PARK CITY MUNICIPAL BUILDING AUTHORITY
SUMMIT COUNTY, UTAH
NOVEMBER 18, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the Municipal Building Authority of Park City, Utah will hold a public meeting, at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes described below on Thursday, November 18, 1999 immediately following the adjournment of the City Council Meeting.

AGENDA

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF SEPTEMBER 23, 1999

IV CONSENT AGENDA

Consideration for adoption of a Resolution of the Municipal Building Authority of Park City, Utah (the "Authority") authorizing the issuance and sale by the Authority of its lease revenue and refunding bonds, Series 1999 (the "Series 1999 Bonds")

V ADJOURNMENT

PARK CITY REDEVELOPMENT AGENCY
SUMMIT COUNTY, UTAH
NOVEMBER 18, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the Redevelopment Agency of Park City, Utah will hold a public meeting, at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes described below on Thursday, November 18, 1999 immediately following the adjournment of the Municipal Building Authority.

AGENDA

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF JUNE 17, 1999

IV CONSENT AGENDA

Consideration for adoption of a Resolution of the Redevelopment Agency of Park City (the "Agency") authorizing the execution of a ground lease agreement between the Agency, as lessor and Park City, as lessee, in connection with the issuance of the Municipal Building Authority of Park City, Utah Lease Revenue and Refunding Bonds, and related matters

V ADJOURNMENT

PARK CITY COUNCIL MEETINGS
SUMMIT COUNTY, UTAH
NOVEMBER 25, 1999 AND DECEMBER 2, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the Park City Council **will not** hold its regularly scheduled meetings on Thursday, November 25, 1999 and December 2, 1999.

Posted: 11/15/18
See parkcity2002.org

PARK CITY

1884

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 18, 1999

Present: **Mayor Brad Olch; Council Members Roger Harlan; Shauna Kerr; Chuck Klingenstein; and Paul Sincock**

Toby Ross, City Manager; Mark Harrington, City Attorney; Tom Bakaly, Director of Capital Projects and Budget; Melissa Caffey, Special Events Manager; Kim Leier, Human Resources Director; Tom Daley, Assistant City Attorney; Kent Cashel, Budget Manager; Hope Bleecker, Transportation Director; Pace Erickson, Parks and Golf Course Superintendent; Clint Dayley, Golf Course Manager; Beth Sunday, Technical Services Manager; and Kathy Kelly, Recreation Manager

Randy Barton, advocate for outdoor music

Absent: **Council Member Hugh Daniels**

1. **Council questions and comments.** Roger Harlan disclosed that he, Ms. Kerr and the newly elected Council members received a letter from Jo Scott. Paul Sincock reported that on October 20 the touring production of the Sundance Children's Theater visited Jeremy Ranch Elementary and will perform at other local schools. This program is sponsored by the Park City Arts Council. Recycle Utah held its annual meeting and officers were elected. There will be a small business hazardous waste drop-off at Recycle Utah on December 10. Shauna Kerr noted that this week the Quality Growth Commission submitted a report to the Interim Committee. The report was somewhat inconclusive and the Commission is still trying to arrive at Quality Growth principles and are requesting a year extension. The Board learned that the $6 million in state funding was a one-time allocation and Ms. Kerr requested that a letter be sent by the Mayor to the Governor for consideration of continuing funding for the Critical Lands Fund. She continued that Park City's application for the Rail Trail was denied because findings could not be made that it was in an open and natural state. Two other applications were denied for parks as open space acquisition is favored. The Board, however, was supportive of the City submitting another application, recognizing that we have been the leaders in the state in acquiring open space. In response to a question from the Mayor regarding qualifying applications, Ms. Kerr reported that the Peaceful Valley Ranch in East Canyon, the historic Town of Grafton in Rockville, an historic farm in Bluff and a restoration project along the Virgin River are recommended for funding. She continued that the Commission will be visiting the Southern Utah area and as a result, she will not be attending the meeting of December 9. The City Manager pointed out that the Bonanza Office Building appeal is scheduled on December 9. Ms. Kerr expressed her concern that the appeal be resolved before a new Council is seated in January.

Ms. Kerr relayed that the Senior Citizens would like to organize an evening event in Salt Lake with transportation provided with a City bus. Chuck Klingenstein referred to the financial monitoring report and asked for further clarification. Mr. Bakaly explained that there will be meetings with the senior and mid-managers to discuss the report, the City's recession plan, and a training program. Revenues were discussed.

2. Outdoor amplified music. Melissa Caffey asked Council for direction on whether outdoor music should be explored and that a committee be appointed if that is the case. Randy Barton, advocate, believed there is support in the community for outdoor music but it is a delicate subject. He agreed with Ms. Caffey that a committee should be formed so recommendations can be made for the future. Mr. Barton stated that he has done a lot of research on decibel measuring and mitigating facilities for outdoor music. The *Miner Music Shacks* concept would benefit the sound level and add to the quality of entertainment available in the community. A physical structure with a back will direct the level of noise toward an audience and away from problem areas. He further explained the problem with the bandstand in City Park which traps sound in the band shell. The sound needs to be increased to force it outside to the listeners. If that were changed, the volume could be lowered and the quality would be enhanced.

In response to a question from Paul Sincock, Ms. Caffey explained that there would be recommendations on ordinance changes. There should be a process which involves sound experts, arts community, planning, police, and residents in key locations. This group would be exploring funding for the music shacks. Instead of restaurants licensed for outdoor dining individually hosting music groups, restaurants would be considered private venues not related to CUPs. The plan would be to identify certain locations and times for a public benefit. Ms. Caffey reiterated that decibel levels aren't necessarily the focus, but ways to make this process work with everyone. The Mayor supported this recommendation, including getting as many people involved as possible. Paul Sincock pointed out that the Land Management Code and Municipal Code define noise and sound but nothing on music. Mr. Sincock discussed minority versus majority rights and interests and recalls comments made about quiet enjoyment of property. He discussed the writings of Mortimor Alder, an astute philosopher and student of government, on the pursuit of happiness and the difference between privileges and rights. This relates to pleasing a minority by ensuring quiet enjoyment of their property over and above the community's general well being in terms of entertainment. He personally supports amplified music and felt that City Park and different locations on Main Street should be examined for individual sound signatures. The opinion of a very few citizens should not restrict of the enjoyment of the majority of the community. There may be a middle ground, but government will never make everyone happy.

Chuck Klingenstein urged the committee to formulate a plan to eliminate noise complaints. Mr. Barton noted that there should be specific guidelines and a sound professional to monitor performances, and pointed out that bass and drums often become problematic with regard to vibrating sound. Mr. Barton emphasized that the key is to mitigate as much noise as possible.

Melissa Caffey felt that the task force could render recommendations to the Council early spring and suggested that restaurant tax grants may be a way to build some of the music shacks. There may be a test model before hand. Randy Barton further explained that the music shacks would be permanent and envisioned that they be a private/public venture creating a community amenity. The location of these would be beneficial for and free to the public. Shauna Kerr encouraged them to confer with the Building and Planning Departments. Mr. Barton suggested representation including Barb Clark, Chamber/Bureau; Mary Beth Maziarz, musician; Kevin Lewis, Performance Audio; Melissa Caffey, Chief Lloyd Evans; Rick Lewis, Tommy Youngblood, Meg Ryan; Alison Kuhlow; and possibly a Council member. There may be other professionals and residents that should be involved. It was Council's consensus to move ahead with the formation of the committee.

3. Review of regular meeting:

Revised personnel policies. Kim Leier explained that the resolution revises the personnel policies and procedures manual and the ordinance establishes an employee transfer and discharge appeal board. This is the culmination of employee input from senior and mid managers; the personnel advisory committee; specially appointed policies and procedures task force, and the Human Resources and Legal Departments. Recommendations include the creation of a pay plan task force and a policies and procedures task force which are provisions of the resolution. State law requires the adoption of an ordinance establishing an employee transfer and discharge board. The ordinance also includes updated language to the Americans Disability Act, Age Discrimination Act, sexual harassment, e-mail, workmen's compensation and health care benefit eligibility so the City's policies are current. Future changes will be recommended by the policies and procedures task force. Upon Council approval, the revisions will go into effect and all full-time regular employees will be appraised of the updates and receive a copy of the new manual and the election of the employee transfer and discharge appeal board take place.

Chuck Klingenstein understood that the pay plan task force would meet every two years concurrent with the budget and the policies task force bi-annually. Tom Daley explained that the employee transfer and discharge appeal board has been in place but the ordinance needed to be updated. Ms. Kerr pointed out a revision to be made to the ordinance regarding the board membership. Paul Sincock reported that he talked with Ms. Leier earlier about use of drugs and alcohol and understood that if an employee has a DUI off-site and outside of business hours, he is not required to inform the City at the present time. Tom Daley explained that the law requires employees to report within five days, any drug conviction occurring on the workplace. Safety sensitive employees have their own policy; there is no requirement for other employees to report DUIs.

FTA bus grant. Kent Cashel explained that staff is requesting authorization to execute an amendment to the existing FTA grant for the construction of the Old Town Transit Center. The amendment will enable access to additional funds in the amount of $111,450 for the purchase of small buses. The City will have to provide matching funds in the amount of $27,863. Staff is also asking for authorization to execute a contract with Intermountain Coach, Inc. for the purchase of two replacement paratransit buses in the amount of $128,610. A large portion of the funding for the purchase will come from a grant which Council approved last March.

In response to a question from Roger Harlan about ensuring that the City receive the appropriate vehicle for our terrain, Ms. Bleecker noted the importance of writing clearly outlined specs. This is a smaller bus compared to the 30 foot buses received originally from Thomas. It has a powerful diesel engine for a 20 foot long vehicle and carries less weight with a 13 passenger capacity. Ms. Bleecker felt comfortable that this vehicle can service the Silver Lake area and there will be special tires installed to ensure service in Old Town. The Fleet Manager feels the vehicle will easily maneuvers in Old Town. It is also four-wheel drive and has a wheelchair loader.

White Pine Touring contract. Pace Erickson stated that Council approved the expenditure of $129,000 for the purchase of a snowcat and since that time, staff has been negotiating with White Pine Touring for the City to take over the grooming operations. White Pine would pay the City for direct and indirect costs for staff, including replacement of the vehicle and operation of the snowcat. In response to a question from Chuck Klingenstein about supervision, Golf Course Manager Clint Dayley stated that a golf course maintenance employee will be working directly with an individual at White Pine who will provide a schedule for grooming. The equipment will be stored in the golf course maintenance building. Pace Erickson assured Councilman Sincock that the terms are agreeable with the owner who is out-of-town. The City has not been approached by the County about sharing the equipment for maintenance of other trails in the area. During the restaurant tax discussion, Mr. Erickson stated that it was understood that anything beyond Park City's track, would have to be negotiated through White Pine and there has not been a request to date. A ribbon-cutting will be arranged and County Commissioners will be invited in appreciation of their support. Paul Sincock applauded everyone involved for their hard work on this project.

Parking contract with Ampco. Hope Bleecker explained that staff is requesting authorization to renew the Ampco contract. The contract with Ampco was for one year with an option to renew for two years. She added that staff analyzed the cost of an in-house versus a contracted operation which does not reveal a significant cost savings. Staff finds Ampco to be a responsible contractor and there is sufficient flexibility within that contract, which is extremely important to the City. One detail left out of the staff report, is that the budget will show a not to exceed cost of $185,930 for 11,600 hours of on-street enforcement and in-house time by the Ampco supervisor. There is an increase in scope of services to cover enforcement on Park Avenue until 10 p.m. as requested by the residents. The contract last year was in the amount of $185,000, but the City spent an additional approximate $165,000. She emphasized the flexibility in the contract to reduce the number of hours, if needed. Roger Harlan understood the Park Avenue residents are pleased with the increased enforcement services and complimented Ms. Bleecker and Mr. Anderson at the speed at which the Park Avenue changes occurred. Ms. Kerr expressed her concern that there be flexibility if the new Council desires to reconsider paid parking and enforcement of parking. Ms. Bleecker stated that under the services agreement, the City can terminate the contract with Ampco with a 30 day notice. Mark Harrington added that the City can cancel the contract at any time for any reason. Ms. Bleecker emphasized that Ampco has agreed with this provision and its ability to do that lies in the fact that it is a large operation. The level of enforcement amounts to 10,000 to 11,000 hours which is sizeable for our community, but is felt reasonable by the parking committee and Ampco. A transition in enforcement could be attained easily. There would probably be less of a cost savings with an in-house operation running less hours than under Ampco. There is an additional buffer of 1,500 some hours in the contract now and if enforcement escalates into the 12,000 to 15,000 range, a new contract should be negotiated. Enforcement efforts on Main Street and Old Town were discussed and Ms. Bleecker felt comfortable with the level of enforcement specified in the contract.

Paul Sincock understood that the cost is 6% higher than providing the service in-house. Ms. Bleecker reiterated that there are many assumptions that come with the numbers. The costs absorb personnel at comparable grade wages, combined with our four in-house employees. That burden combined with what could be absorbed in a line item comparison to keep that level of staffing is roughly $370,000. Ampco's costs combined with the City's operation under the designated levels of staffing specified in the scope is about $340,000, which results in about a $30,000 cost savings. Paul Sincock believed that Ampco also retains more flexibility in hiring and firing employees than the City. Ms. Bleecker noted that this is funded out of the Transportation Fund, including parking meter revenues. Brain Anderson verified that meter revenues are covering costs of the operation by about 93%, not including capital costs.

Racquet Club software. In response to a question from the Mayor, Beth Sunday explained that the current software does not meet the needs of the Racquet Club, and the vendor is no longer supporting this software and therefore will not certify it as Y2K compliant. The staff has been working on the software and it has been satisfactorily tested. Kathy Kelly explained the transfer of information on the new system and indicated that current data needs to be clean-up in any event. The new software is more efficient than the current system and will accommodate the issuance memberships. In response to a concern expressed by Chuck Klingenstein about longevity, Beth Sunday indicated that ESCOM Services is one of few largest companies in the country that produces recreation software. Upgrades were discussed. The Snyderville Recreation District can also access the system through modem.

Bond issues. Tom Bakaly explained that the bond resolutions refund existing MBA bonds and issue about $1.5 million in additional funds. The total bond amount authorized is $7,395,485 which is comprised mostly of refunding about $5 million in prior issues. The savings as a result of refunding the older debt is around $46,000 and the net interest cost is about 4.83% which relates to the federal government recently increasing the rate. Mr. Bakaly added that this issue allows the City to borrow additional funds for projects including improvements to the golf course and City Park and provides reimbursements for expenditures already made at the McPolin Farm. Action is required by the MBA, RDA and City Council.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY
1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 18, 1999

I ROLL CALL

Mayor Brad Olch called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, November 18, 1999. Members in attendance were Brad Olch, Roger Harlan, Shauna Kerr, Chuck Klingenstein, and Paul Sincock. Hugh Daniels was excused. Staff present were Toby Ross, City Manager; Kevin LoPiccolo, Planner; Thomas Barlow, Planning Intern; Hope Bleecker, Transportation Director; Tom Daley, Assistant City Attorney; and Eric DeHaan, City Engineer.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

<u>Park Meadows Well update</u> - Tom Daley reported that water was found in the lower Thaynes Formation and it looks to be about 1,000 to 1,200 gallons per minute. The City Manager discussed the lost drill bit in Deer Valley because the hole collapsed, probably because of water, and added that if the geology parallels the Oakley well, staff will be recommending a production well there.

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF OCTOBER 21, 1999

Roger Harlan made a minor correction to the minutes. With that correction, the Mayor requested a motion to approve. Chuck Klingenstein, "<u>I so move</u>". Paul Sincock seconded. <u>Motion carried</u>.

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

V PUBLIC HEARINGS

1. Ordinance approving the Pearl West Condominium Record of Survey Amendment to the Pearl West subdivision located at 599 and 603 Deer Valley Drive, Park City, Utah - Planner Kevin LoPiccolo explained that this plat amendment will allow the condominization of the existing duplexes and will remove the lot line between two lots to create one lot of record. With no comments from the public or the City Council, the public hearing was closed.

2. Ordinance approving a plat amendment to combine Lot 4 and the south half of Lot 5 into one lot of record at 915 Norfolk Avenue, Snyders Addition, Block 15, Park City, Utah - Thomas Barlow explained that staff is recommending that Condition No. 2 regarding a ten foot non-exclusive snow storage easement be removed. The applicant requested this and the City Engineer indicated that snow storage easements are more critical on the downhill side of the street and this lot is uphill. Chuck Klingenstein pointed out that the Planning Commission approved this plat amendment with the condition and was concerned about consistency. Eric DeHaan noted that the City attempts to obtain snow storage easements on all sides of historic streets, however, this is a one and a half lot subdivision on the uphill side and the easement somewhat trivial. The practice of obtaining snow storage easements, especially on the downhill side will remain in effect. The property owner feels strongly about it and staff doesn't feel like this is an important enough issue to press.

Arnold Sprung, owner, explained that it is his plan to build a garage and driveway there which will facilitate snow removal. He did not feel that the easement was reasonable or relates to the plat amendment. With no further comments or questions from the public or the Council, the public hearing was closed.

VI CONSENT AGENDA

Shauna Kerr, "I move approval of Consent Agenda Items 1 through 10 with the changes noted on Item 3, deleting Condition No. 2 and changes to the language in Item 7". Paul Sincock seconded. Motion carried.

Hugh Daniels	Absent
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

1. Consideration for adoption of a Resolution of the City Council of Park City, Utah (the "City") authorizing and approving the execution and delivery of a Third Amendment to Lease Agreement, by and between the City and the Municipal Building Authority of Park City, Utah (the "Authority"); authorizing the issuance and sale by the Authority of its lease revenue and refunding bonds, Series 1999 and related matters - See staff report and work session comments.

2. Ordinance approving the Pearl West Condominium Record of Survey Amendment to the Pearl West Subdivision located at 599 and 603 Deer Valley Drive, Park City, Utah - See staff report and public hearing comments.

3. Ordinance approving a plat amendment to combine Lot 4 and the south half of Lot 5 into one lot of record at 915 Norfolk Avenue, Snyders Addition, Block 15, Park City, Utah - See staff report and public hearing comments.

4. Resolution accepting the revised Official Canvass of the November 2, 1999 General Election held in Park City, Utah including and affirming the results of the ballot recount held on November 5, 1999 - Staff recommends approval.

5. Ski track grooming services agreement with White Pine Touring - See staff report and work session comments.

6. Resolution adopting a revised Personnel Policies and Procedures manual, dated November 18, 1999, for Park City, Utah - See staff report and work session comments.

7. Ordinance repealing Ordinance 81-8, Ordinance 82-12(1) and Ordinance 90-10 and creating Section 2-6-2 within Title 2, Chapter 6, of the Municipal Code of Park City, Utah, establishing an Employee Transfer and Discharge Appeal Board (ETDAB) - See staff report and work session comments.

8. Renewal of Ampco parking services contract - See staff report and work session comments.

9. Authorization to replace the Racquet Club Financial Monitoring System and enter into a Contract with ESCOM Services - See staff report and work session comments.

10. Resolution setting forth a Recycling Market Development Zone in Park City, Utah - See staff report.

VII NEW BUSINESS

FTA bus grant - See staff report and work session comments. With no comments or questions from the City Council, the Mayor requested a motion to approve. Chuck Klingenstein, "I so move". Paul Sincock seconded. Motion carried.

Hugh Daniels	Absent
Roger Harlan	Aye

Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Aye

VIII ADJOURNMENT

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

* * * * * * * *

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder

PARK CITY 1884

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 18, 1999

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 18, 1999.

