PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
October 22, 2015

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, October 22, 2015.

CLOSED SESSION

12:00 pm. To discuss Property, Personnel and Litigation

STUDY SESSION

2:00 pm. Main Street Tenant Mix Discussion

2:45 pm. Staff Update on the City's Public Website Upgrade

WORK SESSION

3:00 pm. Council Questions and Comments and Manager's Report

3:15 pm. Brew Pub Plaza Project Update

4:15 pm. Employee Electric Vehicle Charging Stations

4:30 pm. Main Street & Swede Alley Early Deliveries Discussion

5:00 pm. Utility Mitigation Surcharge: Strategy Discussion

REGULAR MEETING

6:00 pm.

I. ROLL CALL

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Manager’s Report – Lower Park Avenue/Bonanza Park Public Meetings on Redevelopment and Transportation

2. Manager’s Report – Sister City Courchevel Update

3. Manager's Report – Quarterly Budget Monitoring Update

III. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

IV. CONSENT AGENDA

1. Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney, for Online/On Demand Safety Training and Recordkeeping in an Amount Not To Exceed $33,460.00.

2. Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney, for Closed Circuit Video (CCV) upgrades to the Park City Public Safety Building in an Amount Not To exceed $35,155.00.

V. NEW BUSINESS

1. Consideration of a Request to Appoint the Blue Ribbon Housing Commission.

2. Consideration of a Request to Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney, to:

   A. Execute a Special Services Contract with J.U.B Engineers, Inc. for Engineering Services Related to the Creation of a Storm Water Management Plan and investigation of the Creation of Storm Water Utility; in an Amount Not To Exceed $88,380.

   B. Execute a Provider Special Services Minor Contract with Zion's Public Finance, Inc. for Financial Services Related to the Investigating the Creation of a Storm Water Utility; in an Amount Not to Exceed $29,225.

VI. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m. Posted: See: www.parkcity.org

DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff recommends the City take a limited role in addressing the tenant mix on Main Street. Specifically, City Council should consider steps to address building vacancies and currently pending updates to the vertical zoning ordinance.

Respectfully:

Jonathan Weidenhamer, Economic Development Manager

City Council
Staff Report

Subject:	**Main Street Tenant Mix**
Author:	**Jonathan Weidenhamer**
Department:	**Sustainability**
Date:	**October 8, 2015**
Type of Item:	**Work Session**

Summary Recommendations:
Staff recommends the City take a limited role in addressing the tenant mix on Main Street. Specifically, City Council should consider steps to address building vacancies and currently pending updates to the vertical zoning ordinance.

Executive Summary:
The Historic Park City Alliance (HPCA) and City agree ongoing monitoring of the tenant mix on Main Street is important. With an updated inventory, we are able to see year over year trends in performance (sales) and business type (percentage of overall mix by type). The vertical zoning ordinance that precludes offices in storefronts is a successful example of the City taking an active role in influencing the tenant mix, but the majority of the current discussion supports the City refraining from trying to further influence the free market. This report acknowledges a few areas the City may consider expanding its role.

Acronyms in this Report:
HPCA - Historic Park City Alliance

Background:
In fall of 2014, the Historic Park City Alliance (HPCA) began discussions on the need to look at ways to ensure Main Street's unique tenant mix and keep the character of the area. In spring of 2015, the HPCA asked the City to investigate the changes to tenant mix, chain stores and the ability to keep "mom and pop" shops on Main Street. This request is consistent with the Economic Development Work Plan which identifies "developing the city's role in the Main Street commercial and residential mix" as a medium priority under the strategy of *Providing a Sustainable Business Environment* (exhibit C).

This spring we updated our Main Street tenant mix data. Staff conducted the same research in 2002 and 2006. The research gathered data on the following items: Business mix by type of use; Sales by type of use; and linear feet of street frontage by business type. The last area is the most helpful in illustrating the actual rhythm and cadence of the pedestrian experience.

A major outcome of the 2006 study was the implementation of a vertical zoning ordinance, which precludes office uses in Main Street storefronts. The ordinance has been successful seeing a reduction in offices on the street from 11.2 % in 2002 to 3.6 %

in 2015. The structure of the current ordinance allows the Planning Director administrative authority to interpret and apply the ordinance.

The inventory was updated this summer. A summary of the data are below, the entire set is available as Exhibit A.

Total Main Street Sales 2002 - 2015 ($millions)				
	Restaurant	Retail	Lodging	total
2002	31.7	43.6	7.4	75.3
2015	72.5	40.0	17.5	112.4

%Total of City-wide Sales 2002 - 2015				
	Restaurant	Retail	Lodging	total
2002	64.0	25.0	10.2	23.1
2015	68.0	17.0	9.1	18.6

% Linear Feet Street Frontage by Business Type - Year over Year Comparison						
				Year over Year Variance		
	2002 Total	2006 Total	2015 Total	2002/2006	2006/2015	2002/2015
Office	11.2%	8.4%	3.6%	-2.9%	-4.8%	-7.7%
Vacant	6.8%	0.6%	8.9%	-6.1%	8.2%	2.1%
Restaurant/Bar	35.1%	34.9%	28.2%	-0.1%	-6.7%	-6.8%
Retail	47.0%	56.1%	52.2%	9.1%	-3.9%	5.3%
Other	0.0%	0.0%	7.1%	0.0%	7.1%	7.1%
Total	**100%**	**100%**	**100%**			

On August 18, 2015 the HPCA Board met and on August 25, 2015 delivered a letter identifying their position on a variety of issues associated with this topic (exhibit B). The HPCA identified their concerns in order of priority. The concerns are summarized in the issues table further down in this report.

Council Liaison Henney and staff have been meeting with 2 different sub groups, one that is mostly business owners, and in most cases lessors. The other task force includes mostly building owners and commercial leasing agents.

Business Owners	Building Owners & Agents
Lori Harris	Jan Wilking
Becca Gerber	Eric Nelson
Puggy Holmgren	Hans Fuegi
Don Croce	Michael Kaplan
Alison Butz	Myles Rademan
Hannah Turpen	Alison Butz
Tim Henney (Council Liaison)	Nate Rockwood

Jonathan Weidenhamer	Jonathan Weidenhamer

The task forces helped frame concerns and inform the possible tools that staff and the HPCA discussed to move this item forward.

On October 1, 2015, the two task forces convened, reviewed a preliminary analysis on possible tools. They previously agreed to answer a series of questions designed to identify, in their words, the issues, trends and concerns related to this topic (Exhibit E). We've additionally included specific written input we've received on this topic under Exhibit E as well.

At that meeting there were a number of strong themes, including:

1. The City "must" take action;
2. Consensus areas:
    a. City needs to do something about vacancies related to holding back properties for Sundance rentals;
    b. City needs to do something about duration of construction related vacancies;
    c. The trending increase in rental cost/ sf will drive a number of local business out over the next 3-5 years;
    d. The City will not be able to incent or subsidize local business by pursuing a rent control approach;
    e. The City could incent or subsidize local business through developing and leasing City property (ie Swede Alley or Brewpub). Whether the City should or not is included in the "lack of consensus areas" below;
    f. It is hard for the HPCA to gain consensus on tools & priorities because they are unsure of the possibilities – they would really like some help identifying alternatives and fence posts for this discussion.
3. Lack of consensus areas:
    a. Formula/Chain stores – The majority of the group thought we should further consider this area, understanding that chains currently exist, and that some chains are consistent with our resort based economy. Staff reminded the group that the formal position of the HPCA Board was that there was lack of consensus that this was a priority item.
    b. Whether or not it would be appropriate for the City to further enter into the Market (beyond liquor store) as an owner – i.e. is it appropriate to use public dollars to undercut building owners ability to generate rent?

Analysis:
The common and most pervasive goal we heard from the HPCA was to retain authenticity and uniqueness. There are a number of issues that threaten the character of the area which include increasing rents, chain stores, and vacant store fronts. These issues are not unique to Park City. Many other communities have addressed concerns

by adopting regulations. The common reasons for communities to adopt regulations are as follows:

- wish to retain their distinctive character;
- worry that chains have a negative impact on the town's economy;
- preservation of "historical relevance" and "unique character";
- preserve aesthetics and an attempt to retain the historic identity of the town ;
- chains like to follow one another; it's not uncommon for formula businesses to arrive in an area en masse, squeezing out independents and causing a speculative run-up in rents that results in the wholesale transformation of a business district almost overnight;
- long-term economic consequences as the downtown or neighborhood business district loses its distinctive appeal and no longer offers opportunities for independent entrepreneurs;
- in an increasingly homogenized world, cities that have preserved their distinctive character have an economic edge. They are far better able to attract visitors, skilled workers, entrepreneurs, and relocating firms, and thus to prosper over the long-term.

The HPCA also identified the addition of hot beds and office uses as ways to increase the vibrancy of the area. Recently Main Street has seen a reduction of hot beds due to the combination of several small nightly rental units into larger condominium units that will function as second homes.

The most commonly identified threat by the sub-groups is the ever-increasing rents displacing local business. While there was extensive discussion about subsidization of "local" retail, in general the groups had general agreement that the free market and laws of economics are too strong to ever maintain long-term leases for "local" tenants. The following represents the issues identified through these discussions, in priority order of the HPCA:

KEY:
Green - Staff recommends short term follow up on;
Yellow - Staff seeks Council discussion;
Red - Staff recommends no further action at this time.

	HPCA's Asks			
item #	Issue	HPCA Ask	Tool?	Comment
1	Vacant Buildings	short term - require b. owners to place lighting & photos and/or displays in windows	In person discussion	Econ Dev to take lead reaching out to owners/agents of individual businesses. Planning willing to require some aspect of "lights on & flowers in the windows". Current vacancies are at 8.9% of street frontage. If Claimjumper & Silver Queen were filled the # would be reduced to 4.6%, which is considered "healthy" by our 2012 Market Analysis.
		Pursue tools to minimize or shorten duration of construction related vacancies	Planning or Building	ED staff will do preliminary work with Legal to investigate Use Tools (planning) ie can a conditional use permit limit duration?; or Construction Mitigation Tools (building).
		longer term - id minimum # of weeks operating or generating sales tax	Zoning	Expand Vertical Zoning Ordinace to allow event spaces as a CUP but require the actual storefronts to be filled year round
		staff alternative	bis. Lisc.	Staff alternative - If Council doesn't want to wait to see how informal discussion with building owners go, they could direct staff to explore bis. lisc. tools, ie consider tying temporary business licenses (increased occupancy or restrooms) directly to % of year building is occupied.
2	Additional Hot Beds	prohibit Residential lot combinations	LMC Changes	We've seen combinations of multi-use condo/hotel into second homes. Planning & Legal would have to take lead on additional research & analysis on tools, while willing to explore a bit, their other priorities are significant and this would compete for their resources.
		make nightly rentals more enticing	LMC Changes	
3	Support local biz	no specific ask, request to continue exploration of options	incent local biz	Depite much informal research strong majority of the group doesn't believe we can meaningfully influence the free market through incentivizing local business. A better role for the city would be to influence supply through: facilitating redevelopment of Swede Alley; or adding supply at either the Brew Pub or on City Property in Swede.
4	Addition of Office uses	no ask. Just support for more	Expand Biz Recruit/Retention Pgm.	We'd have to evaluate if we want more office uses beyond current program. More office = need for more parking. Knee jerk is that we won't likely be aggressive in pursuit of additional office
5	Size of Retail Spaces	Set Max size of retail space	LMC Changes	tools, their other priorities are significant and this would compete for their resources and is not recommended at this time, but maybe later this winter/spring
6	Use of Front Doors	require the use of all front doors that front main	LMC Changes	Planning & Legal would have to take lead on additional research & analysis on tools, their other priorities are significant and this would compete for their resources and is not recommended at this time
7	Formula Biz. (chain)	create a max % of formula stores	LMC Changes	models. In Utah this would require significan research from the legal staff. Based on this being the lowest HPCA priority, we recommend not pursuing this at this time.
	Current City Program			
8	Vertical Zoning	no ask. HPCA supportive of pulling summit watch out of ordinance	LMC Changes	Planning is currently discussing some tweaks to the ordinance to exempt interior plazas & also consider if the ordinance should apply to HRC zoned areas (generally the areas north of Heber Avenue)
			LMC Changes	Council/Planning Commission could also consider if they want to continue to allow the Planning Director to have administrative authority as opposed to having PC make initial call

Issues for Discussion
(The yellow)

1. Vacancies - Is City Council supportive of considering a more aggressive role in addressing vacancies on Main Street? If so, an option may be to pursue changes to requirements for temporary business licensing that would incentivize keeping buildings rented for the majority of the year.

2. Hot Beds – Of all the tools, planning sees this as an area worth pursuing, but with limited resources in the short term, it will likely wait until at least spring. Is this a bigger priority?

3. Would Council like additional discussion or analysis on our role in subsidizing local business? We would focus the discussion on impacting, through ownership or control of supply of additional square feet, ie the radio station or liquor store.

4. Size of retail spaces – Similar to hot beds, we are concerned that multiple storefronts could be combined to make much larger retail spaces. Some believe this offers opportunity for the free market, while others believe this will enable more chain stores. Does Council seek additional analysis on this topic

Other Issues for Discussion

5. The task forces are having a difficult time reaching a consensus on areas they want the City to prioritize because they don't know what alternatives and tools may exist. Does the City Council want to prioritize staff time to pursue identification of more tools and research their applicability in this state?

Department Review:
This report was reviewed by Planning, Budget, Legal, and Executive Departments.

Alternatives:

A. Approve:
Staff recommends Council direct staff to pursue the green items and not pursue the red items. The yellow items, staff seeks additional consideration or discussion of. Doing so generally represents a passive posture or limited City role in addressing the tenant mix on Main Street.

B. Deny:
Council could direct staff not to pursue any of the items at this time. We could conduct additional research as soon as next summer to update our data.

C. Modify:
City Council could decide on an expanded City role in the Main Street tenant mix. The yellow items would be the next areas staff would support exploring. In addition to considering additional tools, Council could ask to expand additional staff

resources, such as the Economic Development Team to take the lead, so as not to compromise additional Planning Department priorities.

D. Continue the Item:
Council could ask for exploration and analysis of additional tools.

E. Do Nothing:
This would function similarly to the Deny option.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Internationally recognized & respected brand + Balance betw een tourism and local quality of life + Unique and diverse businesses		+ Residents live and w ork locally - Preserved and celebrated history; protected National Historic District + Shared use of Main Street by locals and visitors - Primarily locally ow ned businesses	+ Fiscally and legally sound
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧	Neutral ⇔	Negative ⇩	Positive ⇧
Comments:				

Funding Source:
Staff resources are funded out of department budgets. Unless Council seeks specific market analysis or investigation of funding tools to incent local business, we should be able to address this issue with existing resources, unless Council asks for a significant departure from staff's recommendation, ie prioritization of staff resources to address other issues sooner.

Consequences of not taking the recommended action:
The consequences are unclear at this time.

Recommendation:
Staff recommends the City take a limited role in addressing the tenant mix on Main Street. Specifically, City Council should consider steps to address building vacancies and updates to the vertical zoning ordinance.

Exhibits

A. Updated Data 2015 Inventory
B. HPCA Letter
C. Economic Development Work Plan
D. Spreadsheet with options & analysis from staff report
E. Submitted questionnaire answers from Main Street

Main Street					
2002	Q1	Q2	Q3	Q4	Year Total
Lodging	639,463	1,216,513	4,047,244	1,494,620	7,397,840
Other***	569,447	427,690	969,288	447,694	2,414,119
Restaurant/Bar	5,978,206	6,559,956	14,758,837	4,400,903	31,697,902
Retail	6,206,115	8,271,882	23,034,128	6,108,514	43,620,639
Service	295,269	1,331,685	1,404,750	589,286	3,620,990
Total	**13,688,500**	**17,807,726**	**44,214,247**	**13,041,017**	**88,751,490**

Main Street					
2006	Q1	Q2	Q3	Q4	Year Total
Lodging	1,746,440	2,293,031	6,856,572	299,319	11,195,362
Other***	724,645	489,624	1,039,207	535,121	2,788,597
Restaurant/Bar	7,552,613	7,848,692	18,406,180	6,299,279	40,106,764
Retail	7,625,984	8,965,672	15,353,826	5,251,892	37,197,374
Service	716,587	1,317,671	2,573,758	854,995	5,463,011
Total	**18,366,269**	**20,914,690**	**44,229,543**	**13,240,606**	**96,751,108**

Main Street					
2015	Q1	Q2	Q3	Q4*	Year Total
Lodging	2,869,301	3,946,985	9,676,982	1,059,065	17,552,333
Other	38,373	20,000	349,272	51,220	458,865
Restaurant/Bar	15,728,947	14,032,979	32,722,340	9,992,454	72,476,720
Retail	9,128,971	10,427,870	14,094,753	6,325,819	39,977,413
Service	1,476,756	2,030,162	4,739,596	2,087,145	10,333,659
Total	**29,242,348**	**30,457,996**	**61,582,943**	**19,515,703**	**140,798,990**

***All of the Sales Tax Data has yet to be collected for the 4th Quarter in FY15, Q4 in FY are the Q4 num**
**** All Total Sales numbers are estimates based on the 1% Local Option Tax, numbers may fluctuate ba**
***** A business was listed as manufacturing during 2002 and 2006 is now coded as a Restaurant**
****** Utilities Sales Tax Numbers are not included in the Analysis**

Year over Year Comparison					
	2002 Total Main Street	2006 Total Main Street	2015 Total Main Street	2002/2006	2002/2015
Lodging	7,397,840	11,195,362	17,552,333	51.3%	137.3%
Other***	2,414,119	2,788,597	458,865	15.5%	-81.0%
Restaurant/Bar	31,697,902	40,106,764	72,476,720	26.5%	128.6%
Retail	43,620,639	37,197,374	39,977,413	-14.7%	-8.4%
Service	3,620,990	5,463,011	10,333,659	50.9%	185.4%
Total	**88,751,490**	**96,751,108**	**140,798,990**	**9.0%**	**58.6%**

Comparison To Total Sales					
	2002 Total Main Street	2002 Total Sales	% of Total Year Sales	2006 Total Main Street	2006 Total Sales
Lodging	7,397,840	72,735,991	10.2%	11,195,362	67,698,372
Other***	2,414,119	11,401,825	21.2%	2,788,597	3,593,143
Restaurant/Bar	31,697,902	49,538,711	64.0%	40,106,764	67,094,301
Retail	43,620,639	172,559,705	25.3%	37,197,374	201,665,119
Service	3,620,990	77,815,077	4.7%	5,463,011	165,260,141
Total	**88,751,490**	**384,051,309**	**23.1%**	**96,751,108**	**505,311,076**

ıbers from FY14
ased on collections

2006/2015
56.8%
-83.5%
80.7%
7.5%
89.2%
45.5%

				Year over Year of Total Sales		
% of Total Year Sales	2015 Total Main Street	2015 Total Sales	% of Total Year Sales	2002/2006 Total Sales	2002/2015 Total Sales	2006/2015 Total Sales
16.5%	17,552,333	193,385,207	9.1%	-6.9%	165.9%	185.7%
77.6%	458,865	23,833,245	1.9%	-68.5%	109.0%	563.3%
59.8%	72,476,720	106,725,425	67.9%	35.4%	115.4%	59.1%
18.4%	39,977,413	235,336,094	17.0%	16.9%	36.4%	16.7%
3.3%	10,333,659	195,724,908	5.3%	112.4%	151.5%	18.4%
19.1%	**140,798,990**	**755,004,879**	**18.6%**	**31.6%**	**96.6%**	**49.4%**

August 25, 2015

Jonathan Weidenhamer
Park City Municipal
PO Box 1480
Park City, UT 84060

RE: Historic Park City Tenant Mix

Dear Jonathan:

Historic Park City encompasses the area designated as a National Historic District, by the US Department of the Interior. The historic structures and unique Park City businesses are critical to maintaining the "small town" draw that many of our visitors seek. The Historic Park City Alliance, with the assistance of the Tenant Mix Committee, conducted a series of in-depth discussions of tenant mix on Main Street including the significant amount of vacant linear footage on Main Street. At the conclusion of our August Board Meeting, clear direction was given by our Board to work with Park City to address the following issues which are listed in order of priority.

Vacant Buildings
A recent inventory of the tenant mix identifies approximately 345 linear feet of vacant storefronts on Main Street. This increased from the 2006 number of 25 linear feet. Some of the vacancy is due to buildings remaining under construction for a number of years. The other amount of vacant space is comprised of space that is only rented during the Sundance Film Festival. From speaking with local realtors and commercial leasing agents, we understand a recent trend of owners renting only during large events and leaving the space vacant the remainder of the year.

A short term solution to address vacant buildings is to require the building owners to place photos and/or displays in the windows and to light the space during the evening. A long term solution is sought that could address either minimum operating weeks or require that the use is sales tax generating. The goal is to see active use of the space for a majority of the year.

Additional Hot Beds
The HPCA continues to support the addition of hot beds to the street and surrounding area. There is concern that there is a trend of combining multiple units that served as nightly rentals into larger residential spaces that serve more as second homes. The HCPA is interested in new language that would prohibit further lot combinations that would facilitate this type of development. Hot beds add vitality to the street and turn over more frequently thereby bringing more people to Main Street every day. Changes can be made that would make nightly rentals more enticing on Main Street such as reduction of parking regulations for hot beds since a majority of those staying will not bring a car.

Support for Local Businesses
The HPCA Board supports ways to support local businesses. While specific support on individual measures was not sought, the Board would like to continue this discussion with the City of what is possible.

Addition of Office Uses
The addition of more people working on Main Street greatly benefits businesses in the area. The HPCA supports efforts to increase this use in the district.

Size of Retail Spaces
The HPCA asks that the City look into setting a maximum size of retail space. Many national chains have a minimum square footage of which they operate in. While setting a maximum size may not address the desire to keep our uniqueness, it is a step that will positively impact the area.

Use of Front Doors
If a business were to combine multiple retail spaces they could decide to use only one entrance into the space which would leave one or more “front doors” inoperable. This would disrupt the current pattern of storefronts on Main Street. The HPCA asks the City to look into regulations to require the use of all the “front doors” that access Main Street.

Formula Businesses
The HPCA Board spoke about formula business regulations. There is a desire to maintain variety on the street and protect our unique aesthetic that is only seen on Main Street in Park City. Knowing that all types of businesses benefit the street and the community, the HPCA would like to look at a percentage cap on the number of formula businesses in the area.

The topics outlined above are key to the vibrancy of the street. This issue is multifaceted and includes a number of topics. Knowing that significant legal review of each topic is needed the HPCA is supportive of reprioritizing the items if certain ones will take additional time to develop. Please feel free to contact me to discuss further.

Best regards,

Alison Butz
Executive Director

Strategies & Action Steps

To ensure that our strategies are accomplishing the Community Vision, each strategy can be linked to one or more Desired Outcomes within a Council Priority Area. The Council Priorities represent the City Council's broad strategy for achieving the Community Vision.

COMMUNITY VISION

Keeping Park City "PARK CITY"

SENSE OF COMMUNITY | *NATURAL SETTING* | *SMALL TOWN* | *HISTORIC CHARACTER*

PLAN DO

COUNCIL PRIORITIES

World Class Multi-Seasonal Resort Desination

- **Accessible and world-class recreational facilities, parks and programs**
- **Balance between tourism and local quality of life**
- **Varied and extensive event offerings**
- **Unique and diverse businesses**
- **Multi-seasonal destination for recreational opportunities**
- **Internationally recognized & respected brand**
- **Accessibility during peak seasonal times**
- **Well-utilized regional public transit**
- **Safe community that is walkable and bikeable**
- **Every City employee is an ambassador of first-class service**

PLAN DO

STRATEGIES

Economic Development Strategies

I. Place Making through Development & Maintainace of Infrastructure – Create & maintain a state of the art infrastructure that is highly used by the commuity and supports the overall goals of the City.

II. Provide Sustainable Business Environment – Uphold a healthy business environment which allows current businesses, and especially local businesses, to thrive.

III. Enhance the Local Economy – Facilitate special events along with a diverse offering of cultural experiences that will increase the visitor experience as well as enhance resident's quality of life.

IV. Mitigate the Impacts of the Resort Community – Work with other Park City Municipal staff including Planning, Transportation and Housing staff, as well as regional partners to promote and protect the resort ecomony while balancing the needs of the local residents.

COMMUNITY VISION

Keeping Park City "PARK CITY"

SENSE OF COMMUNITY | *NATURAL SETTING* | *SMALL TOWN* | *HISTORIC CHARACTER*

COUNCIL PRIORITIES

A Community of Diverse Economic & Cultural Opportunities

- **Residents live and work locally**
- **Jobs paying a living wage**
- **Preserved and celebrated history; protected National Historic District**
- **Cluster development while preserving open space**
- **Part-time residents that invest and engage in the community**
- **Shared use of Main Street by locals and visitors**
- **Skilled, educated workforce**
- **Entire population utilizes community amenities**
- **Community gathering spaces and places**
- **Physically and socially connected neighborhoods**
- **Vibrant arts and culture offerings**
- **Diverse population (racially, socially, economically, geographically, etc.)**
- **Primarily locally owned businesses**

STRATEGIES

Economic Development Strategies

I. Place Making through Development & Maintainace of Infrastructure – Create & maintain a state of the art infrastructure that is highly used by the commuity and supports the overall goals of the city.

II. Provide Sustainable Business Environment – Uphold a healthy business environment which allows current businesses, and especially local businesses, to thrive.

III. Enhance the Local Economy – Facilitate special events along with a diverse offering of cultural experiences that will increase the visitor experience as well as enhance resident's quality of life.

IV. Mitigate the Impacts of the Resort Community – Work with other Park City Municipal staff including Planning, Transportation and Housing staff, as well as regional partners to promote and protect the resort ecomony while balancing the needs of the local residents.

STRATEGY I

Place Making through Development & Maintainace of Infrastructure

Create and maintain a state of the art infrastructure that is highly used by the commuity and supports the overall goals of the city.

Current Action Steps:

Action Step	Deliverable/ Description	Deadline	Priority	Responsible Party
Implementation of RDA	Housing and Parking		Top	Phyllis, Kent, Jonathan
Sidewalk Reconstruction & Streetscape	Sidewalk & Streetscape Improvements	Ongoing	High	Matt Twombly (Sr. Project Manager)
City Hall Plaza	Completed Plaza	8/1/2015	High	Matt Twombly (Sr. Project Manager)
Poison Creek Pathway Project	Improve Safety and Experience of Poison Creek Trail	complete	High	Heinrich Deters (Trails and OS Project Manager)
Dans-Jans Phase II a	Separated pathway on west side of Park Ave.	10/15/2015	High	Heinrich Deters (Trails and OS Project Manager)
Dans - Jans Phase IIb	Separated pathway on east side of Park Ave.	10/15/2016	High	Heinrich Deters (Trails and OS Project Manager)
Dans-Jans Phase III	Pedestrian Underpass	10/15/2018	Low	
Brew Pub Plaza - Parking Plaza	Completed Project	12/15/2016 12/15/17	High	Jon Weidenhamer (Economic Development Manager)
Coalition Plaza/trailhead	Completed Project	TBD	Low	Matt Twombly (Sr. Project Manager)
Miners Plaza	Completed Project	2017	Medium	Matt Twombly (Sr. Project Manager)

Strategic Partners:

Internal: Other City Project Managers (Water, Public Works, Engineering

External: UDOT, Sundance, Summit & Wasatch Counties

Critical Success Factors:

Balancing capital improvements with construction impacts

Performance Measures:

STRATEGY II | Provide Sustainable Business Environment

Uphold a healthy business environment which allows current businesses, and especially local businesses, to thrive.

Current Action Steps:

Action Step	Deliverable/ Description	Deadline	Priority	Responsible Party
Develop City role in Main St. commercial & residential mix	Policy Discussion w/ Council	10/15/2015	Medium	Jon Weidenhamer (Economic Development Manager) & John B in Planning
One Stop Shop - Online Resource	Create an online resource tool for potenital businesses that are considering location in the Wasatch back.	10/31/2015	Medium	Jason Glidden (ED Program Mgr)
Develop Business Retention and Attraction Plan	Adopted Business Retention and Attraction Plan. Updated ED Grant Policy	7/30/2015	Medium	Jon Weidenhamer (Economic Development Manager) & Jason Glidden (ED Program Mgr)

Strategic Partners:

Internal: Planning Department,Building Department, Executive Department
External: HPCA, Chamber of Commerce, Vail Resorts, Deer Valley Resort, Lodging Association, Restaurant Association

Critical Success Factors:

- Protecting the Park City brand
- Promoting smart economic growth.

STRATEGY III | Enhance the Local Economy

Facilitate special events along with a diverse offering of cultural experiences that will increase the visitor experience as well as enhance resident's quality of life.

Current Action Steps:

Action Step	Deliverable/ Description	Deadline	Priority	Responsible Party
Special Events Municipal Code	Review & Refinement of Municipal Code as it relates to Special Events	6/30/2015	High	Jason Glidden (ED Program Mgr)
Open Space Acquisition	-Staff attend monthly Basin Open Space Advisory Committee-Staff manage monthly COSAC meetings and update Council-Continued open space acquisition negotiations with landowners -Continued updates to Council in CLOSED per ongoing landowner discussions/budget -Coordination of RCST Bonding timeline per possible acquisition targets	Ongoing	High	Heinrich Dieters (Open Space Project Manager)Nate Rockwood (Capital Budget Manager)
Update Trails Master Plan	Update to Trails Master Plan Policy Document	10/31/2015	Medium	Heinrich Deters (Trails and OS Project Manager)

STRATEGY IV | Mitigate the Impacts of the Resort Community

Work with other Park City Municipal staff including Planning, Transportation and Housing staff, as well as regional partners to promote and protect the resort ecomony while balancing the needs of the local residents.

Current Action Steps:

Action Step	Deliverable/ Description	Deadline	Priority	Responsible Party
Housing & Transportation	Intergret housing & transportation into all economic development projects	Ongoing	High	Jon Weidenhamer (Economic Development Manager)
VMS Boards	Install 4 along State Routes	10/15/2015	Medium	Brooks Robinson
SMART Messaging (resorts, parking)	Complete Plan	10/15/2017	Low	Jon Weidenhamer (Economic Development Manager)
Mountain Accord	Mountain Accord - Continue participation	ongoing	Low	Jon

Strategic Partners:

Internal: Planning Department, Legal Department, Building Department
External: HPCA, Deer Valley Resort, Vail Resorts

Critical Success Factors:

- Business Recruitment & Retention Strategy Codified
- Maintain resort brand image

Performance Measures:

Staff is currently working on creating new performance measures to track progress for this strategy.

