue(s) to pursue. Staff presented a survey with five topics for the For-Hire Business. In this survey, For Hire business owners were asked to number their preferred action from one to five, one being the highest priority. Of the # of people at the meeting, # filled out the survey. The proposed alternatives were to separate Black Car Service, conduct a Franchise Study, Additional enforcement, restrict the number of For-Hire Vehicles, and finally other (write in).

1. Separate Black Car service
 - 3 was marked 1
2. Franchise Study
 - 2 was marked 1
3. Restrict the Amount of Vehicles
 - 3 was marked 1
4. Extra Enforcement
 - 1 was marked 1

5. Other

- 1 was marked 1 (comment) "At this point I would say leave it as is."

Staff was unable to find a clear direction from the For Hire Vehicle Industry. Staff and Council have attempted to address this further regulation of the industry in the past, but have been unable to develop a satisfactory regulatory scheme. Staff approached Dr. Ray Mundy for information on conducting a Transportation Study. Dr. Mundy is the Director of the Tennessee Transportation & Logistics Foundation. He has worked with Salt Lake City and the Salt Lake City Airport and many others in developing Transportation Studies to address customer service and taxi industry issues.

Dr. Ray Mundy met with the City. During that meeting Donnie Novelle's letter as well as information gathered from the two public meetings with the For Hire Vehicle Industry was discussed. Dr. Mundy has submitted a proposal to conduct a transportation study for the City based on these discussions. He identified four goals of such a study. These goals would be to (1) assist our year-round local transportation companies by providing greater stability to their ability to serve both peak and off peak demand; (2) Ensure that the supply of taxi and other ground transportation services are adequate to serve peak season demand including special occasions such as the Sundance Film Festival; (3) To develop a stronger local taxi/ground transportation ordinance that leads the industry toward the use of alternative fuels and greater services to the transportation disadvantaged; and finally (4) an appropriate fee structure that captures all city costs involved in the regulation of taxis and all public/private ground transportation services.

The proposed goals can be modified if Council desires. The estimated cost of a study, is roughly \$32,000. If staff intends to go forward with a transportation study and a request for proposal will be done.

Analysis:

Staff was unable to find a clear consensus from the For-Hire Industry on what modifications to the code they would like to have. The For-Hire Industry contains a variety of differing interests and no consensus as to a direction to take could be reached. Because of this, Staff recommends holding a public hearing to consider public input from the For-Hire Industry and the public. Below is a summary of different topics that were discussed at the meetings with Staff and transportation companies.

- 1) Separate Black Shuttle Service from Taxi Service: Presently, the Municipal Code groups together all shuttles, taxis, and transportation services. This change was made in 2002 to make enforcement easier. For example, presently if a drop off is made without a sticker that drop-off was likely a violation of the municipal code. If services are separated, it would be difficult to tell whether a drop off was done by a Black Shuttle Service or by a un-stickered Taxi Cab.
- 2) Conduct a market study and limit the number of cabs within the Park City limits: A market study will help determine the demand for the For Hire Vehicle industry in Park City. This information would help to determine if Park City

market is oversupplied, and also evaluation the level of service customers are receiving. This market study would also be a prerequisite to capping the number of FHV licensed or Franchising the Industry. Although this study is a prerequisite to Capping or franchising the system, conduction a study does not mean that the City will have to pursue either path. The study may also contain other suggestions that have not been considered. After a study provides information on the needs of Park City, the City may consider capping the number of Cabs at a level that meets those needs. Capping the number of For Hire Vehicles may have the unintended consequence of creating a system where the license to operate a For Hire Vehicle in Park City is bought and sold in the private marketplace.

- 3) Ban the Payment of Referral fee: Referral fees or Payola is paid by a For Hire Business to a hotel doorman or other individual for using that Company. If enacted this ordinance would be very difficult to enforce.
- 4) Change the Municipal Code to require stickers for Drop-Offs: Legal has reviewed this request. Such a requirement is prohibited by interstate commerce law. No Utah municipality has such a requirement.
- 5) Requiring a FHV business to have an office within Park City limits: Legal has reviewed this request. Park City unable to enact such a requirement as Utah Code prevents the City from favoring local businesses.
- 6) Central referral phone system: Only the FHV Industry can implement this option, the City can not set up a central referral phone system.
- 7) Set up staging areas: Staging areas have been investigated in the past and found that numerous taxi companies do not like the concept and would not voluntarily use it. Taxi operators generally feel it is important to be close to where their customers are (i.e. on Main Street). Staff does not think a taxi staging area, by itself, will be successful. Kent Cashel has been working with the Historic Main Street Business Alliance subcommittee since summer 2008 to determine:
 - If taxi, hotel shuttle and bus activity on Main Street was significantly impacting traffic circulation.
 - What mitigation factors, if any, should be implemented?

This committee was not clear on the level of impact taxis, shuttle buses and buses were having on Main Street Circulation. The committee recommended Staff gather data over the winter of 2008-09 to determine the location, nature and level of traffic impacts. Staff gathered this data and is in the process of analyzing this and determining what, if any Mitigation measures are appropriate. Once this is complete Staff will meet with the HMBA subcommittee and the taxi industry to discuss these findings and make recommendations. Staff expects that a staging area program will require the implementation of stricter taxi licensing requirements, code modifications, enhanced enforcement and most likely a consumer education program. These program elements will represent increased administrative and enforcement burden for the City and bring with it significant associated costs.

