TENTATIVE MASTER AGENDA

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 7, 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 7, 2002.

Work Session

4:00 p.m. Council questions/comments

4:30 p.m. Review of regular meeting:

- Old Town business improvement district
- Sundance Film Festival 2003
- Second Street Stairs

5:40 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV CONSENT AGENDA PUBLIC HEARING

First Amendment and Addendum to City Services Agreement between Park City and the Sundance Institute

V CONSENT AGENDA

1. First Amendment and Addendum to City Services Agreement between Park City and the Sundance Institute

2. Resolution declaring November 10 - 16, 2002 as Park City Education Foundation Week in Park City, Utah

3. Award of construction contract to Thiede Construction Corp. In the amount of $24,951 for 2nd Street stairs retread

VI PUBLIC HEARING

Continuation of hearing on Park City Old Town Business Improvement District

VII OLD BUSINESS

1. Resolution creating the Park City Old Town Business Improvement District to promote business activity and economic development in the old town area, by assessing business within the district a tax based on a base fee, business size, and use

2. 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: 11/04/02

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

November 2002

14	Canvass of special bond election
	MFL - Freestyle World Championships at Deer Valley Resort and Lower Main Street from January 30 through February 1
	MFL - Mountain Extreme Triathlon - July 11, 2003
	Ordinance - 345 Deer Valley plat amendment - KL
	Analysis of Main Street uses - work - RL
	Water Bond Parameters Resolution.
21	Chamber/Bureau quarterly update
	OTIS final report - CH
	Public Hearing CDBG
	Trash Update
	Ordinance - 350 ½ Main Street plat amendment - RM
28	*Thanksgiving Day*

December

5	Public Hearing CDBG
12	
19	Annexation Policy Plan and LMC Chapter 8 (work 40 min) public hearing
	2003 Insurance
26	No Meeting

Nightly rentals
Pechnik property
Fee resolution review - June 2003

DATE:	**November 7, 2002**
DEPARTMENT:	**Facilities and Special Events**
AUTHOR:	**Alison Butz**
TITLE:	**First Amendment and Addendum to City Services Agreement between Park City and the Sundance Institute (Agreement)**
TYPE OF ITEM:	**Master Festival License Application**

SUMMARY RECOMMENDATIONS: Review the 1st Addendum to the Agreement between the Sundance Institute and Park City Municipal Corporation, conduct a public hearing, and consider approving the addendum clarifying supplemental plans as well as approving the Sundance Film Festival Park City Celebration on Main Street, as conditioned, on January 17, 2003, on Lower Main Street.

A. TOPIC

Review of the 1st Addendum to the Agreement between the Sundance Institute and Park City Municipal Corporation clarifying supplemental plans and for the Celebration event on January 17, 2003, on Lower Main Street.

B. BACKGROUND

The Master Festival License application submitted by the Sundance Institute requests approval for the Sundance Film Festival Park City Celebration on Main Street to be held on Lower Main Street. The event includes street entertainment as well as a performance from a band.

Beginning the morning of Friday, January 17th, Lower Main Street will be closed to start the construction of the temporary structures for the event. At 6:00 pm, Sundance will have a variety of crowd entertainers to draw crowd to venue. At 8:00pm the stage will be programmed with music from artists featured in 2003 festival films. The event concludes at 10:00pm and dismantling of the temporary structures begins. The applicant proposed to have Lower Main Street reopen at midnight.

C. ANALYSIS

Clarification on existing text is included as a portion of this amendment. Additionally, the existing Agreement briefly addresses Sundance's ability to close Main Street for events, the City Council will still need to approve the first addendum to the Agreement to allow for the Celebration Event on Main Street.

Event Schedule

Beginning the morning of Friday, January 17th, Lower Main Street will be closed to start the construction of the temporary structures for the event. At 6:00 pm, Sundance will have a variety of crowd entertainers to draw crowd to venue. At 8:00pm the stage will be programmed with music from up and coming performers. The event concludes at 10:00pm and dismantling of the temporary structures begins. The applicant proposed to have Lower Main Street reopen at midnight.

Parking and Transportation

During the Sundance Film Festival parking is at a premium due to multiple venues throughout Park City. Sundance is proposing the Park City Mountain Resort as the satellite parking lot for the Celebration event. No other Sundance events are planned at the resort that evening which would limit the amount of available parking. Transportation for the event will be provided through the City's regular public transit route from Park City Mountain Resort to the Transit Center.

Security

A crowd size between 1,000 - 2,000 people are expected to attend the Opening. However, due to the nature of the event, Sundance and the City are taking extra precautions by planning enough security for a crowd of 5,000. The security company will meet with the Park City Police Department prior to the event. With the presence of additional security, the Police Department anticipates on having a total of 8 officers at the event.

