•Tentative master agenda

PARK CITY COUNCIL MEETING

SUMMIT COUNTY, UTAH

NOVEMBER 14, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 14, 2002.

Closed Session

2:30 p.m. Property

Work Session

3:20 p.m. Council questions/comments

3:50 p.m. Analysis of Main Street uses

Review of regular meeting:

4:10 p.m. Resolution of intent - Administration of Main Street Business Improvement District

4:30 p.m. Master festival license applications

4:50 p.m. Plat amendment

5:00 p.m. Municipal Code amendments

5:30 p.m. Presentation to Leo Witt

5:45 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 3, 2002

V CONSENT AGENDA PUBLIC HEARING

1. Master Festival License for the Freestyle World Championships at Deer Valley and Lower Main Street from January 30, through February 1, 2003

2. Master Festival License for the Mountain Extreme Triathlon to be held July 11, 2003 - Rock & Road LLC

3. Master Festival License for employee appreciation party to be held at City Park on December 12, 2002 - Park City Chamber Bureau

4. Ordinance approving the amended record of survey for a plat amendment to combine all of Lot 18 and part of Lot 16, 17 and 19 of Block 65, Park City Survey into one lot of record at 345 Deer Valley Drive, Park City, Utah

5. Ordinance amending Title 4, Chapter 15 of the Park City Municipal Code, regulating licensing of for-hire vehicles

6. Ordinance amending Title 4, Chapter 2 of the Park City Municipal Code, Business Licensing in General (Business Improvement District)

VI CONSENT AGENDA

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5. Ordinance amending Title 4, Chapter 15 of the Park City Municipal Code, regulating licensing of for-hire vehicles

6. Ordinance amending Title 4, Chapter 2 of the Park City Municipal Code, Business Licensing in General (Business Improvement District)

7. Resolution determining the results of a special bond election held in the City on the question of the issuance by the City of $10,000,000 of general obligation bonds to acquire and forever preserve undeveloped park and recreational land and to make improvements to lands so preserved to protect the natural amenities and provide for public access and use, and related matters

VII OLD BUSINESS

Resolution declaring the intention of the Park City Council to enter into a contract with the Historic Main Street Business Alliance for the administration of the Old Town Business Improvement District for fiscal year 2003-2004

VIII ADJOURNMENT

Posted: 11/11/02

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

PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

November 2002

21 Chamber/Bureau quarterly update

Banners on Main Street - work - RM

Olympic legacy tower

Contract - administration of Old Town BID

OTIS final report - CH

Ordinance - 350 ½ Main Street plat amendment - RM

Agreement

28 No meeting - Thanksgiving Day

December

3-7 National League of Cities Conference - Salt Lake City

5 (Regular meeting only?)

Trash update

Public Hearing CDBG

Ordinance - 1335 Lowell Avenue record of survey - BR

12 No meeting?

Art policy - work session

19 Annexation Policy Plan and LMC Chapter 8 (work 40 min) public hearing

2003 Insurance

Ordinance - Three Kings Condos record of survey plat amendment - JW

26 **No Meeting**

Nightly rentals

Pechnik property

Fee resolution review - June 2003

DATE: November 14, 2002

DEPARTMENT: Community Development/ OCMB

AUTHOR: Rick Lewis, Jonathan Weidenhamer, Mark Christensen

TITLE: Analysis of Main St. Business Uses

TYPE OF ITEM: Informational

1. Topic - Analysis of Main St. Business Uses - A brief presentation highlighting preliminary findings will be given (a packet of attachments will be provided).

2. Background

The City Council recently initiated an Economic Strategic Plan Work Program. One of the focus areas targeted in this Plan is an analysis of the commercial mix of the Main Street corridor. Four basic types of commercial uses are found on Main Street: Restaurant, Retail, Office, and Residential/ Lodging. Lodging has been excluded from this study. As comparisons were made, Real Estate Offices were separated from General Office Use, and vacant spaces were included where possible. The area surveyed included all commercial businesses on Main Street, Swede Alley, and Heber Avenue. The analysis to date investigates general trends by comparing business uses from 1998 - 2002, by:

1. Total Square Footage (business licenses)
2. Total Number (business licenses)
3. Street Frontage (exposed linear feet)
4. Sales and Resort Taxes('94 -'02)*

* Information compiled by OCM&B - Main St. only, does not include Heber &Swede

3. Preliminary findings

· **Square Footage (1998-2002)** - The available number of square feet has increased by 15,267 s.f. (341,892 in 1998 to 357,159 in 2002). Over that time restaurant use increased 17,335 s.f. and retail decreased 27,125 s.f.. Over that same period, office use increased 24,910 s.f. (an increase of total available commercial square footage from 13% in 1998 to 17% in 2002), specifically with Real Estate Offices growing 16,594 s.f. (also a 4% increase). Please note that the actual number of square footage used in this analysis is based on the square footage used for calculating business licenses. Vacant space is not included in the square footage calculations.

· **# Licensed (1998-2002)** - The number of total business licenses issued has remained relatively constant over the period of study, with 1998 and 2002 having exactly the same number of licensed businesses (244). Although total square feet of restaurants have increased, the total number licensed has remained consistent, with 60 in 1998 and 58 in 2002.

The trend indicated here is the loss of 5% of retail licenses (12), and replacement with office uses (14), specifically real estate offices (11 - or a 4% gain).

- **Street Frontage (2002)** - A field survey was completed in October 2002 measuring the amount of linear feet of street frontage per type of business use. Although unable to compare to past years, this analysis offers a present-day glance at what uses are predominantly visible to Main Street pedestrians. The results indicate out of 4,059 total linear feet, 47% is retail, 35% is restaurant, 7% is vacant, and 11% is office (9% real estate related).

- **Sales/Resort Tax (1994-2002)** - A significant increase in sales taxes from 1995 to 1997 was observed, and can at least partially be attributed to the development of lower Main Street. Since then, trends seem to indicate a general leveling of sales tax. Although no significant decrease has been observed, this relatively flat trend should be better analyzed to fully understand the economic changes that are occurring on Main Street. Based on a high level analysis of Upper Main Street sales taxes, several business types experienced a decline in sales in FY2000 and FY2001. These industries are lodging, restaurants and liquor, amusement and recreation, and retail. This decline is largely corrected in FY2002 due to a spike in taxes collected on Main Street attributable to the Olympics. To better understand general trends, the sales tax numbers for fiscal year 2003 will be studied as part of the comprehensive economic analysis.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 3, 2002

Present: **Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier; and Fred Jones**

Toby Ross, City Manager; Jerry Gibbs, Public Works Director; Bob Johnston, Leisure Services Director; Brooks Robinson, Planner; and Mark Christensen, Budget and Grants Manager

Utah State Senator Bev Evans

1. Council questions/comments. None.

2. Weber Basin contract. Jerry Gibbs indicated that staff is anticipating bringing a final contract to the Council in two weeks for consideration. If approved, it will be delivered to Weber Basin for adoption the following week. The staff report outlines outstanding issues, primarily the mix of project and District water. District water totals $140 an acre foot; while Rockport, a federal project, provides project water at a cost of $40 to $45. The City is hoping for a 50/50 split which is not guaranteed but staff feels there is a good chance of occurring. There was discussion about a Council member attending the Weber Basin October 25 meeting.

In response to a question from Jim Hier, Mr. Gibbs explained that the Weber Basin could sell its water to Park City; Smith-Morehouse has approximately 5,000 acre feet of water available for sale. The 1996 MOU anticipated that the City would be buying all of the District water at $139/acre foot. Initially, Weber Basin wanted the City to buy all District water but instead of charging an average cost of about $90 per acre foot or $450,000 a year, the cost was determined to be $140/acre foot which translates to $750,000 a year. Staff recommends obtaining as much project water as possible and feels confident that there is adequate project and District water to meet the expectations of the contract. Mr. Gibbs indicated that a Rockport project schedule will be distributed to Council.

3. Review of regular meeting.

Racquet Club pool update. Bob Johnston stated that the Council approved an additional $75,000 to expand the size and depth of the pool. Staff received construction bids on Wednesday and learned that there is still a $6,000 shortfall. He referred to the staff report outlining options including removing the interactive spray feature from the bid and placing it in an alternative RFP. Other options include funding a contingency for the project to include the water toy or totally rebidding the project. In accordance with Council direction, staff believes this is the best design within budget parameters.