- 8) Increased Enforcement: Presently, all licensed For-Hire Vehicles (FHV) are required to have a Park City Transportation Sicker. This sticker allows the

driver to pick up individuals with Park City limits. No sticker is required for dropping off individuals within City limits. Council has previously directed the Police not to stop vehicles that make a pick up without a sticker. This was done because of the negative impact stopping a FHV has on the innocent passengers who usually are tourists. The only time that the Police can stop an unlicensed For Hire Vehicles in the City for soliciting business is in between a stop and a pickup. Business licensing has a complaint form which the For Hire Vehicle industry can use to submit reports of unlicensed For Hire Vehicle activity. Code enforcement actively follows up on these complaints. Staff will continue to actively enforce the Municipal Code, but recognize the licensed FHV industries frustration that the lack of immediate consequences creates. The FHV industry requested increased enforcement. Staff explained the complaint procedure and the reason for the current system.

- 9) Franchise the Industry: After the study provides information on the needs to Park City, the Council may consider franchising the FHV industry. This would allow Park City to exercise greater control over the FHV industry. It would also allow FHV to earn a fair wage. It is likely, however, that any franchise agreement would be limited to a few companies. In all likelihood many of the existing licensed companies would not receive the franchise.
- 10) Prohibit Idling: The City wants to continually improve the efficient use of vehicle fuels in an effort to reduce operating costs and emissions. Park City has an internal staff directive that only applies to City Vehicles. The current City policy is as follows: When the City Vehicles are not in traffic lanes, idling is prohibited (except under the limited conditions listed below):
 - i. When the ambient temperature is below 32 degrees F, vehicles and equipment will not be idled more than 3-5 minutes. This applies to start and warm up, waiting on jobsites and at material suppliers and end of day cool down.
 - ii. For the health and safety of operators, there will be occurrences when vehicles may be left running. Examples include idling during traffic control operations when overhead lights are in operation for safety, additional idling at first startup to build safe operating air pressure and protection from the elements or for the use of the vehicle safety features (including the use of air conditioning in street sweepers to keep dust out of the cab).

In addition to prohibiting the idling of City vehicles, Park City restricts the idling of delivery vehicles on Main Street and/or Swede Alley (see ordinance 9-8-3). City Council has directed the Environmental Sustainability Staff to assess the resources needed for implementation and enforcement of a City-wide anti-idling ordinance and Staff is currently in the process of investigating these requirements.

- 11) Do nothing. No action would result in no changes to the problems expressed by the For Hire Vehicle Industry, and will perpetuate the continuing existence of gypsy taxis and licensed vehicles that only operate during peak season.
- 12) Do a Transportation Study: Staff discussed with the For Hire Vehicle Industry doing a transportation Study. Such a study would determine the severity of the problems expressed by the Industry. A Transportation Study can be tailored to meet different goals, but at present Staff and Dr. Mundy have identified the following goals for a Park City transportation Study: (1) Assist our year-round local transportation companies by providing greater stability to their ability to serve both peak and off peak demand: (2) Ensure that the supply of taxi and other ground transportation services are adequate to serve peak season demand including special occasions such as the Sundance Film Festival: (3) To develop a stronger local taxi/ground transportation ordinance that leads the industry toward the use of alternative fuels and greater services to the transportation disadvantaged: and finally (4) An appropriate fee structure that captures all city costs involved in the regulation of taxis and all public/private ground transportation services. The estimated cost of such a study is roughly \$32,000. Staff will explore the potential for funding of this study with existing budget allocations, but it's possible that staff will request an operating budget adjustment for this study in the spring. However, if council were to ultimately adopt one of the recommendations resulting from the study, the cost of the study would be built into the new pricing structure for the next renewal fees.

Department Review:

City Manager, Finance, Legal, Police, Sustainability, Public Works

Significant Impacts:

If directed to develop a proposal for a Transportation Study that Transportation Study will require an expenditure by the City. Currently a Study is estimated to cost roughly \$32,000. There are not funds budgeted for this Study. Once the request for proposal are received Staff will return with a discussion of funding alternatives and Staff impacts.

Consequences of not taking the recommended action:

This issue will remain unresolved.

Recommendation:

Staff recommends that Council solicit input from the FHV industry, and public. Staff recommends that Council direct Staff to develop a proposal for an in-depth study of Park City's taxi/ground transportation service.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UT
OCTOBER 1, 2009**

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Shelley Hatch, Analyst II; Wade Carpenter, Chief of Police; Heinrich Deters, Trails Coordinator; Jonathan Weidenhamer, Economic Development Manager; and Matt Cassel, City Engineer

Donnie Novelle, PC Transportation; Rob O'Brien, 649-TAXI; Kyle Jesson, Comstock Drive resident, Shirin Spangenberg, Prospector resident; and Mark Olson, Comstock Drive resident

Absent: Council member Liza Simpson

1. Council questions/comments. Jim Hier discussed promotions and business presented at the HMBA meeting, and a Chamber reception planned at Little America on October 20 for the state legislature. Roger Harlan spoke about the trend of promoting bicycling in communities and pledged to use alternative transportation once a month to Council meetings rather than driving. He felt it important for members to lead by example and proposed encouraging high school students to use the free bus rather than driving to school. Joe Kernan thanked Diane Foster and others for their participation in the successful Save Our Snow event last night. The Mayor agreed and commented on meetings on Gambel Oak, EPA, and the Air Force held in Washington DC last week and added that he was honored to speak to the National Academy of Science on sustainable communities while there.