AGENDA

Work Session - City Council Chambers - Lower Level

3:45 p.m.	Council questions and comments
4:00 p.m.	Outdoor amplified music
4:30 p.m.	Review of regular meeting
	Revised personnel policies
	FTA bus grant
	White Pine Touring Agreement
	Ampco Parking Contract
	Other meeting questions/comments

Regular Meeting - City Council Chambers - Lower Level

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF THE MEETING OF OCTOBER 21, 1999

V PUBLIC HEARINGS

1. Ordinance approving the Pearl West Condominium Record of Survey Amendment to the Pearl West subdivision located at 599 and 603 Deer Valley Drive, Park City, Utah

2. Ordinance approving a plat amendment to combine Lot 4 and the south half of Lot 5 into one lot of record at 915 Norfolk Avenue, Snyders Addition, Block 15, Park City, Utah

VI CONSENT AGENDA

1. Consideration for adoption of a Resolution of the City Council of Park City, Utah (the "City") authorizing and approving the execution and delivery of a Third Amendment to Lease Agreement, by and between the City and the Municipal Building Authority of Park City, Utah (the "Authority"); authorizing the issuance and sale by the Authority of its lease revenue and refunding bonds, Series 1999 and related matters

2. Ordinance approving the Pearl West Condominium Record of Survey Amendment to the Pearl West Subdivision located at 599 and 603 Deer Valley Drive, Park City, Utah

3. Ordinance approving a plat amendment to combine Lot 4 and the south half of Lot 5 into one lot of record at 915 Norfolk Avenue, Snyders Addition, Block 15, Park City, Utah

4. Resolution accepting the revised Official Canvass of the November 2, 1999 General Election held in Park City, Utah including and affirming the results of the ballot recount held on November 5, 1999

5. Ski track grooming services agreement with White Pine Touring

6. Resolution adopting a revised Personnel Policies and Procedures manual, dated November 18, 1999, for Park City, Utah

7. Ordinance repealing Ordinance 81-8, Ordinance 82-12(1) and Ordinance 90-10 and creating Section 2-6-2 within Title 2, Chapter 6, of the Municipal Code of Park City, Utah, establishing an Employee Transfer and Discharge Appeal Board (ETDAB)

8. Renewal of Ampco parking services contract

9. Authorization to replace the Racquet Club Financial Monitoring System and enter into a Contract with ESCOM Services

10. Resolution setting forth a Recycling Market Development Zone in Park City, Utah

VII NEW BUSINESS

FTA bus grant

VIII ADJOURNMENT

PARK CITY 1884

CITY COUNCIL STAFF REPORT

DATE: November 15, 1999
DEPARTMENT: Special Events and Facilities
AUTHOR: Melissa Caffey/Meg Ryan
TITLE: Process for Outdoor Music - Discussion
TYPE OF ITEM: **Work Session**

SUMMARY RECOMMENDATIONS: Provide direction regarding whether or not it wants an outdoor music program and, if so, then consider appointing a workgroup to pursue an appropriate and workable outdoor music program for various locations in Park City.

DESCRIPTION:

A. Topic.

Outdoor Music in designated and appropriate locations in Park City.

B. Background.

Title 6 of the Municipal Code provides the only current guidelines regarding outdoor music (specifically in relation to noise levels). Exhibit A. The Master Festival Licence process does not address small scale musical events. The Land Management Code does not address outdoor music, but prohibits the installation of outdoor speakers in conjunction with outdoor dining.

During the summer of 1999, the Community Development Department created an administrative permit process for outdoor music that dealt with Main Street business owners. This fall that system was terminated due to noise complaints from nearby residents. After the termination discussions centered around the need for a comprehensive dialogue on the issue and consequently the hope that some process could be established for these types of uses.

C. Analysis.

In October of 1999 Randy Barton submitted a petition (700+ signatures) and a proposal letter to the City Council. Exhibit B. The petition calls for the allowance of outdoor music

that:
1. Does not surpass reasonable decibel levels;
2. Is limited in hours of operation ; and
3. Is mitigated through sound attenuation to the best extent possible.

The proposal calls for discussion on the outdoor music issue and for the creation of portable "Miner Music Shacks" that could be placed at a minimum of four locations around town. The locations would be publically or privately owned but regulated by the City for hours of operation, capacity, and noise levels. The "shacks" would act as sound attenuation devices.

Mr. Barton has suggested that the "shacks" could be potentially financed by a combination of public/private sources and possible Restaurant Tax funds. The deadline for this grant is in the early spring.

D. Department Review
The City Manager, Legal Department, Police Department, CDD, Building Department and Department of Special Events and Facilities have reviewed this Work Session report.

RECOMMENDATION: The staff recommends that the Council discuss the issue and consider convening an Outdoor Music working committee for the purpose of creating a workable process that will accommodate ongoing outdoor music events and meet the needs of both Park City businesses and residents. The Commmittee will return to the Council and community with specific proposals on the issue. The committee could consist of affected City Departments, (Police, Planning, Building, Special Events) and interested community representatives (Chamber, Mr. Barton, business owners, residents, etc.). Staff recommends that the committee be limited in size for expediancy.

EXHIBITS:
Exhibit A -Title 6 Municipal Code
Exhibit B - Randy Barton's Correspondence

conditions under which the Park City Police Department will make the initial response to the Alarm, penalties for repeated False Alarms (which will include loss of that location's Direct Access Alarm System privilege, or in the case of a company that has an unusually large number of False Alarms, the loss of that company's Direct Access Alarm System privilege), insurance of Alarm equipment and response personnel, and similar mechanical items that deal with the relationship between the City as the dispatch monitoring center and the Park City Police Department as the primary law enforcement agency in the City, and the Alarm company and its customers as the persons requesting emergency service through automatic devices.

(E) **ELIGIBILITY**. The City will permit only private security firms which are licensed by the state of Utah, and which have Park City business licenses, to connect to the Direct Access Alarm System devices. Each private security system must agree to maintain locally-based twenty-four (24) hour a day response personnel Private security companies not meeting these standards will not be permitted to connect to the City dispatch by Direct Access Alarm System devices. If a private company that was in compliance at the time of connection is later found not to comply, the Direct Access Alarm System privilege will be terminated by the City.

CHAPTER 3 - NOISE

6- 3- 1. DEFINITIONS.

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

(A) **CONTINUOUS SOUND**. Any sound that exists, essentially without interruption, for a period of ten minutes or more.

(B) **CYCLICALLY VARYING NOISE**. Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.

(C) **DEVICE**. Any mechanism that is intended to produce, or that actually produces noise when operated or handled.

(D) **DYNAMIC BRAKING DEVICE**. A device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".

(E) **EMERGENCY**. A situation or occurrence, which in the opinion of the City Manager, Chief of Police, Chief Building Official, or City Engineer, presents an imminent threat to the health, safety or welfare of any person, place or property.

(F) **EMERGENCY WORK**. Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.

(G) **EMERGENCY VEHICLE**. A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

(H) **IMPULSIVE NOISE**. A noise containing excursions usually less than one second.

(I) **MOTOR VEHICLE**. Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles, and racing vehicles.

(J) **MUFFLER**. An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.

(K) **NOISE DISTURBANCE**. Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

(L) **NOISE**. Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

(M) **PLAINLY AUDIBLE NOISE**. Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

(N) **PROPERTY BOUNDARY**. An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.

(O) **SOUND**. A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates at finite speed to distant points.

(P) **STATIONARY NOISE SOURCE**. Any device, fixed or movable, that is located or used on property other than a public right-of-way.

6- 3- 2. PURPOSE.

These regulations establish minimum standards to:

(A) Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Park City, Utah;

(B) Prevent the making, creation, or maintenance of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and

(C) Secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of the City.

6-3-3. JURISDICTION.

All noise control in this Chapter shall be subject to the direction and control of the Police Department, Building Department and City Manager.

6-3-4. POWERS AND DUTIES.

The Police Department and Building Department shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders as necessary to effect the purposes of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

6-3-5. SCOPE.

It shall be unlawful for any person not to comply with any rule or regulation promulgated by this Chapter, unless expressly waived by these rules and regulations.

6-3-6. EMERGENCY ORDERS.

Whenever the Chief of Police, Building Official, City Manager or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

(A) **PUBLIC CALAMITY**. In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of seventy-two (72) hours, at which time the incident will be assessed and further suspension of these rules ended or extended.

(B) **APPROVE APPLICATION FOR EXEMPTION FOR EMERGENCY REASONS**. An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances. See definitions.

6-3-7. GENERAL PROHIBITION OF NOISE.

It shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Park City as defined in this Chapter.

6-3-8. SPECIFIC NOISE PROHIBITIONS.

The following acts are declared to be in violation of these rules and regulations:

(A) **HORNS AND SIGNALING DEVICES**. The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the City, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.

(B) RADIOS, TELEVISION SETS, TAPE PLAYERS, COMPACT DISC PLAYERS, MUSICAL INSTRUMENTS, AND SIMILAR DEVICES. Using, operating, or permitting, the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound:

(1) between the hours of 10 p.m. and 7 a.m. in a way that is plainly audible beyond the property boundary of the source; or

(2) on public property, public rights-of-way, or private property at any time so as to be plainly audible fifty feet (50') (15.25 meters) from the device. Permits to exceed the limits of this section may be issued for special events on public property by the Chief of Police, Building Official or City Manager upon approval from the agency operating the public property.

(C) PUBLIC LOUDSPEAKERS. The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of § 6-3-9, or cause a noise disturbance, unless a permit is first obtained as provided by § 6-3-11 or approval is granted in a master festival license.

(D) HAWKERS AND PEDDLERS. Selling anything by outcry within any area of the City in such a manner as to violate Section 6-3-9. It shall be unlawful for any person to solicit from any motor vehicle.

(E) ANIMALS. Owning, keeping, possessing, or harboring any animal or animals that, by frequent or habitual noise making, violates Section 6-3-9. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.

(F) LOADING OPERATION. Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage containers, or other objects between the hours of 10 p.m. and 7 a.m.

(G) CONSTRUCTION WORK. In the Historic Residential (HR-1), Historic Transitional Overlay (HTO), Residential Development (RD), Residential Development-Medium Density (RDM), Residential (R-1), Residential-medium Density (RM), Recreation Open Space (ROS), Estate (E), Historic Residential Development Low-Density (HR-L), Single Family (SF), Single Family Nightly Rental (SF-N), Historic Residential Low Intensity Commercial Overlay Zone (HR-2), and Regional Commercial Overlay (RCO) Districts; it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under his control or at which he is employed between the hours of 10 p.m. and 7 a.m. of the following day, or before 9 a.m. on Sundays. In all other zones, it shall be unlawful to perform or cause to be performed, construction work between the hours of 10 p.m. and 6 a.m. of the following day. The Building Official or City Engineer may authorize extended hours for construction operations or procedures which, by their nature, require continuous operation, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

(H) **DOMESTIC POWER EQUIPMENT**. Operating or permitting the operation of any power equipment rated five horsepower or less in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment, or snow removal equipment for home or building repair or ground maintenance outdoors between the hours of 10 p.m. and 7 a.m. of the following day or before 9 a.m. on Sunday.

(I) **FIREWORKS OR EXPLOSIVES**. The use of explosives, fireworks, discharge guns or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining a permit as provided by Section 6-3-11. The provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.

(J) **LIQUOR LICENSED PREMISES**:

(1) **FAILURE TO CONTROL NOISE**. Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

(2) **OUTDOOR SPEAKERS**. Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining. As defined in the Land Management Code conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(K) **MAIN STREET BUSINESSES - OUTDOOR SPEAKERS**. Permitting or causing to exist any speaker or sound amplification equipment on the outside of any premise on Main Street with the exception of those businesses which are allowed to have outside speakers as a part of their conditional use permit for outdoor dining or performances or events approved by staff as a part of a master festival license. As defined in the Land Management Code, conditional use approval review, music is limited to 11 a.m. to 10 p.m. and may not emanate beyond the boundaries of the outdoor dining area.

(L) **RACING EVENTS**. Permitting any motor vehicle racing event at any place in violation of Section 6-3-9, without first obtaining a permit as provided by Section 6-3-11.

(M) **POWERED MODEL MECHANICAL DEVICES**. Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices, between the hours of 10 p.m. and 7 a.m. or in such a way as to violate § 6-3-9.

(N) **DYNAMIC BRAKING DEVICES**. Operating any motor vehicle with a dynamic braking device engaged, except:

(1) To avoid imminent danger; or

(2) Where permitted as posted on the following streets:
-Ontario Canyon
-Royal Street
-Aerie Drive
during the following hours: 7 a.m. thru 10 p.m., Monday thru Saturday, and 9 a.m. thru 10 p.m. on Sundays.

(O) **DEFECT IN VEHICLE**. Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violates § 6-3-9.

(O) **GARBAGE COLLECTION**. Collecting garbage, waste, or refuse between the hours of 10 p.m. and 7 a.m. in any area zoned residential or within three hundred feet (300') of an area zoned residential.

(Q) **STANDING MOTOR VEHICLES**. Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached thereto either in violation of Section 6-3-9, or in such a way as to cause a disturbance in a residential zone for a consecutive period of fifteen (15) minutes or longer.

(R) **BELLS AND ALARMS**. Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime or clock, including but not limited to, bells, chimes, or clocks in schools, houses of religious worship or governmental buildings that fail to meet the standards in § 6-3-9 for longer than five (5) minutes in any hour.

(S) **FIXED SIREN, WHISTLES, AND HORNS**. Sounding or causing the sounding of any whistle, horn, or siren as a signal for commencing or suspending work or for any other purpose in violation of § 6-3-9, except as a sound signal of imminent danger.

(T) **RECREATION VEHICLES AND SNOWMOBILES**. Operating a recreational vehicle or snowmobile in a way that violates § 6-3-9.

6- 3- 9. NOISE LEVELS.

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following

Subsection (A), or identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

(A) On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of fifty feet (50') or on private property, as to be plainly audible at the property line.

(B) The noise shall be measured at a distance of at least twenty-five feet (25') from the source of the device upon public property or within the public right-of-way or twenty-five feet (25') from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of sixty-five (65) decibels shall be considered to be excessive and unusually loud.

(C) Hours of restriction are as follows:

Residential-	10 pm to 7 am Monday through Saturday Not before 9 am Sunday
Commercial	10 pm to 6 am- Monday through Saturday

6- 3-10. EXEMPTIONS.

The following uses and activities shall be exempt from noise level regulations:

(A) Noise of safety signals, warning devices, and emergency pressure relief valves;

(B) Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;

(C) Noise resulting from emergency work;

(D) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;

(E) Any noise resulting from activities of temporary nature during periods permitted by law for which a license or permit has been approved by the Director in accordance with § 6-3-11;

(F) Any noise resulting from snowmaking activities at ski areas; and

(G) Any noise resulting from the maintenance of golf courses.

(H) Any noise resulting from snow plowing or removal services.

(I) Ten o'clock whistle.

6- 3-11. RELIEF FROM RESTRICTIONS.

Requests for relief from the noise restrictions in these rules and regulations may be made by the Building Official as it pertains to building issues and by the Chief of Police as it pertains to special events and community or private functions or events. Upon granting relief, any conditions outlined and agreed upon shall be complied by the applicant and failure to do so will cause the relief agreement to be suspended.

6- 3-12. MOTOR VEHICLE NOISE.

No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction; equipped with a muffler or other noise dissipation device; and not equipped with any cut-out, by-pass or similar device.

6- 3-13. ENFORCEMENT RESPONSIBILITY.

Enforcement responsibility will reside jointly with the Police Department and the Building Department.

6- 3-14. ENFORCEMENT.

The Police Department and Building Department may, upon discovery or report of a violation or violations of this Chapter, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the City Prosecutor's Office for review and issuance of an information and summons to court to answer the charges.

6- 3-15. PENALTY.

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to U.C.A. § 26-23-6, as amended. If a person is found guilty of a subsequent similar violation within two (2) years, he is guilty of a class A misdemeanor, pursuant to U.C.A.§ 26-23-6, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

The City Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance or other noise disturbance.

To: City Council Members & Park City Staff

From: Randy Barton
The Wooden Dog

Re: Outdoor Amplified Music

This summer I have arranged for musicians and provided the sound amplification for Park City Brewing and Smokehouse and The Town Lift Plaza. We were operating under a special Outdoor Music permit provided by the City. Last week that permit was rescinded due to complaints received from residents (one individual in particular) living near the plaza. We were invited to a meeting at City hall to discuss the complaints and the future of Outdoor Amplified Music. We were given a reprieve by the City and allowed to continue under new restrictions. I now believe that there needs to be a community discussion and a political decision made concerning the future of Outdoor Music in Park City.

I am a believer in the phrase "More Music and Less Talk" but I understand there are strong opinions which swirl around the issue. We live in a beautiful outdoor setting that already provides many opportunities to enjoy music under our sky surrounded by our mountains. Concerts in the Park, Deer Valley with their Concerts, Symphonies and Festivals, Heber Avenue and Pocket Park Concerts, People Make the City, Americas Opening and on and on. I have always felt that Park City, by nature of it's setting and It's people should strive to be an artistic center in the west. I am very proud of the musical line-up and level of quality sound and talent the Town Lift Plaza brought to the community this summer.

When I first saw the development of lower Main street I thought "Oh my, A cutesy Vail like area in an old mining town, what a *GREAT* idea. That area of town has been struggling for viability and identity from the start. If I were a bankruptcy attorney I would take a cue from Lucy and Charlie Brown and open up a "Legal Advise" booth on Main Street. One thing however that I have come to love about "Low-main" is the Plazas - real open space. My hope is to keep Music and Art flowing on these Plazas and create community gathering spaces in old town. I firmly believe that Arts = Business. A strong artistic community will attract locals, visitors and commerce.

It seems that we need to arrive at a true representation of how residents and businesses feel about outdoor amplified music. One person who continually complains should not be allowed to torpedo a wonderful community amenity. I am in favor of Music. I also support established mitigating guidelines such as DB levels, appropriate hours and maximum capacities. Further, I suggest requiring all outdoor music be performed on a Stage with a band-shell that would direct the sound towards the listener and away from the residences - my suggestion would be to build "Miner Music Shacks"!

I know local government has a keen interest in knowing the desires of the citizenry. I hope we can arrive at a method of surveying locals on this issue. I say let the music play.

Sincerely;

710 SIGNATURES PRESENTED

Randy Barton
The Wooden Dog

To: City Council Members & Park City Staff

From: Randy Barton
The Wooden Dog

Re: Petition in Support of Live, Outdoor Amplified Music

To all concerned;

This is a petition that has been signed by local residents and business owners as well as visitors to our community. It shows broad support for outdoor amplified music. I submit this document in hopes that it will stir action in allowing outdoor performances. I presented you a previous letter that outlined a few positive proposals. I am unable to attend your regularly scheduled public sessions but would be happy to volunteer my time to work on concrete proposals for the future. I would like to suggest the following as a beginning;

I believe a public/private approach needs to be taken. I would like to see as many as four "Miner Music Shacks" be constructed in Park City at the following locations;

1. Town Lift Plaza
2. Summit Watch Plaza
3. City Park
4. Prospector Square Plaza

This would involve one City property and three private areas. These four spots would qualify as "Live Outdoor Music Venues" which through a Zoning and Permitting process would be allowed to present performances on these stages under strict guidelines for hours of operation, maximum capacities and maximum decibel levels measured at nearby residential property lines.

I realize there are many details that would need to be resolved to make this hope a reality. I also feel that it would be an enormous boost for our community - residents, businesses and visitors. This is an unusual concept that would be a huge amenity to Park Citys cultural life.

Sincerely;

Randy Barton
The Wooden Dog

CC: TOBY
FRANK
MELISSA
MARK
TOMMY

PARK CITY 1884

DATE: November 9, 1999
DEPARTMENT: Human Resources
AUTHOR: Kim Leier
TITLE: Policies and Procedures Manual Revisions
TYPE OF ITEM: Administrative

SUMMARY RECOMMENDATIONS: Adopt a resolution revising the Policies and Procedures Manual.

DESCRIPTION:

A. **Topic:** Recommendations for revisions to the Policies and Procedures Manual.

B. **Background:**
These recommendations for revision are the culmination of more than six months of input from the Personnel Advisory Committee, Policies and Procedures Task Force, senior and mid-managers, Human Resources, and the Legal Department.