Candace Erickson stated that the City revised its RAP Tax application to include the water toy. The pool could be plumbed for future installation and a fund raiser could be held to purchase the feature. Most members on the Parks and Recreation Board agree with this approach. Bob Johnston clarified that plumbing and capping the line is included in the bid, but is specific to that feature. In response to a question from Jim Hier regarding the project manager, Mr. Johnston explained that Paul Noetling has been involved in a number of City projects including the skate park. In the long run, his involvement saved the City money and it would definitely be beneficial with this project particularly in monitoring cement pours and temperatures. Fred Jones stated that he supports this direction and felt that the feature could be added at a later time. Billable time for the project manager should be charged to the project so all costs are reflected. There was discussion about ordering the water feature at least three months in advance.

Sandstone Cove plan amendment. Planner Brooks Robinson stated that contrary to the approved plans, a deck was built into the ROS boundary. The applicant, a subsequent owner, desires to enclose the deck and alleges it encroaches 18" into the open space, but based on staff measurements, the area appears to measure 3' x 10'.

Fred Jones pointed out the Planning Commission forwarding a negative recommendation. With regard to the public's use of the open space area, Brooks Robinson explained that this is a corner lot which is bordered by three streets and because of these characteristics, is not used as a trail access. He reiterated that the deck was not approved as a part of the building permit, and he just happened to notice the encroachment of landscaping and deck about two years ago when checking limits of disturbance compliance in the neighborhood. No action was taken against the original owners. In response to a question from Peg Bodell, Mr. Robinson explained that if the deck was not encroaching into the ROS, the City would have likely approved an enclosure.

The Mayor asked if the City was in error, and Mark Harrington explained that a full discovery process would have to be conducted to determine the facts. The general rule is that an omission by a building official does not alleviate compliance responsibilities and would not gain a legal non-conforming use status. Mr. Robinson explained that the applicants preferred to request to proceed with the construction of the sun room, as designed, than to decrease the square footage. There was discussion that the open space is part of the lot and that there have been no comments on this application rendered by neighbors.

Fee resolution amendments. Mark Christensen explained that amendments are recommended as a house-keeping matter to reflect current charges spanning all departments and facilities. He urged Council to consider an additional amendment with regard to Section 7, Parking Fees. Jim Hier suggested that the sign review fees in Section 1.1.9 be rounded. Peg Bodell asked if there has been consideration of adding other buildings, which were rented during the Olympics, as additional stock and be prepared with rates in the event there are revenue opportunities. Mr. Christensen stated that this was not considered but staff could make those changes and come back to Council at a later date. Also, the resolution could be continued until next week to include those changes, but it is important to approve the amendments to the proposed updated fee schedule. Ms. Bodell believed renting facilities is something staff should pursue and Mr. Christensen added that an annual review is contemplated as a part of the budget process, and additions to the resolution could be incorporated. All departments have reviewed the proposed resolution.

For the benefit of Peg Bodell regarding outdoor art, Pat Putt explained that the fee for Section 1.4, administrative conditional use permits, is recommended to be reduced from $350 to $100. She felt that supporting outdoor art is important, but displays can get out of control, and the fee should be appropriate. There was discussion about the process for art displays on public property and Ms. Bodell asked if this specific fee could be reduced further since there is no Historic District Commission review for content. Mr. Putt explained that the art work can not be for sale, the structure must be inspected by the Building Department and if in Old Town, go to the HDC. Ms. Bodell stated that she can support the $100 fee now and asked for Council consensus to direct staff to explore the merits of public art to assess a fair fee for individual applications that may even be approved administratively. There was no direction rendered by other members.

4. Update from Senator Bev Evans. The Mayor recognized Senator Evans in the audience and invited her to update the Council on upcoming legislation. She reported that the Tax Review Commission is looking at methods to ensure the self-sufficiency of water systems and possibly taxing non-profits. She discussed oil and gas industry legislation and the second home proposal is back this year. Taxing property owned by non-profits is viewed as a way to raise additional revenue and discussion before the Commission will occur on October 25. Agricultural exemptions will also be examined. Jim Hier pointed out the approach of raising revenue with the conflicting consideration of adjusting the second home owner property tax. With regard to the water issue, Toby Ross interjected that the City has requested for a number of years that Weber Basin not impose a property tax, as we pay hundreds of thousands of dollars to the Basin every year for very limited service here. This may be a two-edged sword for Summit County, because if user rates are used, the City would benefit from that standpoint. Ms. Calvert thanked the Senator for her efforts in opening the UVSC campus in Heber City.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 3, 2002

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 3, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Ray Milliner, Planner; Jon Weidenhamer, Planner; Bob Johnston, Leisure Services Director; and Brooks Robinson, Planner.

II PUBLIC INPUT

The Mayor invited the audience 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

Old Town business district - Candace Erickson stated that Felice Marx contacted her and asked her to read a letter into the record. As a Main Street business owner, she is opposed to the Main Street taxation as she pays taxes on a regular basis, pays a CAM fee, contributes as a business owner to the resort city and RAP tax funding. *If a business can not make it on Main Street, it can't make it anywhere*. Those businesses who need assistance should take a look at themselves and Ms. Marx cited several ideas including the appearance of stores, providing unique and appealing merchandise choices, turning down the music, and extending good customer service. Ms. Marx continued that the City can tax all that it wants, but the struggling merchants needs to look within, not at the promotion of Main Street. She felt that it is wrong to tax those of us who carry our own weight and work hard for our dollars by advertising, paying dues to the Chambers, donating to non-profits, and paying to park on Main Street. Kay Calvert and City Recorder Jan Scott reported receiving calls from merchants who alleged that their support was indicated on a petition that they didn't recall signing and there was discussion about confusion over a formal petition and a list of supporters for the program which have been circulated.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 29, 2002

Ms. Bodell corrected a sentence in the work session notes. The Mayor requested a motion to approve the minutes, as corrected. Peg Bodell, "I so move". Candace Erickson seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS

1. Ordinance amending Title 12, Sign Code, of the Municipal Code of Park City, Utah **(motion to continue to a date uncertain)** - Peg Bodell, "I move that we continue Items 1 and 2 on

the Consent Agenda public hearings to a dates uncertain". Jim Hier seconded. Motion carried unanimously.

2. Ordinance amending Chapter 15.4-30, Telecommunications, of the Land Management Code of Park City, Utah **(motion to continue to a date uncertain)** - See motion above.

3. Ordinance amending the record of survey plat for Lakeside Condominiums, located at1641 Lakeside Drive, Park City, Utah - Planner Ray Milliner explained that a plat amendment is required to accommodate a remodel to raise the roof about three feet for storage space. The Planning Commission forwarded a positive recommendation. Hearing no comments or questions from the Council or the audience, the public hearing was closed.

4. Ordinance approving a plat amendment to relocate the lot line between Lots 100 and 119 (2197 Little Bessie Avenue) in the Prospector Village Subdivision, Park City, Utah fifteen feet to the west - Jon Weidenhamer explained that approval would result in moving the lot line 15 feet to the west. The Planning Commission forwarded a positive recommendation on September 25. The property owner of the lot immediately south testified in opposition and expressed concern about diminishing property values with this action, but there are no findings supporting this potential. Mr. Weidenhamer stated that staff is recommending adding a condition of approval to ensure compliance with the soils mitigation ordinance. Hearing no input, the Mayor closed the public hearing.

VI CONSENT AGENDA

1. Ordinance amending the record of survey plat for Lakeside Condominiums, located at1641 Lakeside Drive, Park City, Utah - Peg Bodell, "I move approval of the Ordinance amending the record of survey plat for Lakeside Condominiums, located at1641 Lakeside Drive, Park City, Utah". Jim Hier seconded. Motion carried unanimously.

2. Ordinance approving a plat amendment to relocate the lot line between Lots 100 and 119 (2197 Little Bessie Avenue) in the Prospector Village Subdivision, Park City, Utah fifteen feet to the west - See staff report and public hearing comments. Peg Bodell, "I move we approve Item 2 with the additional condition with regard to compliance with the soils ordinance". Fred Jones seconded. Motion carried unanimously.

3. Resolution amending construction and development related fees, and miscellaneous fees of the Park City Fee Schedule, adding Section 8, Leisure Services and facility rental fees and repealing Resolutions - In response to a question from Peg Bodell about the City's recreation fees compared to other facilities, Bob Johnston explained that the fees reflected in the resolution are fees that are currently being charged. This is simply an effort to bring fees and charges in line while raising fees over 10%, requires a formal amendment to the fee resolution. The fee schedule for recreation programs will be a policy discussion during the upcoming budget review. Fred Jones, "I move to approve Consent Agenda Item 3". Jim Hier seconded and added that Section 7 should be incorporated. Candace Erickson seconded. Motion carried unanimously.