2. For-hire vehicles licensing. Shelly Hatch explained that on March 27, 2009 the Council received an email from a provider describing problems during peak times, specifically the high number of for-hire vehicles operating in town. In May, staff met with business owners to address their concerns and some approaches discussed included separating black tie service from taxi service, restricting the number of provider vehicles, banning payola, requiring stickers for drop-off, setting up a central phone system, increasing enforcement, franchising the taxi industry and prohibiting idling. She emphasized, however, that there was no consensus as to which to pursue. In June 2009, another meeting was held to survey businesses to identify the preferred approach but staff was unable to garner clear direction. She proposed conducting a transportation study to reveal the needs of Park City and a way to cap the number of cabs at the appropriate level.

Ms. Hatch summarized the topics discussed at the meetings including (1) a separate black shuttle service from taxi service (enacted in 2002); (2) conduct a market study and limit the number of cabs within Park City; (3) ban payola (difficult to enforce); (4) change

the Municipal Code to require stickers for drop-offs (prohibited by interstate commerce law); (5) require providers to have an office in Park City (prohibited by interstate commerce law); (6) implement central phone system (only industry can do); (7) set up staging areas (not favored by operators); (8) increase enforcement; (9) franchise the industry (limited to a few companies); (10) prohibit idling; (11) do nothing; and (12) conduct a transportation study.

She reported that the estimated cost of a study is \$32,000, acknowledging the need to explore funding options and possibly requesting a budget adjustment for the study in the spring.

Candace Erickson suggested making applicants wait 90 days before receiving a license to avoid attracting renegade taxis during peak times like Sundance and it was pointed out that the Code has a ten day turn-around period once an application is complete. Mark Harrington interjected that the problem is that Sundance is in the winter but the idea can be explored. She felt the goals of the study outlined in the staff report fall under the role of the transportation companies not the City and she did not support enforcing stronger ordinances. Roger Harlan stated that he shares Ms. Erickson's reservations and discussion ensued on the sticker program and level of enforcement. Chief Wade Carpenter spoke about monitoring taxis and not confronting taxi drivers about violations until the passenger is dropped off. Unfortunately, business license information is not in a database officers can access on-site. Ms. Hatch explained the significant effort on behalf of the City to get all vehicles licensed as a matter of equity.

Donnie Novelle, Park City Transportation, emphasized that they have been in business for 30 years, 365 days of the year. As of 2003, there were 20 for-hire companies and six years later, there are 84 in Park City. She spoke about not requiring businesses to operate from an office and companies not contributing to Park City in the way of property taxes. The high number of licensed vehicles contributes to congested traffic conditions and pollution in town for the small price of a business license and the public would be better served with fewer vehicles operated by several companies. Ms. Novelle stated that she is very supportive of the study and feels the cost could be covered by increasing the business license fee for the 84 or more 2010 for-hire taxi companies.

Rob O'Brien, 649-TAXI, relayed that the City can't show favoritism toward businesses with offices in town but 84 companies seem like over-kill and he acknowledged that the issues have been on-going problems for 15 years. He admitted that he was surprised by the \$32,000 price for the study and wasn't sure if it is worth it. The City can continue to license businesses or the service can be franchised. He continues to be interested in learning about the criteria to qualify for a franchise.

Ms. Novelle again expressed her support for a study and having it done now, not waiting until the spring. Tom Bakaly interjected that action is not requested on the study tonight but pointed out the longevity of the issues. The amount is an estimate and the

City would solicit requests for proposals and if a study is greater than \$20,000, Council approval is required. He believes some expertise is needed that would allow the City to use its current system and perhaps benefit local companies more. Mr. Bakaly felt that proceeding with a RFP would be helpful. There was discussion about the goals of the study outlined in the staff report. Jim Hier didn't feel these issues are of interest to the general public. The problems are from the industry, of the industry and the City has tried to arrive at solutions in a void and for these reasons, it may be wise to hire a qualified consultant to provide options. Mr. Hier did not feel comfortable legislating an answer and collecting more data is probably prudent. He personally does not use the service and has not heard complaints about taxis from his constituency. The Mayor agreed. Joe Kernan expressed interest in regulating unreasonable fares and would like more information on problems the Council can solve.

The Mayor summarized that all members are supportive of proceeding with a RFP. In response to a question from Joe Kernan, the City Manager stated that if the study provides solutions, it will save a significant amount of staff time spent on these issues. It was pointed out that fares must be posted inside the cab. Jim Hier suggested that a task force be formed to analyze and recommend options from the study

3. Comstock Drive sidewalk project. Heinrich Deters explained that Comstock is bordered by residential and commercial zones and provides an important pedestrian corridor for the nearby schools. For the past several years, the neighborhood has been working with staff to find a balance with traffic calming and walkability measures and the culmination of these efforts lead to the passage of the walkability bond in November 2007. On February 21, 2008, members of WALC held a Prospector neighborhood meeting to better gauge needs and at WALC's meeting of February 25, public input was taken and possible walkability measures were presented. WALC recommended \$400,000 for traffic calming features and \$540,000 to recrown the roadway, narrow travel lanes and install a sidewalk. Mr. Deters stated that at Council's May 22, 2008 meeting, WALC presented its recommendations and members deferred the \$540,000 sidewalk project on the east side of Comstock Drive in favor of an incremental approach. Council directed staff to return in a year to evaluate the success of the five foot at-grade pedestrian lane adjacent to the bike lane.

He continued to explain that in February 2009, the City entered into a contract with Fehr & Peers to perform an evaluation of traffic calming measures associated with WALC recommendations and specifically evaluate the five foot at-grade pedestrian zone. He indicated that a lot of data was collected and based on technical information, Fehr & Peers recommended a sidewalk being installed on the east side of Comstock. On April 21, an open house was held by the consultants to assess public opinion of the different recommendations and on June 18, the consultants addressed Council seeking direction on traffic calming measures, including the sidewalk on the east side of Comstock, and members provided direction to proceed with the improvements.