Item #	Issue	HPCA Ask	Tool?	Comment
	HPCA's Asks			
1	**Vacant Buildings**	short term - require b. owners to place lighting & photos and/or displays in windows	In person discussion	Econ Dev to take lead reaching out to owners/agents of individual businesses. Planning willing to require some aspect of "lights on & flowers in the windows". Current vacancies are at 8.9% of street frontage. If Claimjumper & Silver Queen were filled the # would be reduced to 4.6%, which is considered "healthy" by our 2012 Market Analysis.
		Pursue tools to minimize or shorten duration of construction related vacancies	Planning or Building	ED staff will do preliminary work with Legal to investigate Use Tools (planning) ie can a conditional use permit limit duration?; or Construction Mitigation Tools (building).
		longer term - id minimum # of weeks operating or generating sales tax	Zoning	Expand Vertical Zoning Ordinace to allow event spaces as a CUP but require the actual storefronts to be filled year round
		staff alternative	bis. Lisc.	Staff alternative - If Council doesn't want to wait to see how informal discussion with building owners go, they could direct staff to explore bis. lisc. tools, ie consider tying temporary business licenses (increased occupancy or restrooms) directly to % of year building is occupied.
2	**Additional Hot Beds**	prohibit Residential lot combinations	LMC Changes	We've seen combinations of multi-use condo/hotel into second homes. Planning & Legal would have to take lead on additional research & analysis on tools, while willing to explore a bit, their other priorities are significant and this would compete for their resources.
		make nightly rentals more enticing	LMC Changes	
3	**Support local biz**	no specific ask, request to continue exploration of options	incent local biz	Depite much informal research strong majority of the group doesn't believe we can meaningfully influence the free market through incentivizing local business. A better role for the city would be to influence supply through: facilitating redevelopment of Swede Alley; or adding supply at either the Brew Pub or on City Property in Swede.
4	**Addition of Office uses**	no ask. Just support for more	Expand Biz Recruit/Retention Pgm.	We'd have to evaluate if we want more office uses beyond current program. More office = need for more parking. Knee jerk is that we won't likely be aggressive in pursuit of additional office
5	**Size of Retail Spaces**	Set Max size of retail space	LMC Changes	Planning & Legal would have to take lead on additional research & analysis on tools, their other priorities are significant and this would compete for their resources and is not recommended at this time, but maybe later this winter/spring
6	**Use of Front Doors**	require the use of all front doors that front main	LMC Changes	Planning & Legal would have to take lead on additional research & analysis on tools, their other priorities are significant and this would compete for their resources and is not recommended at this time
7	**Formula Biz. (chain)**	create a max % of formula stores	LMC Changes	Planning & HPCA have done significant research on this and have some good models. In Utah this would require significan research from the legal staff. Based on this being the lowest HPCA priority, we recommend not pursuing this at this time.
	Current City Program			
8	**Vertical Zoning**	no ask. HPCA supportive of pulling summit watch out of ordinance	LMC Changes	Planning is currently discussing some tweaks to the ordinance to exempt interior plazas & also consider if the ordinance should apply to HRC zoned areas (generally the areas north of Heber Avenue)
			LMC Changes	Council/Planning Commission could also consider if they want to continue to allow the Planning Director to have administrative authority as opposed to having PC make initial call

Questionnaire: Main Street Tenant Mix

Park City Staff, HPCA members and community at large members have had a series of meetings regarding the tenant mix on Main Street. Issues we've discussed have included: vacant buildings, hot beds, local business, office uses, size of retail spaces, pattern of usable front doors, formula (chain) businesses, and amendments to the vertical zoning ordinance.

We need feedback in your words to help frame a discussion on the Main Street tenant mix. We anticipate attaching these responses to a staff report to City Council.

Please complete the following survey and return responses no later than Friday, October 2 at jweidenhamer@parkcity.org. Thank you in advance for your candid feedback.

Alison Butz, Executive Director, Historic Park City Alliance
Jonathan Weidenhamer, Economic Development Manager, Park City Municipal Corporation

1. **Name of Survey Respondent:**
    a. **Lori Harris, Owner Mary Jane's**

2. **What is your relationship to Main Street? (For example, are you a business owner or property owner, or do you provide specialized consulting on street-specific issues?)**
    a. **Business Owner**

3. **What trends or major issues do you see Main Street facing that could compromise sense of place and the distinctive character of Historic Park City**
    a. **Large chain or formula businesses coming in that increase rents, push local business owners out and create a street of stores/restaurants/etc that could be anywhere in the US and not unique to Park City. Many larger businesses can write off a location as marketing and it doesn't matter if they make money. For a business owner like myself, my business needs to make sense and be profitable.**
    b. **Lack of local support for Main Street businesses causing the slow seasons to not be as good as they could be and maintaining a thriving downtown environment. I would really like to see a focus on bringing locals back to Main Street all year long.**
    c. **Modern structures (large) being built on Main such as the "Parkite" (aka main st mall) that lack any character or fit into the historic building look**
    d. **Loss of cultural icons such as Kimball Art Center**

e. Empty spaces either due to construction (taking way too long) or non frequent operational businesses such as the Claim Jumper, Silver Queen building, others
f. Increasing rents on Main
g. Lack of bed base in Old Town, empty houses (2nd homes) except during busy times

4. Which issues are priorities?
   a. Tenant mix (keeping Main local and authentic/unique)
   b. Increasing rent
   c. Driving locals back to Main year round

5. What role do you see the City playing in this effort(s)?
   a. I would think that the City could assist in putting in business license regulations that could prevent large name brands or formula businesses from coming in or at least ensure they have an authentic look and feel
   b. Support the HPCA with grants to help pay for marketing to locals
   c. Create/ensure regulations on vacant spaces/buildings
   d. Buy buildings on Main like they do Open Space and lease to locals

6. Other thoughts?

Questionnaire: Main Street Tenant Mix

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Jonathan Weidenhamer, Economic Development Manager, Park City Municipal Corporation

1. **Name of Survey Respondent:** Don Croce

2. **Relationship to the Street:** Owner of Livin' Life Park City, an artisan boutique retail store on Main Street (we lease our store space).

3. **Trends/Issues**
   a. Arrival of well financed national and/or regional chains renting retail space which is driving up rental lease rates making it unaffordable for small, locally owned businesses to operate.
   b. Increasing cost of a ski vacation limiting our tourist mix to high end customers who are not interested in the kinds of products most current stores on Main Street offer (anecdotally heard of someone commenting that "finally a store on Main Street I can shop at," referring to Gorsuch).
   c. The number of "vacant" buildings or ones that are under construction for extended periods. We are right next to the Claim Jumper and it is active only during the first week of Sundance, otherwise it is closed (and looks abandoned, though the outside is decently maintained). I've seen people walking down Main Street towards our store and then turn back up the street once they get to the Claim Jumper. It's a big property not to have <u>any</u> daily activity going on.
   d. Climate change giving us very dry winters.

4. Priorities: Keep rents reasonable! Our recent string of dry winters have usually caused a slight uptick in our business, until this past ski season. Sales collapsed over the 2 week Christmas period and stayed unusually low throughout January. This could have been a result of the PCMR vs Vail issue creating uncertainty, compounded with yet another year of low snowfall. Whatever the cause, if rents go much higher, it will make it very difficult to weather these kinds of dips. If the rents go significantly higher, you'll see stores like ours closing regardless of the weather.

5. **What role do you see the City playing in this effort(s)?**
   Leadership! This issue is fragmented, complex and will strain the perspectives of our community's free market orientation all through the town. Someone needs to paint the picture of what will likely happen if we sit back and do nothing. Coalitions need to be established, conversations need to be had and tough decisions will need to be made. Our city's government must play the driver role in dealing with this issue so we know what the consequences of our actions or inactions will likely be as the future unfolds. In my mind, this is why we have a government. This tenant mix committee, especially with it's expanded membership, is an excellent start.

6. **Other thoughts?** PCMC should use whatever means it has at its disposal to address these issues. As a resort town with minimal other economic drivers, the distinctive character of our town is its unique brand, and it really needs to be fiercely protected.

Questionnaire: Main Street Tenant Mix

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Alison Butz, Executive Director, Historic Park City Alliance
Jonathan Weidenhamer, Economic Development Manager, Park City Municipal Corporation

1. **Name of Survey Respondent: Hans Fuegi**

2. **What is your relationship to Main Street? (For example, are you a business owner or property owner, or do you provide specialized consulting on street-specific issues?)**
   Property owner

3. **What trends or major issues do you see Main Street facing that could compromise sense of place and the distinctive character of Historic Park City**
   Commercial spaces used for SFF only and "dark" for the balance of the year

   Space under construction at Main Street level for years creating more "dark" window fronts

   Disappearance of interesting/local tenants, creating an uninteresting shopping experience for our guests (similar issue led to PCMC creating an ordinance limiting Real Estate offices at street level in parts of historic old town a few years ago).

4. **Which issues are priorities?**
   All of the above listed

5. **What role do you see the City playing in this effort(s)?**
   Creating a license fee structure for SFF discouraging rental for the film festival period and other short term rentals ("event spaces" only)

6. **Other thoughts?**
   It will be difficult for PCMC to control the tenant mix on Main Street. I am hopeful that PCMC can institute SFF license fees which will discourage spaces being rented for the film festival period and some occasional other short term events only).

   I believe that PCMC should encourage and help with development of store fronts facing Swede Alley. This may create possibilities for local tenants who cannot afford Main Street level rents to have stores on the "back side" of Main Street. PCMC owns some small parcels of land on Swede Alley, which at this point does not generate income (or help to provide an attractive sense of entry to Main Street). PCMC could help encourage development of Swede Alley as a secondary shopping area with more affordable rents or at the minimum create a better experience for customers entering Main Street from the Swede Alley parking spaces and Transportation Center.

Questionnaire: Main Street Tenant Mix

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Alison Butz, Executive Director, Historic Park City Alliance
Jonathan Weidenhamer, Economic Development Manager, Park City Municipal Corporation

1. **Name of Survey Respondent:** Michael Kaplan

2. **Other thoughts?**

A couple of thoughts for possible solutions on what I see as the key Main Street issues:
1)'Dark' buildings: It seems that there is a consensus that the easiest "low hanging fruit" (as Hans would put it) is the 'dark' buildings. I don't know if you had a chance to call those owners but my personal feeling is they would like just give you a 'run-around'. Ultimately, if we have to dis-incentivize [sic] those owners it seems that using our lost tax revenues (had a business been operating in the space) as a compensation/penalty makes some sense.
2)'Hot beds': I think we will have to tweak the LMC to incentivize developers towards long and/or short-term rentals and away from high-end condos. From what I've learned the best way to accomplish this is by changing the 1) parking 'buy-in' and ratio requirements; and 2) allow more height and greater F.A.R. allowances on rental uses.
3) Tenant Mix: This is clearly more problematic and challenging; however I think we still must address these issues before it is too late (See Aspen downtown core as an example of not being proactive). It seems to me that we do not need to "reinvent the wheel" and we should look at the language contained in other resort towns' successful efforts and try to incorporate them into our LMC. I have some of Nantucket's language and I believe Allison has some wonderful examples of how other similar communities have successfully tackled these issues.

Upon the request of the Historic Park City Alliance I have prepared a brief synopsis of the issues facing Park City with emphasis on the Historic District. I have also had a number of conversations with, and input from, key City Hall personnel, City Councilors, Members of the History Museum, members of the HPCA, and other stakeholders in our community. The following is:

1) A brief history of the evolution of Western mining/resort towns from an economic and tenant mix perspective;

2) Some of our current macro and Historic District economic challenges.

1) WESTERN U.S. RESORT TOWN GROWTH and DEVELOPMENT PATTERNS

While most Western ski resort towns see themselves as unique, they actually have many commonalities and have followed similar developmental and growth patterns. In many instances our 'colleague communities' are further 'ahead' on this evolutionary path than us, but many indices and matrix analysis indicate we are quickly catching up or even surpassing them (i.e. ave. resident's income).

Park City is not alone in its development. Several other western resorts towns (i.e. Aspen, Jackson, Telluride, Crested Butte, Durango) have followed very similar paths. As mentioned, in many cases they are further along the mining town to major international resort town evolutionary process, so the question should be "what can we learn from their experiences?"

WESTERN SKI TOWN ECONOMIC HISTORY: The following is a brief review of the evolution from mining camp to international resort towns, along with specific examples and implications for Park City's Historic District:

1870's-early 1900's Early Mining Era

Historic district: Discoveries of gold, silver, lead and other minerals and rare metals leads to 'boom town', influx of (often immigrant) miners and prospectors, sparse retail and businesses (i.e. bars, rooming and boarding houses, prostitution, general stores, prospecting supplies, temporary shelters, etc.) that supported the mining industry and miners' lifestyles.

1910's-1940's Town's fortunes rise and fall based on national and global economics and the price of metals (esp. silver)

Historic District: economy based on small retailers often former miners and/or their wives/family. Boom of commercial uses/retail mix: restaurant/bars, barber shops, theaters, bakers, hardware stores, butchers, etc. Schools and community services grow.

1950's – 1963 Mining industry decline ⋆ hard times

Historic District: mines closings send town to the brink of depression. Many small businesses shuttered, real estate values fall. Existing "Mom and Pop" retailers try to hang-on.

1963-late 1980's Burgeoning ski era and resort based economy

Ski areas developed, transition to resort economy. Historic District: gift, jewelry, and T-shirt shops, basic hotels, sports equipment shops. Restaurants/nightclubs move away from serving the mining population towards ski industry workers and tourists.

1990's- 2014

Growth of High-end hotels (Montage, St. Regis, Waldorf, etc.) and non-ski related activities (I.e. Sundance Film Festival, off-season events, concerts, and festivals). Businesses catering to locals often move out of the historic district (primarily to Prospector and Kimball Junction), growth of the Sundance Film Festival, the 2002 Winter Olympics, high commercial real estate leases and sales prices result in expensive restaurants/bars, galleries, etc. This is sometimes referred to as the "Aspenization" of a ski town resulting in exponential growth in real estate sales and values with the resulting loss of the 'ski town vibe'. The last few years we have seen the development of the last vacant spaces on Main Street. Since the Olympics we have experienced an influx of real estate sales and time-share offices on Main Street (later reduced by City ordinance).

2015 ⋆ Park City's Current Development path and challenges

Ski industry studies of skier demographics indicate that national growth in skier visitor days is flat (Kotke Report). This means that ski areas are 'cannibalizing' skiers/boarders from each other. Indeed, in the last 20 years the U.S. has gone from 750+ ski areas to just over 400. (Kotke) U.S. Ski Industry growth now focuses primarily on real estate development as opposed to income from operations. This is actually a 'bright spot' for Park City real estate in that most ski resorts are on National or State forestlands (and development is therefore restricted) and our resorts and developable land are nearly entirely on privately held land. Other benefactors include lodging, food, and tourism related industries.

With the end of 'great recession' we are seeing record real estate investment dollars into the greater Park City area. Vail's purchase of PCMR and lease of Canyons, and the resulting connection of the resorts has resulted in the largest ski resort in the U.S. This has obvious marketing opportunities. The Lodging industry will likely be a early beneficiary of these changes due in part to the transferability of the Vail's Epic Pass. Expect significant growth in skier visitor days (Utah is currently at approx. 4 million/yr. compared to Colorado's approx. 12 million/yr.). With growth comes related traffic congestion, employee housing, parking, etc. issues.

Generally, Park City 's current marketing efforts seek to differentiate itself from other competing resorts. **Park City's primary competitive advantages:**

1) **Proximity to an international airport, ease of transportation/transfers to resorts, location near a metropolitan city;**
2) **Quality of snow, resorts, and skiing/boarding experience;**
3) **Availability of (relatively affordable) commercial and residential real estate (but that is quickly changing);**
4) **Park City (ski area) now the largest ski area in the U.S., and Deer Valley's preeminence as a high-end resort. These resorts' have been internationally recognized as employing best practices within the industry;**
5) **The charm and resort infrastructure of Main Street.**

For the most part we have been successful in our marketing efforts and despite recent weather and macroeconomic setbacks, we are enjoying a general rise in tourism as measured by skier visitor days and nightly lodging totals.

My contention is the current 'pulse' driving up commercial rents and property values is due to: 1) the end of the recession, and 2) market economic forces recognizing that Vail Corp's combination of the PCMR and Canyons into the largest ski area in the U.S., will drive significantly more economic activity.

2) CURRENT CHALLENGES FOR PARK CITY'S HISTORIC DISTRICT:

The Historic District is facing challenges regarding its' economic viability.

1) Protecting the Tenant Mix: Similar to the experiences of other Western resort communities, we are losing our local 'Mom and Pop' retailers in favor of coeporate national or international retail chains, 'ego' investors (over-market purchasers of properties for personal rather than for economic reasons), seeking a loss-leader presence in high profile locales (often the purchase or lease of a property comes from their marketing budget as opposed to operations or real estate budgets). At a certain "tipping point" the 'vibe' or 'funk' that originally attracted many of us to Main Street and to live in this resort community, will disappear (see Aspen as an example). It would be ideal to find a way of legally protecting the local businesses without interfering with property owners' rental incomes. A few years ago we enacted code restrictions prohibiting offices on the retail level; this may serve as a model for future efforts (TITLE 15 – LAND MANAGEMENT CODE (LMC), CHAPTER 2.5 – HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT 15-2.5-2 ALLOWED USES, (18) Office, General - (Offices are) prohibited in Storefronts adjacent to Man Street, Swede Alley, Heber Avenue, Park Avenue….). Though challenging, land use codes that dis-incentivize [sic] chain restaurant and retail uses should be considered.

A related issue is to address gaps in the LMC that allow for temporary sub-lease tenancies. This primarily occurs during the Sundance Film Festival or other special event periods. Some of the sublease tenants enjoy an unfair competitive advantage over long-term (and tax paying) businesses. Some of these tenants wantonly refuse to abide by local laws and regulations (i.e. opening/closing times, liquor laws, advertising regulations, use restrictions, etc.) Often these temporary tenants are gone long before City officials can take action.

2) Vacant/Underutilized Buildings: All, or nearly all of Park City's Historic District's currently vacant, or underutilized, properties are owned by wealthy investors that are NOT owner-occupiers. Vacant buildings amongst the commercial district have a deleterious effect on neighboring businesses (termed: **economic blight**, a drain on the District's economic vitality and synergy); safety and health concerns (fire hazards, transients, rodents, etc.); and loss of local, county and state tax revenues. In addition, currently most of these investors seem perfectly content with leaving their buildings either vacant or undergoing less-than-speedy renovations. It seems reasonable then, that the community should seek to dis-incentivize [sic] Historic District commercial property owners from leaving their buildings vacant.

Current inventory (Aug. '15) of Historic District vacant, or partially vacant, or underutilized, commercial buildings:

- **176 Main (Centennial House)**
- **221 Main (Imperial recently sold to River Horse)**
- 227 Main* (Star Hotel)
- 508 Main (Silver restaurant) - leased
- 515 Main (Talisker)
- **573 Main (Claimjumper)**
- **628 Heber (former Blue Iguana)**
- Kimball Arts Center and development parcel*
- **632 Main (former Silver Queen)**
- **692 Main (former Marriott timeshare sales office)**
- 755 Heber* (Barclay Bldg.)
- 136 Heber* (Gateway Building)
- Several spaces in the Summit Watch mall

*partially vacant
Bold: vacant over 24 months

The City Council may wish to consider additions and/or modification to the Land Management Code inducements to address the immediate problem of vacant and underutilized buildings. These include creating (and enforcing) time limits (i.e. one year) for property owners to find a long-term tenant for vacant spaces, and/or construction/renovations done in a timely manner (however, current State code does not allow these restrictions). Other efforts may include putting historic or pleasant posters/artworks in empty buildings' windows; Require the interiors be illuminated with lights on at night.

3) High-end Residences: A recent Main Street trend is the development of second, third, and forth floor "mega-condo units" (i.e. 1500+ sq. ft. multi-million dollar 2nd and 3rd home, residential units). Examples: 692 Main, Silver Queen, Claim Jumper, 545 Main, 205 Main, 614 Main, 430 Main 368 Main 281 Main, and likely the Kimball Arts parcel). Owners of these types of units typically add little to Historic District vitality because they are used infrequently; and the units are often not in the nightly rental pool (owners of this magnitude do not need rental income). The fear is the units will be “dark” much of the year (see Upper Dear Valley as an example). The development of these high-end units is a direct result of the high property prices and the resulting developers’ need to recoup the purchase and renovation costs.

I believe the community should take steps to incentivize developers to <u>create “hot-beds’</u> - smaller, hotel-type units. This can be achieved by easing density, parking, and perhaps even height restrictions in a trade-off for long-term commitments for “hot-bed” uses.

<u>MAIN STREET’S FUTURE</u>

As mentioned above, we are seeing the beginning of a trend where national and international retail tenants are seeking Main Street locations. These retailers presumably view a Main Street presence, and the cache that associated with this presence, as primarily a marketing tool. They are willing and able to pay high rents, or buy buildings, but unfortunately the current largely “Mom and Pop” local retailers will not be able to do the same.

Property owners and developers may “push back” (balk) at community efforts to address the above issues, citing free market or owners rights to maximize their incomes. They should be reminded that a unique and vibrant Historic District is ultimately in their own economic self-interest.

It is not a matter of “whether” the tenant-mix and residential uses will evolve; but rather, how we can act proactively and best guide that transformation for the benefit of the community. Key stakeholders in the community including the City Council, Jon Weidenhamer, the City’s Economic Development Director, along with members of the Historic Park City Alliance are working to address these, and other Main Street growth related, issues. It seems clear that the goal of these efforts should be to avoid a ubiquitous “mall on a hill” and help support and enhance a unique retail, entertainment, shopping and restaurant/nightlife, experience.

Michael Kaplan, M.I.M., A.L.M.

Michael Kaplan is a visiting and adjunct professor of international marketing at universities in the U.S. and Europe, a former Main Street business owner, and has also taught Ski Resort Management at the University of Utah.

1. **Name of Respondent:** Myles Rademan

2. **Other thoughts?**

POSSIBLE ACTION ITEMS FOR REVITALIZING MAIN STREET
AUGUST 2015
Myles Rademan

Main Street, which we as a community tout as the 'heart of Park City' is beginning to look like a smile with too many teeth missing. Vacant store fronts and buildings are creating a sense of 'economic blight' that detracts from the overall appearance, success, tax base and tourist experience of our community. Are there practical, actionable, legally defensible steps that can be taken to ameliorate or reverse this condition while still respecting private property rights and balancing them with community desires, economic realities and the imperatives of protecting and enhancing our National Historic District? I believe the following action items should be more fully explored to determine their viability and efficacy:

- Meet with property owners of vacant, seldom used or permanently under construction buildings to determine their intent and the status of their thinking and planning. Let them know that a community awareness is taking shape to address these issues;
- Review Park City building, planning and enforcement codes to determine if gaps exist that can be filled, clarified enforced and strengthened;
- Seriously examine the role temporary special event licenses play as contributing to this condition. Do rents from 10 days of Sundance and/or other special events contribute to keeping buildings vacant the remainder of the year? If so, should the City condition such temporary business licenses on keeping such buildings occupied the remainder of the year, or at least make certain that such buildings light and decorate in such a way as to not appear forlorn and vacant?
- Luxury condo housing on 2nd and 3rd floors which is not rented out creates 'cold beds' when the vitality of Main Street demands 'hot beds'. Condition further residential units on Main Street as 'hot beds' which must be placed in short term rental pools;
- Along the same lines, examine the city's building codes and parking requirements to see if we are inadvertently keeping boutique hotels and other short term residential units from being built on Main Street;
- Look at the potential of expanding retail supply onto Swede Alley. Do we need zoning changes and/or additional infrastructure improvements to encourage growth in this area?

- Instruct our legal, economic and planning departments to examine these issues in some detail and collect information from other communities facing similar issues and problems;
- On CityTour closely examine how resort communities like Breckenridge are tackling these issues;
- Consult with a coalition of business owners, property owners, real estate agents, tourism officials and Sundance to build a coalition supporting actions to help solve these issues.

Questionnaire: Main Street Tenant Mix

Park City Staff, HPCA members and community at large members have had a series of meetings regarding the tenant mix on Main Street. Issues we've discussed have included: vacant buildings, hot beds, local business, office uses, size of retail spaces, pattern of usable front doors, formula (chain) businesses, and amendments to the vertical zoning ordinance.

We need feedback in your words to help frame a discussion on the Main Street tenant mix. We anticipate attaching these responses to a staff report to City Council.

Please complete the following survey and return responses no later than Friday, October 2 at jweidenhamer@parkcity.org. Thank you in advance for your candid feedback.

Alison Butz, Executive Director, Historic Park City Alliance
Jonathan Weidenhamer, Economic Development Manager, Park City Municipal Corporation

1. **Name of Survey Respondent:** Eric Nelson

2. **What is your relationship to Main Street? (For example, are you a business owner or property owner, or do you provide specialized consulting on street-specific issues?)** Real Estate business specializing on Main Street

3. **What trends or major issues do you see Main Street facing that could compromise sense of place and the distinctive character of Historic Park City** It's all about increased rents, CAM fees and Business activity. Vacant space used only for Sundance and some events are also a concern (Claimjumper, Sky Lodge and Silver Queen). There also needs to be a steady business community on Main Street. More office space. This helps Main Street business. Need to change the vertical zoning to allow for more office. Better and more free parking.

4. **Which issues are priorities?** In my view the important issue is increasing rents. Can existing tenants afford the rising costs of doing business. Will sales increase on the Street?

5. **What role do you see the City playing in this effort(s)?** Not much. They can encourage and suggest.

6. **Other thoughts?** I'm not convinced the City is that concerned with Main Street. 205 Main is the perfect example. They had an opportunity to really vitalize the upper main street area at no cost to the City. They failed. Our elected officials were unaware of what was approved. 9,000 sf of retail space lost forever. Whatever the City builds in the Brew Pub parking lot will not come close to what 9,000 sf of retail space would bring to the area.

Eric Nelson Other:

1. The 2006 Vertical zoning ordinance precluded not only office uses in Main Street storefronts but residential uses in storefronts. The ordinance has been successful to reduce some office use but the residential use in storefront space has increased. Combing the decreased office use and the increased residential use the actual occupancy of these spaces has increased. I hope going forward the counsel would take a larger role in these decisions on Main Street

2. There are about 140 storefront retail spaces on Main. About half of these spaces are restaurant/bar and art galleries. Is that what we want? Is this authenticity? To me the most interesting number is the retail number. Your chart shows retail has over 50% of the linear feet on the street but only 17% of citywide sales in 2015 are retail. Restaurant has 68%. This is the main reason you don't see the big chains in PC. The sales have not been there. Part of the reason is the size of our spaces on Main Street. They are small. Usually 25x75. Hopefully we can get better retail on the street and make that retail more attractive to both tourists and Park City residents. Except for LULU Lemmon and Roots there are no other chains I can think of on the street. Again it is all about sales. The success of Lulu might create some additional chain lookers. The other two stores next to LuLu are not doing well and have talked about vacating. What retail business works on the street?

3. Increased rents, CAM fees and sales are the big issues on the street for all tenants. Is it important to keep the existing tenant mix? The increased rents and CAM will drive away a good portion of the existing tenants on the street if their sales remain stagnant.

4. What are tenants doing to promote their business? How do you help a local business that basically does nothing to create business?

5. Hot Beds..How do you tell someone to rent their unit? That ship has probably sailed. You get into security issues when you mandate nightly rental. In my view you can only suggest.

DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

Respectfully:

Shannon Dale,

City Council Staff Report

Subject: Website Upgrade
Author: Shannon Dale and Scott Robertson
Department: Information Technology
Date: 10/22/15
Type of Item: Informational

Summary Recommendations:
The Park City Municipal's new website is ready to unveil.

Topic/Description:
Newly upgraded Park City Municipal website.

Executive Summary:
The new Park City Municipal website is ready to launch. Departments have worked hard over the past year to collaborate on the design and content. The new site will have improved search capabilities, easier navigation, lager menus, and improved mobile device compatibility. The site is expecting to go live by the end of October.

Background:
The IT Department brought to Council a proposed website upgrade in July of 2014. The request was approved and we entered into a Professional Services Agreement with Vision Internet. City staff has been developing our new Content Management System (CMS), which provides automated controls to manage website information and features. Staff have been working continuously on this project and with individual departments to customize each page to their needs. These new options will give the departments operational independence while still providing centralized access to our customers.

Analysis
We were able to maintain our mission statement to "*develop a low-cost, visually appealing, easy to implement and user-friendly website that can provide services and information to its visitors, while achieving inter-departmental and organization-wide continuity*."

While the initial project kick-off was delayed, it has turned out to be one of the most cooperative and engaging website projects. Because of the opportunity for dynamic content and available technology we were able to be more detailed in our concept and overall design. There was great collaboration between the IT Department, the Project Manager and web liaisons.

The web liaisons from each department have also done an incredible job of moving, updating and reorganizing website content. In the past few months, liaisons have performed double duty by updating content on two websites and maintaining continuity with the overall style and function. Several project sessions were conducted to allow individual web liaisons disruption free work periods.

Best effort has been made to ensure the transition of information, and services would happen with minimal disruption. However, given the large amount of information and links some website users will experience subtle disruptions. IT staff and department website liaisons will be available to remedy issues as fast as possible.

In preparation of the unveiling, we will be sending an “e-notify” to registered website users updating them of the changes and to verify/update their account information. We will also post a notification message on our current website. Additionally, Public Affairs will be creating a Press Release regarding the new site through our current site.

Website information management has always been a challenge, however as both the industry and our experience has grown, the new website maximizes the presentation of information in methods to work best on diverse sets of technologies including mobile device platforms.

Search features have been enhanced allowing users to be able to find items quickly and with fewer clicks. The upgrade gave us the ability to work efficiently with a site that is compatible with common web browsers as well as giving us a visually appealing platform.

The new website will “go-live” by the end of October, after synchronizing our current data and allowing time for notifications to be sent. We will give a demonstration on the soon-to-be site.

Department Review:
Legal, Police, Water, City Manager

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Internationally recognized & respected brand	+ Reduced municipal, business and community carbon footprints	+ Community gathering spaces and places	+ Ease of access to desired information for citizens and visitors
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive	Positive	Positive	Very Positive
Comments:				

Funding Source:

Funding, in the amount of $24,622.00, has been approved and secured under a Capital Improvement Project. The project is expected to be completed within budget.

DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

The Main Street Plaza (Brewpub) Design Team interviewed the City Council on August 20, 2015 to kick off a two month process of community and stakeholder input sessions intended to define the program and opportunity analysis (activities, elements, amenities, users, etc.) for the project. The City Council should affirm we have the right elements and direct the design team to begin concept design based on this program. The design team will return in December with three concept designs for the City Council to consider.

Respectfully:

Jonathan Weidenhamer, Economic Development Manager

City Council
Staff Report

Subject:	**Brew Pub Plaza Project Scope - City Council Interview**
Author:	**Jonathan Weidenhamer**
Department:	**Sustainability**
Date:	**October 22, 2015**
Type of Item:	**Informational**

Summary Recommendations:
Consider the update from the Main Street Plaza (Brewpub) Design Team on the stakeholder and interview process. Affirm the Team's assumptions on the project's program (activities, elements, amenities, users, etc.). Direct the Design Team to begin three concept designs for Council consideration in December.

Executive Summary:
The Main Street Plaza (Brewpub) Design Team interviewed the City Council on August 20, 2015 to kick off a two month process of community and stakeholder input sessions intended to define the program and opportunity analysis (activities, elements, amenities, users, etc.) for the project. The City Council should affirm we have the right elements and direct the design team to begin concept design based on this program. The design team will return in December with three concept designs for the City Council to consider.

Acronyms in this Report:
GSBS – Gillies, Stransky, Brems, Smith Architects

Background:
The Design Team for the Brew Pub Plaza concept design is led by GSBS Architects. They have partnered with Struck, which is a creative firm that helps clients recognize vision, identity and tone of the spaces that are being designed.

On August 20, 2015 The City Council participated in interviews with the team to define their vision and preferred identity for the space (meeting minutes Exhibit C). Council was asked to prioritize options and discuss the tradeoffs and balance of specific design elements, including: Roads and parking; Visual Icon; Center Piece; Vibrant Edges; Park Space; Event Venue; and Housing. Some of City Council's specific input included:

- In summary, Council stated they want to draw locals, incorporate intimacy and surprise, and have an icon unique to Park City;
- Don't want a visual icon that is massive and iconic, such as a tower or big screens, but rather an artful relationship in harmony with its surroundings;
- The project/visual icon would need to tell a story and have a dialogue with the past;
- The project should include something like the Bear Bench that would draw people to take their picture there;

- Something there to attract people, but do not prefer any verticality;
- Housing should not be too vertical because it would create too much shadow and ice;
- Council was willing to explore smaller housing units, but that overall they want the space to draw crowds, which might not be conducive to housing units;
- Remember there is a unique local funk to Park City we don't want to lose;
- Include element of surprise that needs to be maintained in order to keep people coming back;
- The plaza should reflect our history and feel authentic, making it a place where real people want to gather;
- Main Street is multifunctional and is different depending on the time of day and season, but state Main Street's intimacy is valuable and needs to translate into this plaza;
- A park and a gathering space can co-exist and feels harmony between this space and the adjacent neighborhood as far as noise, visual impact and historic character are important;
- Would like event space as well as a place where you can sit and have a cup of coffee and there would need to be a balance between programmed events and making it a quiet space where you can sit and read a book;
- Retail space such as coffee shops that draw people would be beneficial but not too much so that it resembles a food court;
- The business community doesn't want any more parking space taken away;
- Some don't envision a park or lots of green space;
- Need a plaza to draw crowds to the top of Main Street to make the area vibrant 365 days a year;
- The project should bring locals back to the top of Main Street.
- There will likely be tradeoffs to these goals as the plaza cannot be all things to all people.