VII PUBLIC HEARING

Plat amendment request to shift Recreation Open Space on Lot 1 of the Sandstone Cove Subdivision, Park City, Utah - See staff report and work session notes. Brooks Robinson reported that this application was heard before the Planning Commission on September 25 where a negative recommendation was rendered on shifting the ROS boundary around an encroaching deck. Through illustration of photos, Mr. Robinson pointed out the ROS, the limits of disturbance, and encroaching deck areas. The proposed sun room would extend about 12 feet from the side of the house while nine feet would comply with setbacks, but the applicants prefer to proceed with this process as building materials have been received for a 12 foot enclosure. Mr. Robinson added that staff is also recommending denial of the plat amendment and discussed additional landscaping and irrigation installed in the ROS area which should have been planted with native vegetation. The drainage was discussed.

The Mayor invited the public to comment. Hearing none, the public hearing was closed.

Jim Hier felt that resolving a mistake is not a good reason to rezone ROS and the error should not be compounded with additional construction on a non-conforming structure. He stated he is likely to agree with the Planning Commission, support the staff report, and deny the ordinance but requested that consideration be given to the fact that the existing owner was not a party to the initial violations.

VIII NEW BUSINESS

1. Authorization to proceed with a professional services contract with J&R Development for the construction of the Racquet Club pool - See staff report and work session notes. Fred Jones, "I move approval with the understanding that the water feature is removed from the scope of work at this point and considered a future option". Candace Erickson seconded. Motion carried unanimously.

2. Plat amendment request to shift Recreation Open Space on Lot 1 of the Sandstone Cove Subdivision, Park City, Utah - See staff report, work session and public hearing comments. Fred Jones, "I move denial of the plat amendment according to the findings of fact, conclusions of law, as presented. Jim Hier seconded. Motion carried.

Peg Bodell	Nay
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

IX ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:15 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Assistant City Manager Tom Bakaly was also in attendance. Jim Hier, "I move to close the meeting to discuss personnel". Peg Bodell seconded. Motion carried unanimously.

The meeting opened at approximately 4:15 p.m.

* * * * * * * *

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

DATE: November 14, 2002

DEPARTMENT: Facilities and Special Events

AUTHOR: Alison Butz

TITLE: 2003 Freestyle FIS World Championships

TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, and consider approving the license for the 2003 Freestyle FIS World Championships, as conditioned, on January 29 through February 2, 2003, at Deer Valley Resort and on Main Street.

A. TOPIC

Review of the Master Festival License Application, submitted by Deer Valley Resort for the 2003 Freestyle FIS World Championships, at Deer Valley Resort and on Main Street.

B. BACKGROUND

The Master Festival License application submitted by Deer Valley Resort requests approval for the 2003 Freestyle FIS World Championships to be held at Deer Valley Resort and to include events on Main Street. A closure of Lower Main Street is being proposed from the afternoon of Wednesday, January 29th to the morning of Sunday, February 2nd. This is the 9th Freestyle World Championships, held every two years, which includes mogul and aerial competitions.

Competition will begin on Wednesday, January 29th with the mogul qualifying events. January 30th will start with the aerial qualifiers and conclude with the Opening Celebrations to be held on Main Street. On Friday, January 31st the mogul finals will take place during the morning with celebrations occurring on Main Street that evening. Saturday, February 1st, dual mogul finals will take place during the day and that evening the aerial finals will take place under the lights at Deer Valley with the event being broadcast live on Main Street.

As part of this application, Deer Valley Resort has requested the Council review their request for a partial fee waiver. The Municipal Code allows the Council to waive all or a portion of fees based upon certain criteria.

C. ANALYSIS

The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions or deny the applications. The 2003 Freestyle FIS World Championships is being reviewed as a new application. This event is being reviewed as a Master Festival due to the fact it contains extensive transportation plans, is expecting large crowds and portions of it will occur on public property.

Event Schedule

Listed below is the general outline of events associated with the 2003 Freestyle FIS World Championships.

Wednesday, January 29	11:00 am - 11:45am	Mogul Qualifying - Women
	12:00 pm - 1:00pm	Mogul Qualifying - Men
Thursday, January 30	11:00 am - 12:00pm	Aerial Qualifying - Women
	12:00 pm - 2:00pm	Aerial Qualifying - Men1st Run
	6:00 pm - 9:00pm	Opening Ceremony/Celebrations on Main Street
Friday, January 31	10:00am - 10:30 am	Mogul Finals - Women
	11:00am - 11:30pm	Mogul Finals - Men
	6:00 pm - 9:00pm	Opening Ceremony/Celebrations Main Street
Saturday, February 1	10:30am - 1:30pm	Dual Mogul Finals - Women and Men
	1:00pm - 9:00pm	Opening Ceremony/Celebrations on Main Street

6:00pm - 8:00pm Aerial Finals - Women and Men

Sunday, February 2 12:00pm - 2:00pm Big Air Show and Autograph Signing

Parking and Transportation

A portion of parking for the events can be accommodated on-site. However, since the lots can not meet capacity required USSA has acquired an off-site lot. For all events associated with Championship, attendees will be directed to park at the Boyer Lot, located off of Hwy 224 by the Kmart site. UDOT has agreed to provide text on the overhead signs on I-80 directing spectators to park at the shuttle lot. Electronic signs will also be located on Hwy 224 directing both northbound and southbound traffic to the lot. The parking lot will be staffed with Deer Valley employees, plowed, lit and will have restrooms available for the crowd. At the lot, the spectators will board a Lewis Bros. bus and will be shuttled to Deer Valley Resort. The shuttle will begin running each day at 9:00am starting on Thursday and will conclude service at 10:00pm. Signs will be placed in the shuttle buses notifying the patrons of the last shuttle run back to the lot for the day.

On evenings with events planned on Main Street, the shuttle, at 5:00pm will include a stop at the Transit Center to drop and pick-up spectators for the events. Staff has been working with USSA and Lewis Bros Stages to coordinate the use of an area in the Transit Center for a stop. Lewis Bros Stages has worked with the City before to coordinate a similar stop during the Sundance Film Festival. Once dropped off at the Transit Center, spectators will be directed to cross Swede Alley and continue along the walkway to Main Street. They would then walk down Main Street sidewalks to reach the events on Lower Main Street. The event organizers are planning to place warming caldrons along the walkway to designate the path.

Traffic around Deer Valley Resort will remain open and day skiers will be permitted to park in the lots. City and private transportation routes around the resort will be maintained. Barricades will be placed along the inside of the loop to allow street parking. The remaining portions of Deer Valley Drive will be barricaded on both sides to maintain an adequate traffic flow.

Deer Valley Venue

All competitions will be held on the same runs used for the 2002 Olympic Winter Games. Deer Valley will install temporary seating with bleachers and provide additional standing room at the venue. The maximum capacity at the venue will be 10,000 and maximum capacity is expected at the Saturday evening aerials competition. Additional temporary structures such as lighting, judges stand and tents are planned for the area.

Main Street Venue

As part of the conditions that Deer Valley is required to meet as part of the agreement with the FIS to host the competition is to involve the community in the opening and awards ceremonies. With continued success of events held on Lower Main Street, Deer Valley has proposed three days of celebrations to occur. These celebrations include a concert, street entertainment, concessions, ice sculptures and fireworks. As proposed, the street entertainers as well as the Olympic warming caldrons throughout the entire street and not just in the Lower Main Street venue. The Main Street Celebrations begin at 6:00pm on both Thursday and Friday. Saturday's events start on Main Street at 1:00pm. Each night the events will conclude at 9:00pm with a fireworks display.

Deer Valley will close Lower Main Street, between Heber Avenue and 9th Street the afternoon of Wednesday, January 29th to begin the installation of the temporary structures for the venue. The temporary structures include a stage, to be placed at the north end of the street closure and a videoboard. The videoboard will be programmed with taped events from that day and a live feed of the events at Deer Valley on Saturday. Lower Main Street will be re-opened Sunday am after the temporary structures have been removed. The Lower Main Street merchants have been approached regarding the duration of the closure. At this time Staff has received no negative comments regarding this event from the merchants.

Security

A crowd size between 1,500 - 5,000 people are expected to attend the races with another 5,000 - 7,000 expected to attend the Main Street Celebrations. The largest crowd will be seen at the Saturday night event at Deer Valley. This event will be ticketed to ensure that the venue capacity is not exceeded. If the Saturday evening events sells out, there is still an opportunity for those not able to attend the event to watch it live on Lower Main Street. With the expected crowd size the applicant has contracted Contemporary Security to provide crowd control for the events. The security company will meet with the Park City Police Department prior to the event.