City Council Staff Report

Subject: For Hire Vehicles
Author: Shelley Hatch
Department: Finance Department
Date: September 30, 2010
Type of Item: Informational

Summary Recommendations: Council should affirm staffs plan to release a revised request for proposal to conduct a study on for-hire vehicles. Funding for this study exists in the Transit Fund.

Topic/Description: Park City Municipal Code, title, 4, chapter 15 Business license for transportation companies.

Background: In 1998, Park City council adopted an ordinance regulating the taxi and shuttle industry in Park City. The Ordinance largely mirrored Salt Lake City's For Hire Vehicle ordinance, but did contain some changes to reflect Park City's unique resort community. Franchising the taxi industry was discussed, but ultimately was rejected. The discussion in 1998 led to the requirements of identification stickers and vehicle inspections for For-hire vehicles.

In May of 2002, after receiving complaints from local transportation companies City Council made the following policy decisions and corresponding revisions to the City's taxi ordinance:

1. Require application of taxi stickers to the vehicle in the presence of the business license clerk.
2. Inspect all vehicles for permanent business name decal for taxi identification.
3. Verify all drivers have a class z endorsement on a Utah driver license.
4. Implement an enforcement policy and strategy that did not negatively impact tourist and customers. This limited police from pulling over and citing taxi cabs with passengers when there was only a sticker/For-hire license violation.
5. Combine the three previous license categories: Taxi, shuttle and combined taxi/shuttle into a single license per the transportation company's request

On March 27, 2009 and May 12, 2009, staff held meetings with the For-hire Vehicle business owners to discuss their concerns. The For-hire industry requested that the City limit licenses to locals only which is not legally permissible. The For-hire Industry was unable to reach a consensus on what changes they would like to see in For Hire regulation and Staff was unable to get a clear direction from the meetings.

On October 1, 2009 staff went to Council to discuss modifications to the Code for the For-hire Industry based on the variety of suggestions made at the March and May meetings. See exhibit A- Staff report from October 1, 2009.
Discussion items were:

1. Separate Black Shuttle (limousine) service from taxi service (In May 2002 this was changed per the transportation company's request)
2. Conduct a market study to determine if limiting the number of cabs within the Park City limits would improve service. (Staff recommend this item)
3. Ban the payment of referral fees to hotel concierges. (Staff did not recommend this approach as it would be extremely difficult to enforce).
4. Change the Municipal code to require stickers for Drop offs. (Staff did not recommend this approach as it is not legally permissible)
5. Require a For-hire Vehicle business to have an office within Park City limits.(Staff did not recommend this approach as it is not legally permissible)
6. Create a central referral phone system (Staff did not recommend this approach).
7. Set up staging areas.(Staff did not recommend this approach)
8. Increase enforcement. (Staff did not recommend this approach)
9. Franchise the industry (Staff recommended this should be studied)
10. Prohibit Idling. (Staff recommended this prohibition)
11. Do nothing.(Staff did not recommend this approach)
12. Complete a Transportation Study. (Staff recommended this approach)

Council expressed that the problems appear to be from the industry not from the general public. Council felt that an internal task force should be formed to analyze and recommend options from the scope of the RFP study. Council directed Staff to develop a proposal for an in-depth RFP study of Park City's taxi/ground transportation (see Exhibit B- Minutes October 1, 2009).

Analysis:

Staff members from Code Enforcement, Special Events, Transportation, Police, Public Works, Economic Development and Business Licensing formed a task force to analyze and recommend options. This task force contacted three companies to submit a proposal to study the For Hire Industry in Park City, and reviewed the many suggestions made by the for-hire industry listed above. The task force also compared Park City's For-hire situation with other resort towns.

Three companies responded to the RFP proposal on a taxi regulatory and service model study, which would accomplish four objectives:

1. Assist the City's year-round local transportation companies, providing greater stability to their ability to serve both peak and off peak demand, through either a franchise requirement or amendments to the City's current ordinance.
2. Ensure that the supply of taxi and other ground transportation services are adequate to serve peak season demand including special occasions such as the Sundance Film Festival.
3. Develop a stronger local taxi/ground transportation ordinance that leads the industry toward the use of alternative fuels and idle free zones.
4. Develop an appropriate license fee structure that captures all city costs involved in the regulation of taxis and all public/private ground transportation services.

Proposals from Rosenthal & Associates Inc., Wikstrom Economic & Planning Consultants, and Dr. Ray Mundy were received. The three proposals Staff received included cost proposals ranging from \$8,000 to \$32,000. Two of the three proposals contained cost proposals in the \$31,000-\$32,000 range. Staff thinks a comprehensive and effective study, that will achieve the four objectives outlined above, will cost at or near the higher end of the range of \$32,000. The wide range of cost, and associated study approaches, indicates the need for Staff to more clearly define the required deliverables of the study.

No funds have been specifically budgeted to complete this study. However, sufficient funds exist in the Transit Fund to complete the project. Staff recommends re-issuing a refined request for proposal to complete this study to include specific information about road impact, taxi specifications, evaluating current operations, simulation of vehicles necessary to service demand, curb prioritization, fees, analysis of administrative regulatory options, and requirement for special events developments. Once this has been accomplished and a decision is made on the selection of a contractor, Staff will return with a discussion of funding alternatives, staffing impacts and request for authorization to enter into a contract with successful proposer.

The task force reviewed For-hire practices in the following towns: Aspen, CO., Jackson, WY, Ketchum, ID., Vail, CO. and Lake Tahoe, CA.