Temporary Structures

The event will require stage, lighting and generator permits. All information regarding temporary structures will be submitted to the Building Department for permitting.

Alternative Back-up Plan

Sundance has built in an alternative location for the event in case of inclement weather. Sundance will determine the use of the alternate location, at the Park City Mountain Resort Legacy Lodge no later than the day prior to the event. Notice of the venue change will be placed on traffic signs throughout town, as well as in the Sundance transit buses.

ALTERNATIVES

3. Approve the 1st Amendment and Addendum to the Memorandum of Understanding between the Sundance Institute and Park City Municipal Corporation allow the closure of lower Main Street on Friday, January 17, 2003.
4. Modify the parameters of the event and approve the 1st Amendment and Addendum to the Agreement between the Sundance Institute and Park City Municipal Corporation to allow the closure of lower Main Street on Friday, January 17, 2003.
5. Deny the 1st Addendum, thereby preventing the closure of lower Main Street on Friday, January 17, 2003.
6. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:

Staff recommends approval of the 1st Amendment and Addendum to the Agreement between the Sundance Institute and Park City Municipal Corporation clarifying supplemental plans and allowing the closure of Lower Main Street for the Sundance Film Festival Park City Celebration on Main Street on January 17, 2003, based on the following:

Findings of Fact:

1. The Sundance Film Festival Park City Celebration on Main Street will be held on Lower Main Street on January 17, 2003. The events includes street entertainment in the form of crowd entertainers and stage performances. Additional parking lots will be located at Park City Mountain Resort and Deer Valley for all parking associated with the Street Dance.
2. By providing alternative parking lots the impacts from the event should be limited. The closure of Lower Main Street for the Street Dance will be kept to one day and monitoring of those areas closed will occur. The conduct of the Sundance Film Festival Park City Celebration on Main Street 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 Street Dance. 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 Sundance Film Festival Park City Celebration on Main Street 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. Additional 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 events, other than those associated with the Sundance Film Festival, have been approved for this timeframe. Therefore the closure of Lower Main Street will not substantially interfere with any other activities 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 Sundance Film Festival Park City Celebration on Main Street 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 does not demonstrate an inability or unwillingness 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 1st Amendment and Addendum to the Agreement between the Sundance Institute and Park City Municipal Corporation is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a Wold Class Resort which hosts events. Council's Goal #5 which is to promote an enhanced vitality on Main Street is also met by this event.

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 December 16, 2002.
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.

Exhibits

Attachment A - City Council Approval

Attachment B - Master Festival License Application

Attachment C - First Amended Agreement

DATE: 11/7/02
DEPARTMENT: OCMB
AUTHOR: Matt Twombly
TITLE: 2nd Street Stairs Retread
TYPE OF ITEM: Award of Construction Contract

SUMMARY RECOMMENDATION:

Staff requests authorization to proceed with the project to replace the treads on the 2nd Street Stairs between Park avenue and Norfolk Avenue. Staff recommends that Council award the construction contract to Thiede Construction Corporation, in the amount of Twenty Four Thousand Nine Hundred Fifty One Dollars ($24,951).

DESCRIPTION

A. Topic Award of the construction contract and proceed with the replacement of the 2nd Street Stairs.

B. Background Over the past few years staff has proceeded with the reconstruction of the Old Town Stairs, and replaced the wooden treads in the Main Street Area RDA with metal treads. The metal treads are safer and help reduce the maintenance costs for snow removal. The metal treads allow the snow to pass through and almost eliminate the need for ice melting products. The retreads are commencing during the winter due to other project scheduling that cannot be done in the snow. There will be one set under construction at a time and pedestrians will be directed to use the neighboring stairway at 3rd Street during construction.

C. Analysis The request for bids was legally noticed in the Park Record on October 12 and 16, 2002, and in the Salt Lake Tribune on October 14 and 15, 2002, There was one bid for the project out of two plan holders, and the bid was opened and read aloud on October 23, 2002. The low bidder was Thiede Construction Corporation at $24,951. Thiede Construction Corp. has constructed the 4th Street, 10th Street, 11th Street and 12th Street Stairs as well as the retreads of the 13th Street Stairs and bottom sections of the 2nd and 3rd Street Stairs.

The work will proceed approximately 4 weeks after the award, due to the time for fabrication and delivery of the galvanized metal treads. The ordering of the material will commence upon the execution of the construction agreement drafted by the City Attorneys office and receipt of bonds and certificates of insurance. The project documents stipulate that the project shall be completed by February 1, 2003.