GSBS and Struck have led the stakeholder interview process since our last update. The team believes conducting thorough stakeholder interviews prior to beginning concept design has helped retain creativity and flexibility and ultimately will result in better efficiency with project resources. The interview process intentionally focused on refining the market and who our client is, along with the amenities, activities and elements users want. We believe the two types of interview questions helped identify a common vernacular amongst all stakeholders, which should inform and make the concept design better.

The consultant has completed the following portions of their scope:

<u>*Market Strategy/Positioning, Initial Concepting and Pre Design*</u>

i. *The Design Team will review existing concepts, market, trends and competitive data/research and coordinate with Park City Steering Committee to gain a clear understanding of the project objectives and desired brand experience for Park City Main Street Plaza.*

ii. *The Design Team will conduct up to six stakeholder interviews with members of the HPCA, Public Services, and property owners. The main purpose of these interviews will be to define the desired visitor experience and determine success metrics for the Park City Main Street Plaza.*

iii. *Based on the insights and recommendations gained, the Design Team will deliver a brand positioning document that includes: persona and visitor definition; visitor pathways; brand positioning and insights; and brand personality, voice, and tone.*
iv. *The Design Team will develop "look and feel" boards to indicate guideposts for subsequent site concepting and design (to be completed in future phases of the project).*

<u>Programming Strategy</u>

i. *The Design Team will conduct stakeholder interviews within the defined meetings that are part of the schedule with City/Public Agencies. The main purpose of these interviews is to gather information on program management of the Park City Main Street Plaza and begin to formulate the program strategy and analysis document.*
ii. *The Design Team will facilitate up to three discussions with a Program Management Committee formed by the RDA to determine strategies for future program management and maintenance of Park City Main Street Plaza.*
iii. *The Design Team will create a program strategy document summarizing the outcome of the stakeholder interviews, program management committee and outlining specific strategies for implementation in future phases.*

<u>Opportunity Analysis</u>

i. *The Design Team will review any existing retail and economic studies and documentation associated the Project Boundaries provided by Park City.*
ii. *The Design Team will use data provided by the Park City in a digital format to perform an analysis to identify specific retail strategies within the project boundaries.*
iii. *The Design Team will identify the market sub-segments most appropriately captured by the proposed retail spaces and focus of the project design.*
iv. *The Design Team will make recommendations for strategies involving adjacent properties to support the vision and program.*
v. *The Design Team will conduct up to ten Potential Partner Meetings with parties interested in a presence on the Park City Main Street Plaza. We will discuss interest in participating in programming and event coordination, perceived opportunities for collaboration and wishes/desires for space. The possible partner list will be finalized with the project team but could include residential property owners adjacent to site, Kimball Art Center, Sundance Film Festival, Park Silly Market and others*
vi. *The Design Team will produce (1) physical copy of the document as well as a digital file.*

<u>Information Gathering</u>

i. *The Design Team will produce a site analysis document communicating existing site conditions, context constraints, connectivity, and other pertinent information within the Project Boundaries.*
ii. *Design Team will facilitate individual meetings with City/Public Agencies and immediate neighbors of the project as defined in the schedule to determine previous, current, and proposed planning, urban design, and engineering efforts and produce a site strategy guide outlining specific strategies for implementation in future phases.*

<u>Design Analysis and Information Gathering</u>

i. *The Design Team will produce a site analysis document communicating existing site conditions, context constraints, connectivity, and other pertinent information within the Project Boundaries.*

ii. *Design Team will facilitate individual meetings with City/Public Agencies and immediate neighbors of the project as defined in the schedule to determine previous, current, and proposed planning, urban design, and engineering efforts and produce a site strategy guide outlining specific strategies for implementation in future phases.*

The Design Team will give a presentation and overview at the meeting of all findings made to date and recommendations for elements that should be included in the concept design as we begin moving forward (Exhibits A and B), including:

1. A summary of the partner interviews;
2. Key takeaways;
3. Review of the adjacent resident surveys
4. Overview of the activities, elements and attributes that should be included;
5. Positioning of the project with the market, including visitor motivators and "core essence" of the project;
6. Thematic guideposts.

Council is being asked tonight to affirm agreement with the elements above that will be presented. If Council is in agreement, we recommend directing the Design Team to finalize the initial phase of their scope which is to begin concept design, which will include:

Concept Development & Refinement

i. *The Design Team will develop up to 3 conceptual alternatives for the project scope and present them to the Park City Steering Committee. Design intent will be communicated through themed sketches, images, material recommendations, and written narrative.*
ii. *Design Team will facilitate individual meetings with City/Public Agencies and immediate neighbors of the project as defined in the schedule to review these concepts and gather feedback.*
iii. *After presenting the three schemes to the Steering Committee the Design Team will refine the three schemes and present them to the City Council including the recommended concept selected by the steering committee.*

Analysis:

The design team has completed the scope of their information gathering, stakeholder interviews, opportunity analysis and market positioning assumptions. After seeing their presentation tonight, staff recommends City Council affirm the team's assumptions and direct the team to begin development of three concept designs for consideration in December.

Concurrent with the design team's efforts the HPCA has conducted a visitor's survey that includes the question, "What brings you to Main Street?" At the time of publishing this report the survey had 192 respondents. The results of which will be incorporated into the team's presentation.

Lastly, we will begin incorporating the Council's new priority related to carbon reduction, energy conservation and green/sustainable design into the project immediately and Council will have a chance to review and provide direction on options in December.

Department Review:

This report has been reviewed by representatives of Sustainability, Legal, Budget and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve:

The City Council could affirm the findings and team recommendations. If they do, they should direct the team to begin concept design. <u>This is staff's recommendation.</u>

B. Deny or Modify:

The City Council could ask the team to conduct additional analysis or stakeholder input prior to beginning concept design. For example, Council could seek pointed input from a broader resident constituency. Staff believes we have found a good balance of gathering stakeholder input prior to beginning concept design. We believe it would have been premature to further engage the business district and residential neighbors prior to having further developed plans.

C. Continue the Item:

The City Council could ask for additional technical information or study to gain a better comfort level before directing the team to go into concept design.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination **(Economic Impact)**	Preserving & Enhancing the Natural Environment **(Environmental Impact)**	An Inclusive Community of Diverse Economic & Cultural Opportunities **(Social Equity Impact)**	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life + Varied and extensive event offerings ~ Accessibility during peak seasonal times + Safe community that is walkable and bike-able + Internationally recognized & respected brand + Unique and diverse businesses	- Managed natural resources balancing ecosystem needs ~ Enhanced water quality and high customer confidence - Reduced municipal, business and community carbon footprints ~ Economically and environmentally feasible soil disposal	~ Preserved and celebrated history; protected National Historic District + Shared use of Main Street by locals and visitors + Entire population utilizes community amenities + Community gathering spaces and places + Vibrant arts and culture offerings	+ Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Very Positive	Negative	Very Positive	Positive

Comments: Events may have temporary negative impacts on the residential neighborhoods and certain businesses but the improvements will result in overall positive results from an acitivity, amenity and economic standpoint.The carbon footprint will be greater than today. The team will have to be sensitive to the historic district guidelines as we move into concept design.

Funding Source:

There is currently approximately $5 Million estimated for the Brew Pub Plaza project out of the $15 M 10-year project budget. Sustainability, Planning, Building, Engineering, Budget, Public Works and on a limited basis other City staff resources will be required to complete the project.

Recommendation:

Consider the update from the Main Street Plaza (Brewpub) Design Team on the stakeholder and interview process. Affirm the Team's assumptions on the project's program (activities, elements, amenities, users, etc.). Direct the Design Team to begin three concept designs for Council consideration in December.

Attachments:

Exhibit A: GSBS Presentation
Exhibit B: Struck Presentation
Exhibit C: 8/20/15 Council interview – meeting minutes

Park City Main Street Plaza

October 22, 2015

GSBS ARCHITECTS CIVITAS STRUCK

Programming Update

Partner Interviews

+ Nine of 10 interviews complete

+ Information gathering:

Type and size of current events
Type and size of future events
Space needs
“Back of House” requirements

Key Take-Aways (so far)

+ Flexibility in the size and configuration of performance space

+ Adequate space to stage festivals/markets

Key Take-Aways (so far)

+ Mix of indoor/outdoor space

+ Specialized Facilities

+ Mix of soft and hardscape

Key Take-Aways (so far)

+ Passive space

Interesting unusual play areas for children
Areas for every day activities for adults (lunch/coffee)

+ Activities

Film
Splash Pad
Ice skating
Small format/late night food
Community bulletin board

Results of Resident Survey

+ People come to Main Street for:

Dinner (67%)
Events (55%)
Bringing visitors (52%)
Lunch (39%)
Arts & Entertainment (37%)

+ Top events are::

Parades (66%)
Park Silly Market (62%)
Kimball Arts (58%)
Halloween on Main (41%)
Savor the Summit (36%)
Street Concerts (34%)

Results of Resident Survey

+ People would come more often for:

Community Events (54%)
Seasonal Events (51%)
Greater Variety of Shopping (34%)
Gathering Area/Plaza Space (32%)
After Dinner Activities—non-bar (16%)
Nothing (13%)

Activity & Elements Matrix

+ Key components:

Generate daily activity
Allow and promote event activity
Encourage stay and play
Combine natural and built elements
Be multi-season

Park City
Main Street Plaza

October 22, 2015

GSBS ARCHITECTS CIVITAS STRUCK

Stakeholder Interview Key Takeaways

Key Takeaways

+ Design an adaptable multi-use space for year-round use that is additive to Main Street, the historic district, and the overall character of Park City (we are not just creating another events space)

Key Takeaways

+ Respect this space as an emotional center of the town and reflect the pride of an active community that cares deeply about where they've chosen to live

Key Takeaways

+ Develop a great gathering space that offers the consummate photo spot, but also becomes a landmark and a source of local pride, gathering and repeat visitation

Key Takeaways

+ **Honor the history/legacy without trying to replicate it**

+ **Create aspects of engagement and interaction**

Positioning

Positioning

+ Visitor Motivators

Factors that most motivate your target audience that are expressed as wants or needs. These are the core reasons your visitors visit and are key components of developing compelling messaging.

+ Plaza Attributes

Set of characteristics that identify the physical character and personality traits. These enable us to key in on your unique strengths and abilities to meet those visitors' needs

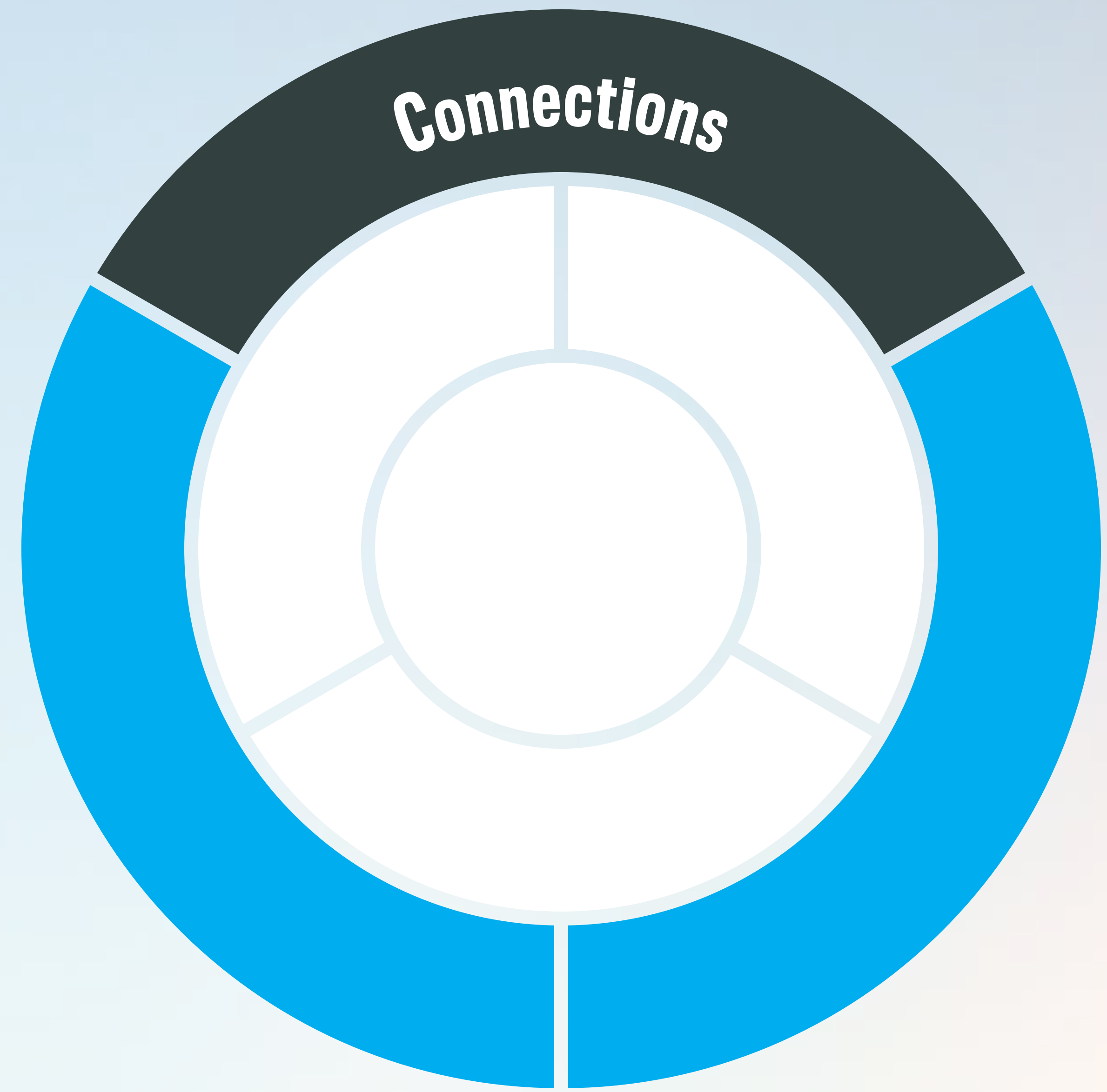
+ Core Essence

Visitor motivators + plaza attributes = your unique and relevant core essence

Visitor Motivators

+ Connections

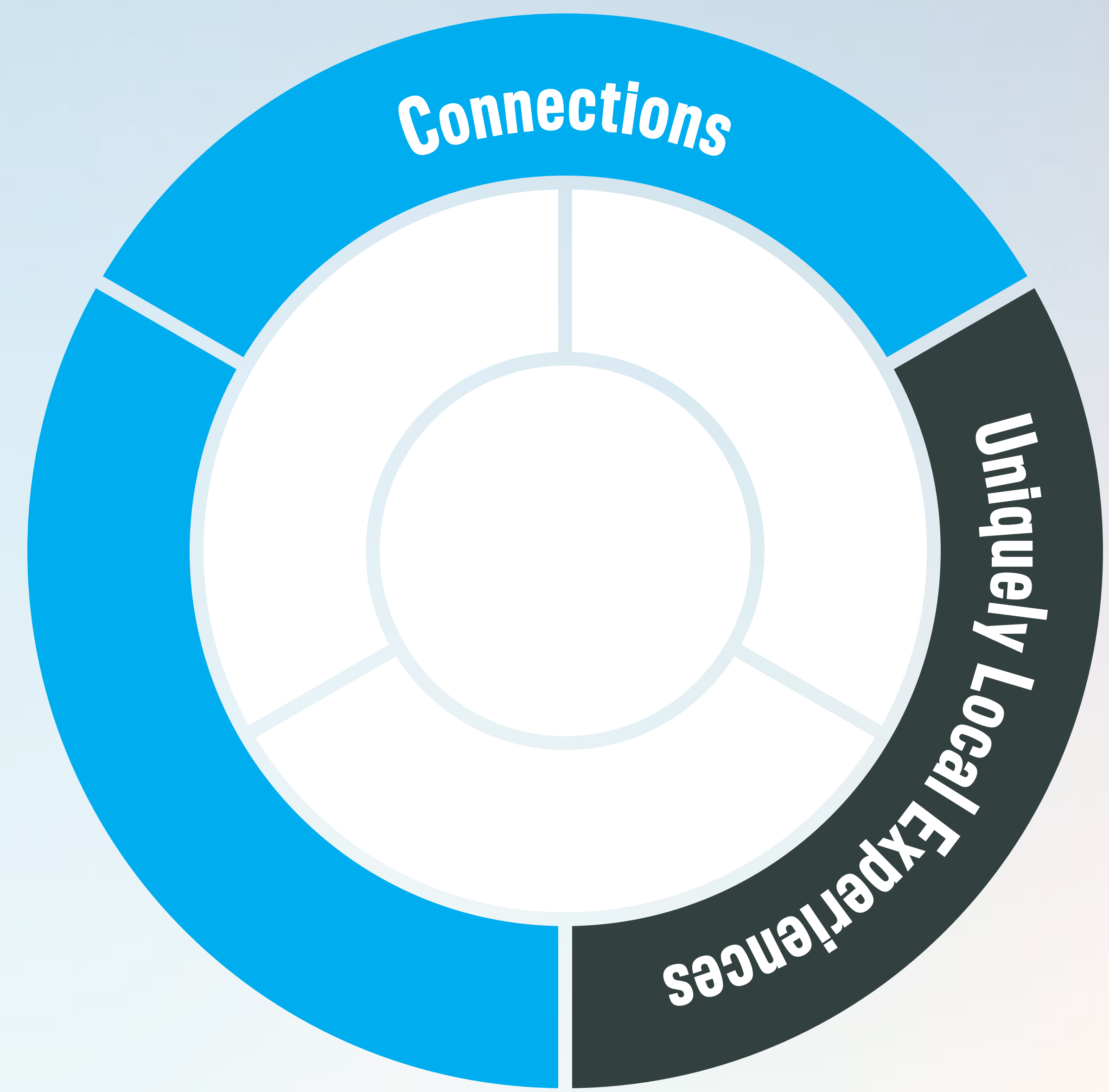
Park City visitors want to connect with those they travel with, to the place they are visiting, and to the history of the location. Park City residents are unique in how many of them choose to live in this special place, how deeply connected they are to the area and their fellow residents, and how interconnected they are with each other via community involvement. The new plaza offers an opportunity to create a natural place for these connections to happen.



Visitor Motivators

+ Uniquely Local Experiences

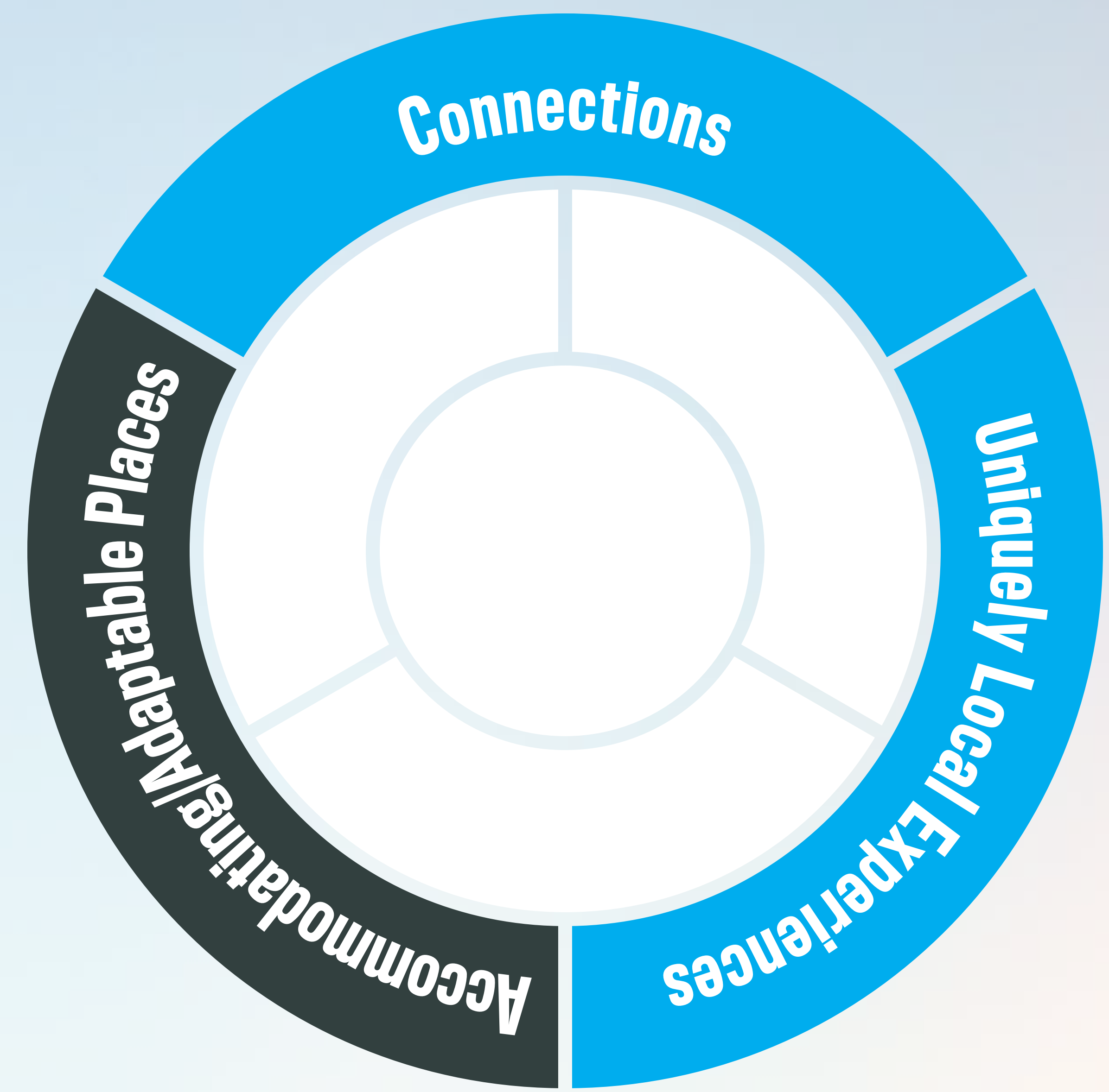
Park City is a bit of a hidden gem with its own unique personality. It's a place where residents choose to live and visitors choose to return. There's an authenticity to the community that honors and keeps the adventurous spirit alive, all while still being a place of comfort where everyone feels like they fit in. Visitors are always looking for vibrant and diverse experiences that feel unlike anywhere else, yet also feel like a place where they belong. The new plaza can help capture what makes Park City unlike anywhere else and where even visitors feel at home.



Visitor Motivators

+ Accommodating/Adaptable Places

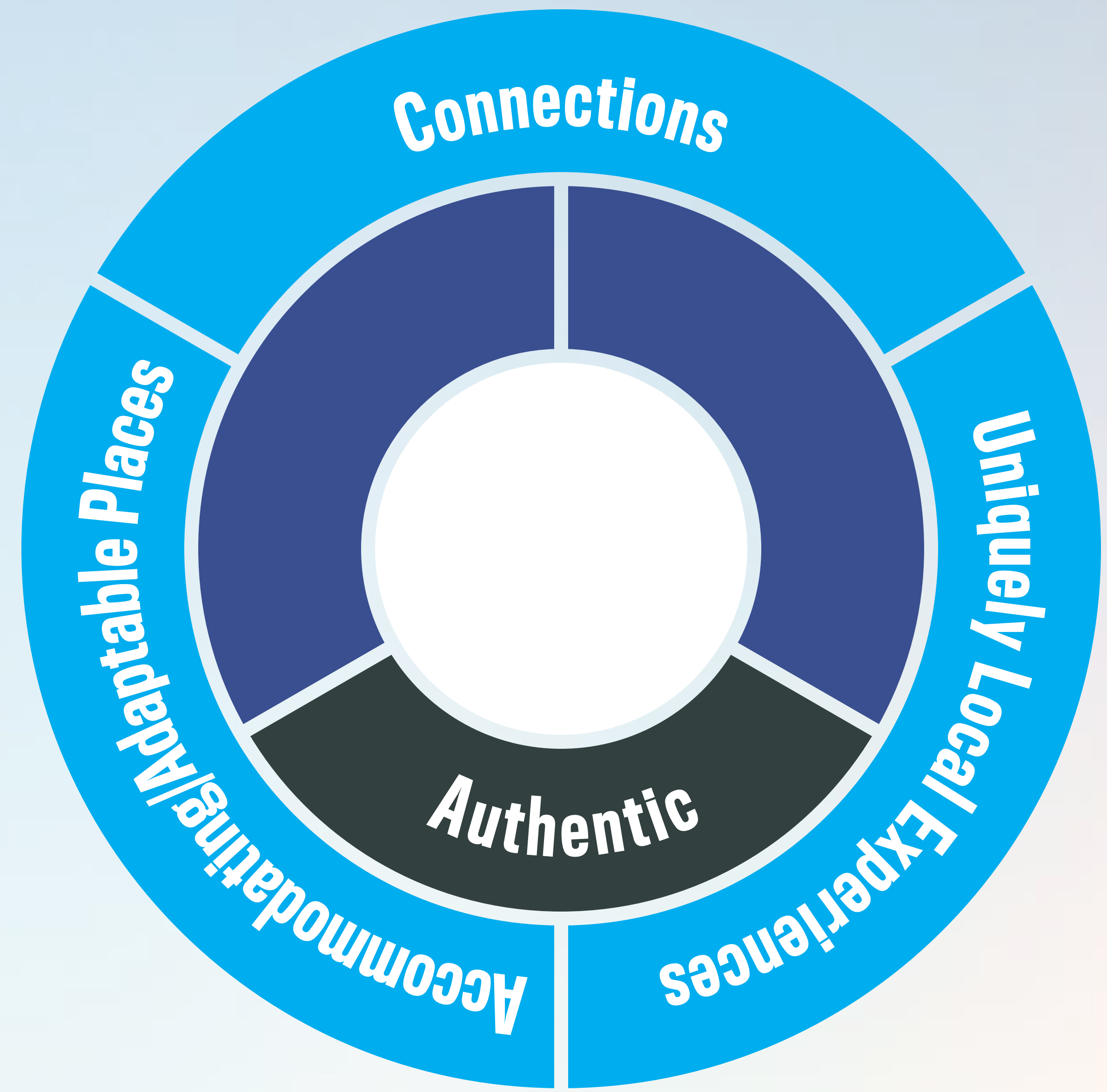
Visitors seek a wide range of experiences to share with their travel companions—this includes high-energy peaks and more intimate, quiet moments. Even when visiting the “must see” place in town, the most rewarding places and experiences are responsive and adaptable to your energy and interest level. Park City residents also really want to feel more drawn back to Main Street and to find welcoming opportunities to hang out, meet up with others, and share experiences that are easy and have a low cost of entry. Without requiring a lot of planning or any big expenses, the new plaza is a welcoming and easy-to-enjoy place for a wide range of activities and gatherings.



Plaza Attributes

+ Authentic

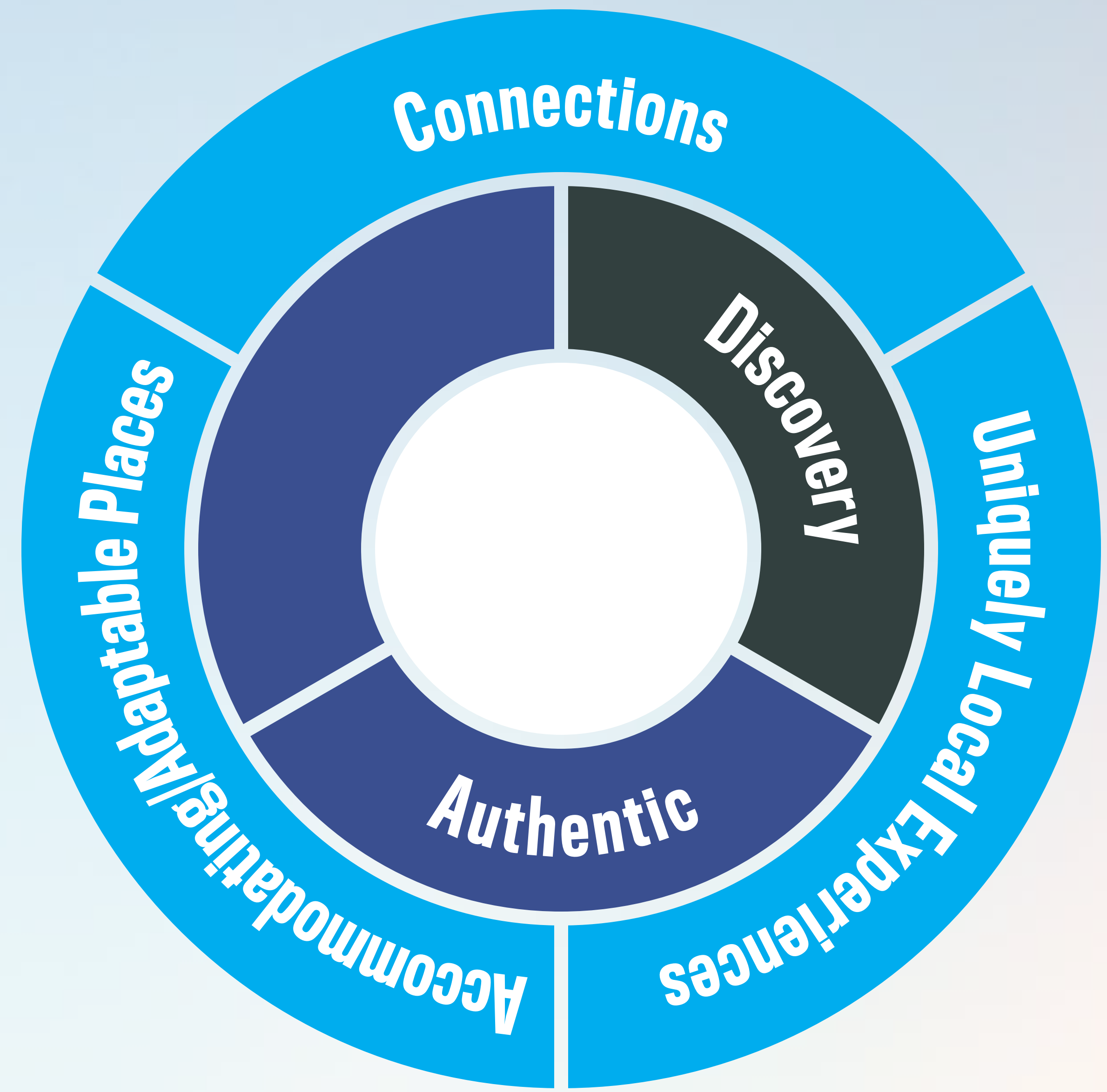
Park City is a uniquely authentic place—a real town where real people love to live, work and play. It's unlike other resort towns that seem only designed for tourists and have artificial theme park facades. Something special happens in a place where people choose to live and are so involved in every aspect of the community—it emanates realness, personality and vibrancy. The new plaza is in the core of a unique town that doesn't pretend, is distinctly real, and reflects Park City's pride and special brand of funk.