- Aspen, Co
Aspen employs a total of six taxi stands throughout the City. Shuttles and busses are employed on a reservation status only. This means that shuttles and busses must be called by a fare and have a reservation before picking up their client(s). They stated that they have worked out the taxi stands personally with the taxi companies. They also stated that taxis are regulated by Colorado State Statute. These statutes were very complicated and the county issues the licenses.
- Jackson, Wy.
The town of Jackson does not have an ordinance related to regulation the hiring of taxis (i.e. nothing regarding pick up and drop off locations). They only regulate vehicle markings, licensing, and fare rates. They stated that the Jackson airport has its own set of regulations in regards to picking up passengers.
- Ketchum, Id
Ketchum has taxi zones that exist on each side of Main St. These zones reserve two spots solely for Taxis. Taxis must also adhere to all regulations dictating vehicle regulations (i.e. time restriction for parking, handicap zones, double parking, etc.) They indicated that they have had the best success when they implemented stiff fines, had clear taxi stand signs, and stepped up enforcement.
- Vail, Co.
Vail regulates taxis during the day. They do not allow taxis into identified "pedestrian zones". However, they do allow taxis to pick up passengers at the edges of the pedestrian zones. These regulations become more lax during the night.
- South Lake Tahoe, Ca

Lake Tahoe has 86 licensed taxi drivers. (Park City has 127 For-hire business licenses, and each business license may have several vehicles within that license.) The Police Department regulates most of the taxi business licenses. The business license department regulates “owner’s permits.” The owner’s permit regulation requires taxi drivers to have 5 years livery experience in town, be up to date on all fees, and place permanent logos on taxis. Under the owner’s permit, an operator can not be convicted of any felony or crime involving driving under the influence of alcohol or other controlled substance; any crime involving the sale, use of, or transportation of narcotics; any crime involving reckless driving; any suspension of driver’s license; a criminal assault; and crime involving theft or embezzlement; or any child annoyance or sex-related crime. To obtain an Owner’s permit an applicant must provide South Lake Tahoe regulatory staff with the number of vehicles to be operated or controlled by the applicant, the description of each vehicle, giving the model, serial and license number, the seating capacity and the name of the manufacturer, and the location of proposed depots and terminals (if any). If independent taxi drivers want to drive a taxi within the City limits and do not have the 5 years of in town taxi experience, drivers can operate under someone else’s existing Owner’s Permit. Once drivers have the 5 year experience they can apply for an Owners permit themselves. No permit shall be issued for a term longer than 10 years.

The task force also examined Salt Lake City’s taxi situation. Salt Lake City conducted a study July 31, 2005. This study was to provide analyses to support revision of the licensing, administrative, operational and enforcement system for the taxi industry. Based on that study, Salt Lake City changed their operation of licensing. Despite those changes, Salt Lake is still experiencing significant problems with the present system. Salt Lake City’s left with no doubt that their present system is broken and in need of significant structural changes in order to stop the infighting between metered and non metered sedans and shuttles operating as taxicabs. (see Exhibit C- Salt Lake Tribune article on taxi complaints September 21, 2010).

The task force found that reviewing other City’s approaches was not particularly helpful in determining next steps. Each community has its own unique character, transportation network and transportation challenges that have defined the communities approach to the For-hire industry. These subtle differences make it risky to simply apply another communities approach to Park City’s For-hire industry.

In particular, Salt Lake City’s experience indicates that simply conducting a study and then tweaking the ordinances regulating the taxi industry does not guarantee that those actions will solve all the industry’s problems. However, the task force does think a study is required for the City to adequately understand it’s For hire industry and the outcomes and industry impacts that regulatory changes for the taxi industry are likely to deliver. Armed with this clearer understanding Staff can then develop a well reasoned action plan regarding the City’s taxi ordinances.

Sayre Brennan with Public Works studied taxi zones on Main Street and other location on three separate occasions:

- For each study, he drove either north (turning at 9th street) or south bound (turning at Swede Alley) along Main Street documenting the following details: travel times, areas of congestion, and other significant factors relating to traffic on Main Street.
 1. During peak traffic, the average time to travel south bound (up Hill) was 4-6 minutes and 5-7 minutes to travel north bound (downhill). During non- peak traffic, both north bound and south bound travel lanes averaged 2-3 minutes.
 2. The major areas on Main Street that caused congestion were: Wasatch Brew Pub, Harry O's, Side Car, 350 Main St., and DC Clothing. One of the major factors for congestion in these areas were:
 - a. Taxi cab companies illegally parking into the road, thereby obstructing the flow of traffic (violation of PCMC Parking Code 9-2-2 and 9-2-3).
 - b. Double Parking (violation of PCMC Code title 9-2-3 and 9-2-6).
 - c. Unloading of Passengers from larger taxis (i.e. mini vans, suv's).
 - d. The time for a vehicle's operator to parallel park on Main Street averaged anywhere from 10 to 40 seconds. The longer it took an operator to Parallel Park, the greater the increase in congestion.
 3. Although not directly related to traffic congestion, a number of taxi companies were idling their vehicles. A number of taxis were legally in parking spaces along Main Street but they were nonetheless idling with the operator inside the taxi cab waiting for customers to hire the cab.

On March 27, 2010 Deb Wilde from code enforcement and Jeremy Eaton from Police conducted a taxi enforcement shift. They worked from 9pm to 2am. During the shift they made contact with several taxis. During these contacts every taxi was in compliance with having a business license and the drivers having a Utah taxi endorsement. The main problems that were encountered included taxis blocking traffic while waiting for their turn for fares on the corner of 5th and Main St., and taxis sitting in red zones (No Parking areas). They also noted taxis double parking and blocking traffic as they waited for fares. There were 15 parking problems addressed and several others that were not logged during that shift.