Building Permits

The event will require tent permits, trailer permits, lighting and bleacher permits. The resort will be using the City's bleachers which can accommodate some of the attendees. Similar bleachers will be rented to increase the seating capacity. All information regarding temporary structures will be submitted to the Building Department for permitting. The Building Department will also review and permit the fireworks which are planned for three evenings. Saturday evening will have two fireworks shows, one on Main Street and the second at Deer Valley.

Fee Waiver Request

Section 4-8-9 of the Municipal Code provides applicants for Master Festival and Special Event Licenses with criteria to request a waiver for all or a portion of associated fees. The Section further states that fee waiver requests for all new applications be reviewed and approved or denied by the City Council. Eligibility for a full or partial fee waiver shall be determined pursuant to the following criteria, none of which shall be individually controlling. Deer Valley Resort has requested a partial waiver of fees associated with the event. Please see text in italics for the applicant's response to the criteria.

8. For-profit or non-profit status of the Applicant;
Deer Valley Resort, profit/USSA, non-profit. This event is an international competition sanctioned by the FIS and are the only World Cup Slalom and Giant Slalom competitions in Park City this winter season. The U.S. Ski & Snowboard Association is a non-profit

organization which is the national governing body recognized by the U.S. Olympic committee to develop and prepare U.S. Ski and Snowboard Team athletes for national and international competition, including the Olympic games.

9. Whether the event will charge admission fees;
Qualifying events on 1/29-30/03: General admission Free, Bleacher seating $10
Final event on 1/31-2/1/03: General admission $8, Bleacher seating $20
Celebration on Main Street 1/30 - 2/1/03: FREE
Freestyle Celebration/Aerial Show - 2/2/03: FREE
10. Whether the event is youth-oriented;
Activities are oriented for all ages.
11. The duration of the event;
The competitions along with the Main Street Celebrations will run on January 29th through February 2nd. Day and evening events are scheduled.
12. Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;
Yes, the event will bring in approximately 300 athletes and coaches; 100 sponsors; 250 media all of which will lodge and dine in the Park City area. We are also planning an strong promotional campaign throughout the Wasatch Front to draw spectators to both the Deer Valley venue and the Main Street celebrations. In addition, the events will air on NBC: February 1st, 4-6 p.m. and February 2nd, 1:30 –3:30 p.m. (all times eastern), giving the Park City area domestic exposure. In addition, the events will air internationally on the following stations: CBC – Canada; MTV3 – Finland; NTV Plus – Russia; JSKY Sport – Japan; and Seven Network – Australia.
13. The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
Transit department, police department parking spaces, bleachers, tent fees, street sweeping, electronic street signs, and street banner installation. The television coverage and lodging of athletes and attendees will be a source of revenue to assist in covering the expenses of the event.
14. The season of occurrence; and,
This event is only held every two years. Interested venues must submit a bid to host the World Championships with the FIS. The next venue to host the World Championships Finland in the year 2005.
15. Demonstration of hardship by the Applicant.
Deer Valley and USSA are both experiencing hardships due to the complexity of hosting this international caliber event. An event of this magnitude requires extensive planning and financial expenses, but will bring international and national television coverage to the community. In addition, due to the economic state of the world, raising sponsorship dollars has been difficult.

Included within the recommendation of approval of the event, Staff has added a finding regarding the approval of a partial fee waiver per the request.

<u>ALTERNATIVES</u>

16. Approve the Fee Waiver and Master Festival License, as conditioned by staff, allowing the 2003 Freestyle FIS World Championships on January 29 through February 2, 2003, at Deer Valley Resort and on Lower Main Street.
17. Modify the parameters of the event and approve the Master Festival License and Fee Waiver, allowing the 2003 Freestyle FIS World Championships on January 29 through February 2, 2003, at Deer Valley Resort and on Lower Main Street.
18. Deny the Master Festival License, thereby preventing the 2003 Freestyle FIS World Championships on January 29 through February 2, 2003, at Deer Valley Resort and on Lower Main Street.
19. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:
Staff recommends approval of the Master Festival License and Fee Waiver for the 2003 Freestyle FIS World Championships on January 29 through February 2, 2003, at Deer Valley Resort and on Lower Main Street., based on the following:

Findings of Fact:

1. The 2003 Freestyle FIS World Championships on January 29 through February 2, 2003, at Deer Valley Resort and on Lower Main Street. The events include ski races, celebrations on Main Street, and fireworks. Additional parking lots will be located at the Boyer Lot, located at Kimball's Junction.
2. By providing alternative parking lots with separate shuttle service, the impacts from the event should be limited. The closure of Lower Main Street for the celebrations will be kept for three days and monitoring of those areas closed will occur. The conduct of the Championships events will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The applicant is working with a private security company to provide security for the venue as well as for the Main Street Celebrations. The security team will meet with the Park City Police Department to review procedures. The presence of the private security will reduce the number of Police Officers needed to monitor the event. The Championship's events will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The traffic surrounding the resort area will be monitored and a majority of Deer Valley Drive will be barricaded on both side to the round-about to maintain traffic flow. Additional, off-site, parking lots will be used to reduce the number of on street parking surrounding the venue. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival Licenses have been approved for this timeframe. Therefore the Freestyle Championships will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
6. The organizer is providing sanitation, security, and adequate insurance for the event.

7. With the security provisions proposed the Championship events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses. The Mass Gathering Permit for this event has been approved by Summit County.
10. The applicant shows significant reasons, such as the nature of the races as an event which promotes Park City as a Winter destination as well as maintains Park City's status as a World Class Resort, for a partial waiver of all City Services fees.
11. The Championship events are consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintain its status as a Wold Class Resort which hosts such events as this.

<u>Conclusions of Law</u>:
1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

<u>Conditions of Approval</u>:
1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by January 6, 2003.
2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

Exhibits
Exhibit A - Approval Document
Exhibit B - Fee Estimate

MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License: ____ **Special Event** **X Master Festival**

Event Name: 2003 Freestyle World FIS Championships

Event Date(s): **January 29, 2003 - February 2, 2003**

Event Location: **Deer Valley Resort and Main Street**

Licensee: **Deer Valley Resort**

Contact Person: **Ginger Ries**

Approved By: ___ **Special Events Manager** **X City Council of Park City**

Approval Date: **November 14, 2002**

The City Council has approved the Master Festival License for the 2003 Freestyle FIS World Championships, as conditioned, on January 29 through February 2, 2003, at Deer Valley Resort and on Main Street. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

12. The 2003 Freestyle FIS World Championships on January 29 through February 2, 2003, at Deer Valley Resort and on Lower Main Street. The events include ski races, celebrations on Main Street, and fireworks. Additional parking lots will be located at the Boyer Lot, located at Kimball's Junction.
13. By providing alternative parking lots with separate shuttle service, the impacts from the event should be limited. The closure of Lower Main Street for the celebrations will be kept for three days and monitoring of those areas closed will occur. The conduct of the Championships events will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
14. The applicant is working with a private security company to provide security for the venue as well as for the Main Street Celebrations. The security team will meet with the Park City Police Department to review procedures. The presence of the private security will reduce the number of Police Officers needed to monitor the event. The Championship's events will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
15. The traffic surrounding the resort area will be monitored and a majority of Deer Valley Drive will be barricaded on both side to the round-about to maintain traffic flow. Additional, off-site, parking lots will be used to reduce the number of on street parking surrounding the venue. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.

16. No other Master Festival Licenses have been approved for this timeframe. Therefore the Freestyle Championships will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
17. The organizer is providing sanitation, security, and adequate insurance for the event.
18. With the security provisions proposed the Championship events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
19. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
20. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses. The Mass Gathering Permit for this event has been approved by Summit County.
21. The applicant shows significant reasons, such as the nature of the races as an event which promotes Park City as a Winter destination as well as maintains Park City's status as a World Class Resort, for a partial waiver of all City Services fees.
22. The Championship events are consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintain its status as a Wold Class Resort which hosts such events as this.

Conclusions of Law:

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

Conditions of Approval:

1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting by January 6, 2003.
2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

DATE: November 14, 2002
DEPARTMENT: Special Events and Facilities
AUTHOR: Alison Butz
TITLE: Mountain Extreme Triathlon (MXT)
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, and consider approving the license for the Mountain Extreme Triathlon, as conditioned, on July 11, 2003.

A. TOPIC

Review of the Master Festival License Application, submitted by Bryant Christensen, Rock and Road, LLC., for the Mountain Extreme Triathlon on July 11, 2003.