Over the Winter of 2001/2002 the sections of 2nd and 3rd Street Stairs between Main Street and Park Avenue were reconstructed with the metal treads. The cost for these two blocks of stairs was $37,913. The cost to retread the two blocks of 2nd Street stairs at $24,951 is comparable due to the number of treads to be replaced is less than the two blocks of stairs between Main Street and Park Avenue.

4. D. Department Review Office of Capital Management and Budget, City Manager's Office.

ALTERNATIVES

A. Approve the Request Award the construction contract to Thiede Construction Corporation in the amount of Twenty Four Thousand Nine Hundred Fifty One Dollars ($24,951).

B. Modify the Request.

C. Deny the Request.

D. Continue the Item.

SIGNIFICANT IMPACTS There is approximately a total of $268,000 in the Old Town Stairs Main Street RDA account.

<u>CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION</u> If Council decides not to award the retread construction contract then the stairs will remain in their current condition. The wooden treads will require additional maintenance and will eventually need to be replaced.

<u>RECOMMENDATION</u> Staff recommends that the City Council award the construction contract to Thiede Construction Corporation in the amount of Twenty Four Thousand Nine Hundred Fifty One Dollars ($24,951) and proceed with the project to replace the treads on the 2nd Street Stairs between Park avenue and Norfolk Avenue.

DATE: 11/7/02

DEPARTMENT: OCMB

AUTHOR: Mark Christensen

TITLE: Old Town Business Improvement District

TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Council should:

1. Hold a public hearing and based on public comment either adopt a resolution establishing the Old Town Business Improvement District (BID), reject the request to create the district and abandon the process of creating a Business Improvement District, or continue the item;

2. Adopt, reject, or modify the resolution of intent to enter into a contract with the HMBA for the administration of the Old Town BID for FY2003-2004; and

3. Provide direction on cost recovery for first year and annual expenses related to the City's administration of the proposed Old Town BID.

DESCRIPTION:

A. Topic: The creation of the Old Town Business Improvement District.

B. Background:

On September 20, 2002, businesses in Historic Old Town petitioned the City to create the Old Town Business Improvement District under the Utah Parking and Business Improvement District Act, Utah Code Ann. §§ 17A-3-401 to 414, 1953, as amended. The petition to create the district was signed by more than 10 percent of the businesses in the proposed district, to adopt a resolution of intent to create the Old Town Business

Improvement District. On September 26, Council held a public meeting, received public comment, and adopted a Resolution of Intent to begin the public hearing process for the creation of the "Old Town Business Improvement District" (BID). This began a public hearing process culminating in the public hearing scheduled for October 31st.

On October 31st City Council began the public hearing and considered both verbal comments and written letters from individuals either opposing or supporting the proposed district. At that time, Council decided to continue the public hearing until November 7th to enable all those desiring to speak on the issue ample time to do so.

If Council adopts a resolution to create the Old Town BID on November 7th, opponents will have 15-days to collect and file with the City written protests "against the establishment of the district" from "over 50 percent of the businesses in the district." If this happens, Council shall abandon the proposed establishment of the district. Opponents of the district are required to gather 124 or more written protests in opposition to the creation of the district by November 22nd to force Council to abandon the creation of the proposed BID on November 7th. To date, the City has received 34 written protests (attached). Council will remember that the HMBA informally collected 104 signatures in favor of the BID.

C. Analysis: On November 7, 2002, Council will have three options after the public hearing regarding the BID. They can approve the district, abandon the creation of the district, or continue the item. Continuing the item beyond Nov. 7 will result in increased first year costs if the proposed district is approved.

The district will assess an "enhancement assessment" or tax upon the businesses in the district based on a methodology similar to the business license. This tax will in essence double the business license fee not to exceed a total new tax of $1,000.

Public Comment

Council has allowed for an appropriate amount of time for the public hearing to be held as required by law. The City was required to give public notice between 21 and 35 days. Persons unable to attend the initial public hearing on October 31st were invited to send their letter of either support or opposition to the City prior to the meeting for inclusion in the public record and will have an opportunity to give public comment at the 11/7 meeting.

Fiscal Impact

One issue raised on September 26th was an estimate of the start up and annual operating costs for the City. The following table represents the estimated cost for operating the district. For the first year of the BID, Staff has calculated costs that are largely one time in nature. Future year cost projections are difficult to estimate since several factors impacting cost have not been determined such as reporting requirements and administrative oversight from the City. Based on the requirements placed on the administration of the BID, costs could be negligible to a few thousand dollars a year depending upon how the district is established.