C. **Analysis:**
Earlier this year the Personnel Advisory Committee (PAC) met to discuss recommendations for the implementation of a more effective means of recognizing employee input and concerns. PAC realized its effectiveness and credibility had greatly diminished in recent years. Conversely, the task force and focus group concept proved to be successful in other programs and should be used to address PAC's role and responsibilities

PAC's core responsibilities had been:

1. Pay plan and benefit recommendations
2. Policies and Procedures Manual revisions.
3. Employee appeal board.

In March of this year, two members of PAC were elected to work with the City Manager to appoint a Policies and Procedures task force and a Pay Plan task force from a list of interested volunteers from throughout the City. The Pay Plan task force made recommendations to the City Manager during this year's budget process and the vast majority of their recommendations were integrated into the current pay plan. The attached recommendations are the result of continuing months of research, comment and revision by the Policies and Procedures Task Force, Human

Resources and the Legal Department.
The concerns the Personnel Advisory Committee voiced earlier this year are addressed and will be adopted as part of the revised Policies and Procedures Manual.

1. The creation of a Compensation (Pay Plan) Task Force that will make pay and benefits recommendations to the City Manager during the City's two-year budget cycle.

2. The creation of a Policies and Procedures Task Force that will make recommendations to the City Manager for revision to the Policies and Procedures Manual biannually. Both task force groups are given the opportunity to address Council directly should their recommendations differ than that of the City Manager.

3. The disbanding of the Personnel Advisory Committee and the creation of an Employee Transfer and Discharge Appeal Board.

D. Department Review:

The recommendations for revisions not only create the two task forces and the appeal board, but also update language addressing the Americans with Disabilities Act, the Age Discrimination Act, the Equal Pay Act, the Family Medical Leave Act, Sexual Harassment, Fitness for Duty, E-mail, and Workers Compensation and Health Care Benefit Eligibility.

ALTERNATIVES:

A. Approve the Request:
The recommendations and revisions will go into effect immediately and all full time employees will be apprized of the new policies and issued a copy of the new manual. The election process for the Employee Transfer and Discharge Appeal Board will begin immediately.

B. Deny the Request:
The recommendations and revisions will not go into effect which could result in noncompliance with the Americans with Disabilities Act, the Age Discrimination Act, the Equal Pay Act, and the Family Medical Leave Act.

C. Continue the Item:
Review of the Policies and Procedures Manual will continue. The task force can address any concerns the council may have. Eventually, the document should be revised to comply with the Americans with Disabilities Act, the Age Discrimination Act, the Equal Pay Act, and the Family Medical Leave Act.

D. Do Nothing:
The recommendation and revisions will not go into effect which may result in noncompliance with the Americans with Disabilities Act, the Age Discrimination Act, the Equal Pay Act, and the Family Medical Leave Act.

SIGNIFICANT IMPACTS:

Establishes appointment of Policies and Procedures Task Force, Pay Plan Task Force and the Employee Transfer and Discharge Appeal Board. Brings the manual into compliance with Americans with Disabilities Act, the Age Discrimination Act, the Equal Pay Act, and the Family Medical Leave Act.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:
Possible noncompliance with Americans with Disabilities Act, the Age Discrimination Act, the Equal Pay Act, and the Family Medical Leave Act.

RECOMMENDATION:
Adopt resolution approving recommendations and revisions to the Policies and Procedures Manual of Park City Municipal Corporation, and ordinance establishing The Employee Transfer and Discharge Appeal Board.

PARK CITY
1884

Resolution No. -99

A RESOLUTION ADOPTING A REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL, DATED NOVEMBER 18, 1999 FOR PARK CITY MUNICIPAL CORPORATION

WHEREAS, personnel policies and procedures may be adopted and amended at the discretion of the City Council and are subject and subordinate to applicable federal and state laws, rules, and regulations, and local ordinances; and

WHEREAS, the Personnel Advisory Committee and the Policies and Procedures Task Force have reviewed the proposed amendments of the Revised Personnel Policies and Procedures and recommends adoption by the City Council; and

WHEREAS, the City Council deems it in the best interest of the employees of Park City Municipal Corporation to formally adopt them;

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

SECTION 1. ADOPTION. The Revised Personnel Policies and Procedures, dated November 18, 1999, attached hereto, are hereby adopted, replacing all others previously adopted.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council.

PASSED AND ADOPTED this 18th day of November 1999.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY
1884

Ordinance No. 99-_______

AN ORDINANCE REPEALING ORDINANCE 81-8, ORDINANCE 82-12(1) AND ORDINANCE 90-10 AND CREATING SECTION 2-6-2 WITHIN TITLE 2, CHAPTER 6, OF THE MUNICIPAL CODE OF PARK CITY, UTAH, ESTABLISHING AN EMPLOYEE TRANSFER and DISCHARGE APPEAL BOARD

WHEREAS, Utah state law requires that an Employee Transfer and Discharge Appeal Board (ETDAB) be created by ordinance and consist of five members, three of whom will be members chosen by and from the appointive officers and employees and two of whom shall be members of the governing body (Utah Code Annotated §10-3-1106); and

WHEREAS, in 1981, Park City created an ETDAB by enacting Ordinance No. 81-8, which ordinance was amended in 1986 by Ordinance Number 82-12(1) and Ordinance No. 90-10; and

WHEREAS, the Ordinances were never codified in the Municipal Code and the requirements of membership of the ETDAB have since changes; and

WHEREAS, it is in Park City's best interests to comply with state law and to establish an ETDAB for the benefit of its employees within the Municipal Code of Park City;

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

(A) <u>EMPLOYEE TRANSFER and DISCHARGE APPEAL BOARD.</u>

(1) The Employee Transfer and Discharge Appeal Board is hereby established, consisting of five members, three of whom will be members chosen by and from the appointive officers and employees and two of whom shall be members of the governing body.

(B) <u>SELECTION AND TERM OF OFFICE OF MEMBERS OF THE EMPLOYEE TRANSFER and DISCHARGE APPEAL BOARD AMENDMENT.</u>

SECTION 1. Chapter 6, Title 2 of the Municipal Code of Park City is hereby amended by adding a new Section 2 as follows:

Section 2-6-2 Employee Transfer and Discharge Appeal Board.

(1) Two members of the Park City Council shall be appointed by the Park City Council to serve on the ETDAB. The Park City Council shall also appoint one additional Council member to serve as an alternate on the ETDAB in the event one of the two designated Council members is unavailable to serve. Appointments shall be made at the first regular meeting of the Park City Council in January of each year.

(2) The selection of the three remaining members of the ETDAB shall be by city-wide general election. All appointive officers and employees shall be eligible to serve on the ETDAB. Nominations for service on the ETDAB shall be coordinated by the Human Resources Department. The City Recorder shall prepare a ballot containing the names of those employees nominated and a space for write-in candidates. The ballots shall be distributed to each appointive officer and employee of Park City Municipal Corporation with the first paycheck distributed in January of each year. Each appointive officer and employee of Park City Municipal Corporation shall be allowed to cast one vote. The three employees receiving the most votes will be appointed to the ETDAB. The employees receiving the fourth and fifth most votes will serve as alternates on the ETDAB in the event one of the two designated Council members is unavailable to serve.

(C) EMPLOYEE TRANSFER and DISCHARGE APPEAL BOARD RULES OF PROCEDURE.

The Human Resources Department shall maintain a current copy of the rules governing the procedures of filing an appeal with the ETDAB. The rules shall at all times remain consistent with the state statute requiring the creation of an ETDAB.

SECTION 2. REPEALER. All ordinances or resolutions inconsistent with this ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this ______ day of ________________, 1999.

PARK CITY MUNICIPAL CORPORATION

Bradley A. Olch, Mayor

Attest:

Janet M. Scott, City Recorder

Approved As To Form:

Thomas A. Daley, Assistant City Attorney

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: November 18, 1999
DEPARTMENT: Public Works
AUTHOR: Hope E. Bleecker, Transportation Director 11/12/99
Kent Cashel, Budget & Grants Manager 11/12/99
TITLE: Approval of additional award under existing FTA grant and Authorization to enter into a contract with Intermountain Coach Company, Inc.
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: This request is for authorization of a designated local match in the amount of $27,863 for a recently awarded small bus purchase supplement to the City's existing FTA Section 5309 grant (Old Town Transit Center). The additional federal dollar amount the City will receive is $111,450. Staff is also seeking authorization to enter into a contract with the Intermountain Coach Company, Inc (IMC) for the purchase of two accessible buses in the amount of $128,610. Staff is recommending that $21,288 of the newly awarded funds and local match requested tonight be used to purchase the vehicles.

DESCRIPTION:

A. Topic.
Approval of federal grant match and related purchase of (2) 13-passenger accessible buses.

B. Background.
The Federal Transit Administration recently awarded, for the City's existing Section 5309 grant (Old Town Transit Center), an additional $111,450 for the purchase of small buses. In order to receive these additional bus funds, FTA requires that the City provide $27,683 in matching funds. These matching funds were included in the FY2000 Transportation Fund budget adopted by Council on June 17th, 1999.

Staff has recently completed a thorough bid process for two 13-passenger buses and is proposing to move forward with the purchase by using a combination of previously authorized grant funds and money from the additional award referenced above. Council must formally accept and authorize the additional matching funds and approve the contract with IMC in order to complete the process of buying the vehicles.

C. **Analysis**

Staff conducted a bid process for the two accessible buses using staff members from the Office of Capital Management & Budget and Transportation. The bid process was conducted according to City policy and federal guidelines. The request for bids was published both locally and nationally and although Staff received numerous vendor requests for bid packages, only one bid was submitted for consideration. Staff conducted a price analysis to ensure the City was paying no more than fair market value for the vehicles. This price analysis was conducted by contacting several vendors to determine their price for similar vehicles with similar options. IMC's bid of $64,305 per vehicle falls within Staff's price estimate.

The purchase includes stainless steel wheel wells, a wheel chair lift , four wheel drive capability, a four color paint scheme, upholstered seats, and many other features which will provide comfort and safety to Park City passengers. An illustration is attached. The vehicles will replace the existing nine and sixteen passenger senior buses which are in operation for the ADA paratransit service. They may also be used in summer service if they are not fully utilized in the ADA service.

Financing of the Vehicles

Staff is proposing a combination of federal grants and local funds to finance the vehicles. These sources include an existing Section 5311 grant in the amount of $85,858 with a local match of $21,464 for a total amount of $107,322. To cover the additional cost of $21,288, Staff recommends the use of additional bus money awarded by the FTA and local matching funds. This use of funds from two grants has been reviewed and approved by both the FTA and the Utah Department Of Transportation (UDOT). The sources for the vehicle purchase would be as follows:

Total Proposal of Funding from Combination of Grants and Local Match	
Section 5311 grant (approved by Council 03/11/99)	$85,858 (previously authorized)
Transportation Funds	$21,464 (previously authorized)
Section 5309 (Old Town Transit Center)	$21,288 (new federal & local matching funds)
Total Vehicle Cost	**$128,610**

D. **Department Review**.

This memorandum has been reviewed by the City Manager, the Public Works Director, the Office of Capital Management and Budget, the Finance Department and the Legal Department.

ALTERNATIVES:

A. **Authorize staff to enter into a contract to purchase (2) 13 passenger ADA accessible buses; Authorize the $27,863 local match for the additional FTA award.**
This alternative would involve approval of the contract with IMC in the amount of $128,610 and authorization to accept $111,450 from the Federal Transit Administration and approve a local match in the amount of $27,863. These matching funds were included in the FY 2000 Transportation Fund budget adopted by Council on June 17th, 1999.

B. **Do not authorize additional matching funds for the Old Town Transit Center Grant but allow staff to enter into a contract with IMC for the purchase of the vans.**
A total of $107,322 has previously been authorized. If the new FTA grant was not applied to this purchase, Council would have to authorize an additional expenditure of $21,288 in local Transportation funds. Choosing this alternative would result in a net local dollar expenditure of $42,752. Staff is, instead, recommending use of additional grant funds in alternative A, which would yeild a net local expediture of $25,722 on the vehicle purchase.

C. Do not authorize the contract with IMC for the purchase of the vans but authorize additional matching funds for the Old Town Transit Center Grant.

This option would provide the funds to purchase the necessary buses but would require staff to conduct a new bid process. This delay would have a negative impact on ADA paratransit service delivery. Based upon the fact that the procurement was conducted in compliance with City policy and Federal regulations, and that the bid price has been determined to be fair and reasonable, Staff does not recommend this alternative.

D. Do Nothing.

If Council does not authorize the required local match the City will lose its additional award of Federal bus money. If staff does not enter into a contract with IMC for purchase of the vehicles, the existing equipment will continue to deteriorate and there will be no vehicles to run the service.

RECOMMENDATION:

Authorize staff to enter into a contract in the amount of $128,610 with IMC for the purchase of two 13-passenger vans for use in the City's local system. Also authorize a total local match of $27,863 for $111,450 in newly appropriated Section 5309 funds. The total amount available under the supplemental appropriation (including local matching funds) would be $139,313. Staff is recommending that $21,288 or 15% of this new appropriation be used to augment the cost of the IMC contract for the purchase of (2) 13-passenger ADA accessible vans. The remaining funds will come from a Section 5311 grant and its local match which were authorized by Council on March 18, 1999.

STARTRANS™
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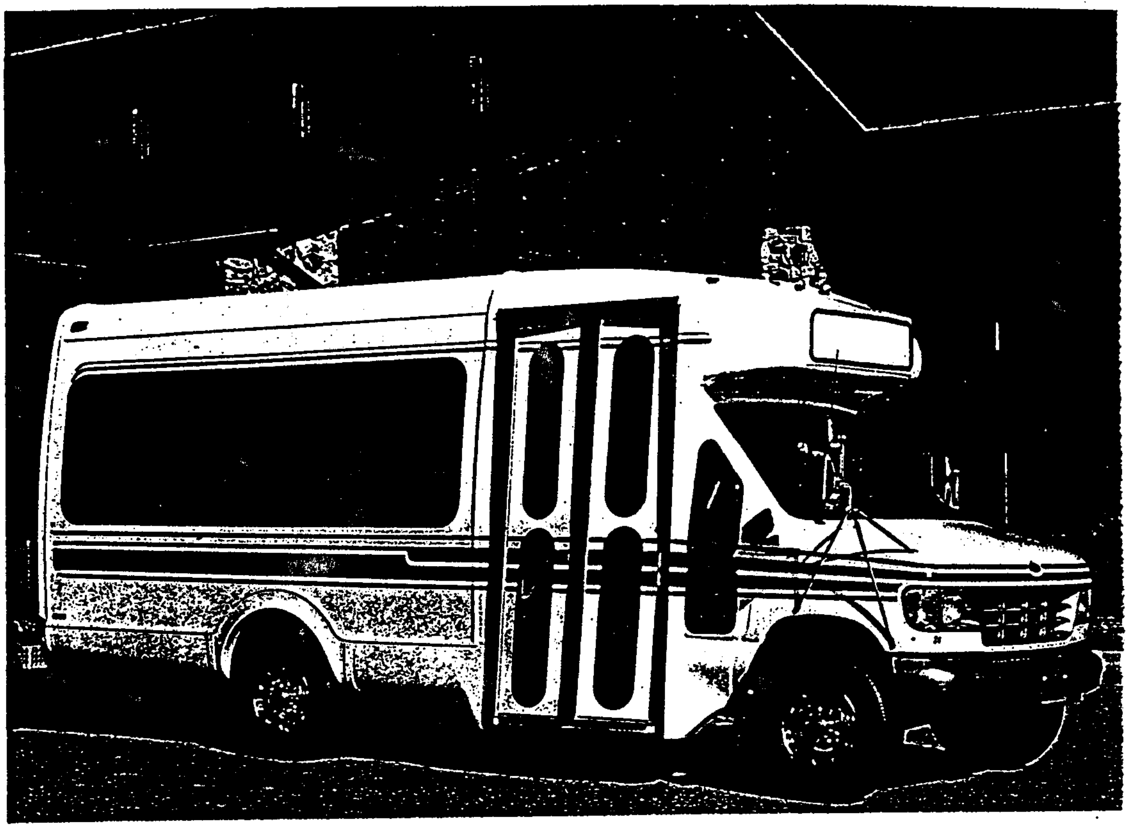
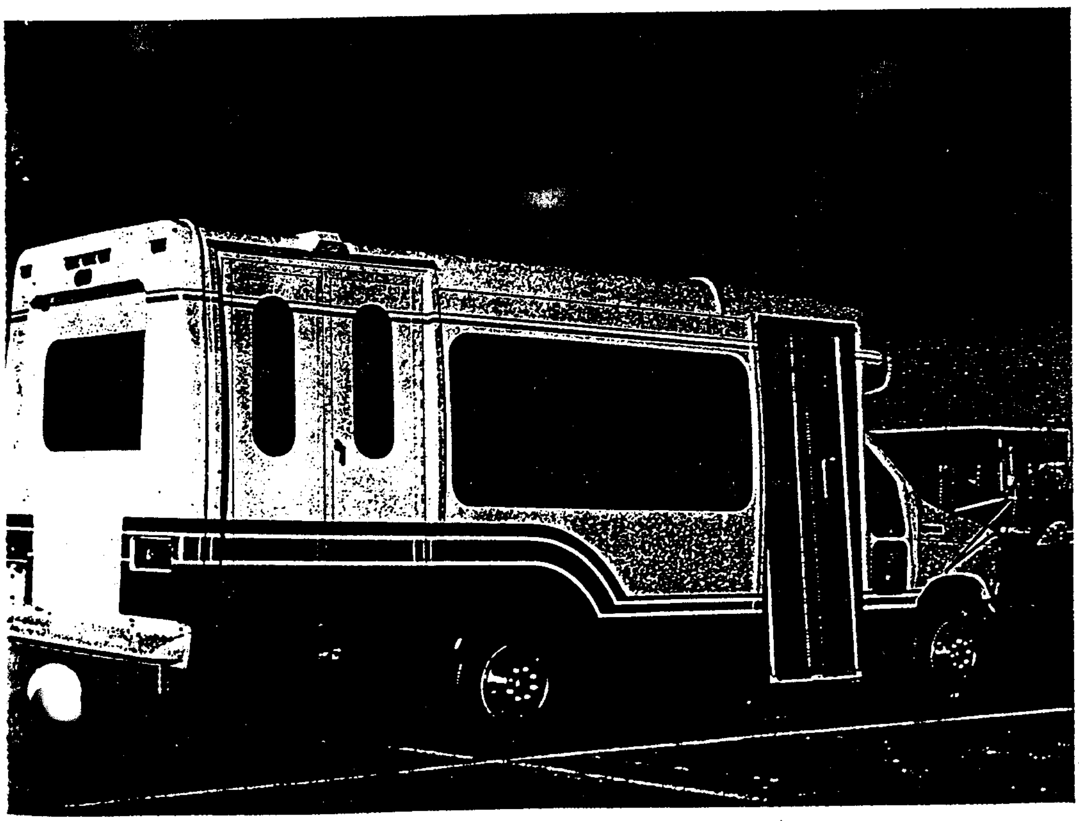


Candidate Series Shuttler

You don't need a CDL (Commercial Driver's License) to drive the StarTrans Candidate Series. Just your regular operators license is required. This single wheel, 20' model with its narrowed width can provide efficient service for a variety of transit needs. Its smart appearance combined with Supreme's talent in comfort planning create a bus that runs with a lot of pride. And when you carefully review the standard and optional features available in equipping your durable StarTrans Candidate, you can be certain you'll have a model that fits your needs.



Candidate Series ParaTransit Buses

You can see that Supreme paid special attention to the needs of the handicapped when you review the planning that's built into this Candidate Series ParaTransit bus. The large double doors make wheelchair entry and exit easy. With all the comfort planning, the bus puts on a smart exterior appearance that adds a touch of pride while performing its en route duty.

PARK CITY
1884

DATE: November 10, 1999
DEPARTMENT: Park City Leisure Services Department
AUTHOR: Pace Erickson / Clint Dayley
TITLE: Grooming Operations of Cross Country Ski Track.
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATION

Authorize a service contract with White Pine Touring for grooming operations for cross country skiing.

DESCRIPTION:

A. Topic:

A proposal to transfer the grooming operations of the cross country ski track to the Park City Golf Course Maintenance Department.

B. BACKGROUND:

In January 1998, the Mayor and City Council asked the Parks, Recreation and Beautification Advisory Board to study cross-country skiing in Park City and recommend improvements to the program. The purpose of this study was "To develop a thoughtful, conscientious plan to serve the needs of cross country skiers in Park City (local and visiting) which will recognize Park City's role as a future Olympic venue and major destination ski resort."