B. BACKGROUND

Rock and Road, LLC. is coordinating an extreme triathlon which will take place in Park City starting on July 11, 2003. Rock and Road, LLC has been operating since 1997 and has organized the Yuba Rock and Road Triathlon, Utah Summer Games Triathlon and the Freedom Festival's 5K run. The extreme triathlon starts with a 2.4 mile swim followed by a 112 mile bike ride and is finished with a 26.2 mile run. The race begins at 6:00am at the Jordanelle Reservoir, all remaining check-in and transition points will be at the Treasure Mountain Middle School. Due to the race distances the first runner is not expected to cross the finish line until 9:00pm. The remaining athletes will filter through the area throughout the night. The finish area will be controlled by the organizers and will remain open until 6:00am the next day.

C. ANALYSIS

The organizers are proposing to have music, food and sponsor tents set up to the east of the middle school to greet finishers as well as to provide entertainment for the athletes' crew between transitions and the finish. Permission has been received for use of the area east of the building where the transition area and finish line will be located as well as the parking lot.

Two to four hundred people are expected to compete in the event. There will be a maximum number of entrants placed on the event, that maximum is six hundred. With the long distances proposed for each leg of the event, racers are not anticipated to finish before 9:00pm. The event organizers have agreed to shut-down all activities associated with the finish line at 10:00pm leaving subdued lighting and a silent finish for the racers with minimal staffing. Cut-off times at certain distances will be maintained to keep racers from falling too far behind.

The route begins at the Jordanelle Reservoir with the swim, then takes racers through the Park City trail system for the bike route. A bike check-up midway through the course will occur at the middle school. Racers will access the area by using Lucky John Drive. At no time will roads need to be closed to accommodate the race route. Organizers will man the major street crossings with volunteers and will require that participants stop at the crosswalks. The transition from the bike portion to the running portion of the race will take place at the middle school with access to the area being from Lucky John Drive. Since the distances of the race are so long there will not be large groupings of racers through the City streets to negatively impact traffic.

ALTERNATIVES

5. Approve the Master Festival License, as conditioned by staff, allowing the Mountain Extreme Triathlon on July 11, 2003.
6. Modify the parameters of the event and approve the Master Festival License, allowing the Mountain Extreme Triathlon on July 11, 2003.
7. Deny the Master Festival License, thereby preventing the Mountain Extreme Triathlon on July 11, 2003.
8. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends the City Council conduct a public hearing and approve a Master Festival for Mountain Extreme Triathlon on July 11, 2003 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. The Mountain Extreme Triathlon will be held in Park City on July 11, 2003. The event includes a swim, bike and running course which takes place on portions of trails and streets within Park City. The field to the east of the Treasure Mountain Middle School will house the transition area and finish line.
2. The parking for the event staff and racers' support crew will be accommodated at the middle school parking lot. No street closures will occur for the event. The conduct of the Mountain Extreme Triathlon will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The applicant will provide volunteers to man any major street crossing. The Mountain Extreme Triathlon will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. Areas along Lucky John will be barricaded to prevent additional on street parking resulting from this event. The parking lots at the middle school will be adequate to contain the parking demand for this event. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival Licenses has been approved for this timeframe. Therefore the Mountain Extreme Triathlon will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
6. The organizer is providing sanitation, and adequate insurance for the event.
7. With the security provisions proposed the Mountain Extreme Triathlon events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses.
10. The Mountain Extreme Triathlon is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintain its status as a Wold Class Resort which hosts such events as this and to increase the number of events in the Summer.

Conclusions of Law:

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

Conditions of Approval:

1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting.

2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. All music and activities, other than minimal lighting, shall be turned off at 10:00pm to maintain a quiet finish for the athletes.
4. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
5. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

Exhibits

Exhibit A - Approval Document
Exhibit B - Course Description
Exhibit C - Site Plan

MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License: ____ **Special Event** **X Master Festival**

Event Name: Mountain Extreme Triathlon

Event Date(s): **July 11, 2003**

Event Location: **Treasure Mountain Middle School**

Licensee: **Rock and Road, LLC.**

Contact Person: **Bryant Christensen**

Approved By: ___ **Special Events Manager** **X City Council of Park City**

Approval Date: **November 14, 2002**

The City Council has approved the Master Festival License for the Mountain Extreme Triathlon on July 11, 2003. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

23. The Mountain Extreme Triathlon will be held in Park City on July 11, 2003. The event includes a swim, bike and running course which takes place on portions of trails and streets within Park City. The field to the east of the Treasure Mountain Middle School will house the transition area and finish line.
24. The parking for the event staff and racers' support crew will be accommodated at the middle school parking lot. No street closures will occur for the event. The conduct of the Mountain Extreme Triathlon will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
25. The applicant will provide volunteers to man any major street crossing. The Mountain Extreme Triathlon will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
26. Areas along Lucky John will be barricaded to prevent additional on street parking resulting from this event. The parking lots at the middle school will be adequate to contain the parking demand for this event. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
27. No other Master Festival Licenses has been approved for this timeframe. Therefore the Mountain Extreme Triathlon will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
28. The organizer is providing sanitation, and adequate insurance for the event.

29. With the security provisions proposed the Mountain Extreme Triathlon events will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
30. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant has demonstrated an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter or has failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
31. The applicant has been working with the Park City Fire District and the Summit County Health Department to obtain all applicable licenses.
32. The Mountain Extreme Triathlon is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintain its status as a Wold Class Resort which hosts such events as this and to increase the number of events in the Summer.

Conclusions of Law:

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

Conditions of Approval:

1. All plans for tents, stages and other temporary structures shall be submitted to the Building Department for review and permitting.
2. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
3. All music and activities, other than minimal lighting, shall be turned off at 10:00pm to maintain a quiet finish for the athletes.
4. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
5. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

PASSED AND APPROVED this 14th day of November, 2002.

DATE: September 19, 2002
DEPARTMENT: Facilities and Special Events
AUTHOR: Michelle Bridge Barrus
TITLE: Park City Chamber Bureau Employee Appreciation Party
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, consider approving the license for the Park City Chamber Bureau Employee Appreciation Party December 12, 2002, at City Park.

A. TOPIC

Review of the Master Festival License Application, submitted by the Park City Chamber Bureau, a non-profit corporation for the employee appreciation party on December 12, 2002, at City Park.

B. BACKGROUND

The Master Festival License application submitted by the Park City Chamber Bureau requests approval for an Employee Appreciation Party to be held at City Park on December 12, 2002. The Chamber Bureau wants to thank its employees with a public party at City Park that would include music, food and beverage. This is the first time this annual event has been held outside on City property. It is anticipated that this event will draw approximately 200-300 people and will run from 6:00-9:00 p.m.

C. ANALYSIS

The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions or deny the applications. The Park City Chamber Bureau Employee Appreciation Party is being reviewed as a Master Festival due to the fact it is on public property.

The organizers are expecting a crowd of 200-300 to attend this event. A live band will play from 6:00-9:00 p.m. depending on weather. Due to the size of the anticipated crowd and the duration of the event, adequate parking is available at City Park as well as the parking spaces available in the MaWhinney Lot and additional on Park Avenue.

4. DEPARTMENT REVIEW

The proposed MFL has been reviewed by the Legal Department, and the Special Events Department, and the Acting City Manager.

ALTERNATIVES

1. Approve the Master Festival License, as conditioned by staff, allowing The Park City Chamber Bureau Employee Appreciation Party to take place on December 12, 2002 at City Park, or

2. Modify the parameters of the event and approve The Park City Chamber Bureau Employee Appreciation Party to take place on December 12, 2002 at City Park, or
3. Deny the Master Festival License, thereby preventing The Park City Chamber Bureau Employee Appreciation Party from taking place on December 12, 2002 at City Park, or
4. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:
Staff recommends approval of the Master Festival License to allow the Park City Chamber Bureau to put on an Employee Appreciation Party on December 12, 2002, at City Park.

Findings of Fact:
1. The Park City Chamber Bureau Employee Appreciation Party will be held at City Park on December 12, 2002 The event consists of a amplified music, beer concessions, and distribution of free food.
2. Parking for the anticipated crowd size (estimated at 200-300 people) throughout the duration of the event can be accommodated by the available parking in the Mawhinney lot, City Park, and Park Avenue. The conduct of December 12, 2002 will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The events associated with December 12, 2002 will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. No other Master Festival License has been approved for December 12. December 12, 2002 will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions on those dates.
5. The organizer is providing adequate insurance for the event.
6. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
7. The applicant has been working with City Staff and applicable departments to address all event concerns.

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

Conditions of Approval:
1. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided.
2. The Applicant shall provide to the Special Events Manager proof of liability insurance as required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured.

3. The applicant must monitor sound levels to reduce impact on adjacent residents.
4. The applicant must get permission from the County Board of Health to Serve food to the public.
5. The applicant must obtain a beer license from the Park City Business License Department.