The Resolution of intent to enter into a contract with the HMBA has been modified since October 31st to reflect a cost recovery for the City of approximately $4,000 for the first year and $2,000 annually thereafter. This means that prior to transferring funds collected from the BID to the HMBA, the City will first deduct its costs from the enhanced business license fee. Council should provide direction to staff on the cost recovery issue if it wishes to proceed in another direction. Staff will provide additional information at a future time depending on the direction given on November 7th.

Due to time constraints for noticing businesses and issuing business licenses, a decision on this issue becomes time critical for Staff after November 7th. Council should direct staff on the level of cost recovery from the proposed district for City costs for the first year and what level of cost recovery for subsequent years.

BID Representative Organization

The HMBA is requesting that if Council establishes the BID they also approve a resolution of intent to establish a contractual relationship between the City and the HMBA. Attached is a draft resolution that establishes the intent of the City to enter into an agreement for the administration of the BID with the HMBA FY2003 and FY2004. The resolution of intent indicates the desire of Council to establish a contract with the HMBA before December 31,2002, for the administration of the BID funds and activities. Ultimately, the HMBA would like the relationship between the City and the HMBA established in a manner that limits City micromanagement while at the same time insuring that proper controls are in place to monitor the activities of the district and expenditure of tax dollars. They have expressed concerns that the Chamber Bureau or another organization might be appointed as the representative body for this district and a resolution would ease their concerns with such an action.

On September 26th, Council commented on a Strategic Plan for the HMBA. The HMBA has subsequently submitted information to the Council in response to this request outlining the creation of a "Marketing Council." Council should provide additional direction regarding the strategic, marketing, or business plan on the 7th if they are interested in providing specific direction to Staff and the HMBA for inclusion in the proposed contract with HMBA.

BID Review Process

The HMBA has proposed to incorporate a mandatory 3-year review of the BID. If the Council and businesses are not satisfied with the BID at the review date the business improvement district could be abandoned. This request was raised by the HMBA in response to opposition from a few of the undecided businesses. This does not prevent the Council from dissolving the BID by resolution earlier then the 3-year review date.

As part of the 3-year review, the HMBA is proposing that an independent consulting firm survey the district to assess satisfaction with the BID. Any costs associated with the survey would be funded by the BID. After the survey information is analyzed, a public hearing would be held to discuss the future of the BID where Council can determine whether to continue the BID or abandon the use of the district. It is hoped that the mandatory review of the district will allow business to revisit the purpose of the district and ensure that the goals of the district are being met.

BID Assessment

On September 26th Staff identified that the potential penalty associated with not paying this tax would be to place the business license in jeopardy of suspension or prohibiting the issuance of a renewal license if the business owner refused to pay the BID tax. Attached is a draft Business License Code with this penalty incorporated. If Council establishes the proposed BID and determines this enforcement provision appropriate, the business licensing ordinance should be amended to incorporate this change prior to January 1, 2003. Because State law requires that the BID be defined by geographic boundaries, all businesses within those boundaries would be required to pay the assessment fee.

If after the public hearing Council decides to create the BID, Staff will begin formalizing the technical processes surrounding the district. This will include developing a contract with an organization to represent the business owners and administer the BID activities (if Council approves the resolution of intent with the HMBA), and establishing programs or processes for the internal control of the BID funds.

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

ALTERNATIVES:

A. Hold a public hearing and adopt a Resolution Creating the Old Town Business Improvement District and adopt a Resolution of Intent between Park City and the HMBA.

B. Hold a public hearing and adopt a Resolution Creating the Old Town Business Improvement District.

C. Hold a public hearing and abandon creation of BID

D. Hold a public hearing and continue the public hearing to a later date.

SIGNIFICANT IMPACTS: If the BID is created, all businesses within the BID will be assessed a tax equal to the amount they pay for business licenses up to a maximum of $1,000 annually. Only five (5) large square footage businesses would be capped at $1,000. The City will formalize the administrative aspects of the BID that may include developing a contract with the HMBA for the administration of BID funds and activities. If Council establishes the district on a date later than November 7th, it will be difficult to mail out business licenses by early December (as required by the City code) without additional start up costs due to the time constraints for noticing businesses and issuing business licenses.

If the BID is not created there will be no City Administered funding mechanism in place to market the Old Town business core. It is unknown what impact not creating the BID will have on the HMBA.

Attachments:

A. Resolution Creating the Old Town Business Improvement District

B. 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.

C. Draft Business License amendment

D. List of Business Owners in written opposition of the BID (as of November 4, 2002)

A RESOLUTION CREATING THE PARK CITY OLD TOWN BUSINESS IMPROVEMENT DISTRICT TO PROMOTE BUSINESS ACTIVITY AND ECONOMIC DEVELOPMENT IN THE OLD TOWN AREA, BY ASSESSING BUSINESSES WITHIN THE DISTRICT A TAX BASED ON A BASE FEE, BUSINESS SIZE, AND USE.