The Parks, Recreation and Beautification Advisory Board appointed a subcommittee composed of three members of the Parks, Recreation and Beautification Advisory Board and seven citizens, all of whom are experienced cross country skiers.

Findings from this subcommittee were presented to the City Council and Mayor in May of 1998 in the "Summary Report on Cross Country Skiing in Park City." The recommendations from this report are as follows:

1. Park City Municipal Corporation should assume responsibility for operations, maintenance, and programing of cross country ski trails that fall within City limits.
   - Invest in trail construction.
   - Invest in track grooming equipment.
   - Collect all trail user fees including daily and season passes, punch cards and special event and activity fees.
   - Establish staff responsibility for cross country skiing operations within the Leisure Services Department.
   - Establish staff responsibility for programing of the cross country facilities within the Leisure Services Department.

2. Park City should establish and enforce higher service standards for cross country skiing on City property.
   - Strictly enforce the existing vendor contract.
   - Improve the vendor contract to include performance standards which are enforceable and which include appropriate incentives and penalties for performance.
   - Establish standards for timely, high quality track grooming.
   - Separate training, racing, and other intensive use activities from the recreational skiing site.
   - Ensure that a regular track patrol is established to protect tracks and the facilities, and to increase user safety.

3. Expand existing trails and facilities.
   - Expand a trail network on "The McPolin Farm" as well as adjoining properties.
   - Encourage trail connections and joint-use agreements with Summit County and The Canyons.
   - Improve and expand structures on "The McPolin Farm" to include provisions for cross country facilities.
   - Include cross country operations space in any new golf pro-shop facility.
   - Explore future considerations of an interregional foundation to administer track and facilities on city and county land.

4. Fund cross country skiing facilities through an enterprise fund similar to the Racquet Club..
   - Collect and retain all user fees.
   - Recent experience shows user fees generate $75,000 to $100,000 annually.
   - A city subsidy may be required until experience generates financial information. A phased program leading to a high percentage cost recovery fee structure may be necessary.
   - Additional funding sources may include Restaurant Tax Grant and private investment in specific program facilities.

The Park City Golf Course Maintenance staff has taken an active approach in pursuing the recommendations of the Parks, Recreation and Beautification Advisory Board. In April, staff submitted an application to the Restaurant Tax Advisory Committee in request of $129,000 to fund a new grooming machine. This committee along with the Summit County Commission approved a grant of $100,000 to be applied towards the purchase of a new grooming cat. The remaining $29,0000 was paid by the City. This machine has been delivered to the Parks and Golf Maintenance Building.

E. Analysis:

The Golf Maintenance Department met with White Pine to review the grooming costs. White Pine has agreed to these costs and are ready to enter into a service contract with the City. Maintenance and operations will be handled through a lease agreement with White Pine Touring and the City whereby the machine expenses will be revenue neutral.

COST BREAK DOWN

PERSONNEL COSTS
One contract employee for the Winter season. Hourly rate including benefits and indirect costs - $18.85 per hour.

EQUIPMENT

SNOW CAT
- Replacement cost - $80,775.00 over a six-year period.
  (This cost includes future replacement of machine, inflation and trade-in value.)
- Maintenance and fuel cost - $2,580 per year.

SNOWMOBILE
- Replacement cost - $6,883.00 over a six-year period.
  (This cost includes future replacement of snowmobile, track setter, inflation and trade-in value).
- Maintenance and fuel cost - $310.00 per year.

* Park City could offer to buy White Pine's snowmobile and track setter.

TOTAL COST FOR THE 1999-2000 SEASON

Personnel -	$10,367.50
Equipment -	$17,499.67
	$27,867.17

The hourly rate of $50.67 is a negotiated rate based on 400 hours of snow cat use and 150 hours of snowmobile use (the average season cost of $27,867.17 divided by the average hours worked of 550). The concessionaire will pay by the hour for actual hours of operation. This approach will reduce the financial impact on the concessionaire due to adverse ski conditions such as late or poor snow and early closing. However, in heavy snow years more snow grooming will be required and the costs will rise.

The equipment was calculated on a six-year replacement schedule. This short term schedule will also allow the City to keep up to date on the latest technologies of grooming equipment, offering the highest quality of track conditions possible.

ALTERNATIVES:

A. **Support the Recommendation:** Support Leisure Services recommendation to assume responsibility of the grooming operations of the cross country ski track. The proposed rate would recover the City's direct and indirect labor costs and provide for replacement of the equipment.

B. **Deny the Recommendation:** The City could decline to provide the service; the City could instead negotiate to lease the equipment to White Pine or seek another operator.

C. **Amend Provisions of the Proposed Service Agreement:** The Council could suggest alternate provisions which would then need to be discussed with White Pine.

D. **Continue the Item:** The Council could continue the item with direction for additional information.

SIGNIFICANT IMPACTS:

The City will have a vested interest in working with the cross country concessionaire to improve the existing trails and provide the highest quality track possible. This change will also place Park City in a position that would allow future expansion.

CONSEQUENCES OF NOT MAKING A RECOMMENDATION:

If Park City does not assume the grooming operations, we could still be involved in selecting an operator for the machine. However, we would lose some control over the snow cat operator. Finally, the City loses ability to directly control track conditions.

RECOMMENDATION:

Authorize the Leisure Services Director to enter into a service agreement with White Pine Touring for cross country grooming operations in a form approved by the City Attorney.

AGREEMENT BETWEEN PARK CITY MUNICIPAL CORPORATION AND WHITE PINE TOURING FOR THE PERFORMANCE OF GROOMING OPERATIONS

This Agreement is made by and between Park City Municipal Corporation (hereinafter City) and Outdoor Endeavors Unlimited, a Utah corporation d.b.a. White Pine Touring (hereinafter White Pine) to set forth the terms and conditions under which City will provide to White Pine grooming services;

Whereas, the City and White Pine (hereinafter collectively the Parties) executed on December 19, 1996 a sublease agreement (hereinafter Sublease) whereby White Pine leased the Pro-Shop and certain areas of the Park City Municipal Golf Course set apart for cross country as described in Paragraph 1 of the Sublease; and

Whereas, White Pine desires to contract for grooming services upon the cross country ski track;

Whereas, nothing herein shall modify the Sublease, the City is contracting to perform certain services; and

Whereas, the City owns the necessary equipment to provide grooming services and desires to contract with White Pine accordingly;

Now therefore, based upon adequate and valuable consideration, the Parties agree as follows:

I. THE CITY AGREES TO:

1. Perform all grooming operations as defined at Paragraph V.1. herein;

2. Repair all damage to the Park City Municipal Golf Course caused by grooming operations, including but not limited to sprinkler heads and re-seeding of turf;

3. Rope off all tees and greens pursuant to the terms of Paragraphs 31 and 33 of the Sublease;

4. Construct temporary bridges (by insertion of pipe allowing water to flow through and supporting snow and skiers above) to accommodate the crossing of all streams on the Golf Course; and

5. Defend, indemnify, and hold harmless White Pine, its officials, employees, directors, and its tenants against any and all damages, claims, liabilities, costs, suits or expenses, to the intent caused by any negligent act of the City, or its agents or employees arising from or connected with the City's operations or services hereunder, including workers compensation suits, liability, or expenses arising from or connected with services by any person pursuant to this agreement.

II. WHITE PINE AGREES TO:

1. Perform all snow removal and/or snow plowing services at the Golf Course parking lot up to and including the entrance to the Pro Shop building;

2. Perform snowblowing of snow onto the cross country ski track as White Pine deems necessary;

3. Patrol the cross country ski track and assist patrons in the event of any ski track accidents;

4. Perform set-up services for all races held on the cross country ski track;

5. Maintain the Pro-Shop premises and restrooms in a neat, clean, and safe manner, including garbage removal and janitorial services; and

6. Defend, indemnify, and hold harmless the City, its agents, employees and officers of City for any and all damages, claims, liabilities, costs, suits or expenses, to the extent caused by any negligent act of White Pine, or its agents or employees arising from or connected with the City's operations or services hereunder, including workers compensation suits, liability or expenses arising from or connected with the base service pursuant to this agreement.

III. SHARED DUTIES OF THE CITY AND WHITE PINE:

1. Mark the cross country ski track with stakes or poles prior to track setting pursuant to Paragraph 33 of the Sublease;

2. Perform all garbage removal from the Golf Course, parking lots, and/or all City property used by White Pine in its cross country ski operations during the ski season;

3. Perform all end of season garbage clean-up including the removal of stakes for the track layout; and

4. The Parties agree to comply with all Federal, State, and Local laws and ordinances applicable to both parties under this agreement.

IV. TERM

The term of this agreement shall run for six (6) successive seasonal terms beginning on November 15 and running through April 5. The first term shall run from November 15, 1999 to April 5, 2000. The lease term shall automatically renew for each successive seasonal term unless either party notifies the other in writing not less than ninety (90) days prior to the beginning of the next seasonal term of its intention not to renew. The City reserves the right to terminate this agreement with thirty (30) days advance written notice if White Pine defaults in its payments to the City or any other obligation as provided for in this agreement. White Pine reserves the right to terminate this agreement with at least thirty (30) days advance written notice if the City fails to perform its obligations as provided for in this agreement.

V. PAYMENT

1. Definition
As used herein, the term "grooming operations" means grooming and/or track-setting services performed with the use of a snowmobile and/or snowcat.

2. Invoice/Payment
The City shall submit to White Pine at the end of each month an invoice documenting all hours of grooming operations performed by the City. White Pine shall make payment to the City within thirty (30) days of receipt of the invoice.

3. Rates
The City will perform grooming operations up to forty (40) hours per week at a regular rate of $50.67 per hour. For grooming operations in excess of forty (40) hours in a week, the City shall be paid at an overtime rate of $60.10 per hour.

4. Maintenance
Normal/routine maintenance of the City's snowcat (e.g., fuel, fluid and filter changes) is included in the hourly rate for grooming operations. Service requirements outside of routine maintenance are not included in the hourly rate for grooming operations. The snowcat is covered by warranty for parts and labor for the first year. In the second year, the snowcat is covered by warranty only for parts. Park City shall maintain accurate records of all maintenance costs, direct and indirect, incurred during each seasonal term. At the end of each ski season, the Parties will collectively review service requirements and costs. Following this review and upon mutual written agreement, the Parties may adjust the hourly rates for grooming operations in order to maintain a revenue neutral operation.

5. Track Improvements
All track improvements, if any, shall be paid for by White Pine or through charitable donation of a third party.

6. Cost Review
At the end of each ski season, the Parties shall jointly review actual costs versus projected costs (e.g., fuel consumption, insurance). After such review and upon mutual written agreement of the Parties, the hourly rates for grooming operations may be adjusted.

7. Purchase of Snowmobile
The City shall purchase one snowmobile from White Pine at a cost of two thousand dollars ($2000.00) for use in track grooming. The cost of the snowmobile shall be credited to White Pine towards payment of the first month(s) grooming operations charges. City staff shall inspect this machine prior to purchase. Purchase of the snowmobile shall be conditioned upon City approval of the snowmobile and agreement to its stated value. The City reserves the right to not purchase this machine for any reason.

VI. MISCELLANEOUS PROVISIONS

1. Waivers
The waiver by either party of the breach of any terms, provision, covenant, or conditions contained in this Agreement, or the failure of either party to insist on strict performance by the other, shall not be deemed to be a waiver of any breach or default by the other party, regardless of the non-defaulting party's knowledge of such breach or default at the time of acceptance of performance.

2. Assignment, Successors and Assigns
Neither party shall assign, delegate or otherwise transfer its rights or obligations under this agreement without the prior written consent of the other party. This Agreement shall be binding upon and shall enure to the benefit of the permitted successors and assigns of the parties hereto.

3. Independent Contractor Relationship

A. The parties intend that an independent contractor relationship will be created by this Agreement. No agent, employee, or representative of the City shall be deemed to be an employee, agent, or representative of White Pine for any purpose. The City will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated, the City is an independent contractor with the authority to control and direct the performance of the details of the work.

C. White Pine agrees to provide training in the performance of grooming operations to one or more City staff member. It shall be White Pine's sole responsibility to ensure that City staff is performing grooming operations to specifications. It shall also be White Pine's sole responsibility to notify City staff when and how often to perform grooming operations.

4. Notices
All notices, approvals, demands, reports and other communications provided for in this Agreement (individually, a "Notice") shall be in writing and shall be given to such party at its address as set forth below or such address as such party any hereafter specify for the purpose by Notice to the other party listed below. Each Notice shall be deemed delivered to the party to whom it is addressed (a) if personally served or delivered, upon delivery, (b) if given by certified or registered mail, return receipt requested, deposited with the United States Mail with first-class postage prepaid, seventy-two (72) hours after such Notice is deposited with the United States mail, or if given by overnight courier with overnight courier charges prepaid, twenty-four (24) hours after delivery to said overnight courier, or (d) if given by any other means, upon delivery when delivered at the address specified in the section.

For the City: To: Park City Municipal Corporation
Attn: City Attorney

P.O. Box 1480
Park City, UT 84060

For White Pine: To: Charlie Sturgis
Outdoor Endeavors Unlimited
d.b.a. White Pine Touring
P.O. Box 680068
Park City, Utah 84060

5. Entire Agreement
This Agreement (including all exhibits attached herein) in the final expression of, and contains the entire agreement between, the Parties with respect to the subject matter hereof and supersedes all prior negotiations, understandings and agreements with respect therein. This Agreement may not be modified, changed, amended, supplemented or terminated, except by mutual written Change Order, or as otherwise expressly permitted in this Agreement.

6. Time of Essence
The parties hereby acknowledge and agree that time is of the essence with respect to each and every term condition, obligation, and provision of the Agreement.

7. Captions
The paragraph and section handling herein are solely for convenience of reference and are not a party of and are not intended to govern, limit of aid in the construction of any term or provision of this Agreement.

8. Governing Law
The parties acknowledge that this Agreement has been negotiated and entered into in the State of Utah. Accordingly, this agreement shall be governed by interpreted under, construed and enforced in accordance with the laws of the State of Utah.

9. Counterparts
This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute but one and the same instrument.

10. Successors, No Third Party Benefits
This Agreement is for the sole and exclusive benefit of the parties hereto and subject to limitations on assignment herein their respective permitted successors and assigns; the parties neither intend to confer any benefit hereunder on any person, firm or corporation other than the parties hereto, nor shall any such third party have any rights hereunder.

11. Further Assurances
The parties agree, without any additional consideration or any unreasonable delay, to execute all such other instruments and documents and to take all actions as may be reasonably necessary or desirable to further implement the transactions contemplated herein.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed this ____ day of October, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Toby Ross, City Manager

Outdoor Endeavors Unlimited, d.b.a.
White Pine Touring

____

Charlie Sturgis

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
SS
COUNTY OF)

On this ______ day of ______________________, 1999, personally appeared before me __________________________________, who being duly sworn, did say that he/she is the _______________________________ of ______________________________, and acknowledged to me that the preceding Agreement was signed on behalf of said company, by their authority and he/she acknowledged that the company did execute the same for its stated purpose.

____

Notary Public

Approved as to form:

____

Mark D. Harrington, City Attorney

Attest:

____

Janet M. Scott, City Recorder

PARK CITY
1884

COUNCIL AGENDA REPORT

DATE: November 18, 1999 HEB 11/15/99
DEPARTMENT: Public Works
AUTHOR: Hope E. Bleecker, Transportation Director
TITLE: Ampco System Parking, Inc. Contract Renewal
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to renew an enforcement service contract with Ampco System Parking Inc. until October 31, 2001. The total authorization amount requested is $185,930 per year.

DESCRIPTION:

A. Topic.
Renewal of contract with Ampco System Parking, Inc. for a period of up to two additional years (November 1, 1999 - October 31, 2001)

B. Background.
In November 1996, Park City Municipal Corporation entered into a one year contract with an option to renew for two years with Ampco System Parking for enforcement services. That contract was discontinued and the City selected Ampco to provide a new level of service following an RFP process in 1997. A new contract was negotiated on November 15, 1997 to include paid parking enforcement and collections services. Ampco performed well under the 1997 contract and received a favorable audit in June 1998. At the request of the City Council, yet another RFP was issued in September 1998 for the same scope as the 1997 contract. A one year contract with option to renew was again negotiated with Ampco in November 1998. The current contract specifies a renewal option for up to two additional years (until the end of October 2001).

C. Analysis.
The staff recommendation to award Ampco a two year agreement on their service contract is based on their positive performance record and their ability to negotiate a budget with the City that includes the same unit price as the original bid.

Performance Evaluation - Staff recently performed an annual evaluation of Ampco and found their enforcement, customer service, and other general performance aspects to be very good. They are a compliant and responsive contractor who has shown maximum flexibility in enforcement support practices as directed by City staff. They have maintained appropriate staffing levels and have complied with major provisions of the contract extremely well with the exception of their collections subcontractor. Staff has decided to drop that function from the contract and perform noticing in-house. A copy of Ampco's performance evaluation is attached.

Scope of Services and Bid Price - Staff has negotiated minor changes in the scope and is proposing a total contract price of $185,930 annually. The same number of hours and the same price negotiated in the 1998 contract ($180,500) is being carried forward (as specified in the original RFP) for basic enforcement services. There is a proposed increase in scope to provide for Old Town enforcement until 10 p.m. in the evening which will result in an additional $5,430. The enforcement patterns will not be changing with the inclusion of year-round paid parking on Main Street and the change from paid parking to time limit enforcement on Swede Alley. Staff is recommending that the contract period should be established for two years. The period of the agreement would be November 1, 1999 - October 31, 2001.

In-House vs. Contracted Operation - The parking staff continues to become less dependent on Ampco's management expertise as front desk and operations staff gain experience with parking. Eventually there may be justification for an in-house operation in the 2001 budget if labor requirements lessen. The proposed recommendation for the City to continue to employ an experienced enforcement contractor is strategic in that it offers a maximum level of flexibility at a comparable cost. For example, paid parking enforcement is typically reduced during peak snow days. Ampco employees can be used in other areas of Ampco's operation more readily than in other City operations. Parking employees still receive payment for hours and the City does not waste dollars on inappropriate levels of enforcement. At this time, a line item comparison of in-house vs. contracted labor levels does not reveal a significant cost savings.

The standard City services agreement provides a liberal amount of flexibility in that it allows for severance by thirty day notice in the event that the City wants to take over the operation as an in-house function or hire another contractor. Staff feels that since several bid processes have been conducted already there is no significant advantage to pursuit of other courses of action at this time. Other than the opportunity to save money on the operation, another decision would be recommended in order to achieve a higher level of customer service or if the contractor were performing poorly.

D. Department Review. This memorandum has been forwarded to the Legal Department, the Finance Department, the Office of Capital Management and Budget, and the City Manager.

ALTERNATIVES:

A. Approve an extension of the Ampco System Parking Contract for a period of two years for a total amount not to exceed $185,930 annually. Staff will continue to monitor the contract and perform annual performance evaluations. The proposed contract period is November 1, 1999 - October 31, 2001.

B. Do not approve the extension of the Ampco System Parking Contract.

C. Continue the Item.

D. Do Nothing.

SIGNIFICANT IMPACTS

A. This is the recommended alternative based on a fair price and performance record.

B. This alternative would result in a re-bid of the current enforcement contract or implementation of an in-house alternative. Neither of these alternatives are recommended at this time for the reasons stated above.

C. This would delay renewal of the contract which would be problematic going into the winter season.

D. This essentially has the same effect as alternative C.

RECOMMENDATION:

Authorize staff to enter into a two year contract with Ampco System Parking for a period of up to two additional years at a contract cost not to exceed $185,930 per year. This authorization would allow the staff to use Ampco as a service provider until the end of October 2001 for the authorized amount per year under the attached scope.

Ampco System Parking
Performance Evaluation
November 10, 1999
Brian Andersen, Parking Operations Manager

As specified on page 13 of the professional services agreement for parking enforcement which commenced on November 15, 1998, Ampco's performance standards were outlined as follows:

1) Ticket accuracy over 95%;

As evidenced by a database search of 41,058 total tickets (including warnings) since program inception, voids were quantified as follows:

A total of 629 voids have been logged since program inception on January 1, 1998. Even if all 629 voids were attributable to Ampco, the accuracy rate would be 98%.