Date: November 14, 2002
Department: Planning Department
Title: 345 Deer Valley Drive
Type of Item: Legislative

Summary Recommendation: Staff recommends that City Council approve the proposed plat amendment to combine one full lot and three partial lots in Block 65 of the Park City Survey into one 5,399 square foot lot.

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4. Topic

Owner: Michael Posner
Location: 345 Deer Valley Drive
Zoning: R-1
Adjacent Land Uses: Residential, Deer Valley Drive
Project Planner: Kevin LoPiccolo
Date of Application: September 4, 2002

Application Background:

The proposed application is to combine one full lot and three partial lots in Block 65 of the Park City Survey into one 5,399 square foot lot. The property is zoned R-1. The lots are located on the north side of Deer Valley Drive near the intersection of Deer Valley Drive and platted Allison Street. The applicant is proposing one duplex. A duplex is a permitted use within the R-1 zone, but in order to allow the applicant to build on the lots, a plat amendment is needed to meet the minimum lot size. The development pattern in this area consists of single-family, duplexes, and multi-family units.

The Planning Commission at their October 23, 2002 meeting reviewed this application request and forwarded a positive recommendation to the City Council.

5. Analysis

The property is zoned R-1. The proposed plat creates a 5,399 square foot lot and would have access off Deer Valley Drive. The minimum lot area is 3,750 square feet for a duplex. The minimum lot width is thirty seven and one-half (37½) feet, measured fifteen (15') feet back from the front lot line. The proposed plat amendment complies with the Land Management Code, Section 15-2.12-3(A) Lot Size.

Use: The applicant's proposed use is permitted in the R-1 District pursuant to the LMC Section 15-2.12-2 (A) Allowed Uses. The applicant is proposing one duplex with on-site parking provided a Plat Amendment is approved.

The R-1 District is a transition zone between the single-family and duplex uses of the HR-1 District and the more intense multi-family developments of the Deer Valley area's RM District.

The intent of the R-1 District is to allow the continuation of uses and architectural scale found in Old Town. The proposed duplex would need to be consistent with this transition area.

Density: As currently platted, the applicant would not be able to obtain a building permit to develop the property without first obtaining plat amendment to meet the R-1 District lot size requirements. The R-1 District requires 2,812 square feet for a single-family unit, 3,750 for a duplex. The property is currently platted into 1,875 square foot lots and remnants thereof. Staff has determined that the R-1 Zone would allow a maximum density of up to a duplex on the 5,399 square foot parcel.

Criteria for Review:
Plat amendments require discretionary approval by the City. Pursuant to the Land Management Code and State Subdivision statutes, the Council must be able to conclude that:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Public Input:
All owners within 300' of the property were noticed. As of the date of this report, no comments have been received.

D. Department Review.

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat before the plat is recorded.

Significant Impacts:

The proposed amendment will result in one (1) lot which will meet the lot requirement for the R-1 District. The plat amendment will not increase the density of what is allowed in the zone.

E. Recommendation

Staff recommends that the City Council approve the amended plat for all of lot 18 and part of lots 16, 17and 19 of Block 65, Park City Survey into one lot, based on the following Findings of Fact, Conclusions of Law and Conditions of approval;

Findings of Fact:

3. The property is located at 345 Deer Valley Drive in the Residential (R-1) District.

4. The Planning Commission reviewed this application request at their October 23, 2002 meeting.
5. The proposed plat creates a 5,399 square foot lot.
6. The applicant is proposing a duplex.
7. The minimum lot size allowed for a duplex dwelling is 3,750 square feet.
8. The applicant's proposed use (duplex) is permitted in the R-1 District pursuant to the LMC Section 15-2.12-2 (A) Allowed Uses.
9. The proposed plat amendment will combine all of lot 18 and portions of lots 16, 18, and 19 of Block 65, Park City Survey into one lot of record measuring 5,399 square feet.
10. The plat amendment will not increase density on the lot.
11. No remnant lot is created.
12. The lots exceed 40% slope.
13. The applicant stipulates to all conditions of approval.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended plat.

Conditions of Approval:

1. The City Attorney and City Engineer review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.
3. All standard Project Conditions shall apply and Land Management Codes shall apply.
4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
5. A note shall be added to the plat requiring that all structures including decks in excess of 30 inches above grade, shall maintain a 75-foot rear yard setback.

F. Exhibits

Exhibit A - Proposed Plat Amendment

Exhibit B - Planning Commission Minutes, October 23, 2002

Exhibit C - Draft Ordinance

AN ORDINANCE APPROVING THE AMENDED RECORD OF SURVEY FOR A PLAT AMENDMENT TO COMBINE ALL OF LOT 18 AND PART OF LOTS 16, 17 AND 19 OF BLOCK 65, PARK CITY SURVEY INTO ONE LOT OF RECORD AT 345 DEER VALLEY DRIVE, PARK CITY, UTAH

WHEREAS, the owner, Michael Posner, of the property at 345 Deer Valley Drive Park City, Utah have petitioned the City Council for approval for an amendment to the final Park City Record of Survey; 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 23, 2002 the Planning Commission held a public hearing to receive public input on the proposed amendment to the Park City Record of Survey 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.

WHEREAS, the proposed amendment to the Park City Record of Survey allows the owner to combine all of Lot 18 and parts of Lots 16, 17 and 19 of Block 65, Park City Survey into one lot of record;

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Record of Survey;

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.

9. The property is located at 345 Deer Valley Drive in the Residential (R-1) District.
10. The Planning Commission reviewed this application request at their October 23, 2002 meeting.
11. The proposed plat creates a 5,399 square foot lot.
12. The applicant is proposing a duplex.
13. The minimum lot size allowed for a duplex dwelling is 3,750 square feet.
14. The applicant's proposed use (duplex) is permitted in the R-1 District pursuant to the LMC Section 15-2.12-2 (A) Allowed Uses.
15. The proposed plat amendment will combine all of lot 18 and portions of lots 16, 18, and 19 of Block 65, Park City Survey into one lot of record measuring 5,399 square feet.
16. The plat amendment will not increase density on the lot.
17. No remnant lot is created.
18. The lots exceed 40% slope.
19. The applicant stipulates to all conditions of approval.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

4. There is good cause for this plat amendment.
5. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
6. Neither the public nor any person will be materially injured by the proposed amended plat.
7.

SECTION 3. RECORD OF SURVEY. The subdivision plat, known as 345 Deer Valley Drive, Block 65, Park City Survey, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer review and approve the final form and content of the Plat Amendment for compliance with the Land Management Code and conditions of approval prior to recordation.
2. The applicant shall record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one years time, this approval and the plat will be void.

3. All standard Project Conditions shall apply and Land Management Codes shall apply.
4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
5. A note shall be added to the plat requiring that all structures including decks in excess of 30 inches above grade, shall maintain 75-foot rear yard setback.

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

PASSED AND ADOPTED this 14th day of November, 2002.

DATE: 11/14/02

DEPARTMENT: OCMB

AUTHOR: Gary Hill

TITLE: Ordinance Amendments Making Technical Corrections for For-Hire Vehicles

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Council should adopt the ordinance making technical corrections to the City's Business License Code as it pertains to For-Hire Vehicles (taxis, limousines, and shuttles).

DESCRIPTION:

A. Topic: Ordinance amending the Business License Code for transportation companies and For-Hire Vehicles.

B. Background: On October 31, City Council amended the Taxi Licensing Ordinance in the Municipal Code to address concerns received from taxi companies operating in the City. In sum, complaints generally concerned enforcement, identification stickers, and licensing procedures. The new ordinance made several changes to the licensing requirements for For-Hire Vehicles.

Additionally, Council directed the Public Safety department to increase enforcement within available resources and directed staff to inform For-Hire Vehicle businesses operating in the Park City / Salt Lake City area of the changes to the ordinance.

While formalizing the internal licensing procedures and public education component, staff noticed two errors in the ordinance that were overlooked during the review on October 31st. (1) The definition of a "Continuing Trip," no longer permitted in Park City, was not deleted from the ordinance, and (2) an insurance requirement that the City already requires for larger vehicles was inadvertently excluded.

C. Analysis:

1) Although the term "Continuing Trip" (defined as a round trip service prepaid for the same calendar day originating outside of Park City limits) is listed in the Definitions section of the ordinance, it is not referred to elsewhere in the body of the ordinance and is no longer permitted as directed by City Council. Deleting the definition makes no substantive change to the ordinance and is simply a house keeping matter.