Plaza Attributes

+ Discovery

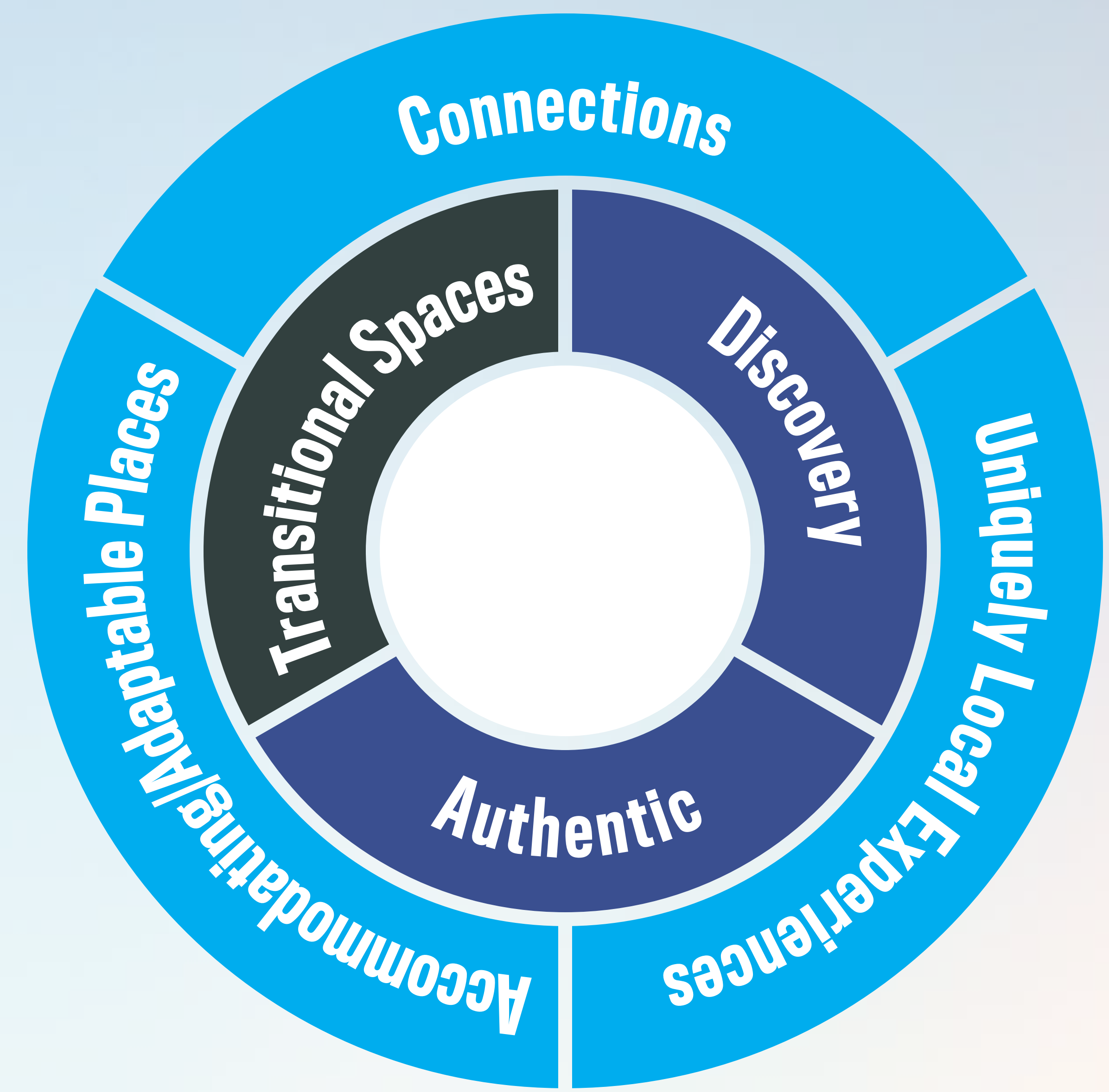
Our favorite spaces and places always feel fresh, new and inviting no matter how many times we've visited them. This new plaza has the opportunity to bring that sense of discovery and a new view of Park City's Main Street to both visitors and residents. Adventurers have always been welcome here and this new space can honor the treasured history of the area while also introducing something always new and interesting happening with art, gathering and activities.



Plaza Attributes

+ Transitional Spaces

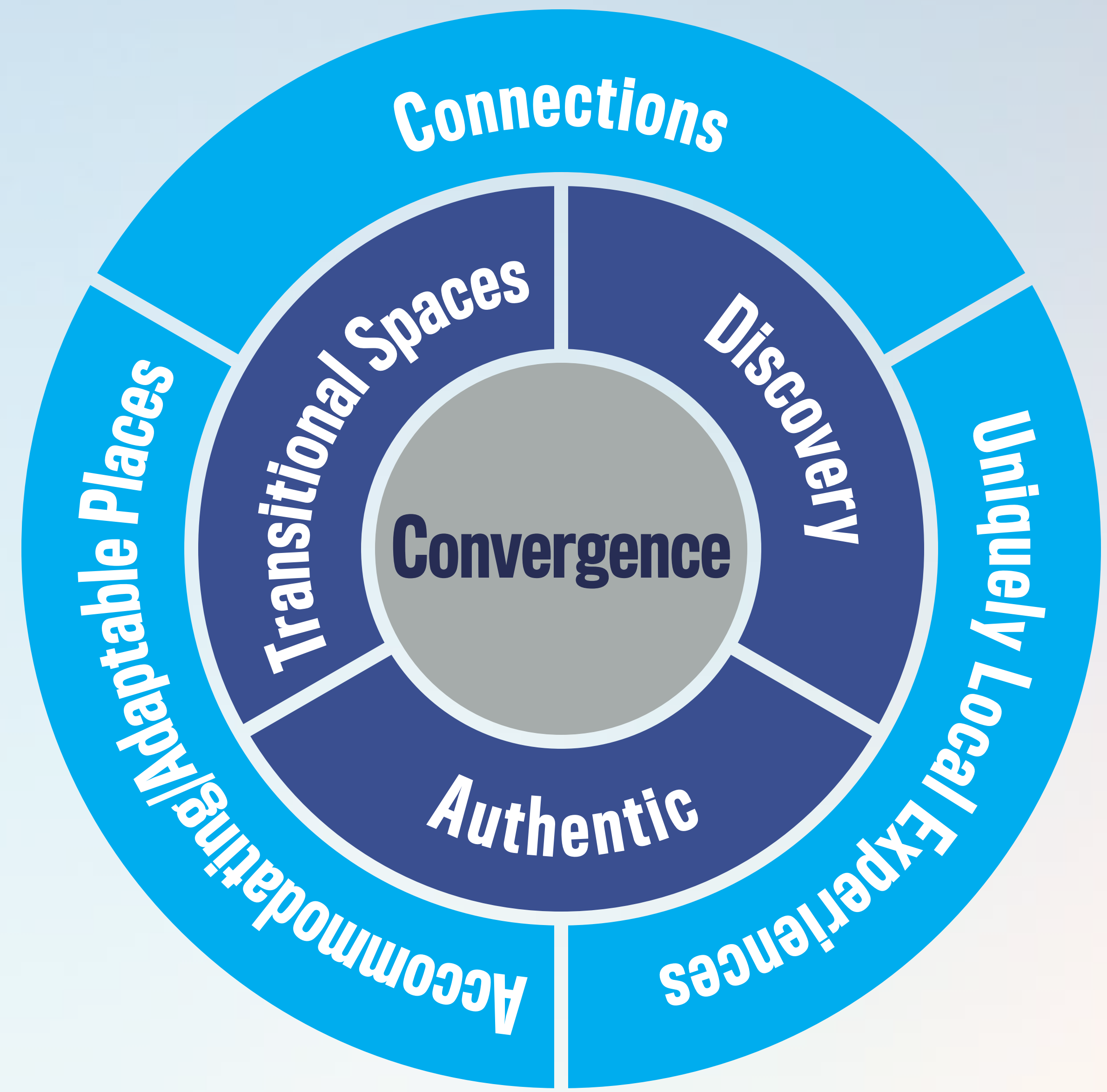
Whether it's part of your everyday or your vacation day, some of the best times are the moments in between. It's these moments of transition whether you are taking a break or gearing up for something exciting. The new plaza marks so many special points of transition within Park City. It's the place where you meet up with friends after a ski day and before a special dinner. Where the commercial part of Main Street meets up with the residential section of historic Old Town. When the day begins to change to the magic hour when the light is perfect. It's also the first day you notice the leaves are changing and fall is on its way. There's magic in the transitions and subtle changes, and this new plaza can capture those special moments.



Core Essence

+ Convergence

This new plaza represents a blending together of the many natural, cultural and community aspects of Park City. The plaza fits naturally within the local landscape while also bringing fresh, new energy to Park City by blending together all the elements that make the city so unique. The new plaza is not only located at a key point of convergence in the town, but through thoughtful design it also represents both the area's history and future. It welcomes both residents and visitors. It is a place for both quiet moments and outsized celebrations. It's a place where everyone feels welcome and discovers new happy moments throughout the day and throughout the year.



Thematic Guideposts

Thematic Guideposts

+ Authentic

Park City isn't a new development. It wasn't purpose-built for the ski resorts that now dot the surrounding mountains. It has history. It has evolved from a rough-and-tumble mining town to a beautiful gem in the Wasatch Mountains. And Park City isn't a mountain resort town where people work during the day and disappear when their shift is over. No, people have been living and working here for generations. It will always be their home. And even though the current look of Park City is a far cry from its early days, this change has happened organically, and small touches of its past can still surprise and charm you.

Thematic Guideposts

+ Discovery

Park City was built on discovery. Even beneath the mountains, intricate veins of precious metals called out to those willing to put the effort into finding them. This sense of bold adventure has stood the test of time, even though we've replaced the pick-axes and mining helmets with snowboards and dozens of choices to explore for food and nightlife. This isn't a sleepy mountain hamlet; residents and visitors are always on the lookout for something new to get out and experience, the area caters to their fun and active lifestyle.

Thematic Guideposts

+ Fusion

Park City is where the spoils of nature and the splendor of man bleed into one another. In the morning you can carve up the backcountry alongside the area wildlife, and by lunch you can sit down and enjoy white-napkin dining. There is no suburban sprawl here; shops and bars cut a thin line through untamed nature, letting you connect with both worlds with each step down the street.

Thematic Guideposts

+ Intimate

At its heart, Park City is still a small town. Families have lived and worked here for generations and have chosen to be a part of this close-knit community for the long run. They are friendly, honest, laid back and quick to welcome you into their circle. So even though the city is a place you might spot a celebrity or rub elbows with world-class athletes, you'll always feel like you're exactly where you belong. And there are no long drives to reach the slopes, no cold, winding roads to endure before finally getting down to fun. The mountains hug the city in a majestic embrace, always over your shoulder, ready to play when you are.

Thematic Guideposts

+ Rebellious

Park City was founded as a contrast to nearby Salt Lake City. People wanted a place to strike it rich and live out their passions. That "anything goes" mentality helped engender a Park City "funk" that is still apparent today through a vibrant art, film and craft community. From the Sundance Film Festival to the Kimball Arts Festival, people come to Park City to make a name for themselves on their own terms.

PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH
August 20, 2015

CLOSED SESSION

To discuss Property, Personnel and Litigation

STUDY SESSION

<u>Brew Pub Plaza Scope</u>

Council member Beerman recused himself from the discussion due to his property ownership on Main Street.

Representatives from Concept Design, led by GSBS Architects, asked Council what they want the Brew Pub plaza space to be and what they want visitors to experience there.

Council members stated their preferences: Henney states his hope is to build something that will bring locals back to the top of Main Street. Matsumoto states she wants some kind of a plaza to draw crowds to the top of Main Street to make the area vibrant 365 days a year. She doesn't envision a park or lots of green space because she doesn't feel it would be used much; states the public has said they don't want any more parking space taken away. Peek states having retail space such as coffee shops that draw people would be beneficial but not too much so that it resembles a food court. Simpson states she would like event space as well as a place where you can sit and have a cup of coffee and there would need to be a balance between programmed events and making it a quiet space where you can sit and read a book. Mayor Jack Thomas states a park and a gathering space can co-exist and feels harmony between this space and the adjacent neighborhood as far as noise, visual impact and historic character are important. Simpson and Thomas state Main Street is multifunctional and is different depending on the time of day and season, but state Main Street's intimacy is valuable and needs to translate into this plaza. Matsumoto states she feels the plaza should reflect our history and feel authentic, making it a place where real people want to gather. Henney states another important piece of Main Street is the element of surprise that needs to be maintained in order to keep people coming back. Thomas agrees there is a unique local funk to Park City we don't want to lose.

Housing and iconic pieces were also discussed. Council agreed they would be willing to explore smaller housing units, but that overall they want the space to draw crowds, which might not be conducive to housing units. Mayor Thomas says any housing should not be too vertical because it would create too much shadow, thereby turning the area into an ice sheet. Regarding physical concepts, Council discussed having something there to attract people, but do not prefer any verticality. The design team state they have tried to pinpoint what is authentic to Park City that could be represented in some type of iconic structure. Mayor Thomas states an icon would need to tell a story and have a dialogue with the past. Simpson wants there to be something like Bear Bench that would draw people to take their picture there.

Concept Design says the plaza could accommodate up to 250 people. In summary, Council stated they want to draw locals, incorporate intimacy and surprise, and have an icon unique to Park City. Mayor Thomas states he doesn't want something massive and iconic, such as a tower or big screens, but rather an artful relationship in harmony with its surroundings.

WORK SESSION

Council Questions and Comments

Council member Matsumoto spent most of the week in Michigan. Attended Summit Lands this morning and reports they finished their audit and planning and are in a really good spot right now.

Council member Peek attended Planning Commission and in regards to the historic sites issue and pending ordinance, there's a restriction on noticing two weeks so they didn't offer their input on it. HPB was more flexible with their input on that ordinance. They did review some demolition permits. Attended HPCA where the same design team presented there.

Council member Henney did a walk-through with the Silly Market group. Tuesday attended a joint transportation advisory board meeting where there was a presentation from KFH Group, a consultant group working on the short-range Transportation development plan. It was a great meeting and he came out with a clear picture of their objectives and how they'll be accomplished.

Council member Beerman attended the City employee picnic where there was a great turnout. Thanked HR for putting that on. Attended a Mountain Accord meeting where they're getting going on the economic and community impact study and alternatives analysis for I-80. Attended COSAC and reports they're on their third discussion regarding the Clark Ranch property about what to allow and not allow. Went on a mobility tour UDOT, UTA, transportation professionals and other city council members where they spent the day touring Park City without ever getting in a car. Different Staff members presented on walkability and transportation challenges. Lots of communities were represented and are trying to replicate what we're doing here in Park City.

Council member Simpson thanks HR for their work on the summer picnic. Attended JTAB and feels we're in good hands with the consulting team as they're willing to look outside the box for solutions. Attended a Fire Policy work group meeting, where they're working on a formula for figuring out how much cities would pay in to the fund. Trying to get all cities on board with the formula to ensure tiny towns with no tax base don't get stuck paying large expenses. Attended a Board of Health meeting. Shout out to Leslie Freeman who has held food handler permit classes at the high school for all the kids needing them. Attended Library Board meeting and reports their usage numbers are huge. Working with other prominent women in the community to get a feel for women's issues. They met with the Women's Leadership Institute; one issue they're working on is promoting women in the workplace. Asks Council if they're interested in seeing if something like this is applicable for PCMC. Matsumoto states she read in the paper that Utah ranks 50th in regards to equal pay and other equality issues. Council states they would love to hear more.

Mayor Jack Thomas attended the Public Arts Advisory Board meeting. Attended the company picnic. Toured the mountain at Park City Resort with Bill Rock and saw the new building, which he reports is on schedule. Gave his condolences to the family of the worker who was killed in an accident there a few days ago. Attended the Tour of Utah, where he got to see Council member Peek fire the gun to start the event. Reports Chris Putt is back on his feet and competing in Colorado. Volunteers and staff were

DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff is requesting Council support for adding two employee level 2 electric vehicle charging stations on the Public Works Parking Deck.

Respectfully:

Matthew Abbott, Enviromental Program Manager

City Council
Staff Report

Subject:	**Employee Electric Vehicle Charging**
Author:	**Matt Abbott**
Department:	**Sustainability**
Date:	**October 22, 2015**
Type of Item:	**Administrative – Work Session**

Summary Recommendations:

Staff recommends that City Council review details on electric vehicle charging stations and provide direction. Staff is recommending that the City install two employee charging stations on the Public Works parking deck at an installation cost not to exceed $5,500 and direct staff to return with an official employee electric vehicle policy.

Executive Summary:

Staff is interested in adding two employee Level 2 electric vehicle charging station on the Public Works parking deck.

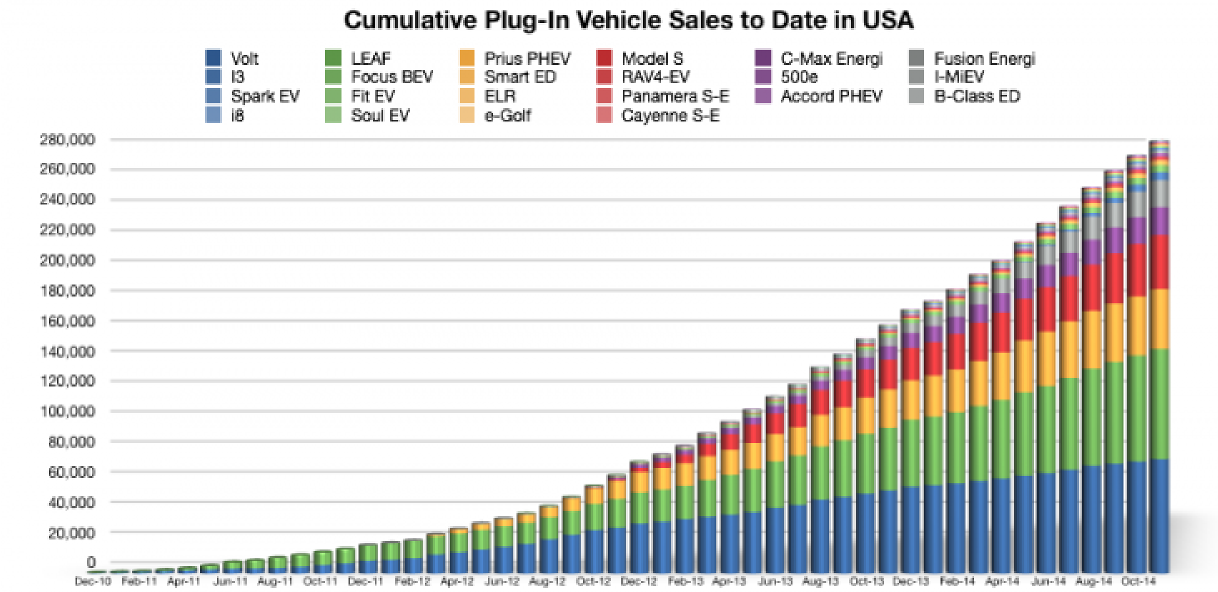
Acronyms in this Report:

BEV	Battery electric vehicle
EREV	Extended range electric vehicle
EV	Electric vehicle
MPGe	Miles per gallon equivalent
PHEV	Plug-in hybrid electric vehicle

Background:

On January 9, 2014 Council directed staff to install two electric drive vehicle (EV) charging stations in the China Bridge parking structure (http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=12233). Those charging stations were installed in March 2014, and have seen growing usage.

EV usage continues to grow.



[1]

These EV vehicles provide zero tail pipe emission when electrically driven, typically resulting in reduced air pollution in local airsheds. With additional investments in solar or other alternative energy an EV vehicle can be driven with zero emissions period.

EV are gaining market share with Park City Municipal Employees as well. Staff is requesting Council direction on whether to support employee EV vehicle adoption and use by providing on site charging facilities. If so, staff requests Council direct that two charging station be installed at Public Works and that staff return with an EV charging policy.

Analysis:

Many City employees currently commute to work at Park City. The financial costs of commuting to Park City are substantial, adding $300-$400 dollars per month.[2] The environmental impacts per vehicle are 5.3 metric tons of CO_2e or 1,593 metric tons of CO_2e (3,660 barrels of oil) across our employee base.

The City mitigates these impacts through the UTA Van Pool program.

This staff analysis the impact of providing employee electric vehicle charging and asks whether Council supports this expense. Currently there is a request for a charging facility at the Public Works and this policy question will be framed in terms of this request. If Council supports this request, staff will return with a City policy on employee electric vehicle charging.

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[1] http://insideevs.com/cumulative-us-plug-electric-vehicle-sales-model-model-breakdown-market-share-data-november-2014/

[2] http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=14801

Financial:

Operational

An average miles per KWh metric across the variety of EV vehicles is not available. However, if we assume that the Chevy Volt and Nissan Leaf represent the most likely EVs to be purchased by staff the miles per KWh is equal to about 3 mi/kWh.[3]

Based on data compiled by Human Resources, it appears that of the employees that reside outside of Snyderville Basin, most commute about 35 miles.[4] Assuming that an employee leaves home with a full charge, this equates to about 12 Kwh of energy consumption to reach work. An average work month contains 22 work days for a full time employee.[5] Assuming full utilization and only full time employees, an unlikely assumption, this equals 264 kWh. At 8¢ per kWh this equates to $21.12 per month, per full time employee[6] assuming that the employee relies solely on Park City Municipal for their charging needs. Using data from other cities, an average charge is 4.4kWh, or $0.35, which equates to $7.74 per month.

Even considering the highest cost assumptions, the cost is significantly less than the subsidy of $50.00 per month for those employees that utilize the van pool.

Capital

The capital cost of installation of an EV charger varies, and is driven primarily by the cost of the electrical run. This cost could be minimized in the future if the City adopted a policy of supporting EV vehicles for employees and/or the public. If such a policy were in place reconstruction or new construction of City facilities could include electrical runs. Staff has been informally pursuing this is in current City projects.

An electrical run at Public Works for two locations is estimated at $3,500. A commercial grade Level 2 (208 volt) charger, like the two in China Bridge, cost about $500. With current demand at Public Works, staff recommends doing two electrical runs and two chargers at this time. This brings the current capital estimate to $4,500, with a not to exceed recommendation of $5,500 to cover any contingencies. Public Works and Public Utilities Team can cover this cost within their current operating budget.

Cost Recovery

Staff is recommending that providing employee charging stations be viewed as an investment in reducing the environmental and financial costs of commuting to Park City. A cost recovery fee may reduce the adoption rate of electric vehicles among staff; although not providing employee vehicle charging would likely have a greater effect. Council should be aware that cost recovery options are available, should Council wish to pursue these. There are a few potential methods for cost recovery.

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[3] https://en.wikipedia.org/wiki/Nissan_Leaf
[4] http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=14801
[5] http://controller.berkeley.edu/number-working-hours-month
[6] Check KWh cost with Matt.

The first method is to charge per kWh. However, charging per kWh does not make fiscal sense. Charging stations that include credit card readers cost four to seven times more than the commercial charging station we recommend above. In addition to the charging station there are network fees, transaction fees, and station maintenance costs. Pursuing the lowest cost model and charging $1.00 per kWh (a 12.5X mark-up) would result in a 20+ year payback period.

A second option would be to charge for an annual employee parking/charging sticker. This option offers the most price flexibility and the least associated infrastructure. To the best of our knowledge, only two employees commute using an electric vehicle. One of these employees has workday access to the free-to-all China Bridge charging equipment. This leaves only one employee who might secure a charging sticker. Such an administrative undertaking seems disproportionate to the costs that would be recovered.

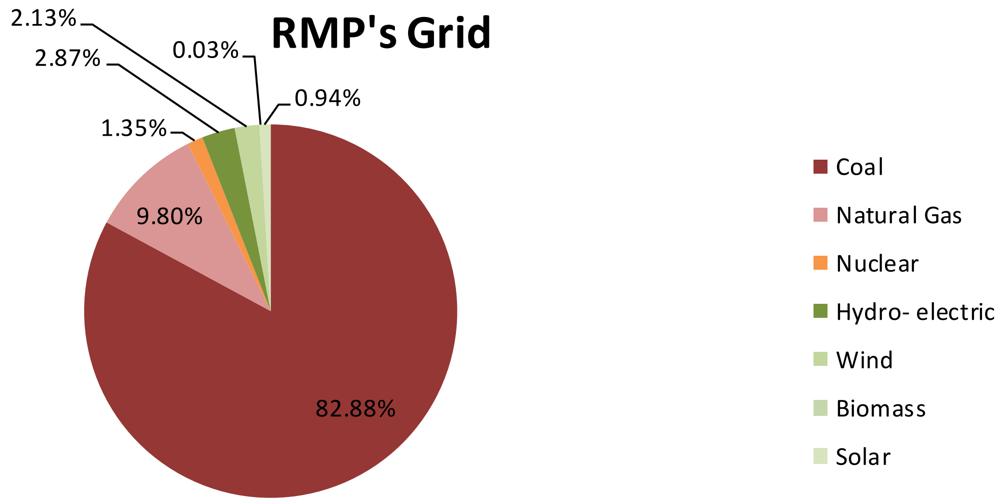
Each of these methodologies fails to effectively recover costs at the current scale of this effort. Staff can include triggers for reevaluation of this decision in the official policy, such as a significant increase in the number of employees driving EVs, if Council so requests.

Environmental:

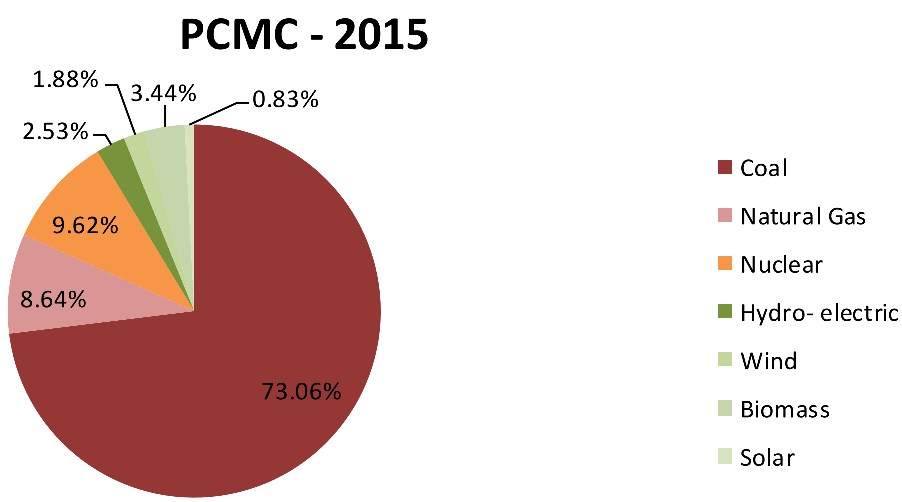
There are two primary environmental considerations for EVs. The first is localized pollution from tailpipe emissions. BEVs have zero tailpipe emissions. PHEVs and EREVs have drastically reduced tailpipe emissions as compared to non-EVs. Tailpipe emissions are readily diluted in Park City but have a notable impact in Salt Lake Valley. Supporting infrastructure that reduces tailpipe emissions provides a real and direct environmental benefit regionally and globally.

The second environmental consideration is the source of the electricity used to charge EVs. According to calculations from the U.S. Energy Information Administration[7], Rocky Mountain Power's energy blend is as follows:

[7] U.S. Energy Information Administration. "Utah: State Profile and Energy Estimates". http://www.eia.gov/state/?sid=UT#tabs-1



Park City's renewable energy portfolio and participation in Rocky Mountain Power's Blue Sky Renewable Energy Program improves our energy blend substantially.



In a study conducted by the Union of Concerned Scientists it was determined that the carbon emissions associated with the energy used to charge an EV equate to a vehicle that averages 27 miles per gallon equivalent (MPGe) for RMP's blend and 58 MPGe for Park City's blend[8], substantially higher than the current US average of 24.6 MPG. In other words, the energy used to charge an EV in Park City is substantially cleaner than gasoline, natural gas, or

In summary, EV charging reduces environmental impacts regionally and globally.

[8] "State of Charge." *Union of Concerned Scientist*. http://www.ucsusa.org/assets/documents/clean_vehicles/electric-car-global-warming-emissions-report.pdf

Department Review:
Sustainability, Public Utilities, Public Works, Legal, and Executive

Alternatives:

A. Approve:
City Council will review details on electric vehicle (EV) charging station comment and provide policy direction. City staff would install one employee charging station on the Public Works Parking Deck. **[STAFF RECOMMENDATION]**

B. Deny:
City staff will not install one employee charging station on the Public Works Parking Deck. Council will provide policy direction.

C. Modify:
City Council will review details on electric vehicle (EV) charging station comment and provide policy direction. City Council will modify staff's request for one employee charging station on the Public Works Parking Deck. This may result in installation delays.

D. Continue the Item:
City Council may request that staff return with more information to help inform their decision and priorities. This may result in installation delays.

E. Do Nothing:
City Council may do nothing, resulting in no policy direction and no installation of an employe charging statin on the Public Works Parking Deck.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination **(Economic Impact)**	**Preserving & Enhancing the Natural Environment** **(Environmental Impact)**	**An Inclusive Community of Diverse Economic & Cultural Opportunities** **(Social Equity Impact)**	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?	+ Internationally recognized & respected brand	+ Reduced municipal, business and community carbon footprints	+ Shared use of Main Street by locals and visitors + Entire population utilizes community amenities	+ Fiscally and legally sound + Well-maintained assets and infrastructure
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive	Very Positive	Very Positive	Positive

Comments: As stated in the analysis, EV charging stations represent a win acrossi the triple bottom line of people, planet, and profit. Pursuing charging stations will futher many of Council's priorities. Investing in EV stations Park City is leading the region's clean transportation economy.

Funding Source:
Existing Public Works and Public Utilities budget.

Consequences of not taking the recommended action:

Choosing not to pursue EV charging stations represents a forgone opportunity to support low emission vehicles. Park City would be choosing not to support the anticipated social, environmental, and economic benefits associated with EV ownership.

Recommendation:
Staff recommends that City Council review details on electric vehicle charging stations and provide direction. Staff is recommending that the City install two employee charging station on the Public Works Parking Deck at an installation cost not to exceed $5,500 and directing staff to return with an official employee electric vehicle policy.

Attachments:
None

DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

As a result of a complaint from a resident of Swede Alley, staff is requesting a City Council discussion and subsequent direction on the issue of amending the City's existing Parking Code and Noise Ordinance, last amended by Council in 2011, which governs early deliveries on Main Street and Swede Alley.

Respectfully:

Matt Dias, Asst City Manager

City Council
Staff Report

Subject: **Main Street & Swede Alley Early Deliveries**
Author: **Matthew Dias, Assistant City Manager**
Department: **Executive**
Date: **October 22, 2015**
Type of Item: **Legislative**

Summary Recommendations:
As a result of a complaint from a resident of Swede Alley, staff is requesting a City Council discussion and subsequent direction on the issue of amending the City's existing Parking Code and Noise Ordinance, last amended by Council in 2011, which governs early deliveries on Main Street and Swede Alley.

Executive Summary:
On September 15, 2015, after several weeks of working with various City staff, the City Manager's Office received a formal noise complaint from a Swede Alley resident regarding delivery trucks (Attachment A). For several weeks prior to the formal complaint to the Manager's Office, various departments had worked in good faith to attempt to mitigate some of the noises that result during the delivery of goods and materials to businesses on Main Street in the early morning hours.

As a result of this work, staff achieved several improvements and generally greater compliance with our existing regulations. Despite these efforts, the residents remain unsatisfied and request additional action. In addition, the resident's complaint appears to have been compounded by a contradiction found in out of date delivery-related parking signage that was on Swede Alley, and that of our existing Parking Code, within Title 9 Chapter 8.