The task force felt that the traffic circulation issues identified during the brief traffic study and enforcement shift should be more closely monitored over the winter of 2010-11. The City's Transportation division has agreed to conduct this monitoring and return to Council for further direction in the summer of 2011 if increased enforcement is warranted.

The Task Force has reviewed the following issues:

1. **A driver photo badge from Park City is not needed.** This Park City badge would need to be visual for the riders at all times. This badge would be an extra cost to the City of \$1.00 per badge, and staff's time to produce the badge. Jeremy Eaton from Police stated that anytime that a taxi is pulled over

they will ask to see their Utah Z endorsement drivers license anyway. Staff discussed that the ordinance for a Utah Z endorsed drivers license is all ready in place. The task force felt the photo ID card would just be an added expense. The task force does not recommend this approach.

2. **Set a limit on age of vehicle.** It was suggested for the safety and the well being of the community requires all vehicles to be no more than 6 years old, and require 4 wheel drives on all For-hire vehicles under a 10 passenger limit from December through April. However the task force was concerned that putting an age limit on the vehicles could have a financial hardship on the For-hire business, and was not addressing a known problem. The task force recommends this approach is reviewed as part of a study.
3. **Require drivers to provide us with a criminal background check.** This will have minimal costs but will provide increased safety for passengers. The task force recommends this approach.
4. **Have yearly meeting with the For-hire business community.** Discuss issues and educate them about our policies and procedures. We would be revisiting the ordinance rules with the For Hire Business owners we also felt that some of the complaints that we received could have been prevented with education. The task force team felt over all, the problems only exists during Sundance. The task force recommends this approach.
5. **Educate Taxis on No Idle resolution.** The City Council of Park City adopted an 'Idle-Free City' resolution in November, 2009. The resolution encourages fellow employees and community to turn off their vehicles when idling. In the educational meetings with the For-hire business we could give them a handout of the Cities Idle-Free policy. The task force recommends this approach.
6. **Educate Special Event visitors.** Have festival organizer's include an education piece in their flyers about what questions rider's need to ask before getting into a taxi. Require the For-hire businesses to have 24/7 service. Look at the policy and procedures to change our ordinance to require the 24/7 service. The task force recommends this approach.
7. **Institute Owners Permit.** Consider requiring businesses to have an Owner's Permit. The task force didn't talk about the owners permit in detail however Staff believes this option should be included in the study.
8. **Monitor For-hire industry impacts on Main Street traffic circulation over the winter of 2010-2011.** The task force recommends this approach.

9. **Conduct a study to determine the optimum regulatory framework to address the issues identified by the task force.**

ALTERNATIVES

- A. **Approve The Recommendation.** Council should direct Staff to release a revised RFP to conduct a study on for-hire vehicles. Funding for this study exists in the Transit Fund
- B. **Deny The Recommendation.** Council could deny Staff's request.
- C. **Defer the item to a later date.** Council could defer decision on this item to a later date. Staff does not recommend this alternative.
- D. **Do Nothing.** Council could do nothing on this request. Staff does not recommend this alternative.

Department Review:

City Manager, Finance, Legal, Police, Sustainability, Public Works, Building

Consequences of not taking the recommended action:

This issue will remain unresolved.

Recommendation:

Council should affirm staffs plan to release a revised request for proposal to conduct a study on for-hire vehicles. Funding for this study exists in the Transit Fund.

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 30, 2010**

Present: Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer; Shelly Hatch, Finance Analyst; and Kent Cashel, Transportation Manager

Matt Ripken, InterPlan

1. Council questions/comments. Several members commented on the Summit Land Conservancy breakfast. Candace Erickson invited the public to the Scarecrow Festival now on display at the Farm. The Friends of the Farm will hold its annual retreat on Saturday morning. She discussed being liaison to Mountainlands Community Housing Trust and becoming familiar with related financing and tax credit methods which can be quite complicated. Alex Butwinski reported on attending the SLC breakfast and KAIST meetings. The Art Advisory Board met on the selection process for artwork for the Marsac Building entrance; the number of submittals was unprecedented. Cindy Matsumoto pointed out the quality of the SLC fund-raiser which gave her more confidence in the organization. Liza Simpson stated she attended the affordable housing committee meeting at the Park City Board of Realtors. She understood that a draft of the housing needs report will be distributed to Council in the next few weeks. Ms. Simpson encouraged staff to get the home owner meetings on the City's website.

Mayor Williams explained that KAIST stands for the Korean Institute of Technology who is a partner in the electric trolley demonstration project. He suggested exploring ways to offset the impacts of coal to generate electricity. There was a suggestion that Park City establish a sister-city relationship with our Korean counterpart, but the Mayor felt that a technological relationship would be more appropriate. Alex Butwinski felt this is a great opportunity for the community.

2. Traffic and Transportation Master Plan. Matt Cassel explained that the master plan project has been in the works for five months and staff wants to ensure it reflects Council's direction with regard to goals and objectives. He pointed that some numbers in the draft document have not been finalized. Consultant Matt Ripkin interjected the importance that goals are able to be measured. A public open house will be held Tuesday night at Eccles at 4:30 p.m. to 6:30 p.m. where staff is hoping to receive feedback on the goals, cross-sections, and alternatives. Liza Simpson referred to the street cross-section standards and asked that there be some detail on Old Town streets as built regardless of the right-of-way. Matt Cassel discussed creating a prioritization list and a list of improvements relating to the space available on the street.