2) In the City's original taxi ordinance, shuttles with 16 or more passengers were required to carry more insurance ($5,000,000) than shuttles or taxis with smaller passenger capacities ($1,500,000). This distinction was inadvertently excluded from the new ordinance when the different vehicle types were combined into the single For-Hire Vehicle category. The City has always required more insurance for these larger vehicles, so this does not constitute an increased burden for those businesses or a departure from the City's policy. This is also required in State and Federal regulations.

D. Department Review: OCMB, City Manager, Finance, Legal

ALTERNATIVES:

A. **Council should adopt the ordinance amending the Title 4, Chapter 15 of the Municipal Code regulating licensing of For-Hire Vehicles.**

B. **Continue the Item:** Council could continue the item until November 21st.

C. **Do Nothing:** This would result in a difference between the City's understood policy and its written policy.

SIGNIFICANT IMPACTS: There are no significant impacts. These changes are technical in nature.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

State and federal regulations require that for-hire vehicles with a passenger capacity of 16 or more persons carry at least $5,000,000 insurance. The City would be out of compliance with respect to State and Federal requirements.

RECOMMENDATION: Council should adopt the ordinance amending Title 4, Chapter 15 of the Municipal Code regulating licensing of for-hire vehicles.

Attachments:

Ordinance

AN ORDNANCE AMENDING TITLE 4, CHAPTER 15 OF THE MUNICIPAL CODE, REGULATING LICENSING OF FOR-HIRE VEHICLES

WHEREAS, Park City has an interest in promoting public health, safety, and welfare, and

WHEREAS, Park City wishes to protect the right of businesses to operate For-Hire Vehicle services in Park City, and

WHEREAS, proper inspection and licensing of For-Hire Vehicles promotes the public health, safety, and welfare as well as better business practices, and

WHEREAS, City Council has determined that amending the Municipal Code is necessary to ensure proper inspection and licensing,

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

SECTION 1. FINDINGS: The Council finds that:

I. It is in the best interest of the health, safety, and welfare of the citizens of Park City to regulate the licensing of For-Hire Vehicles operating within the City.

SECTION 2. AMENDMENT TO TITLE 4, CHAPTER 15 OF THE MUNICIPAL CODE. Title 4, Chapter 15 is hereby amended as follows:

CHAPTER 15 - FOR-HIRE VEHICLE LICENSING

4-15- 1. DEFINITIONS.

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

(A) **CERTIFICATE OF INSPECTION**. The form pursuant to §4-15-5 certifying the For-Hire Vehicle has passed all requirements established in the Park City Vehicle Inspection Checklist. Park City will accept a current Salt Lake City Vehicle Inspection Checklist in lieu of a Certificate of Inspection.

~~(B) **CONTINUING TRIP**. Any round trip service prepaid for the same calendar day originating outside of Park City limits.~~

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

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

~~(E)~~(D) **FOR-HIRE VEHICLEBUSINESS LICENSE**. A Park City business license issued by Park City authorizing the licensee thereof to conduct a For-Hire Vehicle business.

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

~~(G)~~(F) **FOR-HIRE VEHICLE STICKER**. A Sticker issued by the City indicating that the owner of the vehicle has met all requirements to obtain a business license from the City to conduct a For-Hire Vehicle business.

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

~~(I)~~(H) **TAXICAB**. A vehicle used to transport passengers for a Fare.

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

(A) No person shall operate or permit a For-Hire Vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained a For-Hire Vehicle business license from the City in accordance with the procedures established in this Chapter.

(B) No person shall operate or permit a For-Hire Vehicle owned or controlled by such person to be operated as a vehicle for hire upon the streets of Park City without first having obtained commercial transportation insurance coverage for at least $1,500,000.00 per vehicle if the vehicle's seating capacity is fifteen (15) or less including the driver. If the vehicle seats sixteen (16) or more passengers, the owner is to provide proof of commercial transportation insurance coverage for at least $5,000,000.00 per vehicle. Proof of this commercial insurance shall be required prior to the issuance of the For-Hire Vehicle permit.

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

(D) All vehicles that have been licensed by the City shall be issued a For-Hire Vehicle sticker that shall be used as an identifying marking. The For-Hire Vehicle sticker must be placed on the bottom left corner of the rear widow of the vehicle on the drivers side.

The For-Hire Vehicle sticker shall be issued by the City and the numbers on the sticker shall correspond to the numbers on the business license.

(E) All For-Hire Vehicles shall have in the driver's possession a copy of the current Certificate of Inspection or a Salt Lake City Corporation Vehicle Inspection Checklist, a copy of the business license, proof of insurance as required in §4-15-2(B), and the driver shall have a "Z" or "P" Endorsement on their Utah State Driver's License. Failure to produce any of this information may result in the issuance of a citation.

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

(G) All office space must comply with the Park City Land Management Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 14th day of November, 2002.

DATE: 11/14/02

DEPARTMENT: OCMB

AUTHOR: Mark Christensen

TITLE: Old Town Business Improvement District

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Council should:

VI. Adopt the Resolution of Intent to enter into a contract with the HMBA for the administration of the Old Town BID; and

VII. Adopt the Ordinance amending Title 4, Chapter 2 of the Municipal Code, which imposes a penalty for non-payment of the BID tax and establishes a hardship clause.

DESCRIPTION:

A. Topic: Old Town Business Improvement District

B. Background:

On November 7, 2002, City Council approved the creation of the Old Town Business Improvement District (BID). At that time, Council considered a Resolution of Intent to enter into a public service contract with the Historic Main Street Business Alliance (HMBA) to administer the funds generated for the BID. The Resolution of Intent explained that the HMBA's roles and responsibilities would be set forth in the contract, and that the contract would require that costs to the City (both start-up and annual administrative costs) be paid for out of the new Fund. The resolution would also have required that the contract be executed by December 31, 2002.

At the public hearing, City Council requested that staff return with a new resolution addressing a budget and marketing plan, accountability measures, stipulating an extended contract execution date, and removing the cost-recovery requirement.

On November 7th, Council was also given a draft ordinance that would impose a penalty on businesses within the Business Improvement District for failing to pay the BID assessment. The penalty was to deny renewal of the City's business license. Council requested that staff return with the ordinance and include a hardship clause allowing for deferred payment similar to that found in the business license ordinance.

C. Analysis:

Resolution of Intent

The new Resolution of Intent (attached) incorporates the changes identified by Council on Nov. 7th. The resolution has extended the contract execution deadline to no later than April 1, 2003 to give the City, the HMBA, and businesses within the District more time to discuss and develop appropriate measures for the administration of the BID. The Resolution specifically discusses the following concerns:

Budget and Marketing Plan - One of the concerns expressed by City Council was how the HMBA would use and account for the District funds. The Resolution of Intent now requires that any contract include a budget and marketing plan to be approved by a majority of the members of the BID before funds are distributed to the HMBA.

Accountability and Measurement - The Resolution also requires the inclusion of performance measures and goals to evaluate how well the HMBA is administering the District's funds. These measures will be more fully developed through the contract discussions, but will incorporate qualitative and quantitative measures.

Cost Recovery - Staff estimated that first year start-up costs for the City would total approximately $4,000 and annual administrative costs would be about $2,000. On November 7th, City Council discussed that this provision should be removed from the Resolution and not included as a part of a service contract. At this time, it is staff's understanding that the City will absorb these costs. If Council would like to include partial or total cost-recovery measures in the contract, it should be discussed during the Council meeting on Nov. 14th and added at that time.

Business License Ordinance

The business license ordinance (attached) makes two changes to the existing business license code. First, it provides that a business license certificate shall not be issued if a business within the BID does not pay the BID tax. Second, it allows a business to pay the BID tax over a period of three (3) months from the January 15 due date if the City finds that the business experiences a hardship sufficient to qualify. This is the same policy that applies to a business wishing to defer payment of its business license fees.

D. Department Review: OCMB, Legal, Finance, City Manager

ALTERNATIVES:

A. Council should:

1) Adopt a Resolution of Intent to enter into a public service contract with the HMBA before April 1, 2003 to administer the Old Town Business Improvement District.

2) Adopt an Ordinance to amend Title 4, Chapter 2 of the Municipal Code, which would impose a penalty for non-payment of the BID tax and extend a payment deferment of the tax upon a showing of hardship.

B. Change the Ordinance or Resolution: Council could change the Resolution or amend the Ordinance.

C. Continue the Item: Council could continue the item to further develop and define contract conditions.

D. Do Nothing: Council could decide to not sign the Resolution of Intent.

<u>SIGNIFICANT IMPACTS:</u>

Staff has incorporated the changes requested on November 7th. If Council approves the Resolution of Intent, these changes will be incorporated in the contract with the HMBA

The changes to the Business License Code make the District tax enforceable yet allows flexibility for hardship situations.