More specifically, the existing Parking Code specifically allows for early morning deliveries on the West side of Swede Alley from 3:00 am – 4:00 pm. One of the results created by the incorrect signage was additional tension between the resident and staff, who were both confronted with a difficult and frustrating experience in terms of appropriate enforcement activities given the contradictions.

As of today, the parking signage has been updated to reflect the existing parking code, and a temporary provision to utilize 4th street as an interim location has been authorized. Until further direction is received, the Police Department is increasing its monitoring and enforcement of early morning deliveries in Old Town.

Topic/Description:
Potential amendment/modification to the Noise Ordinance and Parking code.

Acronyms in this Report:
N/A

Background:
As recently as January 2011, the City Council amended its policies in order to allow earlier deliveries in Old Town and to minimize the extent of vehicle idling. Given the considerable amount of Council consideration and staff effort in 2011 that led to the expansion of delivery hours, staff suggests a review of the following historical documents, as attached below:

B. Attachment B - December 2, 2010, Staff Report – Main Street Early Deliveries and Anti-Idling Ordinance Discussion
C. Attachment C - December 2, 2010, Work Session Minutes
D. Attachment D - January 13, 2011, Staff Report – Main Street Deliveries Ordinance Amendment
E. Attachment E - January 13, 2011, Work Session Minutes

Among other things, the historical documents reveal that, in response to a similar type of complaint, the City Council chose to make several changes to the Parking and Noise aspects of our Code, such as:

- Striking the specific section that had previously restricted loading activities between 10:00 pm and 7:00 am;
- Expanding operable delivery hours on Main Street and Swede Alley:
    - South of Heber Avenue – 3:00 am – 12:00 noon
    - North of Heber Avenue – 7:00 am – 12:00 noon
    - West Side of Swede Alley – 3:00 am – 4:00 pm
- Not making any changes to the existing restrictions on Lower Main Street (7:00 am – 12:00 noon);
- Not making any changes to the decibel levels (several other mountain towns sampled in 2011 have higher allowable decibel levels and no time restrictions); and
- Providing special accommodations for large events, such as Sundance.

The 2011 Council decision appears to have closely weighed the complexity of competing interests where commercial and residential interests collide; allowances for support deliveries are a necessity and structured in a way to reduce some, but not all, of the negative impacts to businesses, traffic, congestion, and our environmental systems. Yet these same allowances may conflict with the needs and wants of residential neighbors living within the commercial core.

In addition to the review of the historical information above, staff reviewed its files to determine if other complaints were received from Swede Alley. Over the past two years, staff from Economic Development, Public Works, and Special Events were unable to locate specific or recurring concerns regarding this area of Swede Alley. In addition, staff approached the Historic Park City Alliance for complaint related information. They were also unable to locate any other direct complaints related to early morning deliveries at this location on Swede Alley.

Analysis:
In response to the formal complaint to the Manager's Office, staff met with the complainant on September 28, 2015, at 4th and Swede Alley. In general, it was determined that the complainant seeks Council support to either:

A. Amend the delivery hours (later in the morning), or
B. Relocate delivers away from their residence on the West side of Swede Alley.

It was stated that beginning deliveries later in the morning, or moving them to Main Street, would reduce some of the negative impacts of noise to their household. In addition, the complainant indicated that, prior to approximately three months ago, the delivery trucks did not seem to be making deliveries on Swede Alley early in the morning.

However, staff sought out and met with one of the delivery truck companies that had made efforts to reduce their noise, Sysco. The Manager stated that deliveries had always taken place on Swede Alley this early in the morning at this location. The Sysco representative also indicated that Swede Alley serves an important function for the efficiency of their delivery route and systems, particularly so during inclement weather and winter months with freezing conditions.

Fortunately, Sergeant Randall, PC Police Department, had spent the prior several weeks working the overnight shift and was in a good position to attempt to mitigate some of the complaints. To date, Sgt. Randall and other staff have spent a considerable amount of time working to reduce tensions between the complainant and the delivery truck drivers, who have logged their own complaints associated with this issue.

As a result of his mitigation efforts, Sgt. Randall was able to gain several concessions from the most common delivery truck company using this location and, generally, achieved the following improvements:

1. Reduction of the use of reverse beeping technology by re-routing drivers;
2. Relocating the loading/unloading of vehicles to an area away from the focal point of the complaint location;
3. Agreement to mute the sound mechanism that beeps when scanning produce and goods when unloading deliveries;
4. Reduction in the use of refrigeration motors while vehicles sit idle; and
5. Better compliance with our anti-idling ordinance by way of increased enforcement.

In addition, this complaint also prompted a review of the area's signage and a portion of red curbing between 368 Swede and 340 Swede by the City's Neighborhood Traffic Mitigation Plan Committee. This group recommends that the existing red curbing is unnecessary (Attachment F) and should be eliminated. They found that elimination of the red curb would provide additional parking for deliveries and help diffuse some, but not all, of the impacts in this particular area.

As mentioned, Sgt. Randall and Executive team staff also met directly with representatives from Sysco in an attempt to determine if and what terms of additional compromise might be available without negatively impacting their operations and Main Street business. Sysco is one of several frequenters of this particular location on Swede Alley. When prompted regarding pushing delivery times back a few hours, though not completely opposed, they responded with hesitancy with regard to the impact it would have on their time commitments to Main Street businesses and restaurants seeking to have their produce and supplies early in the morning for preparation purposes throughout the day.

When prompted to consider only using Main Street as a delivery location, they responded that freezing conditions create an unsafe environment to come down 4th street utilizing a dolly loaded with several hundred pounds. They were, however, somewhat willing to consider a seasonal provision, which could prohibit the use of Swede Alley during the summer months, yet allow during months with potentially freezing conditions.

In summary, staff sees a few alternatives for your consideration:

1. **Maintain Status Quo:**
    A. PRO:
    - After considerable deliberation in 2011, Council determined that 3:00am was necessary compromise to obtain a reasonable balance between the needs of Main Street businesses, delivery truck companies, residents, and other associated impacts on our community such as traffic, congestion, and environmental.
    - To date, there is only one complaint on file at this particular location.
    - The delivery companies have made improvements and are operating, generally, with greater compliance for our regulations.
    - Updated signage has cleared up any confusion.

    B. CON:
    - Additional enforcement and monitoring may be required.
    - Complaints from resident(s) may remain, particularly in terms of the overall livability aspects of Old Town.

2. **Amend Time Restrictions:**
    A. PRO:
    - Pushing the time back from 3am (4am, 5am, 6am, etc.) would respond to the resident's complaint and improve general livability aspects of Old Town.
    - The need for additional enforcement would likely be short term.

    B. CON:
    - May impact cost and convenience of deliveries to Main Street businesses.
    - Pushing the time too far may result in complaints from Main Street businesses.

- May impact the relationship between the delivery truck companies and our Special Events Dept., who have historically both made concessions to ensure smooth operations during our most congested periods.
- May impact overall traffic, parking, and congestion as delivery trucks would be in town making deliveries later in the day.

3. Restrict Deliveries to Main Street (seasonal):

A. PRO:

- Would respond to resident complaint and improve livability aspects for the resident.

B. CON:

- May impact Main Street residents by disproportionally pushing impacts to another location.
- May impact the relationship between the delivery truck companies and our Special Events Dept. (great working relationship during events).
- The need for additional enforcement would likely be necessary during the periods of seasonal changes.

In addition, regardless of the outcome of Council direction, some additional work is likely required to clarify our Parking and Noise Code, as well as to ensure better coordination between the recently adopted Summit County Health Code. Staff has already been in contact with the County and received clarification that although the Summit County Health Code (applicable to incorporated and unincorporated areas of Summit County) includes by reference a previously adopted Summit County noise ordinance (when passed it was applicable only to unincorporated areas of Summit County), the intent was to enable nuisance enforcement by the County, not preempt all noise ordinances previously adopted by cities or towns within the County.

Department Review:
Special Events, Public Works/Parking, Legal, Executive

Alternatives:

A. Approve:
There are three alternatives listed in the Analysis section. Any combination would work. Potential impacts should be understood.

B. Deny:
Result in the Status Quo alternative.

C. Modify:
There are various modifications Council could choose, with various implications.

D. Continue the Item:
Would result in Status Quo alternative.

E. Do Nothing:
Would result in Status Quo alternative.

Significant Impacts:

Funding Source:
N/A

Consequences of not taking the recommended action:
The consequences are listed above in the Analysis section.

Recommendation:
As a result of a resident's complaint from Swede Alley, staff is requesting a City Council discussion and subsequent direction on the issue of amending the Parking Code, last amended in 2011, which governs early morning deliveries on Main Street and Swede Alley.

Attachments:

A) Complaint – September 15, 2015 – Cody Stewart
B) Dec 2nd 2010, staff report and minutes
C) Jan 13th 2011 staff report and minutes
D) Title 6 Health, Nuisance Abatement, Noise
E) Title 9 Parking Code
F) Current Available Parking on Swede Alley

Cody J. Stewart

408 Main Street
Park City, UT 84060
801-673-2370
conciergecody@yahoo.com

September 15, 2015

Sergeant Randall

Park City Police Department

2060 Park Avenue

Park City UT, 84060

Dear Sergeant Randall,

The following complaint has been addressed to you as a result of a conversation that I had with the Assistant City Attorney, Tricia Lake, who informed me that you would be acting as a single point of contact for our ongoing complaint. As our complaint, which is a noise complaint, falls within the prevue of a shared jurisdiction between the Police Department, Building Department, and the City Manager, the following will be distributed to the respective offices for review.

For almost 2 full months now, my partner and I have attempted on more than a dozen times to have employees of the Park City Municipal Corporation from the Police Department, as well as the Building Department's Code Enforcement to enforce the Municipal Code, and have been unsuccessful despite having a multitude of evidence, all of which has been compiled from the published code itself. Having made many calls to the Police Department to have officers come and witness the situation for themselves, it has been astounding that even after all of this time, the one key aspect of our complaint has been ignored by all. **That aspect is noise.**

On a very regular and routine basis we have full semi delivery trucks from multiple companies, parking outside of our window, and on 4th street anywhere from 2:00 - 6:00 am in the morning. Every time that they park, they release their restrictive braking devices, also known as a 'Jake Brake'. This loud and disruptive explosion of noise is taking place anywhere from 2-50 ft of our residence.

The mission statement of the Park City Police Department states a clear mission to protecting life and property, resolving disputes and enhancing our quality of life here in Park City. Your 'Guiding Principles and Vision' statement also states the following:

"The members of the Park City Police Department will, in a fair and impartial manner and without bias, enforce the ordinances of Park City, and the laws of the State of Utah and the United States of America".

Upon review of the following, I feel certain that you will see that our original evidenced based argument against these early morning deliveries stand, and that there is adequate evidence of the appropriate enforcement required as provided by the municipal code. Furthermore, all additional supportive evidentiary evidence of parking violations as a complaint secondary to the noise complaint will also be shown to have sufficient evidence for enforcement.

The goals and mission of the Police Department are perfectly in line with the stated purpose of Title 6 - HEALTH, NUISANCE ABATEMENT, NOISE of the Park City Municipal Code. The goals and mission of the Police Department are perfectly in line with the stated purpose Title 6 - HEALTH, NUISANCE ABATEMENT, NOISE of the Park City Municipal Code.

6-3-2 Purpose - These regulations establish minimum standards to:

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

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

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

As well as Jurisdiction:

6-3-3 :All noise control in this Chapter shall be subject to the direction and control of the Police Department, Building Department and City Manager.

The noise ordinance provides for prohibition of noise:

6-3-7- GENERAL PROHIBITION OF NOISE-It shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Park City as defined in this Chapter.

And then there are **SPECIFIC NOISE PROHIBITIONS.** Clearly defined acts that are declared to be in violation of these rules and regulations:

6-3-8 (N) Dynamic Braking Devices - Operating any motor vehicle with a dynamic braking device engaged, except:

1) To avoid imminent danger; or

2) Were permitted as posted on the following Streets: Ontario Canyon, Royal Street, Aerie Drive during the following hours: 7AM-10PM Monday through Saturday, and 9 AM-10 PM on Sundays.

Within the code itself is an explicitly stated specific noise prohibition regarding the explosively loud dynamic braking devices releasing outside my window every night. This code has been ignored by all parties that we have ever spoken with from the 'City' and still has yet to be addressed.

Furthermore, the code calls for additional restrictions in commercial areas between 10PM-6 AM, limiting all sound to 65 decibels or lower as measured from a distance of at least 25 feet from the property line. Our property line extends all the way to Swede Alley, where our building ends at the red curb outside of J-Go Art Gallery.

The enforcement lies with both the police and the building department as per 6-3-14, and penalties are also very clearly defined in 6-3-1, with the penalty of violations set as a class B misdemeanor for 1st time infractions, with subsequent infractions resulting in class A misdemeanors.

Additionally, the Park City Municipal Corporation has posted EIGHT of these signs along the west side of Swede Alley, with one being directly next to my apartment, on a pole behind Bistro 412:

These signs are NOT in conflict with any other existing codes, as Assistant City Attorney Lake has ascertained. The Municipal Code provides the following provision which grants the authority to enforce all city posted signs, regardless of whether or not there are any specific regulations within the code about a particular area.

Title 9- Parking Code - states:

9-9-1 COMPLIANCE REQUIRED- Compliance with this Title is required when proper signs are posted or when the regulation is such that no sign is required under this title. <u>It shall be unlawful to park any vehicle in violation of the regulations established by this Title or in violation of regulations contained on posted signs.</u>

This code provides the authority for the regulation and metering of the cars in China Bridge parking structure, where city signs are also plainly posted, and are the only tool the city has to provide adequate information to drivers regarding the regulations of the city. These signs that are posted up and down the entire west side of Swede Alley are completely legal and enforceable, and they support the noise ordinance 100%.

This complaint can be broken down into **<u>3</u>** distinct and separate issues.

1) Our primary complaint has always been the sound of the delivery truck braking devices. The noise ordinance has specific noise prohibitions. One of these prohibited noises is occurring outside my window on a regular basis, and despite providing the written code to the officers who come when called, there seems to be a refusal to enforce the law. In fact, we have had Officer Archebeque state on video that he won't enforce anything at 3 in the morning in regards to our complaints.

2) Clear city posted signage has been completely ignored, and all parties that I have spoken with on this complaint have had no knowledge of the provision of 9-9-1 which states that enforcement is required! It's completely bewildering that both Code Enforcement or the City Attorney's office have been so reluctant to acknowledge the clear signs that have been posted by the city!

3) The delivery trucks park in <u>clearly prohibited areas</u>, as defined by **<u>Title 9: PARKING CODE</u>**

9-2-1: PARKING PROHIBITED IN CERTAIN PLACES

B) In front of, or within 5' of a public or private driveway or alleyway.

C) Within an intersection, or within 15' of an intersection

D) In front of or within 15' of a fire hydrant

E) In or on a crosswalk

F) Within 20' of a crosswalk

L) At any place marked by signs as a no-parking zone.

O) At any place marked with a red curb.

9-2-10 Parking on narrow streets prohibited (Trucks parking on 4th street)

9-2-15 FIRE ACCESS WAYS - It shall be unlawful and a violation of this Title for any person to park vehicle, or to permit others to park a vehicle in any parked **<u>fire lane</u>**, emergency access road, or vehicle thruway, which is designated an d approved for fire access by the City Fire Marshall or his/her designee, whether on public or private property. (4th street is clearly marked as a fire lane from Swede Alley to Park Avenue)

And finally, the code that has been of much controversy between multiple departments:

9-8-3: Delivery Vehicles in the Main Street Core- Delivery vehicles operating south of Heber Avenue shall utilize the west side of Main Street during the hours of 3:00 AM-12 Noon. Delivery vehicles operating north of Heber Avenue shall utilize Main Street during the hours of 7 AM-12 noon. After 12 noon, no delivery vehicle shall be parked on Main Street. Delivery vehicles may utilize any **<u>parking space</u>** on the west side of Swede Alley from 3 AM -4PM.

15-15-1.186 PARKING SPACE- An Area maintained for parking or storing an automobile or other vehicle, which is Graded for proper drainage and is Hard-Surfaced or Porous paved.

There is no parking space anywhere near my apartment, and in no way does that code provide any permission to supersede the noise ordinance. According to Park City's own document titled "Main Street Parking Program", there is to be no parking on Swede Alley surface lots from 2AM-6AM. These hours of prohibition are clearly marked by signage that is all along swede alley south of Heber Avenue, beginning at the Galleria building and continuing all the way up the to the surface lot just south of Wasatch Brew Pub.

Our complaint is non subjective, yet we have had to argue our case against the noise that interrupts our sleep constantly to every individual we have encountered that has represented the respective departments that have jurisdiction as defined by the code.

It is my contention that upon reviewal of the argument that I have presented, there should be no reason as to why the police department, as well as code enforcement should not be able to enforce these clearly defined statutes.

This has been an incredibly stressful situation to have lived through. I don't think that it can properly be described as to how disturbing and damaging that this has been to our mental health. It has also been incredible as to how we have been made to feel like we are the problem by the city, and that no official has taken the initiate to really investigate the claims that we have made in our complaints, including a formal complaint that was submitted to Code Enforcement on the 30th of July, that documented with photographs as to how the trucks were parked and included all of the relevant parking and noise violations.

Below, I will include several images of trucks parking illegally, as well as the area surrounding my apartment in daylight so that you might be able to see the clearly marked red curb, and posted signage.

I hope that this complaint, and the evidence that I have presented will be enough to stimulate the Police Department, City Managers office and the Building Department to finally enforce your city code and work to protect our life and wellbeing.

Please let me know if there is anything further that I can provide to you.

Sincerely,

Cody J. Stewart


J·GO GALLERY
408 MAIN


FOODSERVICE
est. 1939

This last image is the best representation of what we are complaining about. Truck parked on wrong side of street, in front of red curb, and with a 'NO PARKING THIS SIDE OF STREET, EXCEPTION; ACTIVE DELIVERY BETWEEN 7AM-4PM' sign directly outside the cab of the vehicle. Our apartment is directly above where his engine braking device is located.

Furthermore, delivery vehicles park on the east side of Swede Alley in the crosswalk to do their deliveries all day long, with zero enforcement by anyone! This lack of enforcement has drivers parking just wherever they like, despite a plethora of city signage!

City Council Staff Report

PARK CITY 1884

Subject: **Main Street Early Deliveries and Anti-idling Ordinance Discussion**
Author: **Michael Kovacs, Diane Foster, and Tyler Poulson**
Department: **Executive Office and Sustainability**
Date: **December 2, 2010**
Type of Item: **Informational**

Summary Recommendations:

Main Street Early Deliveries

Staff is requesting that City Council reaffirm the low priority, complaint-based enforcement of truck deliveries on Main Street. Staff is also requesting discussion on the issue of early Main Street deliveries, including hours of operation and violations of the City's noise ordinance.

Anti-Idling Ordinance

Staff recommends that City Council review the anti-idling ordinance listed in Exhibit A and direct staff to return to Council for formal adoption of the ordinance on December 16, 2010.

Topic/Description:

Staff is requesting that City Council discuss the issue of Main Street early deliveries and also consider a city-wide anti-idling ordinance as part of this Staff Report. These two topics are being presented together due to some overlapping concerns, such as noise created by idling vehicles.

Staff has drafted an anti-idling ordinance (Exhibit A) for consideration by City Council. This ordinance would prohibit the idling of vehicles within City limits, barring certain exceptions, and includes the possibility of a citation for repeat violators. This Staff Report details how such an ordinance would be structured and enforced while also mitigating the impacts to staff time. Staff believes that an anti-idling ordinance can clearly convey the environmental, economic, and health risks associated with vehicle idling while also accelerating the learning curve and local adoption of sensible vehicle fuel conservation practices.

Background:

Early Deliveries

A resident made a series of noise complaints, mostly due to idling trucks, in October about early deliveries taking place in Old Town prior to 7:00 a.m. (the time designated in the delivery truck parking code and the noise ordinance – Exhibits B & C). Police responded to the scene and delayed deliveries until 7:00 a.m. In one instance, Police cleared Old Town of all pre-7:00 a.m. deliveries that were taking place, and not just the truck that generated the complaint. Delivery truck companies began complaining that the 7:00 a.m. ordinance was unrealistic and that it pushed deliveries into peak morning traffic which then impacted businesses and people on the street. The companies have requested that the ordinance be amended, instead of just having a reduced enforcement priority. Delivery truck company representatives are expected to attend our Work Session.

Anti-Idling

Council has discussed anti-idling, and the potential for an ordinance, on various occasions in the past two years. During the October 29, 2009 Work Session, Council approved the passage of an anti-idling resolution (Exhibit D) which was then formally adopted in November 2009. During 2010 Visioning, staff presented details on an ordinance proposal that included staff resources for active enforcement by Parking Services (Exhibit E). The Staff Recommendation in the current report does not include additional resources for enforcement. However, staff believes the proposed ordinance will still effectively deter unnecessary vehicle idling for reasons discussed in detail in the Analysis section.

Salt Lake City has created a draft anti-idling ordinance and recently completed a public comment period on their proposal. Salt Lake City Council plans on voting on their draft ordinance in the near future. Park City staff has reviewed the Salt Lake City proposal and incorporated some of their language and exceptions into our draft ordinance that is presented in Exhibit A. Given the mobile nature of vehicle emissions, ordinances passed in surrounding communities are expected to deliver benefits to citizens beyond the immediate political boundaries in which they are created and enforced. If an ordinance is adopted this month, Park City would become the first place in Utah to have such an idling ordinan ce.

Analysis:

Main Street Early Deliveries

The primary driver of complaints is the noise generated from deliveries. One way of mitigating noise is to require that trucks not idle their engines unless absolutely necessary.

Below is a list of existing state laws and local ordinances governing delivery trucks in Old Town. A number of these rules already restrict vehicle idling in certain instances:

1. Utah Code, Title 41, Chapter 6a, Section 1403. Motor Vehicle Left Unattended – Requirements. (Exhibit F) Quick Summary – You cannot leave an unattended vehicle running.

2. Park City Municipal Code, Title 9 Parking, Chapter 8 Deliveries & Short-term Use (9-8-3). (Exhibit B) Quick Summary – You cannot leave a delivery vehicle idling on Main Street or Swede Alley, but you may double park in certain areas to make deliveries between 7:00 a.m. and noon.

3. Park City Municipal Code, Title 6, Chapter 3, Noise ordinance, (6-3-8) (F) Loading Operations. (Exhibit C) Quick Summary – Loading/Unloading operations cannot start before 7:00 a.m.

4. Park City Municipal Code, Title 6, Chapter 3, Noise ordinance, (6-3-8) (Q) Standing Motor Vehicles. (Exhibit C) Quick Summary – Idling vehicles are subject to noise levels specified in (6-3-9).

A formal ordinance change process to change the delivery hours to make them earlier may reignite a bigger noise ordinance review that would pit business interests against residents. If Council wishes to surgically adjust only the sections relating to delivery operations, you will need to be insistent on not entertaining a broadening of the debate. Communicating a reduced enforcement priority is always an option, but our police already have a complaint-based low priority on this ordinance; so if complaints continue, police response will have to follow.

Anti-Idling Ordinance

Staff has been engaged in various education and outreach efforts since passage of the anti-idling resolution by City Council in November 2009. These efforts have included street signage, website content, and informational notices handed out by Police and Parking Services. Education and outreach activities have been supplemented by the efforts of Clean Air Park City (www.cleanairparkcity.org), a local non-profit that advocates for improvements in air quality through reduced vehicle idling and other emissions-reducing behaviors.

Despite conscious efforts to encourage reductions in vehicle idling, it remains clear to staff that idling issues persist in Park City. This issue is not simply due to tourist populations, but is also perpetuated by our resident and working populations. Staff believes this issue persists partly due to the lack of a clear signal conveying the negative environmental, economic, and health effects of vehicle idling (see draft ordinance in Exhibit A for examples of these negative impacts). An ordinance, it is believed, will explicitly communicate the undesirable externalities created by unnecessary vehicle idling and act as a catalyst for more robust social change. Similar to ordinances that prohibit littering or texting while driving, staff feels that an anti-idling ordinance has the potential to create new social norms without necessarily requiring aggressive enforcement efforts.

Staff's belief that a significant drop in vehicle idling can result from an ordinance, without aggressively issuing citations, has been informed through discussions with other communities that have an anti-idling ordinance in place. Park City staff has consistently heard a positive response when speaking with staff from some of the other municipalities listed in Table 1 about their ordinances. They mentioned that idling behaviors have changed in their communities due the ordinance and that stringent enforcement was not needed to encourage this change. The details in Table 1 reflect a small number of the growing number of communities that have passed an idling ordinance. The table also includes brief details on the ordinance proposed for Park City in this Staff Report.

Table 1. Examples of Anti-Idling Ordinances

City, County, or State	Idling Time Limit	Fine Amount	Vehicles Covered
State of Connecticut	3 Minutes	\$100 - \$500	All Vehicles
State of Massachusetts	5 Minutes	\$100 - \$25,000	All Vehicles
Ketchum, ID	3 Minutes	\$100 - \$300	All Vehicles
Aspen, CO	5 Minutes	\$50 - \$1,000	All Vehicles
Minneapolis, MN	3 Minutes	\$200	All Vehicles
Burlington, VT	3 Minutes	\$180	All Vehicles
St Louis, MO	5 Minutes	\$100	All Vehicles
Atlanta, GA	15 Minutes	\$500	Trucks & Buses
Chicago, IL	3 Minutes	\$250	Diesel Vehicles
Park City, UT (Proposed)	3 Minutes	\$100	All Vehicles

Enforcement and Administration

Enforcement of anti-idling ordinances is typically not a high priority, or high cost, for the Public Safety staff of municipalities that have passed them. Despite this, ordinances have been effective at communicating a publicly respected message on idling which has helped transform behavior and social norms in the communities in which they exist. Staff from Parking Services, Police, and Sustainability have discussed the potential for an ordinance in Park City and created a reporting and enforcement structure which would honor the existence of such a code, and allow for efficiently issuing citations, without requiring significant ongoing staff time resources.

This staff time resources estimate is based on the assumption that enforcement of idling infractions is low priority and complaint-based.

The ordinance proposed for Park City includes an "education first" mindset which allows for issuing a warning for any first-time violator. Oftentimes, a friendly verbal warning that such an ordinance exists will be sufficient to change behavior (particularly with out of town guests who are likely to be unfamiliar with this City code). In addition to the formal power Parking Services and Police would have to enforce the ordinance, other departments could be involved with communicating the code as they come across violations. Furthermore, a reporting form could be set-up on ParkCity.org that models the current citizen reporting page[1] for taxi violations and allows citizens to report idling infractions. A warning notice would be mailed out in response to online reports of idling and this information could be tracked to streamline future enforcement efforts. Citizens concerned with idling violations would be directed to the website for helping enforce the ordinance. Because standard protocol for first-time violators would include the mailing of a warning notice, staff would still be respecting the code while not being required to physically report to the scene of newly reported violations.

Table 2 lists the staff time resources and financial costs associated with the ordinance, as proposed. This table is similar to the details presented during Visioning 2010 (Exhibit E). The only change is the removal of the $15,000 for labor and equipment costs that would be required for 10 hours of proactive enforcement by Parking Services. Parking Services staff will enforce the anti-idling ordinance during their shift, but this will occur strictly within the context of their current day-to-day operations without a change in hours or number of staff.

Table 2. Anticipated Resource Requirements for an Anti-Idling Ordinance

Task	Staff Time	Additional Expenses	Department - Owner
Finalize Ordinance Language and Set-up Technology for Parking Services and Police to Allow Enforcement	30 Hours / One-time	None	Sustainability/ Legal / Parking Services / Police / Technology
Set-up Web-based Reporting Systems	15 Hours / One-time	Website system will be free and based on ParkCity.org	Police / Sustainability / I.T.
Creation of anti-idling warning / ticket (or modification of existing tickets)	10 Hours	Minimal	Parking Service / Police / Sustainability
Retrofit Existing 'Idle-Free City' Signage w/Sticker to Indicate an Ordinance	10 Hours / One-time	<$100 for Retrofit Stickers	Sustainability / Streets
Ongoing Ordinance Enforcement & Ticketing	<2 Hours / Week	None	Parking Services & Police
Ongoing Monitoring for Web-based Reporting System and Mailing Warning Notices	1 Hour / Week	Postage and Materials for Mailing Notices (5 / Week or 260 / Year) = $250 / Year	Police
TOTAL ONE-TIME, UPFRONT INVESTMENT	**65 Hours**	**$100**	**Sustainability / Parking Services / Police / Streets / Technology**
TOTAL ONGOING INVESTMENT	**<3 Hours / Week**	**$250**	**Parking Services / Police / Sustainability**

[1] Taxi Violation Reporting Page: http://www.parkcity.org/index.aspx?recordid=83&page=338

Exceptions in the Proposed Park City Ordinance
Similar to the existing "Idle-Free City" resolution for Park City (Exhibit D), the anti-idling ordinance draft includes numerous exceptions that allow sensible, or even absolutely necessary, situations for vehicle idling. Common exceptions in other cities' ordinances, such as low or high temperatures, have been included and more specific exceptions have also been incorporated to ensure that the ordinance is sensible and only calls for enforcement when unnecessary vehicle idling occurs. Exceptions for public safety requirements, such as idling needed to defrost windows and allow for safe driving conditions, have been included as well.

Sustainability staff worked with Police, Transit, and other City staff to include exceptions for idling that are required for day-to-day municipal operations. All exceptions in the ordinance would be listed alongside the proposed ParkCity.org idling reporting form to help inform citizens and limit the number of reports received when an exception allows necessary idling.

Questions for Council to consider:

1. Is Council interested in pursuing modifications to the delivery vehicle ordinance?

2. Is Council interested in pursuing a City-wide anti-idling ordinance?

3. If Council is not interested in pursuing an anti-idling ordinance at this time, does Council want to revisit the enforcement priority and/or enforcement methodology for the Ordinance Prohibiting the Excessive Idling of Delivery Vehicles on Main Street and Swede Alley?

4. Depending on how Council answers the aforementioned questions, staff may request a discussion around inconsistencies that arise from differences in enforcement priorities among the four existing laws and/or consideration of a new anti-idling law.

Department Review:
Sustainability, Public Safety, Parking Enforcement, Business Licensing, Legal, and the City Manager have reviewed this Staff Report and their commentary has been included.

Partner Review:
Staff has contacted Park City Mountain Resort, Deer Valley Resort, the Park City School District, and the Historic Park City Alliance to request feedback since these are the organizations most likely to be impacted by an anti-idling ordinance. If feedback is received by one or more of these entities before Work Session on December 2, staff will bring that feedback for Council review.

Alternatives (Delivery Trucks):

A. Approve (Staff Recommendation)
Staff is requesting direction from City Council on the issue of early Main Street deliveries, including hours of operation and violations of the City's noise ordinance.

B. Deny
Direct more active enforcement of the existing ordinances.

C. Modify
Direct staff to prepare an ordinance that adds delivery trucks to the exemptions under the noise ordinance and specifies earlier hours in delivery truck section of the parking code.

D. Continue the Item
Take more time to consider the matter.

E. Do Nothing
Allow staff to handle the issue within their discretion.

Alternatives (Anti-Idling):

A. Approve (Staff Recommendation)
Direct staff to return to City Council with a final draft of the anti-idling ordinance (Exhibit A) for formal adoption and implementation.

B. Deny
Do not adopt an anti-idling ordinance for Park City and request a break from recurring consideration of the item.

C. Modify
Direct staff to return to City Council with a final draft of an anti-idling ordinance that includes modifications in the ordinance language and/or enforcement methodologies, as directed by Council.

D. Continue the Item:
Direct staff to return to City Council at a future date for reconsideration of an anti-idling ordinance.