2) Staffing and enforcement levels as defined herein;

The contract specifies on page 11 that Ampco must maintain 4 full-time and 4 part-time employees during the winter season. Ampco has maintained the designated winter staffing level as required.

During the shoulder seasons, Ampco has reduced the staff levels with the consent of the Parking Manager as per the contract. Ampco is currently under budget by $13,002.74 for the payroll line item.

3) Upload of unpaid tickets to occur weekly;

The Parking Manager has recently halted the upload of tickets to Data Ticket due to the extreme lateness of notices. Ampco is currently working with an additional collection agent, which should improve the collections process. Also, staff is researching the feasibility of batch owner searches using TickeTrak and the Police Department's connection to the Utah State WAN (wide area network). Staff will also review an in-house collection and billing process if a connection with the State WAN is possible. A timeline of approximately 30 days for research and 30 additional for implementation is anticipated.

4) Requiring processing agent to send first notices within 30 days of ticket issuance or within 48 hours of receipt of owner information;

The third party collection agent, Data Ticket, is not performing as per this standard, and Ampco is working toward resolution of the collection issue. It is anticipated that a new agent will process collections or the City will consider an in-house collection effort.

5) Voided (successful appeal) rate attributed to AMPCO of less than 5%;

No appeals were accepted based on employee error during the period of November 15, 1998 to October 31, 1999.

6) Minimum of 32 hours of on-street training and 8 hours of parking code and customer service training plus participation in the City orientation program for all personnel;

All Ampco personnel have received over 40 hours of combined on-street and 8 hours of code and customer service training. All employees have also participated in the City orientation program.

7) Representation at all HMSA, Hotel Association and City Council meetings;

Where required by Public Works management, the Ampco site manager has attended all designated meetings.

8) Proper response to all questions and complaints within 24 hours;

Both Ampco personnel and City personnel respond to questions and complaints. A search of the complaint file has yielded no deficiencies by Ampco in this area. The Parking Operations Manager has noted that the Ampco manager usually responds to complaints on the same day the complaint is taken or follow-up is requested.

9) Ticket database uploaded daily for new tickets, payments, appeals and voids;

New Tickets - At the beginning of each day, the Ampco site manager uploads new tickets from the four hand-held computers into the Ticketrak database. New Police tickets are received in batches and are input on the day received.

Payments - Front desk staff at Public Works receives payments and inputs each payment in the TickeTrak system.

Appeals - The appeals officer, a contract City employee, delivers appeals in batch form to Public Works. City staff forward appeal copies to Ampco for stay, and the Ampco manager inputs the batch data on the day received from the appeals officer.

Voids - All voids are reviewed by City staff before input, which is usually on a weekly basis.

Permits - The front desk staff makes all permit transactions and updates in the Ticketrak database.

10) Detailed monthly reporting of the status of all tickets and all operating expenses;

No changes are noted from the last evaluation, which stated:

Operating Expenses are listed in sufficient detail on each Ampco invoice. The City and Ampco share data regarding tickets on a regular basis as needed. On a regular basis Ampco has generated the following reports: daily ticket audits, all paid-appeal-void uploads, and daily enforcement rounds. The City and Ampco both have access to Crystal Reports Writer 6.0 software, with which the Ticketrak enforcement software is designed to function. The City and Ampco will utilize several canned enforcement reports, along with custom reports, the necessity of which will hereafter be determined by the Parking Operations Manager.

11) Timely adjustments to problems and special events, as requested by the Parking Manager;

No changes are noted from the last evaluation, which stated:

No deficiencies are noted in Ampco's response to requests for information. The Ampco manager has responded to all complaints or requests in a timely manner. Ampco also responded quickly to enforcement adjustments during the film festival and other events during the winter season.

12) Increased on-site communication with the Parking Manager and Police;

Ampco has recently joined the Nextel system from their Salt Lake branch. All Park City officers carry a combined cellular phone, two-way wireless, and pager unit. It is anticipated that cellular phone charges will be reduced, as most transmissions occur via the two-way radio mode. Communications with the Police will continue via the cellular phone feature. No deficiencies are noted in the communication area. It should be noted that maintaining Ampco's office at Public Works is crucial to effective communication.

13) Officers and supervisor meet customer service standards expected of other city positions, exhibit friendly resort-city demeanor and willing to assist the public in matters not directly related to job performance (giving directions, etc.); and

No changes are noted from the last evaluation, which stated.

The Ampco manager has made every effort, where possible, to retain those employees with customer service skills. No direct complaints have reached the desk of the Parking Operations Manager regarding Ampco customer service.

14) Less than 2% meter malfunction attributed to AMPCO maintenance:

No deficiencies are noted in both Ampco and meter performance.

SCOPE OF SERVICES

PARK CITY PARKING ENFORCEMENT

Main Street

One officer will be responsible for enforcing the paid parking program on Main Street and the Brew Pub lot. There will be 6 (six) patrols per day approximately every 1.5 hours. This officer will also be responsible for enforcing "No Parking" infractions on 4th, 5th, 7th and 9th streets and any other parking infractions on Main Street according to the parking code. 24-Hour and 72-Hour ordinances will also be monitored and enforced using chalking procedures when merited. This enforcement pattern will be retained all year.

Swede Alley, China Bridge Garage, Flagpole and Gateway

One officer will be responsible for enforcing the paid parking program during the on-season winter months designated as December 15 to April 15 of the following year. Six patrols per day will be made approximately every 1.5 hours. In the off-season months time limits will be enforced in these areas at the same service level. This officer will also be responsible for enforcing the no parking zones and any other infractions in these areas according to the parking code all year.

Residential Zones, Sandridge lot and the Resort Center

One officer will be responsible for the residential permitted areas in the Historic District. This officer will also enforce the ski areas as needed on an on-call basis. Four rounds will be made per day. *The officer will pay special attention to Park Avenue and other trouble spots as designated by the Parking Manager due to the impact from the paid parking system.* This officer will also be responsible for enforcing any infractions in these areas according to the parking code. The residential zones of Old Town will be enforced until 10 p.m. all year.

Short-term Parking Stalls

One officer will be responsible for enforcing the short term parking stalls; Galleria One Hour, Flagpole One Hour, Liquor Store 30 Min., Cicero's 30 Min., 15 Min. Post Office, 30 Min. Post Office, 2 Hour Park Ave., 2 Hour White Pine Zone, and the two 30 Min. zones on Main Street. This route will be enforced year round. *This officer will also be responsible for enforcing trouble spots as designated by the Parking Manager due to the impact from the paid parking system.*

Meter Maintenance and Collections

The Ampco Manager and Lead Officer shall service the parking meters in all zones as necessary and conduct parking meter collections on a schedule specified by the Parking Manager. This officer shall be responsible for completing maintenance and collection logs for all meters.

Emergency Calls

The City parking staff shall receive all emergency calls (meter maintenance issues, etc.) during hours the Public Works offices are staffed, normally Monday through Friday 8:00 a.m. to 5:00 p.m. During all other hours, emergency calls will be forwarded to the City Police Department, who will then contact Ampco when necessary. The Service Provider shall promptly log and report to the Parking Manager any directly received requests for service and the follow-up action taken, including emergency requests for service from the City Police Department. The Service Provider shall report all emergency calls and requests to the Parking Manager using the "Service Request and Action Form."

Enforcement Schedule and Staffing Summary

Enforcement shall occur 7 days per week, 11:00 a.m. to 8:00 p.m., excepting in Old Town residential which shall end at 10:00pm and holidays or other special events as specified by the Parking Manager. During the on-season, December 15th to April 15th, Ampco will provide 4 full-time officers and 4 part-time officers. During the summer season, July 1st to August 31st, Ampco will provide 3 full-time officers and 3 part-time officers. During the side seasons, April 16th to June 30th and September 1st to December 14th, Ampco will provide 3 full-time officers. The Parking Manager may adjust timing and area of patrol responsibilities and may modify staffing levels as necessary. Adjustments to the enforcement schedule must be approved by the Parking Manager.

Vehicle for Patrol

The City shall provide an all-wheel Jeep or similar vehicle for patrol use only, unless otherwise directed by the Parking Manager. This vehicle shall only be used as designated by the City. Unauthorized use shall result in termination of the contract. The City shall provide gas and service for the vehicle. Ampco shall monitor fluid levels and request service from Fleet Services before operating the vehicle. Ampco shall indemnify the City for any accident, damage or injury attributed to Ampco's use of the vehicle.

Appeals

Appeals will be handled by an appeals hearing officer or board provided by the City. The Parking Manager and Ampco will review all appeals and provide written comments for the appeals officer on an "Appeal Review" form. The tickets used shall clearly identify the appeal procedure and grounds in a form approved by the City Attorney. Grounds for appeal are:

a) Equipment malfunction, as verified by maintenance records;
b) Inadequate signs;
c) Enforcement Officer error;
d) Negligent act of a third party;
e) Incomplete or inaccurate citation;
f) Weather or other act of god; and
g) Judgment of appeals officer.

"I never received a citation" is not a valid reason for appeal unless:

a) The original citation was not properly issued; or
b) The citation was incomplete; or
c) The citation cannot be located in the ticket database.

Tickets

Officers shall use four hand-held, automated ticket dispensers that can also download issued ticket information daily into the main database at Public Works. The ticket form must be approved by the City Attorney. All officers shall clearly and neatly print out necessary information for each violation. The officers shall securely attach the citation to the windshield of the vehicle in between the wiper blade, or other manner approved by the Parking Manager. The tickets will indicate the penalty amount for each infraction cited, the code provision violated, the payment and appeal procedures, and escalation of penalty for delayed payment. The tickets shall also identify a phone number for information. Ampco shall update the ticket database daily. All hardware and software will be the property of the City upon payment of corresponding monthly invoice.

Uniforms

All officers shall wear uniforms while on patrol that are approved by the City. The uniforms shall clearly indicate "Park City Parking Enforcement" and the City logo. Any modification or exceptions must be approved by the Parking Manager in writing.

Communications

Ampco will provide to each officer a Nextel phone\radio\pager. Ampco will bill the City for the usage on the monthly invoice and provide backup for this usage. The phone function should only be used for emergency calls to Public Works or the Police Department. All other communication should be done with the radio function. Ampco shall report any tow situations to the Park City Police. No towing shall be initiated by an Ampco officer. Ampco shall provide the Public Works dispatch with the communication numbers. Officers shall promptly respond to any communication.

Payments

The City shall tender all payments. No officer or Ampco employee shall accept any payment of any manner.

Park Due Tickets

The City wishes to provide residents and visitors with a first-time "park due" notice with a $3.00 fine. This notice must be paid within five days to receive this rate. After five days, the normal parking fine schedule will be implemented. This "park due" shall apply only to the first meter violation received. Ampco will include a "park due" voucher with each first-time meter violation. Ampco shall use the hand-held automated ticket device capable of determining the number of citations issued to a license plate.

Performance Standards

Ampco's performance standards shall be the following:

1) Ticket accuracy over 97%;
2) Staffing and enforcement levels as defined herein;
3) Upload of unpaid tickets to occur weekly;
4) Requiring processing agent to send first notices within 30 days or within 48 hours of receipt of owner information;
5) Voided (successful appeal) rate attributed to Ampco of less than 5%;
6) Minimum of 32 hours of on-street training and 8 hours of parking code and customer service training plus participation in the City orientation program for all personnel;
7) Representation at any required meetings;
8) Proper response to all questions and complaints within 24 hours;
9) Ticket database uploaded daily for new tickets, payments, appeals and voids;
10) Detailed monthly reporting of the status of all tickets and all operating expenses;
11) Timely adjustments to problems and special events, as requested by the Parking Manager;
12) Increased on-site communication with the Parking Manager and Police;
13) Officers and supervisor meet customer service standards expected of other city positions, exhibit friendly resort-city demeanor and willing to assist the public in matters not directly related to job performance (giving directions, etc.); and
14) Less than 2% meter malfunction attributed to Ampco maintenance.

At any time during the term of the contract the City believes Ampco is not meeting the above standards, the City shall provide notice to Ampco and request correction within a reasonable amount of time. For day to day operational standards, a reasonable time shall be within 24 hours and for reporting standards, a reasonable time shall be the next reporting cycle, or as otherwise provided in the notice.

City Evaluation

The City shall schedule an evaluation and report to City Council at the completion of the contract on an annual basis. The City shall evaluate the performance of Ampco in relation to the performance standards above and Ampco and the public shall have an opportunity to respond. The Scope of Services may be adjusted accordingly. If the City has found that Ampco has not substantially complied with the performance standards (after being properly noticed of the substandard performance) and there are no mitigating factors explaining the substandard performance, Ampco's remaining management fee may be adjusted accordingly in proportion to the violation.

Ampco System Parking
Budgeted and Actual Expenses

Contract Period: November 15, 1998 to October 31, 1999

EXPENSES	YTD ACTUAL	YTD BUDGET	YTD VARIANCE
PAYROLL/SALARIES	$101,323.27	$111,464.50	($10,141.23)
P/R TAXES & BENEFITS (BURDEN)	$32,677.23	$35,947.31	($3,270.08)
HEALTH & WELFARE (BURDEN)	$3,459.66	$3,912.00	($452.34)
UNIFORMS (OPERATING)	$3,000.45	$3,075.00	($74.55)
EQUIPMENT MAINTENANCE	$1,954.43	$900.00	$1,054.43
SUPPLIES	$2,981.55	$3,000.00	($18.45)
TICKETS	$2,600.78	$4,200.00	($1,599.22)
MANAGEMENT FEE	$18,000.00	$18,000.00	$0.00
TOTAL EXPENSES	$165,997.37	$180,498.81	($14,501.44)

Cost Proposal

Park City Enforcement Contract 1999-2000 Cost Proposal

Total Annual Staff Salaries based on Manager plus specified levels of Service:	$115,570.75
Total Cost Per Hour to Add Additional Staff when Needed:	
Enforcement Officer:	$11.25
Supervisor:	$12.57
Total Annual Equipment Costs:	$900.00 *
Total Annual Supply Costs:	$3,000.00
Total Annual Overhead:	$35,947.30 **
Total Annual Profit (Ampco):	$18,000.00
Total Cost Per Month based on Contractor's monthly or Quarterly Draw-down Schedule:	
Nov-99	$15,246.18
Dec-99	$18,101.05
Jan-00	$18,134.78
Feb-00	$16,921.05
Mar-00	$18,101.05
Apr-00	$14,837.46
May-00	$12,199.40
Jun-00	$11,970.94
Jul-00	$18,123.54
Aug-00	$18,112.30
Sep-00	$11,982.18
Oct-00	$12,199.40
Total Project cost not to exceed:	**$185,929.32**

*Maintenance only, no additional equipment needed.
**Includes: payroll taxes, worker's comp., GKLL Insurance & PL/PD

Typical Peak Winter Schedule

Park City Enforcement Staffing Schedule
1999-2000

Route	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Main	Officer #2 11a.m.-8p.m.	Officer #1 11a.m.-8p.m.	Officer #1 11a.m.-8p.m.	Officer #1 11a.m.-8p.m.	Officer #1 11a.m.-8p.m.	Officer #1 11a.m.-8p.m.	Officer #2 11a.m.-8p.m.
Swede Alley	Officer #4 11a.m.-8p.m.	Officer #3 11a.m.-8p.m.	Officer #3 11a.m.-8p.m.	Officer #3 11a.m.-8p.m.	Officer #3 11a.m.-8p.m.	Officer #3 11a.m.-8p.m.	Officer #4 11a.m.-8p.m.
Short Term	Officer #6 11a.m.-8p.m.	Officer #5 11a.m.-8p.m.	Officer #5 11a.m.-8p.m.	Officer #5 11a.m.-8p.m.	Officer #5 11a.m.-8p.m.	Officer #5 11a.m.-8p.m.	Officer #6 11a.m.-8p.m.
Residential	Wknd. Supervisor**	Officer #7 11a.m.-10p.m	Officer #7 11a.m.-10p.m.	Officer #7 11a.m.-10p.m.	Officer #7 11a.m.-10p.m.	Officer #7 11a.m.-10p.m	Wknd. Supervisor**
Wknd. Supervisor	Officer #8 11a.m.-8p.m.	Off Duty	Off Duty	Off Duty	Off Duty	Off Duty	Officer #8 11a.m.-8p.m.
Manager	Off Duty	Gareth J. 7a.m.-4p.m.*	Gareth J. 11a.m.-8p.m.	Gareth J. 11a.m.-8p.m.	Gareth J. 11a.m.-8p.m.	Gareth J. 11a.m.-8p.m.	Off Duty

*Meter Collections
**Weekend Supervisor also works route

99-00 Annual Budget

Park City On Street Enforcement
1999-2000 Budget

	November	December	January	February	March	April	May	June	July	August	September	October	
Hourly Payroll	$6,933.50	$9,375.75	$9,401.25	$8,483.50	$9,375.75	$6,908.00	$4,913.25	$4,740.50	$9,392.75	$9,384.25	$4,749.00	$4,913.25	$88,570.75
Salaries	$2,250.00	$2,250.00	$2,250.00	$2,250.00	$2,250.00	$2,250.00	$2,250.00	$2,250.00	$2,250.00	$2,250.00	$2,250.00	$2,250.00	$27,000.00
P/R Taxes and Benefits	$2,961.68	$3,749.30	$3,757.53	$3,461.55	$3,749.30	$2,953.46	$2,310.15	$2,254.44	$3,754.79	$3,752.05	$2,257.18	$2,310.15	$37,271.57
Health and Welfare	$326.00	$326.00	$326.00	$326.00	$326.00	$326.00	$326.00	$326.00	$326.00	$326.00	$326.00	$326.00	$3,912.00
Equipment Maintenance	$75.00	$75.00	$75.00	$75.00	$75.00	$75.00	$75.00	$75.00	$75.00	$75.00	$75.00	$75.00	$900.00
Uniforms	$600.00	$225.00	$225.00	$225.00	$225.00	$225.00	$225.00	$225.00	$225.00	$225.00	$225.00	$225.00	$3,075.00
Supplies	$250.00	$250.00	$250.00	$250.00	$250.00	$250.00	$250.00	$250.00	$250.00	$250.00	$250.00	$250.00	$3,000.00
Tickets	$350.00	$350.00	$350.00	$350.00	$350.00	$350.00	$350.00	$350.00	$350.00	$350.00	$350.00	$350.00	$4,200.00
Management Fee	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$18,000.00
	$15,246.18	$18,101.05	$18,134.78	$16,921.05	$18,101.05	$14,837.46	$12,199.40	$11,970.94	$18,123.54	$18,112.30	$11,982.18	$12,199.40	$185,929.32

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PUBLIC HEARINGS

CITY COUNCIL STAFF REPORT

Date: November 18, 1999
Department: Community Development Department
Title: Condominium Conversion and Plat Amendment at 599 and 603 Deer Valley Loop- Pearl West Subdivision
Type of Item: Legislative

Summary Recommendations: Conduct a public hearing and consider adopting the attached Ordinance approving a Record of Survey for a condominium conversion and removal of a common lot line between Lots 3 and 4 located at 599 and 603 Deer Valley Loop.

A. Topic

Applicant:	Royce Hodge
Location:	599 and 603 Deer Valley Loop
Proposal:	Condominium Conversion/Plat Amendment
Zoning:	RM (Residential-Medium Density)
Adjacent Land uses:	Residential
Project Planner:	Kevin LoPiccolo
Date of Application:	July 15, 1999

B. Background

On October 27, 1999, the Planning Commission voted to forward to City Council a positive recommendation to approve two existing duplexes to be condominiumize and remove a common lot line between Lots 3 and 4 of the Pearl West Subdivision.

The application request is to allow two existing duplexes on Lots 3 and 4 located at 599 and 603 Deer Valley Loop to be condominiumized that will enable the property owner to sell the units separately. The duplexes were built in 1998 and 1999. As part of the condominium conversion request, the applicant is requesting that a Plat Amendment be reviewed to remove a common lot line between Lots 3 and 4 to create one Lot of record.

C. Analysis

The condominium conversion to allow the 4 units to be sold separately is straightforward and staff has no outstanding concerns about the request. Staff inspected the site to verify that there are only two units on each of the lots and each side of the duplex is one living unit. The request to remove the common lot line between Lots 3 and 4 will allow the creation of one lot of record and allow that area to be used as common area for the condo project.