Matt Ripken displayed a video and explained the zones in the model. The animation showed a bird's eye view of moving vehicles traveling to and from different zones in the City and Basin under existing conditions on a peak day. The model allows the viewer to sense what would happen if capacity, an HOV lane or more transit were added. Mr. Ripken acknowledged that more work can be done on the model so it is better calibrated but the prototype is close. Matt Cassel pointed out that the model does not show the impact of pedestrians which will be added. The model is based on the number of people, jobs, houses, and parking spaces at the ski resorts and identifying flows to destinations. Mr. Cassel pointed out that rather than interpreting a sheet of numbers, the model mimics the experience on the road without building improvements that may or may not work. Mr. Ripken referred to objectives, targeting levels of activities. Mayor Williams discussed the potential impact of the KAIST project and Mr. Ripken commented on recalibrating the model if there are more hybrid vehicles on the road or if other technology is in place. Mr. Cassel emphasized that this is a good starting point.

Joe Kernan requested information on the success of transit and a comparison of the time it takes to use a car or take the bus, be it in town or Salt Lake, and the percentage of trips using transit and how that changes over time. This would reveal if the use of transit is growing. Mr. Ripken noted that they have some measures and Matt Cassel relayed that people start using transit when it is more convenient than driving a car but this will be difficult to evaluate. Matt Ripken pointed out that this is the first time this has been presented to Council and these comments will be incorporated in the objectives to ensure that the information is meaningful.

In response to a comment from Alex Butwinski about adjusting the model, Mr. Ripken explained that a proposed development could be added to the model to decipher car trips, transit trips, walk trips and the flow of traffic. Mr. Butwinski asked how sophisticated the model is in terms of anticipating time of flows. Matt Ripken relayed that it is their hope that the model will be helpful in the planning process but over time, it may be good to update it every five years to refine and recalibrate. Mr. Kernan felt that this will be an exceptional tool for the Planning Commission in reviewing projects and their impacts on traffic. Matt Cassel addressed Mr. Butwinski's comment. The model reflects life style and spreads the trip patterns over the day with six different trip purposes which may change over time. Nightly rentals and second homes are considered and occupancies are estimated. The Mayor suggested modeling Treasure.

Matt Ripken pointed out that Salt Lake City spent \$1 million in 1993 on a model and invests \$200,000 annually to update it. Currently, SLC is looking at a \$2 million statewide survey to track travel patterns. Park City's project was built under \$100,000 and he cautioned that more funding is needed to collect additional data and to build the scripts but this is a great tool and Treasure can be modeled. In response to a question from Joe Kernan, Mr. Ripken explained that the model is driven by dynamic assignment or the fastest path, but there is a way to disable that function and replace it with traffic counts and InterPlan is working on this.

3. Direction on for-hire vehicle licensing. Shelley Hatch stated that Council reviewed modifications to the Code on for-hire vehicles on October 1, 2009. A task force was formed and a meeting was held with operators about separating black car shuttles and conducting a study to determine if there should be a limit of taxis in the City. She listed actions which are not recommended by staff including: payment of referral fees for hotel concierges, require stickers for drop-offs, require for-hire vehicles to have an office in Park City, create a central referral phone system, set-up staging areas, increase enforcement, and franchise the industry (unless studied). Recommendations include prohibiting idling and completing a study.

She explained that Council directed staff last year to form a task force to recommend options for requests for proposals for a study. The composition of the task force was explained. Three companies provided bids ranging from \$8,000 to \$32,000 and this has not been budgeted, although the Transportation Fund may be a possible source. The task force also looked at how other resort towns license taxis including Aspen, Jackson, Ketchum, Vail and Lake Tahoe. Ms. Hatch discussed her interest in Lake Tahoe's owner's permit. The task force examined Salt Lake City who conducted a study in July 2005 to provide analyses to support revisions in its licensing of the taxi industry. SLC is still experiencing significant problems after the changes have been made and feels its present system is broken. There is still in-fighting between the metered and the non-metered sedans and shuttles operating as taxis. She referred to an article in the Salt Lake Tribune made a part of her staff report. As demonstrated, conducting a study does not guarantee that problems will be solved. Ms. Hatch stated that Public Works studied the taxi zone, Main Street and other locations on several occasions and Building Enforcement and Police conducted a taxi enforcement shift. It was found that taxis double-parked and blocked traffic while waiting for fares.

Ms. Hatch relayed that the task force also reviewed a driver's photo badge but felt it would just be an added expense since driver's licenses are already examined when operators check in for taxi stickers. The committee looked at age limits for vehicles but it was feared that it would place a financial hardship on businesses. Criminal background checks also added to the cost of processing licenses. She recommended holding yearly meetings with the for-hire businesses to educate operators about the City's rules and regulations, including no idling. Educating special event visitors about taxis and what to be aware of is another suggestion. She expressed her interest in exploring Lake Tahoe's owner's permit which requires five years of experience and operators must agree to a background check and drug test. The task force suggests monitoring for-hire impacts on Main Street over the winter and conducting the study.

In response to a question from Liza Simpson, Kent Cashel indicated that he wasn't sure if courtesy vans were observed with regard to traffic circulation. The HPCA has been involved in discussions but he pointed out that staff needs to take a closer look because private vehicles also double-park and contribute to circulation problems on Main Street.