Significant Impacts:
Main Street Early Deliveries
Depending on Council direction, impacts vary from economic development issues to increased tensions between businesses and residential property owners and renters.

Anti-Idling Ordinance
If an anti-idling ordinance is adopted, staff time will be required to draft, implement, and enforce this new code. The requirements for implementation of the ordinance and ongoing enforcement are included in Table 2 of this Staff Report. Park City would become the first municipality in Utah to adopt an anti-idling ordinance and would join a growing number of communities across the country that have taken this step to protect the environment and public health, while also promoting the conservation of finite natural resources.

Consequences of not taking the recommended action:
Main Street Early Deliveries
Taking an approach alternative to the staff recommendation will require staff time dedicated to investigating and/or more proactively enforcing City code related to noise and delivery vehicles. Continuing this item has the potential to increase tensions between area residents and business owners.

Anti-Idling Ordinance
Park City Municipal will continue on the status quo path of educating on idling via the "Idle-Free City" resolution and through the existing ordinance (Exhibit B) that covers idling of delivery vehicles in the Main Street corridor. The frequency of unnecessary vehicle idling is expected to occur at, or near, the current rate. Encouraging behavioral changes, and educating on the harmful effects of idling, is anticipated to remain more challenging with a strictly voluntary measure relative to what an ordinance would allow.

Recommendation:
Main Street Early Deliveries
Staff is requesting that City Council reaffirm the low priority, complaint-based enforcement of truck deliveries on Main Street. Staff is also requesting discussion on the issue of early Main Street deliveries, including hours of operation and violations of the City's noise ordinance.

Anti-Idling Ordinance
Staff recommends that City Council review the anti-idling ordinance listed in Exhibit A and direct staff to return to Council for formal adoption of the ordinance on December 16, 2010.

Exhibits (Included):
Exhibit A – Draft Ordinance Prohibiting the Idling of Vehicles within Park City Limits

Exhibit B - Ordinance Prohibiting the Excessive Idling of Delivery Vehicles on Main Street and Swede Alley

Exhibit C - Health, Nuisance Abatement, and Noise City Code Relating to Motor Vehicles

Exhibit D - Park City's Idle-Free City Resolution

Exhibit E - 2010 Visioning Paper: Anti-Idling Ordinance

Exhibit F - Utah State Law Prohibiting the Idling of an Unattended Vehicle

Exhibit A – Draft Ordinance Prohibiting the Idling of Vehicles within Park City Limits

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Ordinance No. 10-

AN ORDINANCE AMENDING TITLE 9, PARKING CODE, OF PARK MUNICIPAL CITY CODE, PROHIBITING THE IDLING OF VEHICLES WITHIN CITY LIMITS.

WHEREAS, emissions from vehicle idling contribute significantly to air pollution, climate change and increased rates of cancer and heart and lung diseases which adversely affect the health, natural environment and economic well being of residents, guests and visitors of Park City; and

WHEREAS, petroleum-based fuels are nonrenewable and should be used wisely and not wasted; and

WHEREAS, idling a typical vehicle for longer than ten seconds consumes more fuel than restarting that vehicle, resulting in excessive emissions and wasted fuel; and

WHEREAS, Park City Municipal Code, 9-8-3, already provides that no delivery vehicle parked on Main Street or Swede Alley shall be parked with its engine left idling; and

WHEREAS, Utah State Code, 41-6a-1403, prohibits the idling of an unattended vehicle; and

WHEREAS, Park City Municipal Corporation presently has a Fuel Conservation and Anti-Idling Policy in place, encouraging efficient use of City vehicles to reduce operating costs and emissions; and

WHEREAS, reducing needless vehicle idling is in keeping with Park City's promotion as an eco-tourism destination and its affiliation with ICLEI (Local Governments for Sustainability); and

WHEREAS, the City Council desires to ensure that idling does not occur in idle-frequent locations such as school grounds, parking lots/garages, business centers, and ski resort parking lots and loading and unloading zones; and

WHEREAS, Clean Air Park City will, on its own and in partnership with Park City Municipal Corporation and other like-minded organizations, continue to educate residents, visitors, and guests of the dangers to the environment and health of citizens caused by the unnecessary idling of motor vehicles; and

WHEREAS, the City Council desires to take a proactive position on air pollution to protect the livability and viability of Park City and its residents, visitors and guests; and

WHEREAS, it is in the public interest that Park City residents, guests and visitors reduce vehicle emissions to protect the health, economy and natural environment of Park City and the surrounding area;

WHEREAS, City Council has previously demonstrated leadership on this issue by adopting an "Idle-Free Resolution" for Park City in November 2010; and

NOW, THEREFORE, BE IT ENACTED, by the City Council of Park City, Utah that:

1. AMENDMENT TO PARKING CODE - NO IDLING. No driver, while operating a vehicle within City limits, shall cause or permit a vehicle's engine to idle for more than three minutes, with exceptions for the following circumstances:

A. The vehicle is forced to remain motionless on a public road because of traffic conditions.

B. The vehicle is an emergency vehicle used in an emergency situation.

C. Vehicle idling is necessary for auxiliary power for law enforcement equipment, fire and water equipment, refrigeration units, loading/unloading lifts, well drilling, farming, battery charging, or is required for proper functioning of other equipment that is part of the vehicle.

D. Vehicle idling is necessary for repair or inspection of the vehicle.

E. The health or safety of a driver or passenger, including service animals, requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F. This exception also includes idling needed to operate window defrosters and other equipment necessary to promote safe driving conditions.

F. Vehicle idling is necessary for efficient operation of a turbo-charged heavy duty vehicle (e.g., buses) or to operate a vehicle within manufacturer's operating requirements. This includes building air pressure in an air brake system, among other requirements.

Vehicle idling under these exceptions should not violate Utah State Code, 41-6a-1403, which prohibits the idling of an unattended vehicle.

2. PENALTY. This ordinance is enforceable by issuance of a citation in the amount of $100.

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

PASSED AND ADOPTED this ____ day of December 2010.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Dana Williams

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

Exhibit B - Ordinance Prohibiting the Excessive Idling of Delivery Vehicles on Main Street and Swede Alley

Deliveries in the Main Street Core: Park City Municipal Code; Title 9 Parking Code; Chapter 8 Deliveries and Short-term Use (9-8-3)

9- 8- 3. DELIVERY VEHICLES IN THE MAIN STREET CORE.
All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions:

(A) Delivery vehicles shall utilize the west side of Main Street during the hours from 7:00 a.m. to 12:00 noon, after which time no delivery vehicle shall be parked on Main Street. Delivery vehicles may utilize any parking space on the west side of Swede Alley from 7:00 a.m. to 4:00 p.m.
(B) Delivery vehicles may double park on the west side of Main Street from the hours of 7:00 a.m. to 12:00 noon, provided that: the double parked vehicle is in the course of an expeditious delivery, there is no other curb parking available, the double parked vehicle does not inhibit traffic flow or block a legally parked car from leaving the curb.
(C) Delivery vehicles shall utilize the loading zones on the west side of Swede Alley for deliveries to Main Street after the hour of 12:00 noon.
(D) No delivery vehicle shall park on the east side of Swede Alley.
(E) No delivery vehicle shall be parked in such a manner to impede the flow of traffic.
(F) No delivery vehicle shall be parked with its engine left idling.
(G) No delivery vehicle shall park on Park Avenue, between Heber Avenue and King Avenue, to make deliveries to a business with a Main Street address.
(Amended by Ord. No. 00-52)

Violations: Park City Municipal Code; Title 9 Parking Code; Chapter 2 Standard Parking Regulations (9-5-10)

9- 5-10. VIOLATIONS.
Parking any vehicle in a manner that is in conflict with the provisions of this Title is unlawful, and shall be punishable as an infraction as provided in the Park City Parking Code. In addition to enforcement by ticket, illegally parked vehicles are subject to towing.

Exhibit C - Health, Nuisance Abatement, and Noise City Code Relating to Motor Vehicles

Excerpts

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

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

6- 3- 9. NOISE LEVELS.
The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

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

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

(C) Hours of restriction are as follows:
Residential - 10 pm to 7 am Monday through Saturday
Not before 9 am Sunday
Commercial - 10 pm to 6 am- Monday through Saturday

6- 3-12. MOTOR VEHICLE NOISE.
No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction; equipped with a muffler or other noise dissipation device; and not equipped with any cut-out, by-pass or similar device.

Exhibit D - Park City's Idle-Free City Resolution

Resolution No. 33-09

ANTI-IDLING RESOLUTION FOR MOTORIZED VEHICLES IN PARK CITY, UTAH AND DECLARING PARK CITY, UTAH TO BE AN IDLE-FREE CITY

WHEREAS, emissions from vehicle idling contribute significantly to air pollution, climate change and increased rates of cancer and heart and lung diseases which adversely affect the health, natural environment and economic well being of residents, guests and visitors of Park City; and

WHEREAS, petroleum-based fuels are nonrenewable and should be used wisely and not wasted; and

WHEREAS, idling a typical vehicle for longer than ten seconds consumes more fuel than restarting that vehicle, resulting in excessive emissions and wasted fuel; and

WHEREAS, Park City Municipal Code, 9-8-3, already provides that no delivery vehicle parked on Main Street or Swede Alley shall be parked with its engine left idling; and

WHEREAS, Park City Municipal Corporation presently has a Fuel Conservation and Anti-Idling Policy in place, encouraging efficient use of City vehicles to reduce operating costs and emissions; and

WHEREAS, reducing needless vehicle idling is in keeping with Park City's promotion as an eco-tourism destination and its affiliation with ICLEI (Local Governments for Sustainability); and

WHEREAS, the City Council desires to ensure that idling does not occur in idle-frequent locations such as school grounds, parking lots/garages, ski resort premises and business centers; and

WHEREAS, Clean Air Park City will, on its own and in partnership with Park City Municipal and other like-minded organizations, continue to educate residents, visitors, and guests of the dangers to the environment and health of citizens caused by the unnecessary idling of motor vehicles; and

WHEREAS, the City Council desires to take a proactive position on air pollution to protect the livability and viability of Park City and its residents, visitors and guests; and

WHEREAS, it is in the public interest that Park City residents, guests and visitors reduce vehicle emissions to protect the health, economy and natural environment of Park City and the surrounding area;

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

1. NO IDLING GUIDELINES. Park City encourages residents, guests, visitors, town employees and other individuals within City limits to not exceed a one minute idling time in their gasoline or diesel-powered motor vehicles. Exceptions to these idling guidelines include the following:

A. The vehicle is forced to remain motionless on a public road because of traffic conditions.

B. The vehicle is an emergency vehicle used in an emergency situation.

C. Vehicle idling is necessary for auxiliary power for law enforcement equipment, refrigeration units, loading/unloading lifts, well drilling, and/or farming.

D. Vehicle idling is necessary for repair or inspection of the vehicle.

E. The health or safety of a driver or passenger requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F.

This Resolution is not enforceable by citation or fine. Compliance shall be strictly voluntary.

2. DECLARATION. The City Council hereby proclaims Park City to be an **Idle-Free City**.

3. NO IDLING/IDLE-FREE CITY SIGNS. Park City Municipal will partner with Clean Air Park City and others in the community to install "No Idling" signs and signs designating Park City as an "Idle-Free City" at appropriate places.

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

PASSED AND ADOPTED this 19th day of November, 2009.

Exhibit E - 2010 Visioning Paper: Anti-Idling Ordinance

Background:
On November 19, 2009 City Council adopted an 'Idle-Free City' resolution for Park City. Council directed staff to place signage throughout the City reminding drivers to turn off their vehicles when parked and 15 signs were ordered and recently posted around the City. City Council also previously directed staff to research enforcement options, and the associated resource requirements, for a potential anti-idling ordinance.

Park City currently has an anti-idling ordinance which prohibits the idling of delivery vehicles on Main Street and Swede Alley. The City also has an internal policy which prohibits the idling of City fleet vehicles, with some exceptions for Public Safety vehicles. State of Utah law prohibits the idling of an *unattended* vehicle.

Proposal:
Council expressed an interest in discussing the merits of an anti-idling ordinance during the 2010 Visioning session. The primary impetus for adopting an anti-idling ordinance, versus a resolution, would be the increased awareness and impact of community members knowing that idling is illegal in Park City. A result of greater awareness and enforcement would likely help protect public health by improving the environment and local air quality while also conserving finite fuel resources. An anti-idling ordinance would be another example of Park City demonstrating its commitment to protecting the environment and becoming a more sustainable resort community. Additionally, communities that have gone to anti-idling ordinances such as Ketchum, ID and Aspen, CO have received significant press attention from the adoption of an anti-idling ordinance.

Recognizing the myriad of priorities, outside of vehicle idling, for the Police Department, staff suggests that Parking Services act as the primary enforcer of an anti-idling ordinance. This responsibility would be in addition to their current obligations and may require additional resources to allow for active enforcement. Below is an outline of estimated resources for implementing and maintaining an anti-idling ordinance enforced by the Parking Services team:

Anticipated Resource Requirements for an Anti-Idling Ordinance			
Task	**Staff Time**	**Additional Expenses**	**Department - Owner**
Finalize Ordinance Language and Set-up Technology for Parking Services and Police to Allow Enforcement	30 Hours / One-time	None	Sustainability / Parking Services / Police / Technology
Ongoing Ordinance Enforcement & Ticketing	10 Hours / Week	$15,000 / Year in labor and equipment costs	Parking Services (Primary Enforcement Option)
Ongoing Ordinance Enforcement & Ticketing	<1 Hour / Week	None	Police (Not Primary Enforcement Option)
Set-up Web-based Reporting Systems	10 Hours / One-time	Website system will be free and based on ParkCity.org	Police / Sustainability / I.T.
Ongoing Monitoring for Web-based Reporting System and Mailing Warning Notices	1 Hour / Week	Postage and Materials for Mailing Notices (5 / Week, 260 / Year) = $200 / Year	Police
Retrofit Existing 'Idle-Free City' Signage w/Sticker to Indicate an Ordinance	10 Hours / One-time Expense	<$100 for Retrofit Stickers	Sustainability / Streets
TOTAL ONE-TIME, UPFRONT INVESTMENT	**50 Hours**	**$100**	**Sustainability / Parking Services / Police / Technology**
TOTAL ONGOING INVESTMENT	**12 Hours / Week; or 624 Hours / Year**	**$15,200 / Year**	**Parking Services / Sustainability**

Parking Services has expressed concerns with issuing citations directly to individuals, as opposed to leaving them on their vehicle which is typically done with parking meter violations. The penalty structure and manner in which citations are issued can be developed to alleviate some of this concern and garner broader public support. A theoretical penalty structure and some exceptions to an ordinance are included for reference below.

Penalty Structure for Violators:

- Warnings, not fines, issued for any violation occurring within the first six months of adoption of the ordinance
- Ongoing verbal warning policy for new tourists and visitors to Park City
- Warning or a $50 citation for other first-time violators

Exceptions to these penalty guidelines could include the following (per the current resolution):

A. The vehicle is forced to remain motionless on a public road because of traffic conditions.
B. The vehicle is an emergency vehicle used in an emergency situation.
C. Vehicle idling is necessary for auxiliary power for law enforcement equipment, refrigeration units, loading/unloading lifts, well drilling, and/or farming.
D. Vehicle idling is necessary for repair or inspection of the vehicle.
E. The health or safety of a driver or passenger requires the vehicle to idle, including instances where the temperature is below 32 degrees F or above 90 degrees F.

Impacts:
Enacting an anti-idling ordinance should result in decreased vehicle emissions and heightened public awareness of the negative health and environmental effects of idling. City resources will need to be deployed for implementation of such an ordinance and the expected one-time, upfront cost is $100 and 50 hours of staff time. The ongoing annual expenditures are forecasted to be $15,200 and 624 hours staff time per year (details in above table).

Regardless of how aggressively an anti-idling ordinance is enforced, staff feels there is value in adopting an ordinance due to the perceived consequences of such a law. Communities contacted that have existing anti-idling ordinances echoed this sentiment while also admitting to limited active enforcement on their part. Similar to how some citizens are swayed not to litter because of potential fine, this ordinance could significantly cut down on vehicle idling times and the resultant environmental pollution due to the perception of a penalty. However, not aggressively enforcing an ordinance may foster complaints from some community members. Staff feels it's critical to set-up a web-based idling complaint system to efficiently address these concerns and mail out warning notice to inform offenders of the City's ordinance.

NOTE: both the City Manager and City Attorney recommend that we allow more time for the resolution, and its voluntary measures, to be assimilated before considering an ordinance.

Alternatives:

1. Council could choose to pursue the anti-idling ordinance as presented
2. Council could direct staff to pursue an anti-idling ordinance, but with a structure other than what's presented
3. Council could direct staff to not pursue an ordinance

Next Steps:

1. Council determines direction and communicates that direction to staff
    a. If an ordinance is pursued, staff will return to Council at a later date with more details on when an ordinance can be implemented and how it will be financed and enforced
    b. If Council chooses Alternative 3, staff will continue to partner with Clean Air Park City to promote the current 'Idle-Free City' resolution, but will refrain from further research on an ordinance unless directed otherwise

Exhibit F - Utah State Law Prohibiting the Idling of an Unattended Vehicle

Utah Code; Title 41; Motor Vehicles

41-6a-1403. Motor vehicle left unattended -- Requirements.

(1) A person operating or in charge of a motor vehicle may not permit the vehicle to stand unattended without

(a) stopping the engine;

(b) locking the ignition and removing the key;

(c) placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle has a manual shift; or

(d) effectively setting the brakes thereon.

(2) A person shall turn the front wheels to the curb or side of the highway when standing a vehicle on any perceptible grade.

Renumbered and Amended by Chapter 2, 2005 General Session

http://le.utah.gov/~code/TITLE41/htm/41_06a140300.htm

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 13, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Heinrich Deters, Trails Coordinator; Kent Cashel, Transportation Manager; Michael Kovacs, Assistant City Manager; Thomas Eddington, Planning Manager; Matt Cassel, City Engineer; Jon Weidenhamer, Economic Development Manager;

Marty Pearson, Fehr & Peers; Charlie Wintzer, property owner; Ray Carter, Stanley Construction; and Mark Fischer, property owner

Absent: **Council member Liza Simpson**

1. Council questions/comments. Cindy Matsumoto spoke about Round Valley and related recreational conflicts and hoped there are solutions because it is so popular. She encouraged the public to participate in the survey. Discussion ensued on modifying the restrooms in Round Valley so they are available for use in the winter. Candace Erickson discussed Mountainlands Community Housing Trust business where there is a lack of applications to launch a self help housing program. Alex Butwinski discussed Art Board business and noted that the TDR discussion at Planning Commission was continued.

He referred to requests for snow plowing the Holiday Ranch Loop sidewalk. Heinrich Deters reported that clearing the sidewalk is in the Request for Elevated Level of Service (RELS) Process and Mr. Butwinski felt this may take too long. Tom Bakaly explained that requests for traffic calming, trails, pedestrian improvements, etc, are evaluated in the RELS process as a matter of policy. This could be discussed in a work session. Ms. Erickson understood that plowing would be considered this upcoming budget and Mr. Bakaly confirmed that was the plan but there will be an earlier work session on this.

Joe Kernan suggested that a high level policy discussion on taxes be scheduled during the Visioning Session. It would be helpful to have a better understanding of taxes before May when the tentative budget is introduced. He also requested information from the Budget Team on comparisons with the eight other cities. Mr. Butwinski suggested that members be provided monthly updates on revenues and agreed with Mr. Kernan that it may be helpful to talk about these topics during Visioning. As a part of the discussion, Ms. Matsumoto asked for future projections on the cost of the pay plan.

Mayor Williams passed on a complaint about restricted sight lines at Woodside Avenue and Park Avenue because of parked cars. Kent Cashel will follow-up. He read a letter from Gardner Engineering commending Tyler Poulson as the project manager on the Marsac solar array. He remarked that meetings with MIDA have been successful and spoke about the importance of civil discourse.

2. Legislative update. Michael Kovacs pointed out the volatility of legislation at this point and discussed proposed sales tax redistribution revisions which Park City is opposed to and staff will be working with the Utah League of Cities. The second big bill is school tax equalization involving raising sales tax and reducing property taxes which Park City is also opposed to. He spoke about our promotion of the state adoption of the 2009 energy code which the local Park City home builders support. In response to a question from the Mayor, Mr. Kovacs explained that immigration is a topic of great interest and the ULCT is focusing on the impacts to police, prosecution and logistics. Mayor Williams pointed out that Arizona's tourism revenue has significantly dropped because of the passage of unpopular immigration legislation. Joe Kernan discussed the dependence of the business community on the Hispanic workforce over the years.

3. **4th Quarter Goals.** The Mayor guided members through goals; there were no changes. Offsets provided by the Marsac solar array were discussed.

4. **BFO Discussion.** Michael Kovacs explained that quality and quantity of water, preservation of Park City character, public safety, and world-class seasonal resort are the last topics to be addressed. Alex Butwinski discussed his preference for numbers rather than percentages in models or a better understanding of the methodology or measurements used. Joe Kernan agreed. Tom Bakaly stated that staff will work on providing more context. Cindy Matsumoto expressed confusion about the process and the time to voice budget priorities. She stated that she would like to hire more staff to preserve the character and the small town atmosphere of Park City which would be an enhanced level. Mr. Bakaly explained that there must be a majority of members who agree and staff would return with a preservation plan. Joe Kernan stated that he would like information on the plan and the cost and some suggestions from staff on funding.

Dana Williams stated that staff first needs to understand Ms. Matsumoto's goal before a plan is formulated. Thomas Eddington explained that consultant Dina Blaes is working on a Main Street assessment and historic site inventory reassessments and CRSA is analyzing 28 distressed buildings on Main Street that may be in jeopardy of losing their national register status. Joe Kernan stated he would like to hear about more ways to save historic homes from large additions. There was discussion about last year's amendments to the Code. Ms. Matsumoto clarified that she would like another layer of protection, acknowledging that she doesn't have any offsets in cost in other areas to suggest.

In response to a question from Ms. Erickson about projecting costs, Michael Kovacs referred to the BFO report on historic preservation where a $41,000 increase from the General Fund is proposed. Mr. Eddington continued to explain that if the Department hired a new FTE, the majority of the position's time would be dedicated to historic preservation programs and process. Tom Bakaly noted the importance when generating more service costs to cut in other areas. Joe Kernan asked if historic preservation is a long or short-term request and Ms. Matsumoto indicated a long term request as she envisions the need always being there. Alex Butwinski commented that he is willing to look at an enhanced level but expectations need to be addressed and Mr. Eddington felt this is a good topic for the Visioning Session. The Historic District Guidelines and new LMC revisions are effective tools and an enhanced level will provide a more thorough and timely approach and an opportunity to proactively address preservation issues. Candace Erickson stated that historic preservation is one item that has been identified but there are other priorities that will surface and decisions will have to be balanced. Tom Bakaly pointed out that the upcoming discussion with the HPB will also be helpful.

Joe Kernan stated that he is very interested in learning more about wind turbine farms and other sustainable sources of power. This is a high priority for him. Mr. Kovacs offered to provide more information on identified interests. Diane Foster noted that the City has a goal of reductions of 12% for the City. Mayor Williams supported Mr. Kernan's comments. Alex Butwinski expressed his preference to meet with staff and Ms. Matsumoto admitted confusion on how to make cuts. Tom Bakaly explained that the process is more of a prioritization to use as a guide to shift resources so both high and low priorities are clear. Ms. Matsumoto suggested conducting a decision exercise during Visioning. Mr. Butwinski viewed the information as a base line and wants to make sure that performance levels are meaningful and measurable. He is uncertain how the information relates in many instances. The City Manager offered to personally meet with Mr. Butwinski on performance measures; there is a lot of time before the budget is adopted. Mr. Butwinski felt it premature to hone in on specific projects until there is a better understanding of the current process. Joe Kernan believed the approach is an examination of goals. He is interested in receiving information on service level comparisons of other towns and with all of that information, he feels he will be better prepared to make good decisions at budget time with regard to service levels. Alex Butwinski spoke again about meeting with staff in the meantime before the next work session. He felt the process and measures should be supported by members. He suggested picking an example, walking through it with staff and reporting back to Council. The Mayor felt this is a good idea. Candace Erickson described taking notes on several models where the level of service was not enhanced or the numbers were not meaningful in her opinion. Tom Bakaly offered to also meet with her and schedule time on this during Visioning.

5. Debrief of Bonanza Road construction – *lessons learned.* Jon Weidenhamer acknowledged that notice of this work session could have been better and perhaps another public input session should be scheduled. Dana Williams stated that an agenda and packet were available to the public as early as Monday.

Matt Cassel explained that significant upcoming City projects include the Comstock sidewalk this summer and Swede Alley in 2014. He discussed the survey results for Bonanza which were surprising to him because the traffic score was lower than anticipated and weekly visits to businesses was deemed not helpful. One of the key elements taken from the project is traffic management for vehicles, bikes and pedestrians. He discussed utilizing rolling road closures resulting in inconsistent access to businesses which caused great pain. He now feels it is more important to provide consistent access to businesses than to the road. As indicated in the staff report, it was impossible to manage bicyclists and pedestrians which created a safety issue and a better job can be done. He admitted he could have improved communicating the status of the project and issues with Council members. Being over-optimistic on completion times, closures or schedules should be avoided and disseminating accurate information is extremely important. Mr. Cassel felt that surveys are helpful tools and there was good public involvement. Ms. Pearson answered questions regarding the survey. She noted that only 33 of 160 surveys were answered. Mr. Cassel stated that utilities were extremely complicated to coordinate and it was difficult at times to decide whether or not to move forward. Ms. Matsumoto spoke about recognizing certain triggers to make the right decision. Matt Cassel believed some decisions come naturally through the bidding process and Tom Bakaly distinguished between project and policy decisions. Mayor Williams believed that more delays were caused because the street was open but the interests of the businesses on the street prevailed.

Joe Kernan felt that extra money should be spent on projects to mitigate detrimental financial impacts on businesses. Mr. Cassel indicated that crews worked at night to expedite the project and every utility is located under Bonanza. Candace Erickson felt there may be a situation where unplanned problems are so costly or challenging that a policy discussion will need to take place to decide whether to go forward. She didn't feel Bonanza was this project, but there may be something in the future. Tom Bakaly pointed out that if there is an overage, project approval must return to Council and a policy discussion could occur at that point.

Mayor Williams spoke about other problems like the three month delay for the easements which delayed the project. In response to a question from Alex Butwinski, Mr. Cassel explained that utilities are responsible to move and pay for relocations but according to our franchise agreements; the City is at the whim of the utility companies. He explained that even if the road were closed for one year, improvements would take more than one year to install. Discussion ensued on patrons being able to access businesses from the back entrance. Construction Manager Ray Carter relayed that even if utility companies are familiar with the project schedule, response is totally at their mercy regardless of agreements in place. The Mayor invited public input.

Charlie Wintzer, Iron Horse property and business owner, feels that it is more productive and easier to hold neighborhood meetings than inviting input at formal meetings. He thanked the City, Fehr & Peers and Granite Construction for their work because this was an impossible job and they did the best they could do. Most of the issues were due to the location of the tunnel and he agreed with the comments about problems with scheduling utility companies and their subcontractors. He agreed with 90% of the staff report. The biggest problem for him was the lack of designating one person as the on-site project manager. No one was notified about signage or construction plans until the last minute and signage was non-existent. He did not believe he held the easements up because there were changes made to the documents. The way to avoid imminent domain is to begin communication earlier in the process. He is disappointed that Bonanza Drive is now a freeway and it is not walkable or safer. Mr. Wintzer acknowledged that the City had a very good design but after hearing public input at one meeting, the Council threw it out which may be regretted. If the City is really serious about the environment, it should look to the way construction is conducted. Not closing the road cost the City a lot more money and slowed the project down. He spoke about the timing of installing the tunnel and potential run-off problems in the spring and keeping the City Park trail open for the Sundance Film Festival. In response to a question from Alex Butwinski, Mr. Wintzer reiterated that the road should have been fenced off and closed. Bike lanes could have been painted on the street.

Cindy Matsumoto acknowledged that she gave public input on the project as a citizen and business owner. She discussed the political difficulty in not supporting public sentiment and siding with professional advice.

Charlie Wintzer again discussed holding informal neighborhood meetings instead of public hearings and believed that some tenants could have been persuaded to support the street closure if the plan and impacts were better understood.

Matt Cassel relayed that in most instances, people want the project done quickly which is his biggest concern because of uncontrollable circumstances. Ms. Matsumoto believed that consistent access to a business is important. Repairing a portion of the disturbed City Park trail was suggested for Sundance pedestrians. Alex Butwinski relayed that project signage was terrible.

Mark Fischer, property owner, stated that he has over $150,000 of documentable losses incurred because of the project and interruption of business. He accepts this for the benefit of the long term but the Old Miner Car Wash lost over $80,000. The Buggy Bath was closed. However, he is not here to be negative but the main lesson to be learned is to close the road and work 24/7. The City thought it was saving money but in the end it cost more. The Mayor replied that the Council was aware of additional costs but the public asked that the road not be closed and Mr. Fischer pointed out that those people aren't here tonight. He expressed his support of the median in front of The Maverick and the original design would have worked even better. Let the experts who do this for a living, do their job. He appreciates everyone's hard work but again stated that he lost $150,000 over the summer.

Mike Sweeney suggested that the City take more time to study the impacts of large projects so there is an objective that can be met. The construction project putting establishments out of business was debated and Mike Sweeney believed that construction exasperated tenuous financial situations.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 13, 2011

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, January 13, 2011. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto. Liza Simpson was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Economic Development Manager; Wade Carpenter, Chief of Police; and Michael Kovacs, Assistant City Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

Permitting for Sundance - Mike Sweeney, Main Street property owner, expressed concern that the interpretation of the business license ordinance has changed which has a tremendous impact on his reputation. He has been permitting venues since 1998 and has worked very closely with the City. In the past, he pulled one convention sales license for a space which would cover all of the activity in the space. The new interpretation requires obtaining a convention sales license for each individual operating in the space. In some instances especially with gifting, there might be ten to twenty people in a space at a cost of $265 each. He in turn needs to collect $8,500 from his clients who feel they have already paid for the event. No one knew that the game has changed and he asked the Council to allow him to continue as he has in the last ten years and address this issue so there is time to put people on notice. He thought he was following the rules and if there is a shortfall, he may have to make it up.

Candace Erickson asked about the details of the arrangement and Heidi Hughes, agent for Mr. Sweeney, explained that in the past they obtained a convention sales license. In this instance, it is to operate out of a restaurant to conduct business as a gifting lounge by day and an event space at night. They obtained the convention license and overcrowding permit and are in the process for signs. They just learned today that the correct interpretation is that each one of the sponsors was required to apply and pay for a convention sales license. It's five days before load-in and $265 could be a deal-breaker for some of these people. It also seems like very bad business. She encouraged members to consider this at another time.

Jon Weidenhamer suggested working with them to make sure the fees are applied correctly and report back to the Council. The $265 is well justified although it could have been communicated better but applying for permits earlier would also be helpful.

Mr. Sweeney discussed his timing issues when final decisions haven't been made. He applied for licenses today, Wednesday and started the special events licensing three months ago.

Mark Harrington explained the different dimensions of subletting. If one of these individuals was doing this without a middle person, they would have to pay this fee. The fee was written for conventions and by its very definition each displayer would have to pay the fee. Permanent year-round businesses complain about this temporary opportunity and he added that each application may be unique. He stated that the interpretation is not changing and supported staff meeting with Mr. Sweeney. There is an appeal process in place and there is nothing Council can do tonight. A lengthy discussion occurred between Mr. Harrington and Mr. Sweeney about special event licensing and the City Attorney emphasized that the City is not incentivizing subletting existing business multiple times over which is a policy decision which can change. In the past, temporary licenses have not been supported. There is a balance with getting these types of events on Main Street without ambushing businesses. Mr. Sweeney spoke about the ability to make three months rent in revenue during Sundance to carry him through the off-season which is critical to many businesses on the Street. He would like to bring this back to Council. Mark Harrington appreciated the short term benefits but there is a whole other argument about healthy business practices. Joe Kernan acknowledged that Council can not make a decision tonight but the Code should be clearer. Ms. Erickson agreed but pointed out that processes have evolved and it may be a good policy discussion at some point.