Each unit will have exclusive use of the associated yard areas. The use and restrictions of these areas are in the CC&R'S. The applicant is aware that any external or internal changes that cross common area will require a plat amendment and support of both owners.

D. Department Review

The City's Staff Review Team has reviewed this application and found it to be in conformance with all requisite city development codes. The City Attorney's office will review and approve the plat and CC&R's before recordation.

E. Public Input

Property owners within 300 feet of the project were notified on September 7, 1998. The property was properly posted and legally noticed. As of this date of this report, staff has received no comments regarding the proposed application.

Alternatives

A. Approve the proposed amendment thereby allowing individual ownership of each unit and allow the lot line removal between Lots 3 and 4 to occur at 599 and 603 Deer Valley Loop.

B. Deny the condominiumization and retain the current form of ownership of both Lot 3 and 4.

C. Continue the item and request additional evaluation from the staff.

Significant Impacts

The proposal results in a record of survey plat that allows individual ownership of each unit. The removal of the common lot line between Lots 3 and 4 will not have any impact associated with it. Approval of this application will not result in any significance impacts to the neighborhood. No external or internal changes to the structure are proposed.

Consequence Of Not Taking The Recommended Action

If the Commission denies the condominium conversion and lot line removal as proposed, the property will remain under single ownership.

Recommendation

Staff recommends approval of the proposed condominium conversion and Plat Amendment at 599 and 603 Deer Valley Loop based upon the following:

Findings of Fact:

1. The proposed plat changes the type of ownership of this property to condominium ownership.

2. The proposed plat changes allows the removal of a common lot line between Lots 3 and 4 to create one lot of record.

3. The proposal is consistent with both the Park City Land Management Code and the General Plan in that the RM zone allows duplex structures on approved lots, when all minimum code requirements are met.

4. An existing duplex exist on both lots 3 and 4.

5. Demand for snowplowing generally increases when a new dwelling(s) unit(s) and their driveway(s) are built.

6. The applicant has agreed to the conditions of approval.

7. Access to the units is off of a private driveway which is not maintained by the city.

Conclusions of Law:

1. There is good cause for this condominium plat.

2. Neither the public nor any person will be materially injured by the proposed condominium plat.

3. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominium plats.

Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the condominium plat, for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.

2. All standard project conditions shall apply.

3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat

recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval and the plat shall be considered void.

5. A non-exclusive ten - foot snow storage easement shall be dedicated to the City on the plat adjacent to Deer Valley Loop.

<u>Exhibits</u>

A. Proposed condominium plat
B. Location Map
C. Standard Project Conditions
D. Proposed Ordinance

M:\CDD\KL\CC99\PLAT\599dvl.wpd

FINAL PLAT
PEARL WEST CONDOMINIUMS
– A 4 UNIT CONDOMINIUM PROJECT –
A PARCEL OF LAND LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, UTAH.

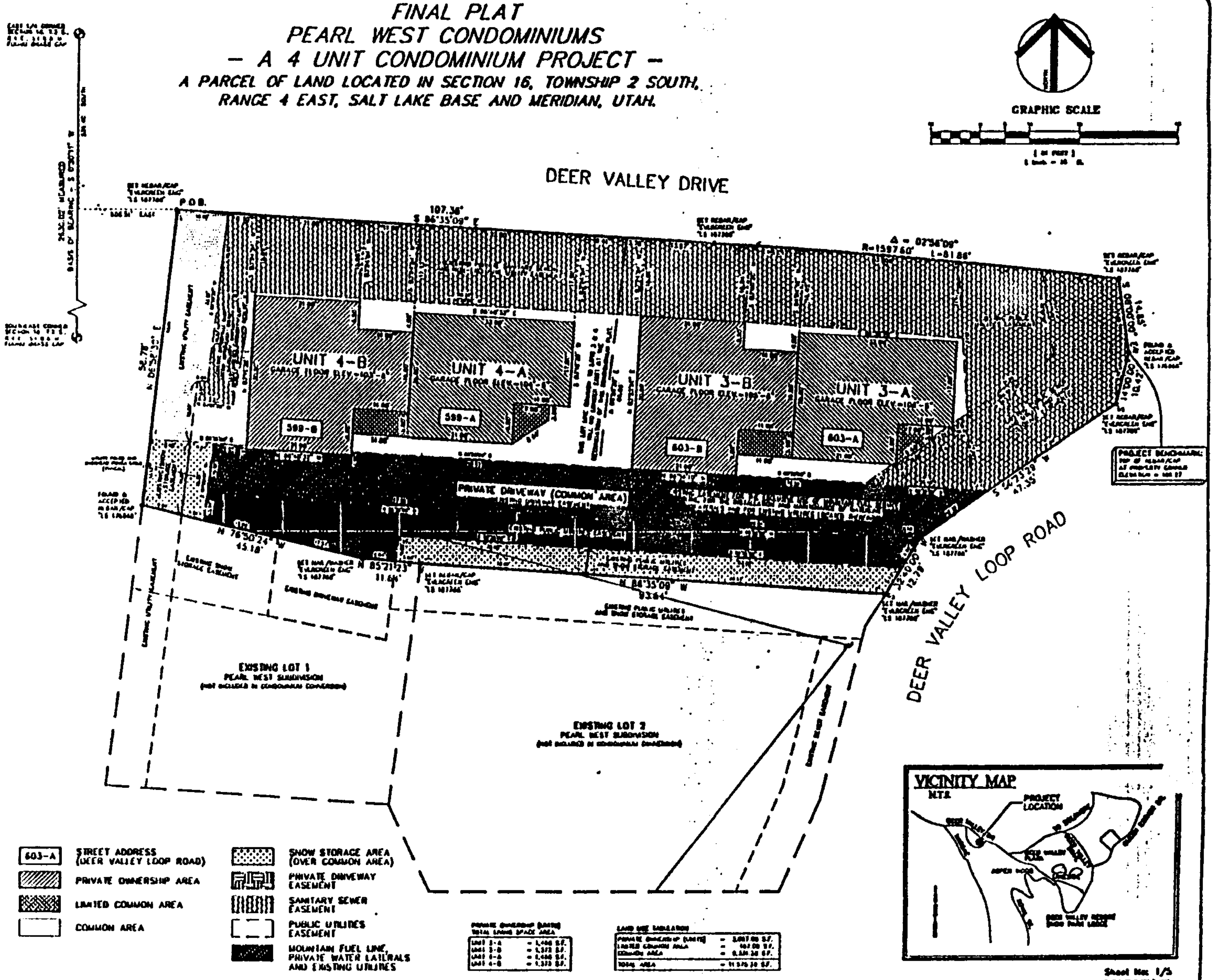
LEGAL DESCRIPTION

NOTES

OWNERS DEDICATION AND CONSENT TO RECORD

ACKNOWLEDGEMENT(S)

SURVEYOR'S CERTIFICATE



CITY PLANNING COMMISSION	CITY ENGINEER	CITY COUNCIL APPROVAL	APPROVAL AS TO FORM	RECORDED	SNYDERVILLE BASIN S.I.D.
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS ____ DAY OF ____ A.D. 1999 CHAIRMAN	APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT ON THIS ____ DAY OF ____ A.D. 1999 CITY ENGINEER	PRESENTED TO THE BOARD OF CITY COUNCIL THIS ____ DAY OF ____ A.D. 1999 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.	APPROVED AS TO FORM ON THIS ____ DAY OF ____ A.D. 1999.	No. ____ STATE OF ____ COUNTY OF ____ RECORDED AND FILED AT THE REQUEST OF:	REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS ____ DAY OF ____ AD 1999 BY ____ S.B.S.I.D.

Evergreen Engineering, Inc.

RECEIVED JUL 15 1999

EXHIBIT A - PLAT/CONDOMINIUM CONVERSION

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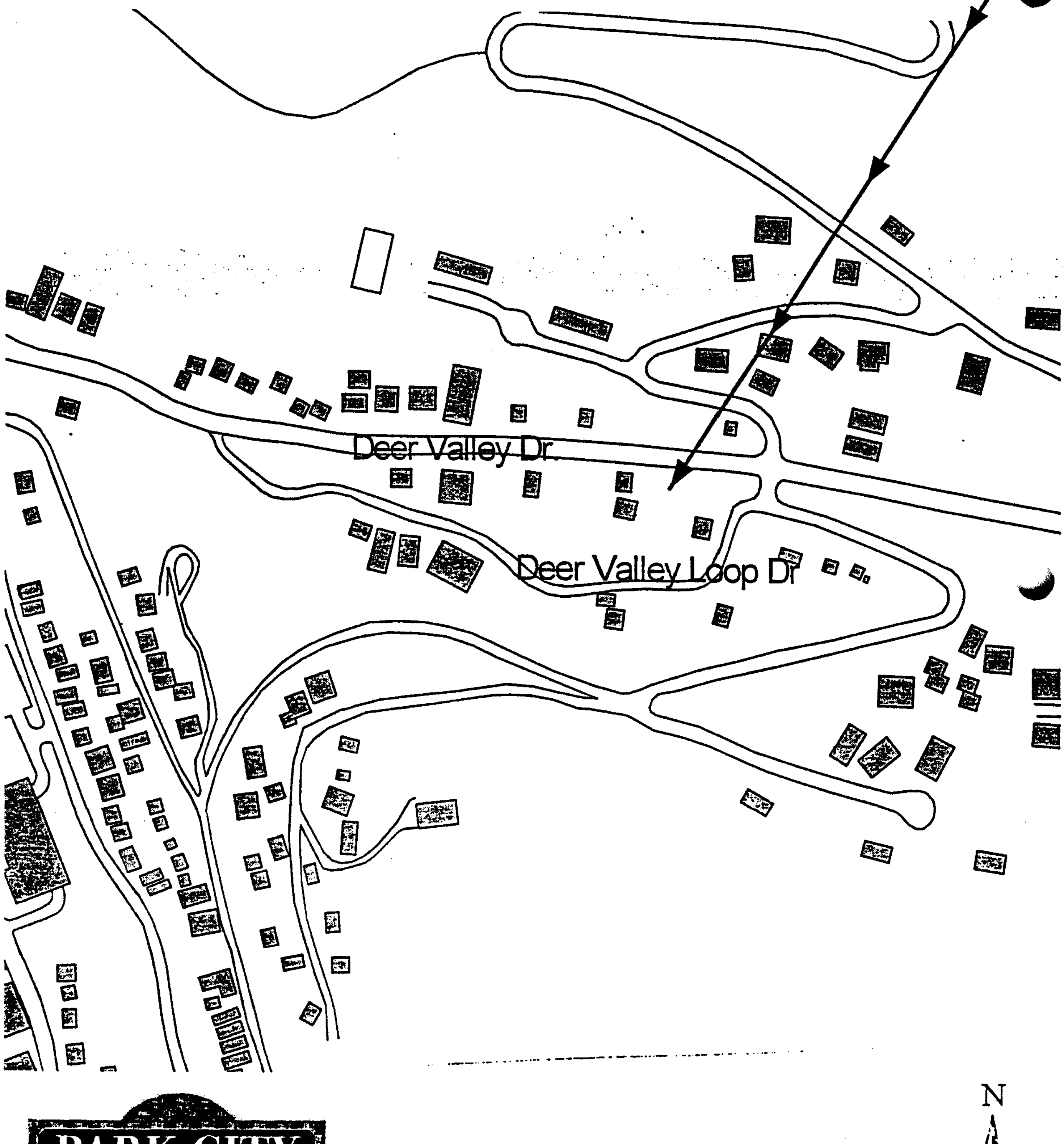
599 Deer Valley Loop



PARK CITY
1884

EXHIBIT B - LOCATION MAP

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PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of project approval.

2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.

3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.

4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.

5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Community Development Department, Planning Commission, or Historic District Commission prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit, must be specifically requested and approved by the Community Development Department, Planning Commission and/or Historic District Commission in writing prior to execution.

6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Community Development Department prior to issuance of a footing and foundation permit. This survey shall be used to assist the Community Development Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Community Development Department, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of

EXHIBIT C - STANDARD PROJECT CONDITIONS

PARK CITY
1884

Ordinance No. 99-

AN ORDINANCE APPROVING THE PEARL WEST CONDOMINIUM RECORD OF SURVEY AMENDMENT TO THE PEARL WEST SUBDIVISION LOCATED AT 599 AND 603 DEER VALLEY DRIVE, PARK CITY, UTAH

WHEREAS, the owner, Royce Hodge, of the property known as 599 and 603 Deer Valley Drive, have petitioned the City Council for approval of Record of Survey/Plat Amendment to the Peal West Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on October 27, 1999 the Planning Commission held a public hearing to receive public input on the proposed Record of Survey/Plat Amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner; and

WHEREAS, on November 18, 1999, the City Council held a public hearing to receive input on the proposed Record of Survey/Plat Amendment; and

WHEREAS, the proposed plat changes the type of ownership of this property to condominium ownership; and

WHEREAS, it is in the best interest of Park City, Utah to approve the record of survey/plat amendment.

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The proposed plat changes the type of ownership of this property to condominium ownership.

2. The proposed plat changes allows the removal of a common lot line between Lots 3 and 4 to create one lot of record.

3. The proposal is consistent with both the Park City Land Management Code and the General Plan in that the RM zone allows duplex structures on approved lots, when all minimum code requirements are met.

4. An existing duplex exist on both lots 3 and 4.

5. Demand for snowplowing generally increases when a new dwelling(s) unit(s) and their driveway(s) are built.

6. The applicant has agreed to the conditions of approval.

7. Access to the units is off of a private driveway which is not maintained by the city.

<u>SECTION 2. CONCLUSIONS OF LAW</u>. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this condominium plat.

2. Neither the public nor any person will be materially injured by the proposed condominium plat.

3. The plat is consistent with the Park City Land Management Code and applicable State Law regarding condominium plats.

<u>SECTION 3. CONDITIONS OF APPROVAL</u>. The proposed plat amendment attached as Exhibit A is hereby adopted with the following Conditions of Approval:

1. The City Attorney and City Engineer's review and approval of the condominium plat, for compliance with the Land Management Code and conditions of approval, is a condition precedent to recording the plat.

2. All standard project conditions shall apply.

3. A financial guarantee in an amount acceptable to the City Engineer for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

4. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year of City Council's approval, this approval and the plat shall be considered void.

5. A ten - foot snow storage easement shall be shown on the plat adjacent to Deer Valley Loop.

<u>SECTION 4. EFFECTIVE DATE</u>. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18 day of November,1999

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

PARK CITY 1884

CITY COUNCIL REPORT

DATE: November 18, 1999
DEPARTMENT: Planning Department
AUTHOR: Thomas E. Barlow
TITLE: 915 Norfolk Avenue - Plat Amendment
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Staff recommends the City Council hold a public hearing and consider approving the proposed plat amendment to combine lot 4 and the south half of lot 5, Block 15 of Snyders Addition as conditioned.

A. PROJECT STATISTICS

Applicant: Jonathan DeGray -Architect
Property owners: Arnold and Audrey Sprung
Location: 915 Norfolk Avenue
Project: Plat Amendment
Project Planner: Thomas E. Barlow
Date: August 2, 1999
Zoning: Historic Residential District (HR-1)
Adjacent Land Uses: Residential

DESCRIPTION:

B. Background.

Jonathan DeGray submitted an application to combine lot 4 and the south half of lot 5, Block 15 of the Snyders Addition into one (1) lot which can accommodate a single family structure. Currently, there is a historic single family home that straddles lot 4 and lot 5. Currently, the historic home is a legal non-conforming building, that is, the setbacks are not in compliance with the Land Management Code. The Uniform Building Code does not allow structures to be constructed across lot lines. Approval of this application will remedy this problem. Any proposed addition would need to comply with the Park City Historic District Design Guidelines and the Land Management Code. The Planning Commission held a public hearing on October 27, 1999 to discuss this proposal. The Planning Commission at that meeting forwarded a positive recommendation to the City Council.

C. Analysis

This request is to formally combine one and a half lots to create one 2812.5 square foot parcel for a single family residence. The size of the structure located on the parcel will be limited by setbacks, building pad, and building footprint, and height requirements of the Land Management Code for the HR-1 District.

The Sprungs own lot 4 and a portion of platted lot 5. The house currently straddles lot 4 and lot 5. The applicant wishes to combine the one and a half lots to accommodate an addition to the historic single family home, which would comply with the HR-1 District regulations. This plat amendment would create a remnant lot on the north half of lot 5. Density would remain the same.

After reviewing the request, the Community Development Department has found the parcel to be in compliance with the Land Management Code, and supports the adjustment.

The Plat Amendment is being processed through the Planning Commission and City Council procedure due to the fact that State Law prohibits use of the administrative approval when the action results in the creation of a remnant lot. The Community Development Director does not have the authority to create a remnant lot even though signatures from all adjacent properties owners have been submitted. The Planning Commission held a public hearing on October 27, 1999 to discuss this proposal. No Public comments were made at that meeting. The Planning Commission at that meeting forwarded a positive recommendation to the City Council.

D. Notice

Notice of this hearing was sent to property owners within 300' on October 13, 1999 as part of the Lot Line Adjustment procedure. No formal comments have been filed at the time of this report.

E. Department Review.

The Community Development Department has reviewed this request. The City Attorney's Office will review the plat prior to plat recording. The request was discussed at a Staff Review Meeting on September 7, 1999, where representatives from local utility companies and City Staff were in attendance and found it to be in conformance with all requisite City development codes of which we are currently aware.

ALTERNATIVES

A. Approval of the proposed plat amendment combining lot 4 and the south half of lot 5, Block 15 of the Snyders Addition, and thereby removing the common lot line between the two lots and allowing for the parcel to accommodate one single family home.

B. Deny the plat amendment and retain the original Record of Survey which would allow a non-conforming use on Lot 5 to continue.

C. Continue the item and request further evaluation from the Staff.

SIGNIFICANT IMPACTS:

The proposed plat amendment will result in one (1) lot which will meet lot requirements for the HR-1 District. Approval of the plat amendment will bring the home into conformance with the requirement that structures not cross property lines. The plat amendment will keep density the same on Norfolk Avenue, which is one (1) unit. Such amendment could potentially result in an addition to the existing historic home.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the plat amendment is not approved as proposed, the existing historic home on lots 4 and 5 would remain as legal non-conforming use.

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing and consider Staff's recommendation to forward a positive recommendation to the City Council to combine lot 4 and the south half of lot 5, Block 15 of the Snyders Addition based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Findings of Fact:

1. The property is located in the Historic Residential District (HR-1).

2. The amendment will combine Lot 4 and the south half of Lot 5 to bring the existing historic home into compliance with HR-1 district regulations.

3. An historic single family residence currently straddles lots 4 and 5.

4. Dedication of a ten (10) foot non-exclusive snow storage easement along a Norfolk Avenue is necessary to provide adequate snow removal services.

5. The lot line adjustment will neither increase nor decrease density of Norfolk Avenue.

6. This application was reviewed by Planning Commission on October 27, 1999. The Planning Commission forwarded a positive recommendation to the City Council on October 27, 1999.

Conclusions of Law:

1. There is good cause for the amendment.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording.

2. A ten (10) foot non-exclusive snow storage easement along Ontario Avenue shall be dedicated to the City on the plat.

3. Design of the proposed addition to the historic single family house requires review by the Community Development Department for compliance with the Historic District Design Guidelines.

4. No remnant lot created will be separately developed as a result of this plat amendment.

5. Every tree, 6" caliper or more, removed during the time of construction shall be replaced by a tree of 2" in caliper, prior to the final certificate of occupancy.

6. All significant vegetation shall be preserved based on Section 15-2.2.12. A vegetation plan shall be submitted and approved prior to the issuance of a final building permit.. The Community Development Director shall determine the Limits of Disturbance of any development activity and may require mitigation for loss of significant vegetation consistent with Landscape Criteria in Chapter 15-2.9.