WHEREAS, the Utah Parking and Business Improvement District Act, Utah Code Ann. §§ 17A-3-401 to – 414, 1953, as amended allows counties and municipalities to establish Parking and Business Improvement Districts;

WHEREAS, 17A-3- 404 (2) provides that a county or a municipality which has established a parking and business improvement district may levy a tax on businesses within said district which is in addition to all other taxes levied upon businesses, and shall not be limited by levy limitations imposed upon counties or municipalities by law;

WHEREAS, 17A-3- 405 (2) provides that "It shall be the duty of the governing authority of a county or municipality to adopt such a resolution, upon presentation to the governing authority of a petition proposing the establishment of a parking and business improvement district and setting forth the boundaries of the proposed district, if the petition is approved by 10% or more of the business owners located in the proposed district."

WHEREAS, the City Council received a petition on September 20, 2002 by more than 10 percent of the business owners in the proposed district requesting the establishment of a Business Improvement District within the boundaries specifically described in Section 6 below;

WHEREAS, The City Recorder gave notice of intention to establish the District in the Park Record pursuant to Utah Code Ann. §§ 17A-3-406-407 on October 9, 16, 23, and 30, 2002 describing the boundaries of the District, stating that taxes will be annually levied upon businesses in the District, and designating October 31, 2002 as the date for the public hearing at City Hall;

WHEREAS, protests against the establishment of the District, its tax, and related matters were given full consideration by the governing authorities of the municipality prior to and during the public hearing held on October 31, 2002;

WHEREAS, the City Council hereby declares that the public health, convenience, and necessity requires the establishment of the District;

WHEREAS, it is the intent of the City Council of Park City to establish a business improvement district, to be known as the "Old Town Business Improvement District" pursuant to the Utah Parking and Business Improvement Act;

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

5. The City Council of Park City hereby establishes the Old Town Business Improvement District (hereinafter "District") which boundaries are specifically described in Section 6 hereafter, pursuant to the Utah Parking and Business Improvement Act. The recitals above are hereby incorporated as findings.

2. 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.

3. The City will establish a separate fund to be known as the "Old Town Business Improvement Fund." All tax monies received from the tax authorized hereunder shall be deposited in the fund to the credit of the Old Town Business Improvement Fund and shall be used for no other purpose other than operation and expenses of the district.

4. If persons constituting and consisting of over 50% of the business owners of the territory proposed to be included within the district file written protests within 15 days after the conclusion of the hearing against the establishment of the district, the proposed establishment of the district shall be abandoned.

5. In October, 2005, the City shall hold a public hearing to review the BID where public comment will be considered and the City Council can determine whether to continue the BID or abandon the use of the district.

6. The boundary of the proposed Old Town Business Improvement District is defined as all businesses located on the following streets:

1. Main Street
2. Heber Avenue
3. The South Side of 9th Street between Deer Valley Drive and Main Street
4. Park Avenue between 9th Street and Heber Avenue
5. Swede Alley
6. 7th Street between Main Street and Park Avenue
7. 6th Street between Main Street and Park Avenue
8. 5th Street between Swede Alley and Park Avenue
9. 4th Street between Swede Alley and Park Avenue
10. The West Side of Marsac Avenue from the north side of Hillside Avenue to the intersection of Marsac and Deer Valley Drive.
11. The West Side of Deer Valley Drive from Marsac to the South Side of 9th Street.
12. The North Side of Hillside Avenue between Marsac Avenue and Main Street.

7. Control of the Old Town Business Improvement District, including funds of the District and disestablishment, shall be governed by the Utah Parking and Business Improvement District Act, as amended.

This Resolution shall become effective upon adoption by the City Council of Park City. Dated this 7th day of November 2002.

A 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 THE REMAINDER OF FISCAL YEAR 2003 AND FISCAL YEAR 2004.

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:

1. It is the intent of the City Council of Park City to enter into a 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.

2. The relationship between the City and the HMBA will be set forth in a contract to be executed prior to December 31, 2002. The contract will stipulate roles and responsibilities, reporting and accounting requirements, and all other elements necessary to the administration of the District.

3. The contract will also set forth cost recovery measures from the Fund to the City for administrative expenses of $4,064 for first-year start up expenses and $2,000 annually thereafter.

This Resolution shall become effective upon adoption. Dated this 7^{th} day of November 2002.