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

1. Consideration of a quit claim deed of a 816 square foot parcel of City owned land located on McHenry Avenue to Helen and Matt Alvarez - and

2. Consideration of reimbursement to Rocky Mountain Power (RMP), Inc for electric utility line relocations related to the construction of Phase 2 for Bonanza Drive in the amount of $11,048 - and

3. Consideration of reimbursement to Rocky Mountain Power (RMP), Inc for electric utility line relocations related to the construction of Phase 2 for Bonanza Drive in the amount of $26,095 - and

4. Consideration of a service provider agreement with Horrock's Engineering, Inc., for the Comstock/Sidewinder Pathway project in the amount of $136,504 in a form approved by the City Attorney - Joe Kernan, "I move we approve Consent Agenda Items 1, 2, 3 and 4". Alex Butwinski seconded. Motion unanimously carried.

V OLD BUSINESS (Continued Items)

Consideration of an Ordinance amending Title 6, Chapter 3, Noise and Title 9, Chapter 8, Deliveries & Short-Term Use of the Municipal Code of Park City, Utah – Michael Kovacs indicated that Council comments from last week have been incorporated into the draft ordinance. Upper and lower Main Street is distinguished by Heber Avenue. Lower Main Street will be restricted to the 7 a.m. delivery time while 3 a.m. deliveries are allowed on Upper Main Street and double parking provisions match those times. A special events section has been added so that master festival licenses are subject to their own conditions. He disclosed that he received negative comments on not providing for the 45 day expiration date in the ordinance for the trial period. It was felt that it is more efficient not to bring the ordinance back unless there are issues that need to be addressed but it is recommended to review the trial in 45 days in any event. Mr. Butwinski confirmed that this action would better manage non-compliance although he anticipated a decibel level component. Candace Erickson stated that she is willing to try this for 45 days and bring it back for discussion, but would like to research it further. Alex Butwinski again expressed that noise is the problem.

Chief Wade Carpenter explained the complaint process and the Mayor urged the delivery community to be as quiet as possible. Alex Butwinski stated that he will accept this ordinance but would like to know about any unintended consequences and the feasibility of passing a noise ordinance. The Chief discussed the importance of consistently enforcing the law and the Mayor opened the public hearing.

Alison Butz, Historic Park City Alliance, referred to the draft ordinance and asked that garbage trucks be kept to the 7 a.m. time limit. The HPCA is supportive of enforcement of the ordinance to modify behavior and make this work.

Mike Sweeney, representing the Caledonian and Town Lift Condos, stated that he agreed with the 7 a.m. time for garbage and felt that garbage collection added to the problems at the loading dock at Zooms.

Mark Harrington described the strikeout language to accommodate keeping garbage removal times the same, so the sentence would read, "*...loading, unloading or opening or otherwise handling garbage containers between the hours of 10 p.m. and 7 a.m.*"

Mike Sweeney clarified that condominium owners do not want deliveries, pick-ups or anything before 7 a.m. north of Heber Avenue.

Joe Kernan discussed recycling services occurring before 7 a.m., especially during special events. Mark Harrington confirmed that these needs can be addressed in the master festival license. In response to a question from Chief Carpenter, Mr. Harrington explained that if a delivery complaint is noise-based, the noise ordinance would apply. The Mayor closed the public hearing. There was discussion about tracking complaints and assessing the trial. Ms. Erickson expressed interest in collecting data, specifically if more trucks are added on the street at 3 a.m. Joe Kernan, "I move we approve the ordinance, as amended". Cindy Matsumoto seconded. Mark Harrington described the amendment worded above and its application to lower Main Street for the benefit of Mike Sweeney. A review of the ordinance will be scheduled around March 15, 2011. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto. Liza Simpson was absent. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jason Christensen, Legal Intern, Diane Foster, Sustainability Manager; Joan Card, Environmental Regulatory Affairs Manager; and Mark Harrington, City Attorney. Candace Erickson, "I move to close the meeting to discuss litigation and property". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Candace Erickson, "I move to open the meeting". Alex Butwinski seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

Janet M. Scott, City Recorder

Ordinance No. 11-03

ORDINANCE AMENDING TITLE 6, CHAPTER 3, NOISE AND TITLE 9, CHAPTER 8, DELIVERIES & SHORT-TERM USE OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the livability and viability of Park City, its residents, businesses, and guests is a high priority and a work session was held by the City Council on December 2, 2010 on potential amendments to Titles 6 and 9 of the Municipal Code regarding anti-idling and Main Street deliveries; and

WHEREAS, the City Council unanimously adopted Ordinance No. 10-42 on December 16, 2010 prohibiting needless idling and demonstrating a proactive and committed position to protect the health, economy and natural environment of our community by addressing both air and noise pollution; and

WHEREAS, complaints about Main Street deliveries are almost exclusively noise-driven and it is felt that enforcement of the decibel level limit described in Title 6, Noise Abatement, and the enforcement of anti-idling legislation will address potential nuisances and conflicts in the Main Street core; and

WHEREAS, public hearings were noticed and held on the following amendments at the City Council's regularly scheduled meeting on January 6, 2011 and January 13, 2011; and

WHEREAS, members of the City Council find it in the best interest of the public to clarify the Municipal Code from time to time and specifically in this instance to realistically promote best practices by minimizing conflicts in neighboring commercial and residential zones and to enact sound legislation that is able to be consistently enforced and understood; and

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. AMENDMENTS. The following amendments shall be made to Titles 6 and 9 of the Municipal Code of Park City, Utah as follows:

6-3-8(F) **LOADING OPERATION**. Loading, unloading, opening, or otherwise handling ~~boxes, crates, containers,~~ garbage containers, ~~or other objects~~ between the hours of 10 p.m. and 7 a.m.

9- 8- 3. DELIVERY VEHICLES IN THE MAIN STREET CORE.

All delivery vehicles parked on Main Street or Swede Alley shall observe the following restrictions;

(A) Delivery vehicles operating south of Heber Avenue shall utilize the west side of Main Street during the hours from ~~7:00 a.m.~~ 3:00 a.m. to 12:00 noon~~,~~. Delivery vehicles operating north of Heber Avenue shall utilize Main Street during the hours from 7:00 a.m. to 12:00 noon. After 12:00 noon ~~which time~~ no delivery vehicle shall be parked on Main Street. Delivery vehicles may utilize any parking space on the west side of Swede Alley from ~~7:00 a.m.~~ 3:00 a.m.to 4:00 p.m.

(B) Delivery vehicles may double park on the west side of Main Street south of Heber Avenue from the hours of ~~7:00 a.m.~~ 3:00 a.m. to 12:00 noon~~,~~. Delivery vehicles may double park on Main Street north of Heber Avenue from the hours of 7:00 a.m. to 12:00 noon. Delivery vehicles may double park provided that: the double parked vehicle is in the course of an expeditious delivery, there is no other curb parking available, the double parked vehicle does not inhibit traffic flow or block a legally parked car from leaving the curb.

(C) Delivery vehicles shall utilize the loading zones on the west side of Swede Alley for deliveries to Main Street after the hour of 12:00 noon.

(D) No delivery vehicle shall park on the east side of Swede Alley.

(E) No delivery vehicle shall be parked in such a manner to impede the flow of traffic.

(F) No delivery vehicle shall be parked with its engine left idling.

(G) No delivery vehicle shall park on Park Avenue, between Heber Avenue and King Road ~~Avenue~~, to make deliveries to a business with a Main Street address.

(H) Special Events and Master Festivals in the Main Street Core that are authorized by the City may impact delivery vehicle operations. Delivery vehicles will have special privileges and restrictions as approved by the City's special events staff in accordance with the standards in Title 4, Chapter 8.

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

PASSED AND ADOPTED this 13th day of January, 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams

Mayor Dana Williams

CORPORATE SEAL · PARK CITY SUMMIT COUNTY UTAH

Attest:

Jan M Scott

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

City Council Staff Report

Subject: Main Street Early Deliveries Ordinance Amendment
Authors: Michael Kovacs, Assistant City Manager
Department: Executive
Date: January 13, 2011
Type of Item: Legislative

Summary Recommendations:
An ordinance amendment is ready for City Council based on your prior direction to take action to allow early Main Street deliveries but still keep restrictions in place for lower Main St., including hours of operation and modifications to the City's noise ordinance and parking codes.

Topic/Description:
Staff has redrafted an amendment to the code using the attached ordinance (Exhibit A) for consideration by City Council. This ordinance would add flexibility for Main St. and Old Town area deliveries to take place earlier in the morning on the south part of the street. The early deliveries would still be subject to the noise ordinance's 65 decibel level limit in the commercial areas before 6 a.m. At your last meeting, the Council enacted an anti-idling ordinance, which will assist in keeping noise levels from deliveries down.

Background:
A resident made a series of complaints in October about early deliveries taking place in Old Town prior to 7:00 a.m. (the time designated in the delivery truck parking code and the noise ordinance). Police responded to the scene and delayed deliveries until 7:00 a.m. In one instance, our Police cleared Old Town of all pre-7:00 a.m. deliveries that were taking place, and not just the truck that generated the complaint. Delivery truck companies began complaining that the 7:00 a.m. ordinance was unrealistic and that it pushed deliveries into peak morning traffic which then impacted businesses and people on the street. The companies have requested that the ordinance be amended, instead of just having a reduced enforcement priority. Council concurred at a work session held last month.

Council met on January 6, 2011, to consider an ordinance loosening rules and adding flexibility for parking to make deliveries in the Main St. and Old Town area. Since then, an effort to change delivery times to 3:00 a.m. from the proposed midnight time and a differentiation between upper and lower Main St. using Heber Avenue have been put in the proposed code change. The Sky Lodge/Zoom loading docks was identified as a major hot spot of complaints.

To refresh yourselves on the work session and last meeting, you may refer to the attached work session minutes and the Council meeting summary for January 6.

Analysis:

Based on your input at the last meeting when we considered a change to these sections, Staff is suggesting the following code section changes that are detailed in Exhibit A:

1. Strike the specific code section, PCMC 6-3-8(F), that designates "Loading Operation" as a prohibited activity between 10 p.m. and 7 a.m.

2. Allow deliveries south of Heber Ave. before 7:00 a.m. and after 7:00 a.m. north of Heber Ave. including allowances for double parking during those hours.

No changes to the decibel levels specified in the commercial zones prior to 6 a.m. are proposed. Any noise exceeding 65 decibels from 10 p.m. to 6 a.m. will be subject to enforcement by the Police, including deliveries. An allowance for Sundance operations and enforcement is included in the new version of the ordinance. Snow hauls will periodically shut down the Main St. and Swede Alley areas to all traffic, but we can put snow haul information into the e-notify system and have delivery companies sign up to receive notices of coming snow haul days.

Department Review:
Legal and the City Manager have reviewed this new Staff Report. Code changes have been discussed with the Police Chief.

Alternatives:

A. Approve
Staff is requesting City Council consider adopting the proposed ordinance adjusting for early upper Main Street deliveries, making modifications to the City's noise and parking codes.

B. Deny
Do not pass the ordinance and provide extra guidance.

C. Modify
Consider adopting an ordinance even less strict than presented based on communities like Breckenridge, Vail, and Jackson that allow higher decibel levels for trucks (see Exhibit C).

D. Continue the Item
Take more time to consider the matter.

E. Do Nothing
Allow staff to handle the issue within their discretion using the existing codes.

Significant Impacts:
Depending on Council direction, impacts vary from economic development issues to increased tensions between businesses and residential property owners and renters.

Consequences of not taking the recommended action:
Taking an approach alternative to the staff recommendation will require staff time dedicated to investigating and/or more proactively enforcing City code related to noise and delivery vehicles. Continuing this item has the potential to increase tensions between area residents and business owners.

Recommendation:
An ordinance amendment is ready for City Council based on your prior direction to take action to allow early Main Street deliveries but still keep restrictions in place for lower Main St., including hours of operation and modifications to the City's noise ordinance and parking codes.

Exhibits (Included):
Exhibit A – Draft Ordinance amending the parking and noise codes to allow earlier deliveries
Exhibit B – Table of 6 ski towns for comparison on delivery related noise codes and Town of Breckenridge code section on higher limits for vehicles.
Exhibit C – Work session minutes & Council meeting notes on the deliveries topic

Exhibit A – Draft Ordinance Amending the Parking and Noise Codes to Allow Earlier Deliveries

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Ordinance No. 11-___

ORDINANCE AMENDING TITLE 6, CHAPTER 3, NOISE AND TITLE 9, CHAPTER 8, DELIVERIES & SHORT-TERM USE OF THE MUNICIPAL CODE OF PARK CITY, UTAH

WHEREAS, the livability and viability of Park City, its residents, businesses, and guests is a high priority and a work session was held by the City Council on December 2, 2010 on potential amendments to Titles 6 and 9 of the Municipal Code regarding anti-idling and Main Street deliveries; and

WHEREAS, the City Council unanimously adopted Ordinance No. 10-42 on December 16, 2010 prohibiting needless idling and demonstrating a proactive and committed position to protect the health, economy and natural environment of our community by addressing both air and noise pollution; and

WHEREAS, complaints about Main Street deliveries are almost exclusively noise-driven and it is felt that enforcement of the decibel level limit described in Title 6, Noise Abatement, and the enforcement of anti-idling legislation will address potential nuisances and conflicts in the Main Street core; and

WHEREAS, public hearings were noticed and held on the following amendments at the City Council's regularly scheduled meeting on January 6, 2011 and January 13, 2011; and

WHEREAS, members of the City Council find it in the best interest of the public to clarify the Municipal Code from time to time and specifically in this instance to realistically promote best practices by minimizing conflicts in neighboring commercial and residential zones and to enact sound legislation that is able to be consistently enforced and understood; and

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. AMENDMENTS. The following amendments shall be made to Titles 6 and 9 of the Municipal Code of Park City, Utah as follows:

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(B) Delivery vehicles may double park on the west side of Main Street south of Heber Avenue from the hours of ~~7:00 a.m.~~ 3:00 a.m. to 12:00 noon~~,~~. Delivery vehicles may double park on Main Street north of Heber Avenue from the hours of 7:00 a.m. to 12:00 noon. Delivery vehicles may double park provided that: the double parked vehicle is in the course of an expeditious delivery, there is no other curb parking available, the double parked vehicle does not inhibit traffic flow or block a legally parked car from leaving the curb.

(C) Delivery vehicles shall utilize the loading zones on the west side of Swede Alley for deliveries to Main Street after the hour of 12:00 noon.

(D) No delivery vehicle shall park on the east side of Swede Alley.

(E) No delivery vehicle shall be parked in such a manner to impede the flow of traffic.

(F) No delivery vehicle shall be parked with its engine left idling.

(G) No delivery vehicle shall park on Park Avenue, between Heber Avenue and King Road ~~Avenue~~, to make deliveries to a business with a Main Street address.

(H) Special Events and Master Festivals in the Main Street Core that are authorized by the City may impact delivery vehicle operations. Delivery vehicles will have special privileges and restrictions as approved by the City's special events staff in accordance with the standards in Title 4, Chapter 8.

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

PASSED AND ADOPTED this 13th day of January, 2011.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Dana Williams

Attest:

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Janet M. Scott, City Recorder

Approved as to form:

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Mark D. Harrington, City Attorney

Exhibit B – Table of 6 ski towns for comparison on delivery related noise codes and Town of Breckenridge code section on higher limits for vehicles

Ski Resort Town	Delivery Time Prohibition	Decibel Levels - Night	Definition of Night	Vehicle Noise Higher Limit
			Monday - Saturday	
Aspen	No	55	7 p.m. to 7 a.m.	No
Breckenridge	No	65	11 p.m. to 7 a.m.	80 dB small trucks, 90 dB large
Telluride	Yes	3 consecutive complaints	n.a.	No
Jackson	No	n.a.	9 p.m. to 6 a.m.	80 dB
Vail	No	60	11 p.m. to 7 a.m.	80 dB small trucks, 90 dB large
Park City (current)	Yes	65	10 p.m to 6 a.m.	No
Park City (proposed)	No	65	10 p.m. to 6 a.m.	No, but option to enact

5-8-10: MOTOR VEHICLE NOISE:
It shall be unlawful for any person to operate a motor vehicle, or for the owner of a motor vehicle to permit the operation of any motor vehicle or combination of motor vehicles, at any time or place when such operation exceeds the following maximum permissible noise levels for the category of motor vehicle and for the designated time period specified in the table set forth below. The standards set forth in the table shall apply to all noise emitted from motor vehicles, including any equipment thereon, under any conditions of acceleration, deceleration, idle, greater load, and whether or not in motion, and shall include, but shall not be limited to, noise caused by the use of an "engine brake" which converts a power producing diesel engine into a power absorbing air compressor, resulting in a net energy loss (commonly referred to by brand names as "Jacobs Brake", "Jake Brake" or "Dynatard Brake"). Maximum permissible noise levels for motor vehicles shall be as follows:

MAXIMUM PERMISSIBLE NOISE LEVELS; MOTOR VEHICLES

Type Of Vehicle	Time Period	Maximum Allowable Noise Levels	Measurement Distance From Vehicle
Vehicles weighing less than 10,000 pounds, manufacturer's gross vehicle weight	Any time	80 decibels	At least 25 feet
Vehicles weighing 10,000 pounds or more, manufacturer's gross vehicle weight	Any time	90 decibels	At least 25 feet

PARK CITY COUNCIL WORK SESSION NOTES EXCERPT
SUMMIT COUNTY, UTAH
DECEMBER 2, 2010

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Kent Cashel, Transportation Manager; Pace Erickson, Operations Manager; Deb Wilde, Code Enforcement Officer; Shelley Hatch, Finance Analyst; Matt Cassel, City Engineer; Tyler Poulson, Environmental Analyst; Brian Anderson, Parking Manager; Diane Foster, Sustainability Manager; Roger Evans, Interim Building Official; and Bret Howser, Budget Manager

Justin Dalton, Director of Transportation for Cisco; Sandra Nugent, Clean Air Park City

2. Main Street early deliveries and anti-idling discussion.

Main Street deliveries - Michael Kovacs explained that the City received complaints from the neighborhood in October about early deliveries which triggered enforcement action by the Police Department. Idling of engines contributes to noise issues. Utah Code specifies that unattended vehicles can not be left running and the City has special parking and delivery restrictions on Main Street and Swede Alley together with internal policies. Park City's policy encourages employees limit idling to a minute. He stated that the noise ordinance provides that deliveries can not be made between 10 p.m. and 7 a.m. which is restrictive and the street becomes quickly populated. Running vehicles are limited to 15 minutes unless other equipment is involved and another section of the noise ordinance limits noise by decibel level and zone. The Police Department is currently responding on a low priority complaint-based approach for enforcing the ordinance and delivery companies have suggested moving toward earlier delivery times to better avoid conflicts. Mr. Kovacs suggested maintaining the current ordinance but to reaffirm Council's low enforcement priority.

Liza Simpson emphasized that the flurry of complaints last summer originated from one person. Chief of Police Wade Carpenter explained that complaints are dealt with on an individual complaint basis and sometimes complaints lead to other offenders. He hoped that complaints will be largely curtailed with the anti-idling campaign and agreed that most complaints were from one individual. The Mayor invited public input.

Justin Dalton, Director of Transportation for Cisco, explained that refrigeration units in delivery trucks create most of the noise and these can be shut off. The hours in the ordinance can work in the summer but if enforced in the winter, will create significant traffic problems. Safety is most important and Cisco would like to make deliveries about 3 a.m. Drivers are trained to reduce noise as much as possible. He explained that Cisco was unaware of the ordinance until cited last summer and emphasized that with a small window for deliveries, more trucks will be needed which creates other negative impacts.

Liza Simpson pointed out that 80% of Cisco's deliveries are key-drops which mean businesses have given permission to access their stores and deliver in the early morning hours. In response to a question from Candace Erickson, Mr. Dalton indicated that deliveries are made six days a week. Ms. Matsumoto asked about anti-idling training acknowledging that refrigeration units were described as creating the noise issue and Mr. Dalton described adjusting the units and stated that Cisco trucks are not idling; after one minute engines automatically shut off. The refrigeration units can be turned off and Nicholas & Company has the same policy. The Chief stated that there have been no recent complaints but if there is a complaint, the Department must respond.

Alison Butz, PCHA, stated that the membership's biggest concern is having deliveries made before patrons come to the street. It is felt that enforcement on an individual basis is working. PCHA prefers an earlier delivery time but can tolerate the status quo.

The Mayor suggested that the delivery companies continue to work on adjusting refrigeration units to mitigate potential noise impacts. Liza Simpson reiterated that it was one guy making 99% of the complaints and perhaps this issue needs to be revisited in the spring because of the hours issue. If deliveries are being managed with key drops, and trucks are not idling, and the refrigeration units are turned off, the Mayor felt amendments to the ordinance should be considered. Ms. Simpson suggested 5 a.m. Joe Kernan believed noise can be adequately mitigated which is the problem and is comfortable with changing the time. Candace Erickson discussed moving the time back to 3 a.m. to realistically meet everyone's needs. Ms. Simpson did not believe having a truck on Main Street at 9 or 10 a.m. is a problem. Mayor Williams suggested conducting a trial period for six months over the winter and if successful, eliminate the time limit. Liza Simpson felt that the hours of 3 a.m. to 9 a.m. would be best from the standpoint of conflicts. Cindy Matsumoto encouraged Cisco to instruct its drivers to turn off their engines immediately rather than waiting a minute. She expressed her support of a trial period. Mark Harrington interjected that the times in the ordinance could be different for summer and winter seasons.

Given the level of non-compliance, the City Manager recommended amending the ordinance or enforcing it as written. All members were supportive of amending the ordinance and Tom Bakaly indicated that a draft will return to Council and a public hearing scheduled.

Anti-idling Ordinance - Tyler Poulson stated that the City Council approved an anti-idling resolution in November 2009. Salt Lake City recently completed a public input session on a draft ordinance. An ordinance, rather than a resolution, clearly conveys the public health and environmental damage done by vehicle idling and it more efficiently encourages people not to idle their vehicles. This is similar to the no-texting law which has changed behavior for many individuals and staff feels that an anti-idling ordinance can provide that same type of benefit in Park City. Mr. Poulson discussed the advantages of anti-idling legislation which has become a hot topic in the state of Utah. The EPA designated seven Utah counties as fully or partially non-attainment zones for air quality in the past year which prompted stronger support for action on idling. Utah Monster Clean Air is a state-wide organization and Clean Air Park City is the local chapter with the goals of promoting public awareness and education. The Governor has designated September as idle-free awareness month. Mr. Poulson indicated that 2 billion gallons of fuel are unnecessarily idled away on an annual basis in the United States. Anti-idling ordinances have been adopted by a variety of communities which were collected and reviewed by staff and the ordinance, as drafted, considers Park City's normal operations. The draft resolution specifies one minute and the Salt Lake Council is considering two or three minutes.

Liza Simpson was pleased to learn of the effectiveness of passing an ordinance without it becoming an enforcement burden. Tyler Poulson stated that Parking Services will be the code enforcer within its existing patrol area. Police will also have the ability to respond and enforce the ordinance. Much like the taxi complaint form, there can be an idling complaint form which will help track violations that can be followed up with mailed warning notices. Staff recommends warnings as the first line of defense and will return in a couple weeks with a draft ordinance. Parking Manager Brian Anderson advised that parking enforcement ceases at 8 p.m.

Sandra Nugent, Clean Air Park City, supports the ordinance and noted that the organization will continue their educational efforts. She spoke about campaigning on Main Street and on Bonanza. They have a presence in the schools and the City has done a great job of posting signs at the schools. The Mayor spoke about the airport being well posted and it may be worthwhile to talk to the local banks about installing similar signs.

All members were unanimously supportive of moving ahead with an ordinance. Diane Foster added that Summit County is working on a resolution hoping it could become a County-wide ordinance. PCMR, Deer Valley and the School District all have anti-idling policies in place.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING SUMMARY EXCERPT
SUMMIT COUNTY, UTAH
JANUARY 6, 2011

I ROLL CALL

All members were present.

III PUBLIC INPUT

Taxi business – ATVs - Gary Moss, Trigger Taxis, asked that he be placed on the agenda next week so he can operate his ATVs as taxis. A majority of members supported a discussion in February when taxis in general will be discussed again.

VII NEW BUSINESS

6. Consideration of an Ordinance amending Title 6, Chapter 3, Noise and Title 9, Chapter 8, Deliveries & Short-Term Use of the Municipal Code of Park City, Utah – Assistant City Manager Michael Kovacs described features of the proposed Ordinance based on previous input. The Mayor opened the public hearing.

Stephanie Johnston, General Manager Summit Watch, opposed to amending extending delivery time to 3 a.m. because of the noise.

Alison Butz, HPCA, suggested conducting a trial before an ordinance is enacted. Deliver to Lower Main Street closer to 7 a.m.

Justin Dalton, Cisco, spoke about being cited during the holidays and not being able to deliver at critical times. They avoid delivering at the dock at Zooms until later.

Rhonda Sedaris, R&R Properties, spoke about the complaints she receives about commercial deliveries on Lower Main Street.

Robert Wilcox felt the problems have been going on a year and a half. 7 a.m. is too early and decibel readings go to 110.

(Recorder had to leave meeting)

Jason Nichols, Nichols Company, restricting delivery hours means more trucks are needed to deliver.

Jeff Turner, caterer, has to do his job too.

Clint, Squatters Restaurant and Old Town resident, spoke about the benefit of key drops. People need to make concessions living in the Historic District.

Mike Sweeney felt there is a solution by working together.

Members agreed that no deliveries be made on the east side of Lower Main Street until 7 a.m. and that a trial be done on Main Street for 3 a.m. deliveries. Staff will return in a week with a draft ordinance.

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 13, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Heinrich Deters, Trails Coordinator; Kent Cashel, Transportation Manager; Michael Kovacs, Assistant City Manager; Thomas Eddington, Planning Manager; Matt Cassel, City Engineer; Jon Weidenhamer, Economic Development Manager;

Marty Pearson, Fehr & Peers; Charlie Wintzer, property owner; Ray Carter, Stanley Construction; and Mark Fischer, property owner

Absent: **Council member Liza Simpson**

1. Council questions/comments. Cindy Matsumoto spoke about Round Valley and related recreational conflicts and hoped there are solutions because it is so popular. She encouraged the public to participate in the survey. Discussion ensued on modifying the restrooms in Round Valley so they are available for use in the winter. Candace Erickson discussed Mountainlands Community Housing Trust business where there is a lack of applications to launch a self help housing program. Alex Butwinski discussed Art Board business and noted that the TDR discussion at Planning Commission was continued.

He referred to requests for snow plowing the Holiday Ranch Loop sidewalk. Heinrich Deters reported that clearing the sidewalk is in the Request for Elevated Level of Service (RELS) Process and Mr. Butwinski felt this may take too long. Tom Bakaly explained that requests for traffic calming, trails, pedestrian improvements, etc, are evaluated in the RELS process as a matter of policy. This could be discussed in a work session. Ms. Erickson understood that plowing would be considered this upcoming budget and Mr. Bakaly confirmed that was the plan but there will be an earlier work session on this.

Joe Kernan suggested that a high level policy discussion on taxes be scheduled during the Visioning Session. It would be helpful to have a better understanding of taxes before May when the tentative budget is introduced. He also requested information from the Budget Team on comparisons with the eight other cities. Mr. Butwinski suggested that members be provided monthly updates on revenues and agreed with Mr. Kernan that it may be helpful to talk about these topics during Visioning. As a part of the discussion, Ms. Matsumoto asked for future projections on the cost of the pay plan.

Mayor Williams passed on a complaint about restricted sight lines at Woodside Avenue and Park Avenue because of parked cars. Kent Cashel will follow-up. He read a letter from Gardner Engineering commending Tyler Poulson as the project manager on the Marsac solar array. He remarked that meetings with MIDA have been successful and spoke about the importance of civil discourse.

2. Legislative update. Michael Kovacs pointed out the volatility of legislation at this point and discussed proposed sales tax redistribution revisions which Park City is opposed to and staff will be working with the Utah League of Cities. The second big bill is school tax equalization involving raising sales tax and reducing property taxes which Park City is also opposed to. He spoke about our promotion of the state adoption of the 2009 energy code which the local Park City home builders support. In response to a question from the Mayor, Mr. Kovacs explained that immigration is a topic of great interest and the ULCT is focusing on the impacts to police, prosecution and logistics. Mayor Williams pointed out that Arizona's tourism revenue has significantly dropped because of the passage of unpopular immigration legislation. Joe Kernan discussed the dependence of the business community on the Hispanic workforce over the years.

3. 4th Quarter Goals. The Mayor guided members through goals; there were no changes. Offsets provided by the Marsac solar array were discussed.

4. BFO Discussion. Michael Kovacs explained that quality and quantity of water, preservation of Park City character, public safety, and world-class seasonal resort are the last topics to be addressed. Alex Butwinski discussed his preference for numbers rather than percentages in models or a better understanding of the methodology or measurements used. Joe Kernan agreed. Tom Bakaly stated that staff will work on providing more context. Cindy Matsumoto expressed confusion about the process and the time to voice budget priorities. She stated that she would like to hire more staff to preserve the character and the small town atmosphere of Park City which would be an enhanced level. Mr. Bakaly explained that there must be a majority of members who agree and staff would return with a preservation plan. Joe Kernan stated that he would like information on the plan and the cost and some suggestions from staff on funding.

Dana Williams stated that staff first needs to understand Ms. Matsumoto's goal before a plan is formulated. Thomas Eddington explained that consultant Dina Blaes is working on a Main Street assessment and historic site inventory reassessments and CRSA is analyzing 28 distressed buildings on Main Street that may be in jeopardy of losing their national register status. Joe Kernan stated he would like to hear about more ways to save historic homes from large additions. There was discussion about last year's amendments to the Code. Ms. Matsumoto clarified that she would like another layer of protection, acknowledging that she doesn't have any offsets in cost in other areas to suggest.

In response to a question from Ms. Erickson about projecting costs, Michael Kovacs referred to the BFO report on historic preservation where a $41,000 increase from the General Fund is proposed. Mr. Eddington continued to explain that if the Department hired a new FTE, the majority of the position's time would be dedicated to historic preservation programs and process. Tom Bakaly noted the importance when generating more service costs to cut in other areas. Joe Kernan asked if historic preservation is a long or short-term request and Ms. Matsumoto indicated a long term request as she envisions the need always being there. Alex Butwinski commented that he is willing to look at an enhanced level but expectations need to be addressed and Mr. Eddington felt this is a good topic for the Visioning Session. The Historic District Guidelines and new LMC revisions are effective tools and an enhanced level will provide a more thorough and timely approach and an opportunity to proactively address preservation issues. Candace Erickson stated that historic preservation is one item that has been identified but there are other priorities that will surface and decisions will have to be balanced. Tom Bakaly pointed out that the upcoming discussion with the HPB will also be helpful.