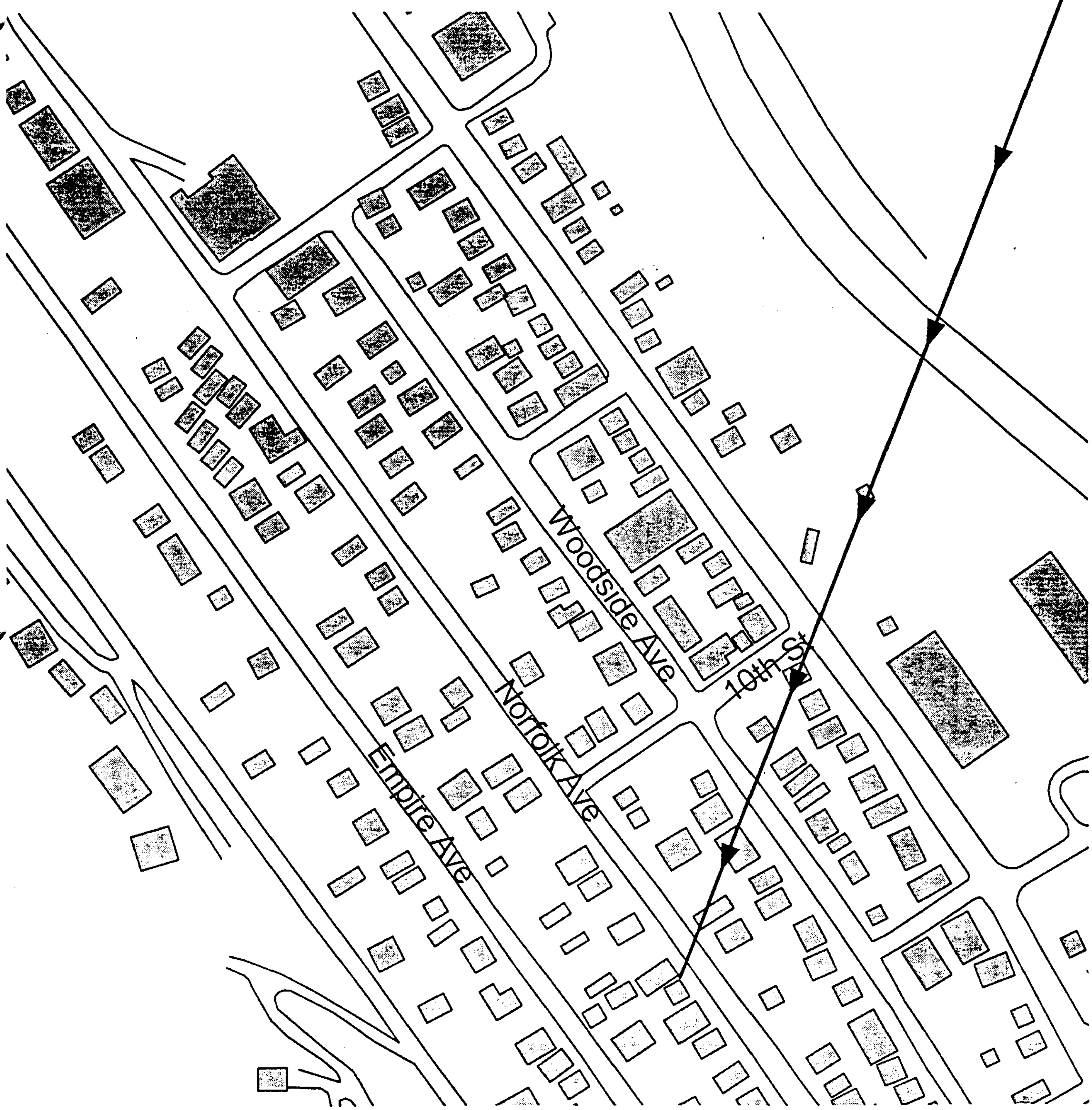
7. All Standard Project Conditions shall apply (Please see Exhibit E - Standard Project Conditions).

8. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

EXHIBITS:

Exhibit A - Location Map
Exhibit B - Existing conditions survey
Exhibit C - Proposed Plat Amendment
Exhibit D - Standard Conditions of Approval

915 Norfolk Avenue



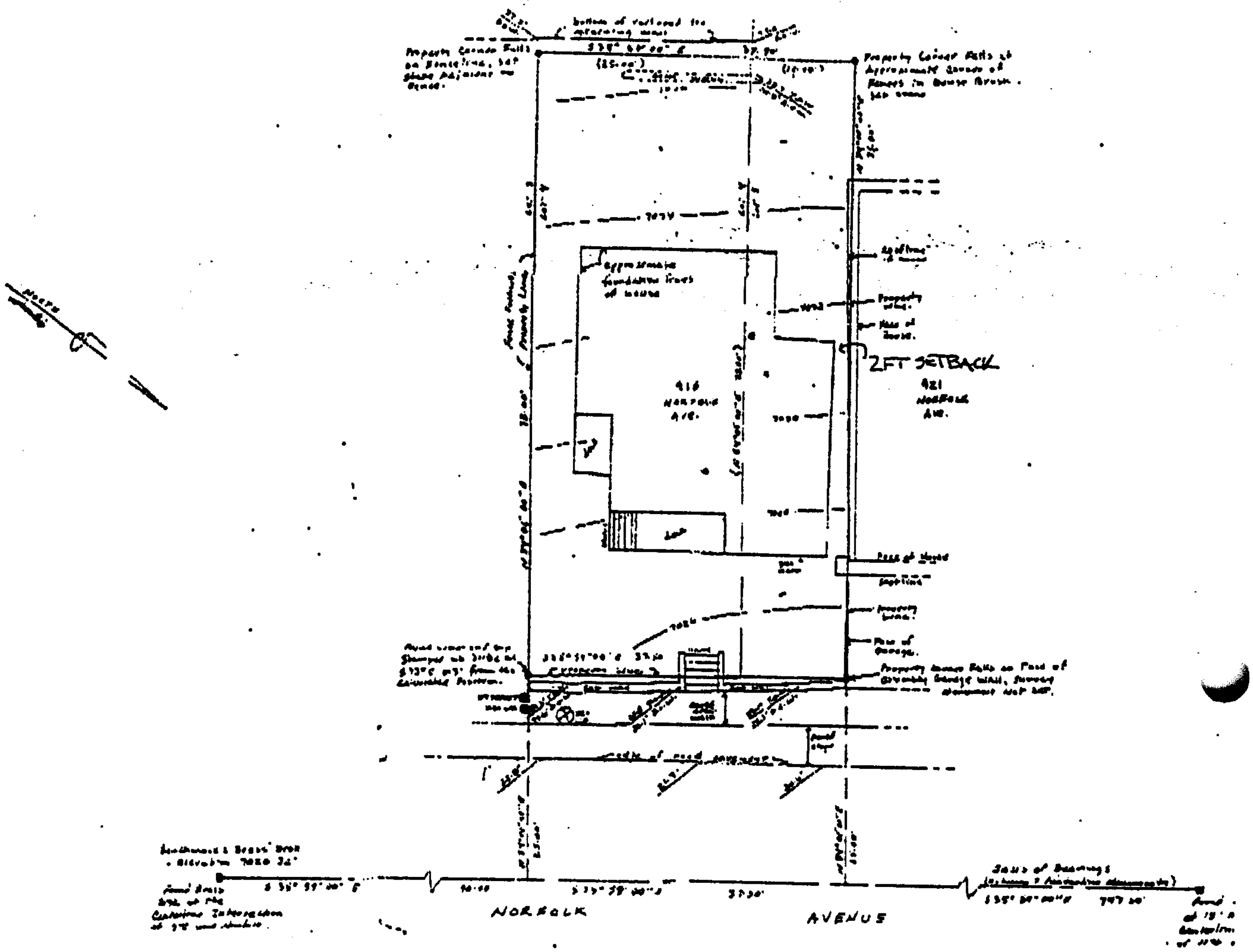
PARK CITY 1884

Exhibit A
Vicinity Map

82

915 NORFOLK AVENUE RECORD OF SURVEY and TOPOGRAPHIC SURVEY

The Southerly One Half of Lot 5 and All of Lot 4 of Block 15, Snyder's Addition to Park City



SURVEYOR'S CERTIFICATION:

I, Joe Dhaenens, hold license number 151821 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown hereon and as described in the notes and legal description below.

SURVEY NOTES:

1. The basis of bearings is as shown.
2. Survey monuments were found or set as shown.
3. The purpose of this survey is for lot corners and topography.
4. This survey was requested by Audrey Spring.
5. This survey was performed in June, 1999.
6. All bearings and distances shown were measured and are equal to the bearings and distances on the recorded maps of Park City.
7. Alteration of any survey data without the surveyor's consent makes this survey invalid.
8. The contour interval is one foot.
9. The house at 921 Norfolk Avenue encroaches over the property line as shown.

LEGAL DESCRIPTION:

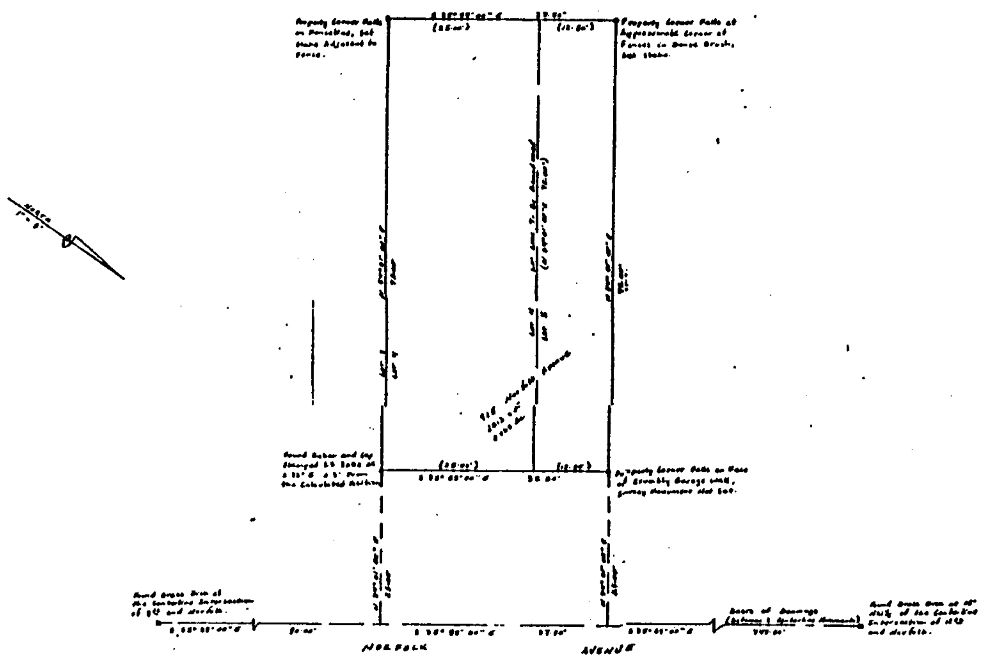
The Southerly one half of Lot 5 and all of Lot 4, Block 15, Snyder's Addition to the Park City Survey, also located in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah

JOE DHAENENS STATE OF UTAH

83

June 3, 1999

PLAT AMENDMENT and RECORD OF SURVEY
915 NORFOLK AVENUE



OWNERS' CONSENT TO AMEND:
Know all men, by these presents, that we, Audrey [illegible] Sprung and Arnold Sprung, the owners of the herein described property, certify that we have caused this survey to be made, and the plat to be prepared, and we do hereby consent to the recordation of this survey and plat amendment.

Audrey [illegible] Sprung ____ Arnold Sprung ____

ACKNOWLEDGEMENT:
State of ________.
County of ________.
On this ____ day of ________ 1999, personally appeared before me, the undersigned notary public in and for said State and County, Audrey [illegible] Sprung and Arnold Sprung, who after being duly sworn, acknowledged to me that they are the owners of the herein described property, and that they signed the above owners' consent to record freely and voluntarily.

Notary Public ____ My Commission Expires ____ Residing At ____

SURVEYOR'S CERTIFICATE:
I, [illegible], hold license number [illegible] as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown hereon and as described in the notes and legal description below.

SURVEY NOTES:
1. The basis of bearings is as shown.
2. Survey monuments were found or set as shown.
3. This survey was requested by Audrey Sprung.
4. All bearings and distances shown were measured and are equal to the bearings and distances on the recorded maps of Park City.

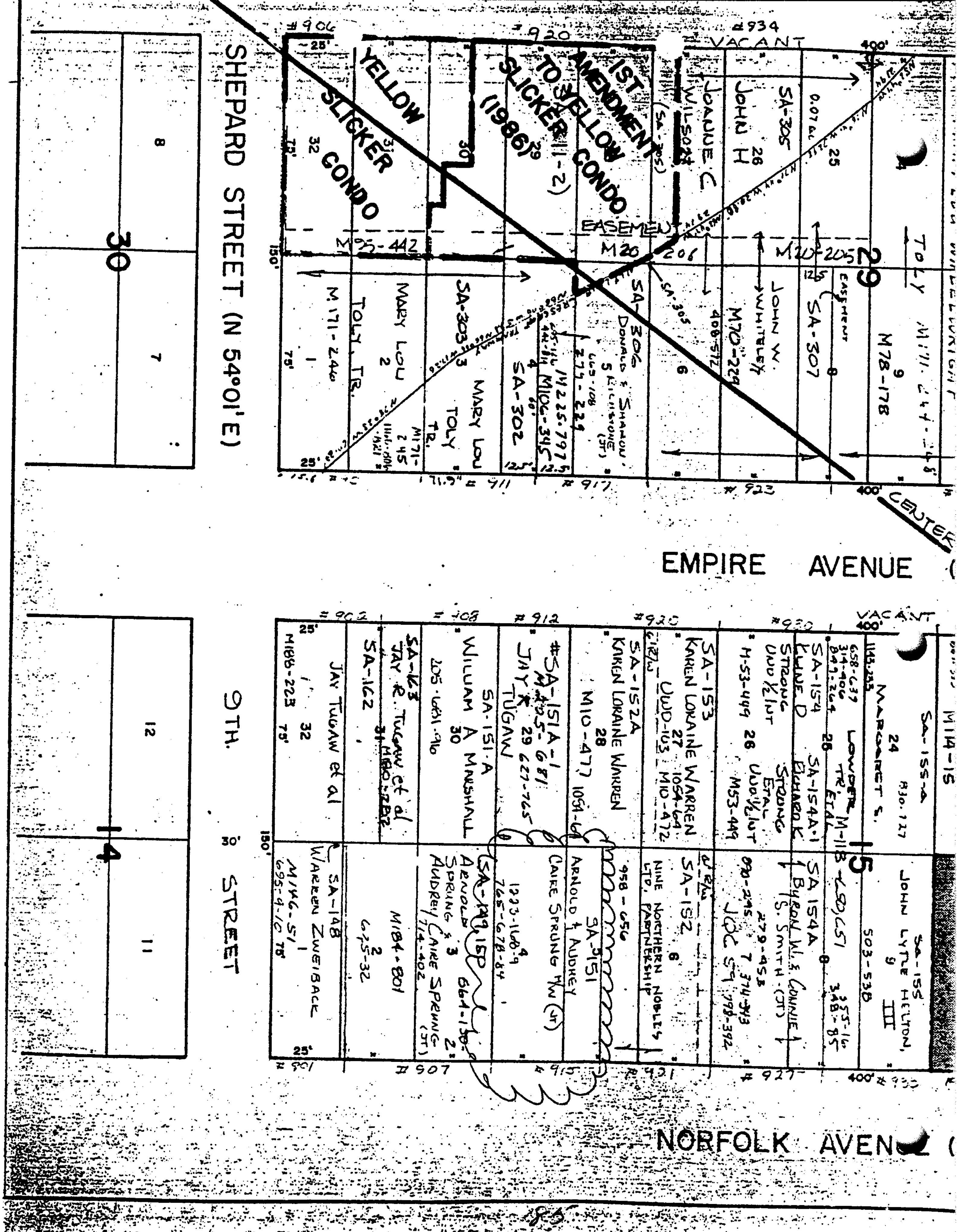
LEGAL DESCRIPTION:
The Southerly one-half of Lot [illegible] and all of Lot [illegible], Block [illegible], Snyder's Addition to the Park City Survey, also located in Section [illegible], Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah.

City Council	City Planning Commission	City Engineer	City Attorney	Sewer District	Recorded
Approved by the Park City Council on this ____ day of ____, 1999	Approved by the Park City Planning Commission on this ____ day of ____, 1999	Approved by the Park City Engineer on this ____ day of ____, 1999	Approved as to form by the Park City Attorney on this ____ day of ____, 1999	Reviewed for conformance to Snyderville Basin Sewer Improvement District Standards on this ____ day of ____, 1999	Number ____ Date ____ State of Utah, Time ____ County of Summit, Fee ____ Recorded and filed at the request of ____
Mayor ____ City Recorder ____	Chairperson ____	City Engineer ____	City Attorney ____	S.B.S.I.D. ____	County Recorder ____

Surveyed by: On the Way Land Surveying, P.O. Box [illegible], Park City, UT [illegible]

RECEIVED
AUG - 2 1999
PARK CITY
PLANNING DEPT.

84



SHEPARD STREET (N 54°01'E)
9TH. STREET
EMPIRE AVENUE
NORFOLK AVENUE
YELLOW SLICKER CONDO
1ST AMENDMENT TO YELLOW SLICKER CONDO (1986)
EASEMENT
M95-442
M20-206
M20-205
M78-178
M70-229
M171-246
M10-345
M10-477
M53-449
M184-801
30
29
14
15
8
7
12
11
VACANT
CENTER
SA-305
SA-306
SA-307
SA-303
SA-302
SA-151A
SA-152A
SA-153
SA-154
SA-154A
SA-162
SA-163
SA-151
SA-152
SA-155
SA-148
TOLY TR.
MARY LOU
JOHN W. WHITLEY
WILLIAM A MARSHALL
JAY R. TUGAW
KAREN LORAINE WARREN
NINE NORTHERN NOBLES LTD. PARTNERSHIP
ARNOLD & AUDREY CAIRE SPRUNG
AUDREY CAIRE SPRUNG
WARREN ZWEIBACK
JOHN LYTLE HELTON, III
#906
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PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 9, Architectural Review); Uniform Building, Fire and related Codes; the Park City Design Standards, Construction Specifications, and Standard Drawings; and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
2. All modifications to plans as specified by conditions, and all final design details, such as material and color samples, shall be submitted to and approved by the Community Development Department prior to issuance of any building permits.
3. The applicant is responsible for compliance with all conditions of project approval.
4. A Line Extension Agreement with the Snyderville Basin Sewer Improvement District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
5. Final landscape plans, when required, shall be reviewed and approved by the Community Development Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof.
6. Construction staging areas shall also be clearly defined and approved by the Community Development Department, and shall be placed so as to minimize site disturbance. The landscape plans shall include plans for re-vegetation of all areas disturbed during construction.
7. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Community Development Department. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
8. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the Community Development Department, posted prior to occupancy.
9. All construction shall be completed according to the approved plans on which building permits are issued. The approved plans include all site improvements shown on the site plan. "Site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, lighting, planting, paving, paths, and trails, and similar improvements, as shown on the set of plans on which final approval and building permits are based.
10. Any desired modifications to approved plans, after the issuance of a building permit, must be specifically requested and approved in writing prior to execution.
11. Plans shall conform to all design standards for persons with disabilities as required by any applicable federal, state and local laws.
12. Access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
13. The required utility easements along street frontages shall include language to allow for these areas to be used for snow storage. Typically, a 10-foot snow storage easement is required above Deer Valley Drive (approximate elevation of 7,200 feet). A five feet easement is necessary below this elevation.
14. Lockout units are not permitted unless specifically approved.
15. The infrastructure review and approval is transferrable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or termination of the permit as specifically conditioned.
17. The name of a master planned development, plat, record of survey, subdivision, condominium project, or other approved project may not be changed without review and approval by the Community Development Department, said approval is not to be unreasonably withheld. The Community Development Department's review shall be limited to prevent confusion of the project with others in terms of emergency and delivery services and project identification.

Arnold & Audrey Sprung
PO Box 4019 Park City, Ut. 84060

October 26, 1999

To: Planning Commission
Re: Plot Ammendment to combine lot 4 & S.1/2 lot 5 Block 15

Gentleman:

The amendment sought simply removes an imaginary line and combines two plots that have defacto been combined for 100 years.