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:</u>

Adopting the Resolution of Intent would require the HMBA to discuss funding, marketing, and performance issues with businesses in the BID before a public service contract could be executed. It is likely that businesses and the HMBA will come to a consensus as to how the District funds will be used and accounted for.

The Ordinance provides a penalty for non-payment of the BID tax. This is a necessary change to require compliance with the Old Town BID. Removal of the hardship clause would compel businesses to pay the BID tax by January15th regardless of hardships or revenue flows affected by conditions such as the seasonal nature of a resort economy.

Attachments:

- Resolution declaring the Intent of City Council to enter into a Contract with the HMBA for services related to the Old Town Business Improvement District.
- Ordinance amending the Business License Code

AN ORDNANCE AMENDING TITLE 4, CHAPTER 2 OF THE MUNICIPAL CODE, BUSINESS LICENSING IN GENERAL

WHEREAS, the City Council of Park City has established the Old Town Business Improvement District (hereinafter "District") pursuant to the Utah Parking and Business Improvement Act to promote business activity within the District; and

WHEREAS, the City will levy a tax on all businesses within the District, which tax shall be based on the Park City Business License Fee Schedule (Park City Municipal Code 4-2-17) in an amount not to exceed $1,000 annually; and

WHEREAS, City Council has determined that non-payment of the District tax will result in the denial or revocation of the businesses license or prevent its renewal; and

WHEREAS, City Council has determined that certain businesses should, upon a showing of hardship, be allowed to defer payment of the District tax;

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

SECTION 1. AMENDMENT TO TITLE 4, CHAPTER 2 OF THE MUNICIPAL CODE. Title 4, Chapter 2 is hereby amended as follows:

CHAPTER 2 - BUSINESS LICENSING IN GENERAL

4- 2-23. FEE AND TAX PAYMENTS, RENEWALS AND PENALTY.

The annual business license fee provided in this Title shall be due and payable to the City on or before the first day of January of each year for renewals of licenses for businesses which were licensed the previous year. Business licenses for previously unlicensed businesses shall be issued for the unexpired portion of the calendar year in which issued unless issued between October 1 and December 31, in which case the license shall be valid until December 31 of the year following the issuance of the license, upon payment of 125% of the annual license fee, as set forth in Section 4-2-13 above.

If the renewal license fee is not paid on or before January 15 of the year in which the renewal license is due, there shall be a business license enforcement fee imposed of twenty-five percent (25%) of the license fee imposed by this Chapter or twenty-five dollars ($25.00) whichever is greater.

If the renewal license fee is not paid in full on or before February 15th of the year in which the renewal fee is due, the business license enforcement fee shall be increased to fifty percent (50%) of the license fee imposed by this Chapter or twenty-five dollars ($25) whichever is greater.

If the renewal license fee is not paid on or before March 1st of the year in which the renewal fee is due, the business license enforcement fee shall be increased to one-hundred percent (100%) of the license fee imposed by this Chapter.

Upon a proper showing that the business is of such a seasonal nature that business has not been conducted to date, the Director or his or her designee may waive the business license enforcement fee of said renewals.

Upon a showing of hardship acceptable to the Director or his or her designee, the licensed business may be allowed to pay the business license fees ***and/or the Old Town***

Business Improvement District tax due over a period of time not to exceed three (3) months from the *January 15th* due date, with interest on the unpaid balance at the rate of eighteen percent (18%) per annum.

Any previously licensed business cited for engaging in business in violation of this Title shall have five (5) days from the date of citation to come into compliance with this Title. Failure of the licensee to reach compliance within 5 days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.

If a licensed business enlarges its place of business or increases its capacity for conducting business (i.e., adding square footage, increasing number of vending machines, number of employees, bid limits, or increasing hourly user capacity), an additional license fee shall be due and payable to the City and shall be prorated on the basis of one-twelfth (1/12th) of the total annual fee on the enlargement or increase for each month remaining in the unexpired portion of the calendar year, including the month in which such increase is accomplished. The additional license fee for adding square footage shall be due and payable on the date the City issues the occupancy permit.

If a business within the Old Town Business Improvement District (BID) does not pay the BID tax, a renewed license certificate shall not be issued or may be revoked pursuant to Section 4-2-9.

4- 2-25. RENEWAL OF LICENSE CERTIFICATE.

Upon receipt of the license fee ***and Old Town Business Improvement District tax (if applicable)***, the Division shall issue a license certificate valid through December 31 of the next year.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this 14th day of November, 2002.

A RESOLUTION DECLARING THE INTENTION OF THE PARK CITY COUNCIL TO ENTER INTO A PUBLIC SERVICE CONTRACT WITH THE HISTORIC MAIN STREET BUSINESS ALLIANCE FOR THE ADMINISTRATION OF THE OLD TOWN BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, Utah Parking and Business Improvement District Act, Utah Code Ann. §§ 17A-3-401 to – 414, 1953, as amended provides that a county or a municipality may establish a parking and business improvement district for the purpose of general promotion of business activities within the district which may include promotion of general business activities within the district, for the benefit of the businesses within the district;

WHEREAS, The City Council of Park City has established a business improvement district, known as the "Old Town Business Improvement District" (the District) pursuant to the Utah Parking and Business Improvement District Act, Utah Code Ann. §§ 17A-3-401 to – 414, 1953, as amended;

WHEREAS, the Historic Main Street Business Alliance (HMBA) is a private, non-profit organization charged with the promotion of the businesses within the District;

WHEREAS, Park City may contract for professional services based on the services needed, the abilities of the contractors, the uniqueness of the service and the general performance of the contractor;

NOW THEREFORE, be it resolved by the City Council of Park City as follows:

SECTION 1. INTENT TO ENTER INTO PUBLIC SERVICE CONTRACT.

1. It is the intent of the City Council of Park City to enter into a public service contract with the HMBA to administer funds from the Old Town Business Improvement Fund (Fund) for the benefit of the businesses within the Old Town

Business Improvement District. The recitals above are hereby incorporated as findings.The relationship between the City and the HMBA will be set forth in a public service contract to be executed prior to April 1, 2003. The contract will stipulate roles and responsibilities, reporting and accounting requirements, and all other elements necessary to the administration of the District.

2. Before funds are distributed to the HMBA, the contract will require the development of a budget and marketing plan to be approved by a majority of the members of the District attending a duly noticed meeting. The plan will outline how the District funds will be used for the promotion of business activities within the District.

3. The contract will also incorporate quantifiable and qualitative goals and measures with a specified review period to evaluate the organization's contract performance as administrators of the Fund. Failure to develop or meet the goals and measures will result in funds not being distributed to the HMBAe contractual relationship between the City Council and the HMBA shall not be construed as establishing an administrative board pursuant to Utah Code Section 17A-3-412.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective upon adoption. Passed and adopted this 14thth day of November, 2002.

DATE: November 8, 2002

DEPARTMENT: Office of Capital Management and Budget

AUTHOR: Linda Cook

TITLE: Canvass of Special Bond Election

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt a resolution cavassing the voter returns of the November 5th Special Bond Election.

DESCRIPTION:

A. **Topic:** Canvass of Special Bond Election. The Open Space Bond was overwhelmingly supported by Park City residents capturing 1,467 (79.4%) of the votes with 381 (20.6 %) against.

B. **Background:** The Utah Code requires the Board of Canvassers (the Mayor and the municipal legislative body) to meet and canvass the results of the special election. Absentee and provisional ballots (not received on or before Nov. 5th) will be added to the total. Final tallies will not be available until Thursday, November 14th. The County Clerk will transmit the vote totals to the Lieutenant Governor. Bond Counsel Chapman and Cutler has prepared a draft resolution, a copy of which is attached. Kent Jones, Summit County Clerk has forwarded the Judges' Election Return and Report from each voting precinct (9 precincts). Jan Scott, City Recorder, has certified each report and they are available in her office should the Council wish to inspect them.

C. **Analysis:** The election results are not considered "official" until they are canvassed by the Board of Canvassers, in this case the Mayor and Council.

D. **Department Review:** N/A

ALTERNATIVES:

A. Approve the Request: Recommended Action

B. Deny the Request: Unless the City Council perceives some irregularity or procedural problem, this option does not apply.

C. Continue the Item: November 14th represents the only regularly scheduled Council meeting date for the City to canvass the returns to meet the time limitations imposed by Utah Code (Canvassing for bond elections must be done within 10 days of the election).

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: See B. and C. above.

RECOMMENDATION: Canvass and certify the results of the November 5th Special Bond Election by adopting a resolution to be presented at the November 14th Council meeting.

(Documents available at City Recorder's Office 615-5007)