Candace Erickson believed the main objective is to preserve the passengers for the long-term taxi companies in town who are over-run by temporary operations during peak times. She does not support a study because she doesn't feel it has the answers. Shelley Hatch relayed that it appears that each company has its own needs and ideas and she understands their problems but on the other hand, the City must operate legally. Ms. Erickson questioned whether a study would provide anything more than additional restrictions. Ms. Hatch referred to SLC's experience but noted that the study may reveal a concept that hasn't been looked at. The owner's permit is a process originating in California monitored by the state and not cities. She felt it may solve some of Park City's issues, if the City has a problem.

Alex Butwinski expressed he is not convinced that a study is needed because the ordinance can be amended to address some issues. He is more interested in the Ketchum ordinance because of its simplicity. Kent Cashel stated that traffic circulation will be studied in-house since it is really a separate issue. Ensuring quality service and a local healthy industry seems to be the goal and a study would provide information about the level of efficiency of our current process, regulatory options, and the impacts of implementation. If members feel that the City is there, Mr. Cashel agreed that it does not make sense to conduct a study.

Mark Harrington interjected that regulations must have a reasonable basis as it relates to health, safety or welfare. Some of the answers may be increased regulation and/or limitations on licenses and having additional facts in the record may justify a business license amendment. The same is true with fees where studies are needed. Principle areas for taxi regulation include public necessity, passenger protection, fares, safety of vehicles, and the economic element of the General Plan which factors in the fairness and equity of providing a level playing field for local businesses. In weighing cost benefits, many small cities choose a free market system. In summation, the City Attorney advised that if it is desired that the ordinance be more aggressive from a regulatory aspect, a study is required. Discussion ensued among members about preferring a free market. Joe Kernan didn't feel that a study will provide an answer about a franchise or free market system. He felt a background check or drug test could be added requirements without spending money on a study. Mark Harrington explained that if Council is not interested in limiting licenses or fares, there isn't a reason to do a study.

Liza Simpson felt it important to separate the problem operators from the regulatory process because they will always be around. She referred to the education option for businesses and suggested that meetings be held quarterly. Education may result in better drivers and service and distributing special events information to visitors is a good idea. Being aggressive in these two areas may make a difference. Cindy Matsumoto brought up the fare issue and Ms. Hatch personally felt that an ordinance would not deter some people from abusing the system. Passengers should take personal responsibility and ask what the fare is if not posted. The information sheet proposed for special event visitors does not require a study to implement. The Mayor commented on

complaints he has received about inflated fares and felt that fares should be posted in the taxi. He invited public input.

Donnie Novelle, Park City Transportation, supported placing age limitations on vehicles which would reduce Park City's carbon footprint and keep the Yellow Cabs and City Cabs out of Park City. She referred to a related drug fatality last year and strongly suggested a drug free policy because it is a public safety issue. A drug free policy was the only thing everyone could agree on. She felt that the industry could help pay for a study.

Rob O'Brien, 649-TAXI, stated that he has been in business in Park City for 18 years. Every taxi should have fares posted in the cab to discourage gouging which he hears about a lot. Prices should be consistent throughout the year regardless of Sundance. He has attended almost all of the meetings and agrees with members that \$30,000 is too much for a study which is probably not needed. He understood that Park City is a free market but hoped that a number could be capped as a matter of safety. Last year 90 companies were licensed. A franchise may include three or four companies and understandably he doesn't want to support anything that may put him out of business. Do not mirror SLC's ordinance. He's not worried about the busy season but the other 265 days a year. The number of taxis continues to grow every year. The Mayor asked if age limitation on vehicles, drug testing, and posting fares would deter outside operators. Mr. O'Brien responded that prices should be posted which is required by the ordinance. He is not supportive of age limitations on vehicles because it would place a significant financial burden on his business. Ten years would be okay but five years would be a problem. His vehicles must also pass inspection by the Salt Lake Airport where requirements are strict with regard to condition of the vehicle.

Ms. Simpson asked if a study is needed to support conducting background checks as a fatality has already occurred. Mark Harington did not believe a study was necessary. Cindy Matsumoto felt that informational hand-outs for visitors on using local taxi services would be very helpful. She pointed out how well Sundance gets information out and a list of phone numbers for taxi cabs and approximate prices may make a difference.

Donnie Novelle stated that Park City Transportation thoroughly educates its drivers and a mandatory education session would create double duty for drivers and payroll for the company.

Kinsey Colson, Patron Transportation for Sundance Festival, stated that she works with Ampco in monitoring parking lots and has personally had many interactions with belligerent taxi drivers blocking people from leaving the lot. Sundance has an interest in seeing repercussions for bad behavior. It publishes the names and numbers of local taxi companies on its transit maps and provides volunteers on the street with that information.

The Mayor pointed out that if there are complaints made about a particular taxi company, the City can do something about the situation. There should be fines associated with not posting prices. Ms. Colson clarified that issues may relate to bad behavior, prices or safety issues and the problems lie on the street.

Tom Bakaly stated that a study may answer many questions. During the fifteen years he has been here, the taxi issue has been raised about every two years. In his mind, the problem is the free market system about 25 days out of the year which adversely impacts local businesses. A definitive statement of the City's position regarding the free market system in the preamble might be appropriate. The study was intended to answer questions and alleviate staff time. Alex Butwinski felt that background checks should be added to the ordinance. Joe Kernan recommended that the Council hold another work session on finalizing elements of the ordinance before it goes to public hearing.

Liza Simpson referred to the October 1, 2009 work session notes where a 90 day waiting period for a license was suggested by Candace Erickson. She asked the status of that suggestion. Mark Harrington explained that the Legal Department explored this and that information will be shared with members for the next meeting.

Prepared by Janet M. Scott, City Recorder