We strongly object to the proposal that a snow storage easement be granted as a condition for the amendment. The amendment could have no possible effect on snow removal or storage conditions and has no possible relationship thereto.

As far as we are aware there are no similar adjacent property easements, and it would appear completely unjustified and improper to require the relinquished of property rights in exchange for a formalistic amendment.

Yours truly,

Audrey Claire Sprung

PARK CITY
1884

Ordinance No. 99-

AN ORDINANCE APPROVING A PLAT AMENDMENT TO COMBINE LOT 4 AND THE SOUTH HALF OF LOT 5, INTO ONE LOT OF RECORD AT 915 NORFOLK AVENUE, SNYDERS ADDITION, BLOCK 15, PARK CITY, UTAH

WHEREAS, the owner, Arnold and Audrey Sprung, of the property known as 915 Norfolk Avenue, have petitioned the City Council for approval of an amendment to Block 15 of the Snyders addition; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

WHEREAS, on October 27, 1999 the Planning Commission held a public hearing to receive public input on the proposed final plat amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner; and

WHEREAS, the proposed plat amendment allows the property owner to consolidate lot 4 and the south half of lot 5 into one lot of record; and

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

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential District (HR-1).
2. The amendment will combine Lot 4 and the south half of Lot 5 to bring the existing historic home into compliance with HR-1 district regulations.
3. An historic single family residence currently straddles lots 4 and 5.

4. Dedication of a ten (10) foot non-exclusive snow storage easement along a Norfolk Avenue is necessary to provide adequate snow removal services.

5. The lot line adjustment will neither increase nor decrease density of Norfolk Avenue.

6. This application was reviewed by Planning Commission on October 27, 1999. The Planning Commission forwarded a positive recommendation to the City Council on October 27, 1999.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for the amendment.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

3. The proposal is consistent with both the Park City Land Management Code Chapter 7 and Chapter 15 and State subdivision requirements.

SECTION 3. CONDITIONS OF APPROVAL. The proposed plat amendment attached as Exhibit A is hereby adopted with the following Conditions of Approval:

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to plat recording.

2. A ten (10) foot non-exclusive snow storage easement along Ontario Avenue shall be dedicated to the City on the plat.

3. Design of the proposed addition to the historic single family house requires review by the Community Development Department for compliance with the Historic District Design Guidelines.

4. This approval shall expire one year from the date of Planning Commission approval, unless this lot line adjustment is recorded prior to that date.

5. No remnant lot created will be separately developable as a result of this plat amendment.

6. Every tree, 6" caliper or more, removed during the time of construction shall be replaced by a tree of 2" in caliper, prior to the final certificate of occupancy.

7. All significant vegetation shall be preserved based on Section 15-2.2.12. A vegetation plan shall be submitted and approved prior to the issuance of a final building permit.. The

Community Development Director shall determine the Limits of Disturbance of any development activity and may require mitigation for loss of significant vegetation consistent with Landscape Criteria in Chapter 15-2.9.

8. All Standard Project Conditions shall apply

9. This approval shall expire one year from the date of City Council approval, unless this plat amendment is recorded prior to that date.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 8th day of November, 1999.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Bradley A. Olch

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

PARK CITY
1884

MUNICIPAL BUILDING AUTHORITY AGENDA REPORT

DATE:	November 18, 1999
DEPARTMENT:	Office of Capital Management & Budget
AUTHOR:	Tom Bakaly TB
TITLE:	Final Bond Resolutions - Lease Revenue Bonds, 1999 Series
TYPE OF ITEM:	Legislative/Administrative

SUMMARY RECOMMENDATIONS: The Park City Municipal Building Authority and the City Council should consider and approve the respective Final Bond Resolutions relating to the issuance of Lease Revenue Bonds, 1999 Series in the amount of $7,395,485. These bonds will be used to re-finance previous Municipal Building Authority (MBA) bonds and finance Golf Course improvements, City Park improvements and McPolin Farm improvements.

DESCRIPTION:

A. Topic: Consideration and adoption of a resolution that does the following: 1) Approves the sale of Municipal Building Authority of Park City Lease Revenue Bonds, Series 1999; 2) Establishes the amount, length to maturity, and interest rates of the bonds and; 3) Authorizes the City Manager and Director of Capital Programs and Budget to facilitate the closing of the bond issuance which includes executing closing documents and the purchase agreement.

B. Background:
The City is currently in a position to refund MBA bonds issued in 1994 and receive a better interest rate, and thus save the City roughly $52,000. This would also be an opportunity to finance other improvements that the City is undertaking. Construction has begun on the hotel adjacent to the Golf Course. As part of that development project, the City is obligated to participate in the cost of a parking structure and a golf pro shop. Issuing additional MBA debt and repaying the bonds would cost less than leasing the required improvements from the developer. Staff is recommending that the pro shop project, along with budgeted improvements to the McPolin Farm and City Park be combined into one bond issue. The bonds would be lease revenue bonds sold through the Municipal Building Authority. The bonds will be paid back through annual appropriations from the General Fund and Golf Course Fund. The bonds will be guaranteed by the new Golf Course pro shop and the assets included in the 1994 MBA issue. On September 23, 1999, the MBA approved in concept this transaction.

C. Analysis:

The attached Final Bond Resolutions authorize and confirm the sale of bonds as lease revenue bonds sold through the Municipal Building Authority (MBA). The Final Bond Resolutions set the final issuance amount of the bonds, the interest rate of the bonds, and the length to maturity for the Lease Revenue bonds.

1) Size: The updated resolutions received by City Council and the MBA on November 18, 1999 will specify the exact amount of the bonds. As of the printing of this report, the total amount of the bond issue is $7,395,485. This amount is comprised of the following components:

Refund Amount	4,924,340	
Golf Course Improvements	700,000	Pro Shop and Golf Cart Storage
McPolin Farm Improvements	300,000	Funds are spent and will be reimbursed
City Park Improvements	550,000	Project is budgeted in CIP
Capitalized Interest	164,400	
Debt Service Reserve	590,000	
Bond Fund	33,560	
Bond Ratings	16,000	
Bond Insurance	30,036	
Underwriting	36,925	
Financial Advisor	14,750	
Bond Counsel	18,000	
Misc. (Title ins.., Trustee, etc)	17,474	
TOTAL	**7,395,485**	

Staff will be prepared to answer questions regarding any of the components listed above at the Meeting on Thursday, November 18, 1999.

2) Length to Maturity: The resolution states that the maximum length to maturity cannot exceed 9 years.

3) Interest Rates of the Bond Coupons: The exact interest rate of the bonds will not be known for certain until the bonds are sold on Wednesday or Thursday. The Net Interest Cost (NIC) for the bonds as of Friday, November 12, 1999 was 4.737%.

4) Bond Rating: The City received an A2 rating on these MBA bonds from Moody's. Our prior rating on MBA bonds was an A3 (not as good as an A2). Typically, bond ratings on lease revenue debt is two grades lower than a City's General Obligation (GO) Bond debt due to the fact that GO bonds have a debt service payment stream and lease revenue debt repayment is subject to annual debt service appropriation by the City Council. Since our GO rating is an A1, this rating by Moody's would be considered as an upgrade for our MBA bonds. Standard and Poors maintained the City's rating at an A- rather than increasing it as Moody's did.

RDA Involvement: Because some of the improvements at City Park (Mawhinney) may be on land owned by the RDA, it is necessary to execute a ground lease on November 18, 1999. That is why the RDA is also scheduled to meet to adopt the ground lease.

Use of Bond Proceeds: As stated above, the $1,550,000 in bonds will be used for improvements related to City Park, McPolin Farm and the Golf Course. Please note that for the McPolin Farm, bond proceeds will be used to reimburse expenditures already made related to site improvements constructed this Summer. Improvements to City Park will be consistent with the Parks, Recreation and Beautification Board recommendations that are reflected in the current CIP Budget. The Golf Course improvements are described below.

Repayment of Bonds: As was described on September 23, 1999, the bonds will be paid back through annual appropriations from the General Fund and the Golf Course Fund. The General Fund and Golf Fund Budgets will need to be amended through the City's annual budget process to address debt service payment issues. The budget will also need to be amended in the Spring of 2000 to reflect funding source changes brought about by this transaction. The annual debt service payments from the General Fund will remain at the current level of approximately $900,000. The debt service payment from the Golf Course Fund will remain at roughly $115,000. The Golf Course Fund is in the last year of paying off financed improvements to the golf maintenance building, so their debt service payments should not go up significantly.

Golf Course Fund: Staff is currently in the process of revising the 10 year golf plan. These funds will finance the improvements to the Golf Pro Shop and the Golf Cart storage building. It is staff's intention to use RDA funds to pay for the parking improvements that are required at the golf course. The Golf Course Fund will need to fund other capital improvements and ongoing operational needs as part of the 10 year plan. Balancing these expenditures within the context of limited revenues will be a difficult task for City Council. Staff plans to present the revised 10 year plan to City Council in February of 2000.

D. Department Review: The particulars of this bond issue have been reviewed by the City Manager's Office, the Legal Department, the Finance Division and the Golf Course.

ALTERNATIVES:

A. Approve the Request: Adopting the resolutions will approve the sale of bonds and authorize the City Manager and Director of Capital Programs and Budget to complete the bond issuance process. If the resolutions are approved, it is anticipated that the bond deal will "close" in mid December, 1999.

B. Deny the Request: Denying the resolutions will cause the bonds to not be sold at the negotiated price contained in the resolution on Thursday. Staff would need to receive direction from the City Council at the time as to how they would like to proceed.

C. Continue the Item: Continuing the item would mean that the resolutions would not be before the City Council again until December 9, 1999. This action would require that the bonds be priced by the underwriter again, closer to that date. This action would also make it difficult to close the bond deal by December 31, 1999. The bond deal needs to be closed in this calendar year in order to receive the $52,000 in interest savings.

D. Do Nothing: This would have the same impact as continuing the item.

SIGNIFICANT IMPACTS: Adoption of this resolution will allow the City and the Municipal Building Authority to proceed with the issuance of the bonds in timely and efficient manner. Swift completion of the bond issuance is needed to take advantage of favorable interest rates and meet the financing needs of the projects.

CONSEQUENCES OF NOT TAKING RECOMMENDED ACTION: Not adopting the resolution will impact the City's ability to issue the MBA bonds and finance the projects.

RECOMMENDATION: Adopt the attached Final Bond Resolutions relating to the issuance of Lease Revenue Bonds, 1999 Series.

PARK CITY
1884

Resolution No. 32-99

RESOLUTION ACCEPTING THE REVISED OFFICIAL CANVASS OF THE NOVEMBER 2, 1999 GENERAL ELECTION HELD IN PARK CITY, UTAH INCLUDING AND AFFIRMING THE RESULTS OF THE BALLOT RECOUNT HELD ON NOVEMBER 5, 1999

WHEREAS, UCA 20A-4-301(2), provides that the governing body shall act as the Board of Canvassers for the municipality and shall meet to canvass the returns with the recorder no sooner than three days and no later than seven days after the election; and

WHEREAS, the Board of Canvassers held a duly noticed special meeting at 1 p.m. on Friday, November 5, 1999 and adopted Resolution No. 31-99 accepting the Official Canvass of the November 2, 1999 General Election held in Park City, Utah; and

WHEREAS, UCA 17A-1-305(8); 20A-4-401(3), provides that when a candidate loses by not more than a total of one vote per voting precinct, he may request a recount within seven days of the canvass; and

WHEREAS, upon confirmation rendered by the Summit County Clerk of Park City's nine distinct precincts as opposed to an interpretation of three consolidated districts, Candidate Howard Wallack requested a recount, which occurred at 3 p.m. on Friday, November 5, 1999 at the Summit County Courthouse, Coalville, Utah;

NOW, THEREFORE BE IT RESOLVED that Resolution No. 31-99 is hereby amended to reflect and affirm the ballot recount as follows:

CITY COUNCIL GENERAL ELECTION PARK CITY, UTAH NOVEMBER 2, 1999

Consolidated District #1 - Old Town and Deer Valley - Districts 1, 2, and 32
Consolidated District #2 - Prospector and Thaynes Canyon - Districts 3, 4, and 33
Consolidated District #3 - Park Meadows and Quarry Mountain - Districts 4, 6, and 35

Candidate	Consolidated District #1	Consolidated District #2	Consolidated District #3	Total Votes Received Per Candidate
Peg Bodell	~~210~~209	157	224	~~591~~590
Hugh Daniels	113	96	206	415
Candace Erickson	230	198	346	774
Fred Jones	242	222	406	870
Chuck Klingenstein	128	149	301	578
Howard E. Wallack	200	140	245	585

	Total Votes	**Percentage of Votes**
Fred Jones	870	22.82%
Candace Erickson	774	20.30
Peg Bodell	591	~~15.50~~15.48
Howard Wallack	585	~~15.34~~15.35
Chuck Klingenstein	578	15.16
Hugh Daniels	415	~~10.88~~10.89

Peg Bodell, Candace Erickson, and Fred Jones received the three highest vote totals and will fill the three City Council seats in January 2000.

The total number of registered voters in Park City, Utah is 4,886 and the percentage of voter turn-out per consolidated district is calculated as follows:

Consolidated 1 24.21%		Consolidated 2 24.74%		Consolidated 3 37.59%		% Total Turn-out
Total Registered Voters	Number Voting	Total Registered Voters	Number Voting	Total Registered Voters	Number Voting	29.10%
1,718	416	1,455	361	1,713	645	

Total Ballots Cast - 1,422

PASSED AND ADOPTED this 18th day of November, 1999.

PARK CITY MUNICIPAL CORPORATION

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Mayor Bradley A. Olch

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark D. Harrington, Interim City Attorney

PARK CITY 1884

Council Agenda Report

DATE: **November 11, 1999**
DEPARTMENT: Recreation Services
AUTHOR: **Kathy Kelly, Recreation Services Manager**
TITLE: **Reallocation of CIP funds**
TYPE OF ITEM: Software

SUMMARY RECOMMENDATIONS:

Approve the use of some of CIP funds budgeted for Capital Project Management software for Recreation software.

DESCRIPTION:

A. Topic:

The Racquet Club's software needs to be replaced.

B. Background:

In late June 1999, HTE, the licensor of our current software, informed us that they would no longer support the software. They also told us that the software was not certified as Y2K compliant. For some time, we had been experiencing degradation of our data bases, and could not activate the module which would allow us to sell monthly passes. Without the technical support and upgrades from the licensor, it was clear we were eventually going to have a non-functional system.

While working with Technical Services and the Office of Capital Management and Budget (OCMB), a solution for funding was found. OCM&B has $50,000 approved in the capital budget for project management software. Their final choice of software cost considerably less than anticipated and OCM&B has offered the savings as a possible funding source for the Racquet Club software. The remaining funds, not to exceed $35,000, could be used to purchase new recreation software. This use of funds would not require a budget amendment at this time.

C. **Analysis**:

A task force was created to review software options and issue an RFP. A package has been found that will perform both athletic club and recreation program functions. Reference checks have shown a high degree of customer satisfaction with the program and the customer service.

D. **Review**:

This proposal has been reviewed by Technical Services, Legal, OCM&B, Finance and the City Manager.

ALTERNATIVES:

A. Approve the use of funds.

B. Continue with the current software system.

SIGNIFICANT IMPACTS:

The current system is failing, and new software is needed if we are to continue to be computerized at the Front Desk of the Racquet Club. Software is also needed to create and administer youth sports. The purchase of new software will allow us to operate more efficiently at the Front Desk and to implement the new monthly pass system.

DATE: November 15, 1999
DEPARTMENT: Capital Management & Budget
AUTHOR: Mikkel Storm
TITLE: Recycling Market Development Zone
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize the designation of a Recycling Market Development Zone within Park City, and direct staff to complete and file application with the State.

DESCRIPTION:

A. Topic: Recycling Market Development Zone.

B. Background:

In 1996, the Utah Legislature created the Utah Recycling Market Development Zone Program, which focuses on recycling as an economic development tool. Eligible recycling businesses that are located in designated Recycling Market Development Zones qualify for:

- 5% state tax credit on machinery and equipment;
- 20% state tax credit (up to $2,000) on eligible operating expenses;
- technical assistance from state recycling economic development professionals; and
- local incentives provided by Park City Municipal Corporation, which are explained below.

C. Analysis:

Park City would benefit from designating areas of the City as Recycling Market Development Zones, in order to attract and assist businesses that collect, process, distribute or use recycled materials in their manufacturing operations, or compost. Already existing businesses such as Recycle Utah and Good Earth Recycling would greatly benefit from the incentives offered by the State of Utah, if Council chooses to authorize staff to apply for the Utah Recycling Market Development Zone designation in the City.

Park City Municipal Corporation already has its primary incentive in place, and therefore would not have to offer any further incentives to existing or future local businesses. The current primary incentive includes the free use of the recycling drop-off at the City owned Recycling Center at 1951 Woodbine Way. There will be no additional cost to the City if the Recycling Market Development Zone is implemented.

Unfortunately, the State of Utah does not allow an entire city to become a Recycling Market Development Zone, therefore, the staff suggest that Deer Valley MPD, Flagstaff and Deer Crest Annexation Areas, Thanes Canyon, Iron Canyon and Aspen Springs Subdivisions, be excluded, and that the remainder of the City be designated as a Recycling Market Development Zone. The likelihood that businesses which collect, process, distribute or use recycled materials in their manufacturing operations, or compost, would locate to Deer Valley MPD, Flagstaff and Deer Crest Annexation Areas, Thanes Canyon, Iron Canyon and Aspen Springs Subdivisions, is deemed to be slimmer than other areas of the City.

The Utah Recycling Market Development Zone designation would be effective for a five year period, after which the designation has to be renewed.

The overall benefit to the Park City community of having an area of the City designated as a Recycling Market Development Zone will be two fold. First, it will become increasingly economically feasible for local businesses to recycle. Second, increased recycling will prolong the life of our current land fill.

D. Department Review: City Manager, Legal Department, and Community Development Department.

ALTERNATIVES:

A. Approve the Request: Authorize the designation of Park City as a Recycling Market Development Zone.

B. Deny the Request: Council can direct staff not to pursue the designation of Park City as a Recycling Market Development Zone.

C. Continue the Item: Continuing the item will delay the application process and the State would not be able to designate the City prior to year's end, which would result in the local businesses not being able to get the state incentives for calendar year 1999.

SIGNIFICANT IMPACTS: Authorizing the designation of Park City as a Recycling Market Development Zone will be a benefit to the Park City community because it will become increasingly economically feasible for local businesses to recycle, which in turn will prolong the life of the current land fill. The City would gain a valuable tool for economic development by offering future businesses the opportunity to receive the above mentioned incentives from the State.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Denying or Continuing the request will have similar effects, which will be a delay of the application process and the State would not be able to designate the City prior to year's end, which would result in the local businesses not being able to get the state incentives for calendar year 1999.

RECOMMENDATION: Authorize the designation of Park City as a Recycling Market Development Zone.

PARK CITY
1884

Resolution No. -99

RESOLUTION ACCEPTING DESIGNATION OF SPECIFIED AREAS WITHIN THE MUNICIPALITY TO BE UTAH RECYCLING MARKET DEVELOPMENT ZONES.

WHEREAS, The Utah Code § 9-2-1601, known as the "Recycling Market Development Zone Act" provides for state and local incentives to be extended to businesses which collect, process, distribute or use recycled materials in their manufacturing operations, or compost; and

WHEREAS, recycling businesses located in designated Recycling Market Development Zones are eligible for a variety of incentives; and qualify for the Municipality shall designate; and

WHEREAS, the City currently provides a primary incentive for recycling in the form of the City-owned Recycling Center at 1951 Woodbine Way.

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

SECTION 1. PARK CITY RECYCLING MARKET DEVELOPMENT ZONE. The entire City, with exception of the areas known as Deer Valley MPD, Deer Crest and Flagstaff Annexation Areas, and Thanes Canyon, Iron Canyon, and Aspen Springs Subdivisions, is hereby designated a Recycling Market Development Zone.

SECTION 2. APPLICATION. Staff is hereby authorized to file the necessary application with the State.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect upon adoption by the City Council.

PASSED AND ADOPTED this Eighteenth (18) day of November, 1999.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

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