Joe Kernan stated that he is very interested in learning more about wind turbine farms and other sustainable sources of power. This is a high priority for him. Mr. Kovacs offered to provide more information on identified interests. Diane Foster noted that the City has a goal of reductions of 12% for the City. Mayor Williams supported Mr. Kernan's comments. Alex Butwinski expressed his preference to meet with staff and Ms. Matsumoto admitted confusion on how to make cuts. Tom Bakaly explained that the process is more of a prioritization to use as a guide to shift resources so both high and low priorities are clear. Ms. Matsumoto suggested conducting a decision exercise during Visioning. Mr. Butwinski viewed the information as a base line and wants to make sure that performance levels are meaningful and measurable. He is uncertain how the information relates in many instances. The City Manager offered to personally meet with Mr. Butwinski on performance measures; there is a lot of time before the budget is adopted. Mr. Butwinski felt it premature to hone in on specific projects until there is a better understanding of the current process. Joe Kernan believed the approach is an examination of goals. He is interested in receiving information on service level comparisons of other towns and with all of that information, he feels he will be better prepared to make good decisions at budget time with regard to service levels. Alex Butwinski spoke again about meeting with staff in the meantime before the next work session. He felt the process and measures should be supported by members. He suggested picking an example, walking through it with staff and reporting back to Council. The Mayor felt this is a good idea. Candace Erickson described taking notes on several models where the level of service was not enhanced or the numbers were not meaningful in her opinion. Tom Bakaly offered to also meet with her and schedule time on this during Visioning.

5. Debrief of Bonanza Road construction – *lessons learned*. Jon Weidenhamer acknowledged that notice of this work session could have been better and perhaps another public input session should be scheduled. Dana Williams stated that an agenda and packet were available to the public as early as Monday.

Matt Cassel explained that significant upcoming City projects include the Comstock sidewalk this summer and Swede Alley in 2014. He discussed the survey results for Bonanza which were surprising to him because the traffic score was lower than anticipated and weekly visits to businesses was deemed not helpful. One of the key elements taken from the project is traffic management for vehicles, bikes and pedestrians. He discussed utilizing rolling road closures resulting in inconsistent access to businesses which caused great pain. He now feels it is more important to provide consistent access to businesses than to the road. As indicated in the staff report, it was impossible to manage bicyclists and pedestrians which created a safety issue and a better job can be done. He admitted he could have improved communicating the status of the project and issues with Council members. Being over-optimistic on completion times, closures or schedules should be avoided and disseminating accurate information is extremely important. Mr. Cassel felt that surveys are helpful tools and there was good public involvement. Ms. Pearson answered questions regarding the survey. She noted that only 33 of 160 surveys were answered. Mr. Cassel stated that utilities were extremely complicated to coordinate and it was difficult at times to decide whether or not to move forward. Ms. Matsumoto spoke about recognizing certain triggers to make the right decision. Matt Cassel believed some decisions come naturally through the bidding process and Tom Bakaly distinguished between project and policy decisions. Mayor Williams believed that more delays were caused because the street was open but the interests of the businesses on the street prevailed.

Joe Kernan felt that extra money should be spent on projects to mitigate detrimental financial impacts on businesses. Mr. Cassel indicated that crews worked at night to expedite the project and every utility is located under Bonanza. Candace Erickson felt there may be a situation where unplanned problems are so costly or challenging that a policy discussion will need to take place to decide whether to go forward. She didn't feel Bonanza was this project, but there may be something in the future. Tom Bakaly pointed out that if there is an overage, project approval must return to Council and a policy discussion could occur at that point.

Mayor Williams spoke about other problems like the three month delay for the easements which delayed the project. In response to a question from Alex Butwinski, Mr. Cassel explained that utilities are responsible to move and pay for relocations but according to our franchise agreements; the City is at the whim of the utility companies. He explained that even if the road were closed for one year, improvements would take more than one year to install. Discussion ensued on patrons being able to access businesses from the back entrance. Construction Manager Ray Carter relayed that even if utility companies are familiar with the project schedule, response is totally at their mercy regardless of agreements in place. The Mayor invited public input.

Charlie Wintzer, Iron Horse property and business owner, feels that it is more productive and easier to hold neighborhood meetings than inviting input at formal meetings. He thanked the City, Fehr & Peers and Granite Construction for their work because this was an impossible job and they did the best they could do. Most of the issues were due to the location of the tunnel and he agreed with the comments about problems with scheduling utility companies and their subcontractors. He agreed with 90% of the staff report. The biggest problem for him was the lack of designating one person as the on-site project manager. No one was notified about signage or construction plans until the last minute and signage was non-existent. He did not believe he held the easements up because there were changes made to the documents. The way to avoid imminent domain is to begin communication earlier in the process. He is disappointed that Bonanza Drive is now a freeway and it is not walkable or safer. Mr. Wintzer acknowledged that the City had a very good design but after hearing public input at one meeting, the Council threw it out which may be regretted. If the City is really serious about the environment, it should look to the way construction is conducted. Not closing the road cost the City a lot more money and slowed the project down. He spoke about the timing of installing the tunnel and potential run-off problems in the spring and keeping the City Park trail open for the Sundance Film Festival. In response to a question from Alex Butwinski, Mr. Wintzer reiterated that the road should have been fenced off and closed. Bike lanes could have been painted on the street.

Cindy Matsumoto acknowledged that she gave public input on the project as a citizen and business owner. She discussed the political difficulty in not supporting public sentiment and siding with professional advice.

Charlie Wintzer again discussed holding informal neighborhood meetings instead of public hearings and believed that some tenants could have been persuaded to support the street closure if the plan and impacts were better understood.

Matt Cassel relayed that in most instances, people want the project done quickly which is his biggest concern because of uncontrollable circumstances. Ms. Matsumoto believed that consistent access to a business is important. Repairing a portion of the disturbed City Park trail was suggested for Sundance pedestrians. Alex Butwinski relayed that project signage was terrible.

Mark Fischer, property owner, stated that he has over $150,000 of documentable losses incurred because of the project and interruption of business. He accepts this for the benefit of the long term but the Old Miner Car Wash lost over $80,000. The Buggy Bath was closed. However, he is not here to be negative but the main lesson to be learned is to close the road and work 24/7. The City thought it was saving money but in the end it cost more. The Mayor replied that the Council was aware of additional costs but the public asked that the road not be closed and Mr. Fischer pointed out that those people aren't here tonight. He expressed his support of the median in front of The Maverick and the original design would have worked even better. Let the experts who do this for a living, do their job. He appreciates everyone's hard work but again stated that he lost $150,000 over the summer.

Mike Sweeney suggested that the City take more time to study the impacts of large projects so there is an objective that can be met. The construction project putting establishments out of business was debated and Mike Sweeney believed that construction exasperated tenuous financial situations.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 13, 2011

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, January 13, 2011. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto. Liza Simpson was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Economic Development Manager; Wade Carpenter, Chief of Police; and Michael Kovacs, Assistant City Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

Permitting for Sundance - Mike Sweeney, Main Street property owner, expressed concern that the interpretation of the business license ordinance has changed which has a tremendous impact on his reputation. He has been permitting venues since 1998 and has worked very closely with the City. In the past, he pulled one convention sales license for a space which would cover all of the activity in the space. The new interpretation requires obtaining a convention sales license for each individual operating in the space. In some instances especially with gifting, there might be ten to twenty people in a space at a cost of $265 each. He in turn needs to collect $8,500 from his clients who feel they have already paid for the event. No one knew that the game has changed and he asked the Council to allow him to continue as he has in the last ten years and address this issue so there is time to put people on notice. He thought he was following the rules and if there is a shortfall, he may have to make it up.

Candace Erickson asked about the details of the arrangement and Heidi Hughes, agent for Mr. Sweeney, explained that in the past they obtained a convention sales license. In this instance, it is to operate out of a restaurant to conduct business as a gifting lounge by day and an event space at night. They obtained the convention license and overcrowding permit and are in the process for signs. They just learned today that the correct interpretation is that each one of the sponsors was required to apply and pay for a convention sales license. It's five days before load-in and $265 could be a deal-breaker for some of these people. It also seems like very bad business. She encouraged members to consider this at another time.

Jon Weidenhamer suggested working with them to make sure the fees are applied correctly and report back to the Council. The $265 is well justified although it could have been communicated better but applying for permits earlier would also be helpful.

Mr. Sweeney discussed his timing issues when final decisions haven't been made. He applied for licenses today, Wednesday and started the special events licensing three months ago.

Mark Harrington explained the different dimensions of subletting. If one of these individuals was doing this without a middle person, they would have to pay this fee. The fee was written for conventions and by its very definition each displayer would have to pay the fee. Permanent year-round businesses complain about this temporary opportunity and he added that each application may be unique. He stated that the interpretation is not changing and supported staff meeting with Mr. Sweeney. There is an appeal process in place and there is nothing Council can do tonight. A lengthy discussion occurred between Mr. Harrington and Mr. Sweeney about special event licensing and the City Attorney emphasized that the City is not incentivizing subletting existing business multiple times over which is a policy decision which can change. In the past, temporary licenses have not been supported. There is a balance with getting these types of events on Main Street without ambushing businesses. Mr. Sweeney spoke about the ability to make three months rent in revenue during Sundance to carry him through the off-season which is critical to many businesses on the Street. He would like to bring this back to Council. Mark Harrington appreciated the short term benefits but there is a whole other argument about healthy business practices. Joe Kernan acknowledged that Council can not make a decision tonight but the Code should be clearer. Ms. Erickson agreed but pointed out that processes have evolved and it may be a good policy discussion at some point.

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

1. Consideration of a quit claim deed of a 816 square foot parcel of City owned land located on McHenry Avenue to Helen and Matt Alvarez - and

2. Consideration of reimbursement to Rocky Mountain Power (RMP), Inc for electric utility line relocations related to the construction of Phase 2 for Bonanza Drive in the amount of $11,048 - and

3. Consideration of reimbursement to Rocky Mountain Power (RMP), Inc for electric utility line relocations related to the construction of Phase 2 for Bonanza Drive in the amount of $26,095 - and

4. Consideration of a service provider agreement with Horrock's Engineering, Inc., for the Comstock/Sidewinder Pathway project in the amount of $136,504 in a form approved by the City Attorney - Joe Kernan, "I move we approve Consent Agenda Items 1, 2, 3 and 4". Alex Butwinski seconded. Motion unanimously carried.

V OLD BUSINESS (Continued Items)

Consideration of an Ordinance amending Title 6, Chapter 3, Noise and Title 9, Chapter 8, Deliveries & Short-Term Use of the Municipal Code of Park City, Utah – Michael Kovacs indicated that Council comments from last week have been incorporated into the draft ordinance. Upper and lower Main Street is distinguished by Heber Avenue. Lower Main Street will be restricted to the 7 a.m. delivery time while 3 a.m. deliveries are allowed on Upper Main Street and double parking provisions match those times. A special events section has been added so that master festival licenses are subject to their own conditions. He disclosed that he received negative comments on not providing for the 45 day expiration date in the ordinance for the trial period. It was felt that it is more efficient not to bring the ordinance back unless there are issues that need to be addressed but it is recommended to review the trial in 45 days in any event. Mr. Butwinski confirmed that this action would better manage non-compliance although he anticipated a decibel level component. Candace Erickson stated that she is willing to try this for 45 days and bring it back for discussion, but would like to research it further. Alex Butwinski again expressed that noise is the problem.

Chief Wade Carpenter explained the complaint process and the Mayor urged the delivery community to be as quiet as possible. Alex Butwinski stated that he will accept this ordinance but would like to know about any unintended consequences and the feasibility of passing a noise ordinance. The Chief discussed the importance of consistently enforcing the law and the Mayor opened the public hearing.

Alison Butz, Historic Park City Alliance, referred to the draft ordinance and asked that garbage trucks be kept to the 7 a.m. time limit. The HPCA is supportive of enforcement of the ordinance to modify behavior and make this work.

Mike Sweeney, representing the Caledonian and Town Lift Condos, stated that he agreed with the 7 a.m. time for garbage and felt that garbage collection added to the problems at the loading dock at Zooms.

Mark Harrington described the strikeout language to accommodate keeping garbage removal times the same, so the sentence would read, "*…loading, unloading or opening or otherwise handling garbage containers between the hours of 10 p.m. and 7 a.m."*

Mike Sweeney clarified that condominium owners do not want deliveries, pick-ups or anything before 7 a.m. north of Heber Avenue.

Joe Kernan discussed recycling services occurring before 7 a.m., especially during special events. Mark Harrington confirmed that these needs can be addressed in the master festival license. In response to a question from Chief Carpenter, Mr. Harrington explained that if a delivery complaint is noise-based, the noise ordinance would apply. The Mayor closed the public hearing. There was discussion about tracking complaints and assessing the trial. Ms. Erickson expressed interest in collecting data, specifically if more trucks are added on the street at 3 a.m. Joe Kernan, "I move we approve the ordinance, as amended". Cindy Matsumoto seconded. Mark Harrington described the amendment worded above and its application to lower Main Street for the benefit of Mike Sweeney. A review of the ordinance will be scheduled around March 15, 2011. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

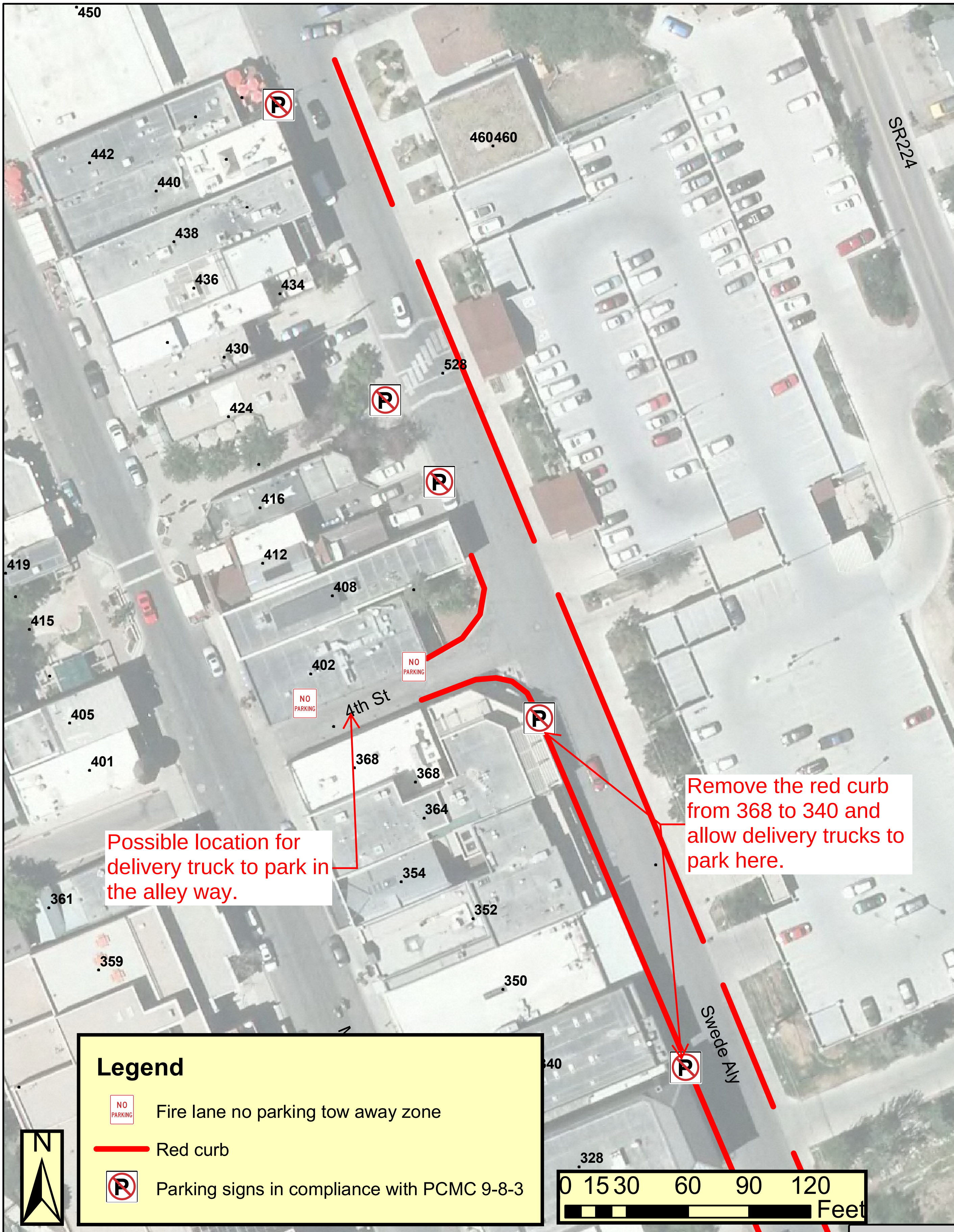
The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto. Liza Simpson was absent. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jason Christensen, Legal Intern, Diane Foster, Sustainability Manager; Joan Card, Environmental Regulatory Affairs Manager; and Mark Harrington, City Attorney. Candace Erickson, "I move to close the meeting to discuss litigation and property". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Candace Erickson, "I move to open the meeting". Alex Butwinski seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

Janet M. Scott, City Recorder

Current Swede Alley Parking Map
(408 Swede Alley)



DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

Staff is returning to Council with the first of two reports outlining the goals of the Water & Energy Resiliency Program. Staff is seeking feedback on the goals, assumptions, and parameters presented today. Staff will return on October 22 with a funding mechanism and suggested levels of funding.

Respectfully:

Matthew Abbott, Enviromental Program Manager

City Council Staff Report

Subject: **Utility Mitigation Surcharge: Strategy**
Author: **Matt Abbott and Jason Christensen**
Department: **Sustainability and Public Utilities**
Date: **October 22, 2015**
Type of Item: **Informational**

Summary Recommendations:
Staff is recommending that Council review, provide feedback, and adopt staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program.

Executive Summary:
Staff is returning to Council with the first of two reports outlining the goals of the Water & Energy Resiliency Program. Staff is seeking feedback on the goals, assumptions, and parameters presented today. Staff will return on November 5 with a funding mechanism and suggested levels of funding.

Abbreviations:

CO_2e	carbon dioxide equivalent
gal	US gallon
Dth	dekatherm
kWh	kilowatt hour
MMBtu	1 Million British Thermal Units
RFQ	request for qualifications
W&ERP	Water & Energy Resiliency Program

Background:
On May 28, 2015 Council requested that staff return to discuss a potential water rate surcharge that captures the carbon cost of our water delivery system.

On July 16, 2015 staff returned to Council with a report summarizing their findings. That report can be found on page 19 of the Council packet at: http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=15239.

Staff has been meeting weekly since July 16 to develop a Water & Energy Resiliency Program and a rough budgetary needs estimate. This program is scoping: potential projects, data, timelines, operations, staff, budget, estimate energy savings, and return on investment. We are using the working title of Water & Energy Resiliency Program (W&ERP) as we finalize the funding mechanisms during the November 5, 2015 Council presentation. There is a possibility that funding will not be tied to an on-bill surcharge. Additionally, the scope of the work is broader than a funding mechanism.

Staff is approaching Council with two reports. Part One, today's report, explores the goals and strategies staff has identified. Part two, to be presented on November 5, 2015, will identify a recommended implementation and funding structure. Staff is seeking feedback on the goals, assumptions, and parameters presented today.

Analysis:

Staff has been informally calling the program the Water & Energy Resiliency Program. The team, listed below, has been meeting weekly to identify goals, metrics, methodologies, and the best means of communicating the overall program.

<u>Team</u>

Office of Sustainability

- Matt Abbott – Environmental Project Manager
- Bina Skordas – Sustainable Energy Project Manager

Public Utilities

- Clint McAffee – Director of Public Utilities
- Jason Christensen – Water Resources Manager
- Kyle MacArthur – Water Distribution Manager
- Roger McClain – Water Engineer
- Nick Graue – Engineer & Project Manager
- Griff Lloyd – Water Project Manager

<u>Water & Energy Resiliency Program Summary:</u>

System efficiency is being directly addressed through the W&ERP. The W&ERP is a program to reduce Park City Water's environmental impact by optimizing operations, capturing efficiencies, and developing renewable energy through four focus areas:

1. Operations: *review and alter existing plans, establish baseline, and measurable goals*
2. Efficiency & Renewables: *includes operational efficiencies and capital projects*
3. Water Conservation: *continue and expand existing water conservation efforts*
4. Future-ready planning: *utilize existing capital project timelines, projections, and assumptions to best incorporate program work with long-term system goals*

Staff has identified five primary **<u>goals</u>** of this program:

1. Reduce peak demand (of water and energy)
   Peak electricity and peak water demand represent the highest incremental costs of service delivery. Staff is exploring a universal metric to baseline and track system improvements and conserve water and energy.

2. Reduce dollars spent per unit of energy
   This represents both inefficiencies and low-cost energy sources.

3. Reduce energy consumption per gallon per pumped vertical foot (core metric)
   This represents the energy required per gallon of water procured, treated, and delivered.

4. Produce local renewable energy
   Identify and develop renewable energy projects that benefit the water delivery system near-term and long-term.

5. Prioritize regulatory requirements and water quality goals over efficiency/optimization
   Essentially a pass/fail test for any proposed project. The Water Department must be able to consistently deliver clean, safe drinking water.

Staff has made the following **assumptions**:
1. Projects will be funded through the Water Fund
2. Funding will be restricted to PCMC Water Department projects
3. Projects will rely on operationally proven technologies and techniques
4. Project and programs will be dependent on staff and local renewables

This program is **not**:

1. Not a program to reduce customers' bills
   This program is not scoped so that it can be justified as a way to reduce customers' bills. Staff's understanding is that Council has a goal of triple bottom line success. Achieving success across the triple line will have strong financial benefits and these benefits will be balanced with environmental and social successes.

2. Not a carbon tax or carbon offset program
   This program is an attempt at a more holistic view of our water system and directs focus to potential energy conservation and generation opportunities in our system. While there is a goal of reducing carbon pollution in this program, staff is prioritizing investments that benefit Park City for the long-term. In summary, we are working our way out of carbon dependency, not buying our way out.

3. Not "business as usual" projects program
   This program will create new projects, and align current operations with the stated program goals. Behaviors and thinking will change.

Staff is targeting an efficient, adaptive, and resilient system to best address near-term and long-term stressors/opportunities.

In addition to internal analysis, staff is engaged in an RFQ process to deliver a Water System Optimization plan. The selected respondent will deliver a comprehensive Water System Optimization plan specific to Park City Water Department's current and projected systems. Staff is utilizing a third party to review our current data work, asset replacement and improvement plan, and to double-check the work the Water Department has planned. Third party expertise will help the Water Department to deliver a more robust and higher ROI product. This plan will deliver a highly-detailed data collection plan, detailed baseline system performance, and detailed strategies to best implement the projects staff has identified. Early results from this process are anticipated in December.

<u>Strategy</u>
Staff is confident in its current approach and metrics. Staff is seeking Council feedback on the current trajectory of the project. Namely:

- Are the goals described in line with Council **<u>goals</u>**?
- Are staff's assumptions in line with Council's **<u>assumptions</u>**?
- Are the project parameters, specifically what this program is "**<u>not</u>**," in line with Council's parameters?

On October 22, 2015 staff will return with a recommended funding mechanism along suggested levels of funding for Council feedback and review.

Department Review:
Public Utilities, Sustainability, Legal, and Executive.

Alternatives:

A. Approve:
Adopt staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program with any feedback and recommendations. **[STAFF RECOMMENDATION]**

B. Deny:
Deny staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program with any feedback and recommendations, resulting in program delays.

C. Modify:
Modify staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program with any feedback and recommendations, likely resulting in program delays.

D. Continue the Item:
Modify staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program with any feedback and recommendations, resulting in program delays.

E. Do Nothing:
Do nothing, resulting in program delays.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Multi-seasonal destination for recreational opportunities + Internationally recognized & respected brand	+ Managed natural resources balancing ecosystem needs + Enhanced w ater quality and high customer confidence + Adequate and reliable w ater supply + Reduced municipal, business and community carbon footprints	+ Skilled, educated w orkforce	+ Fiscally and legally sound + Engaged, capable w orkforce + Well-maintained assets and infrastructure + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive	Very Positive	Positive	Very Positive

Comments: A Utility Mitigation Surcharge would help to acheive a variety of Council, Community, and Staff goals.

Funding Source:
Staff is currently operating out of existing Water Department funds and is assessing funding alternatives that will be discussed with Council in the coming months.

Consequences of not taking the recommended action:
The Water & Energy Resiliency Program will be delayed until accepted by City Council.

Recommendation:
Staff is recommending that Council review, provide feedback, and adopt staff's recommended goals, assumptions, and parameters for the Water & Energy Resiliency Program.

Exhibits:
Exhibit A – Identified Projects

WE&RP Identified Projects

Capital Projects:

- Meter replacements – more accurate metering leads to better leak detection
- Variable Frequency Drives (VFD) and/or Soft starts
- Jockey Pumps at various locations to meet current demands and shoulder season demands
- HVAC and building insulation
- Quinn's WTP improvements

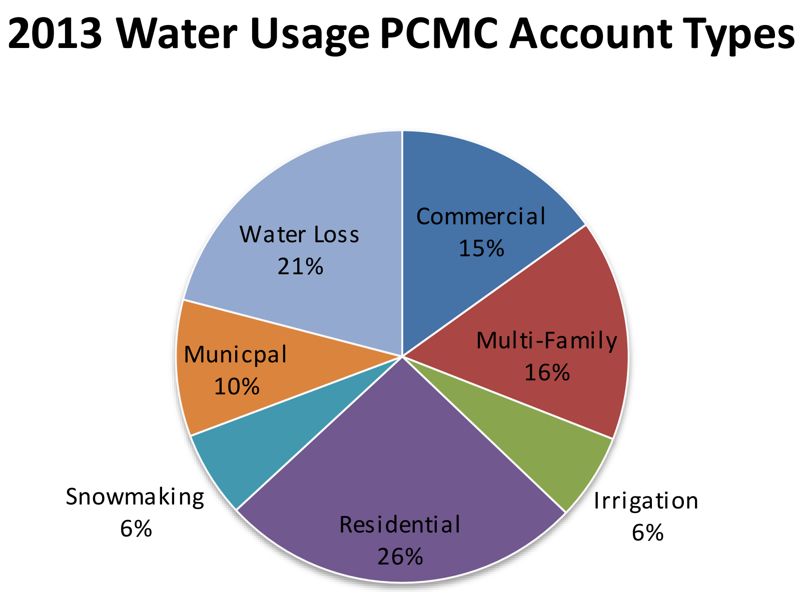
Operational:

- Continue working on hydraulic model to include energy efficiency
- Reduce leaping, looping, loading and losing head
    - A. Leaping – pumping up high and dropping down through several PRV's
    - B. Looping – pumping in circles
    - C. Loading – poor pumping schedules, load factors
    - D. Losing Head – burning pressure off unnecessarily
- Flow Control Valves – Are the rate of flow valves energy wasters?
- Pressure Reducer valve set points – Determine best setting and which should take priority
- Rate Optimization
    - 6A (off peak) when possible
    - 23 for small load factor facilities
    - 6 if you manage a load factor to 80%

Energy Generation/Renewable Energy

- Solar Panels on pump stations, treatment plants
- In line micro-hydro turbines
- Hydropond – a storage pond that utilizes steady flows of water to power microhydro while also storing raw water for purification
- Large microhydro – Judge
- Spiro and Rockport microhydro

Conservation:



- Continue conservation efforts through the WaterSmart program
  - Large public outreach program includes home water report and a customer portal to all single family residential customers, real time usage data for all customers.

MANAGER'S REPORT – 10/22/2015

Submitted by: **Phyllis Robinson**
Subject: **Lower Park Avenue/Bonanza Park Public Meetings on Redevelopment and Transportation**

Council directed staff to return in November with location/site concepts & options for meeting community services and housing needs in Lower Park Avenue based on all of feedback received. Along with those location/site concepts & options, staff will bring to that discussion:

- pros and cons of each location/site option
- all of the community feedback received about the Senior Center & the need for a community center;
- all of the feedback received in interviews with the Seniors; and
- all of the Design Studio concepts related to the idea of the combined Senior Center & Community Center

Council further directed staff to remove the Library Field from further development discussions.

Two public workshops will be held to complete this input process. ***The public will have a choice to attend one of the two meetings. Each meeting will present the same information and gather similar input. All of the information will be presented to City Council.***

<u>Meeting Dates and Times</u>

1. **Wednesday, November 4 from 6p – 8p at the Park City Marriott, 1895 Sidewinder Drive**
2. **Tuesday, November 10 from 6p – 8p at the Park City Marriott, 1895 Sidewinder Drive**

The public outreach to discuss the future of Lower Park Avenue and the transportation options for the Bonanza Park /Lower Park Avenue will be combined to better explain the important ties between the uses in the area and the transportation alternatives. In past meetings, both teams have received input that crossed over to the other area. By combining the outreach it will allow the teams to benefit from hearing the various perspectives from the public on how they believe the pieces fit together. Rather than having multiple meetings on specific issues, we will conduct a comprehensive approach to better understand how to build a complete community. Prior to these meetings, staff is continues to conduct additional targeted outreach interviews regarding community service and senior needs to inform this process.

Staff is scheduled to return to City Council in work session on Thursday, November 19.

Respectfully:

Phyllis Robinson, Public & Community Affairs Manager

MANAGER'S REPORT – 10/22/2015

Submitted by: **Matt Dias**
Subject: **Sister City - Courchevel - Update**

Sister City – Courchevel Winter 2016 Visit

This past summer, the Mayor and City Council formally honored the 2015 Park City- Courchevel Student Exchange Program by celebrating the arrival of nineteen French students and chaperones at a regular, July 2015 City Council Meeting. The student program, a cornerstone of the Park City-Courchevel sister city relationship, has been continuously running since the cities first became aligned in 1984.

The French students were paired with Park City families and experienced many of the wonderful and unique activities Park City has to offer during the summer: the Kimball Arts Festival, outdoor music concerts, hiking, boating, rock climbing, the Flying Aces at the Utah Olympic Park, and a welcoming ceremony with City Council.

More recently, staff has worked with our French sister city counterparts to schedule a reciprocal 2016 winter exchange (French municipal, resort, and community officials). As you recall, the Council accepted an invitation from Courchevel municipal officials this past winter to reinvigorate the longstanding resort and municipal based relationship. Subsequently, a delegation including the Mayor, officials from both resorts, and Tina Quayle, Executive Director of Park City – Courchevel Sister City Association, spent a week in reactivating the relationship and focusing on various aspects of the French resort town: transportation, housing, schools and public safety; economic development and resort operations; and arts and historic preservation. Working with representatives from Deer Valley and Vail, the School District and Chamber of Commerce, the week of January 31, 2016, has been tentatively selected to host a small delegation of French officials. An invitation from Mayor Thomas has been sent directly to Philippe Mugnier, the Mayor of Courchevel. The Mayor's invitation includes a request to include officials from Les Trois Vallées (the largest interconnected resort in the world), the Courchevel Office of Tourism, and other municipal and community officials.

In order to begin preparations for the potential January visit, staff is forming a working group of community and resort related stakeholders, and will continue to keep Council apprised of our progress and ultimate response by the French.

Please let me know if you have any additional questions or concerns.

Respectfully:

Matt Dias, Asst City Manager

MANAGER'S REPORT – 10/22/2015

Submitted by: **Kory Kersavage**
Subject: **Quarterly Budget Monitoring Update**

Respectfully:

Kory Kersavage, Budget Analyst

MEMO

To: City Council
From: Budget Department
Date: October 2, 2015
Subject: Monthly Budget Reporting

Budget, Debt, & Grants

445 Marsac Ave.
P.O. Box 1480
Park City, UT 84060
Tel 435.615.5154
www.parkcity.org

State Compliance Monthly Budget Reporting

The attachments within this report consist of Monthly Expenditure and Revenue Reports detailed by Fund and Major Object Type. The format of these reports follows the audit procedure from the State Compliance Audit Guide, the Utah statute and sample summary reports found in the Utah Uniform Accounting Manual. These summary reports should be prepared and reviewed by Council quarterly for all funds.

The attached reports for Quarters 4 in FY 2015 and 1 in FY 2016 show both the expenses and revenues for each fund in the city. The expenditure summaries for both quarters show expenditures by object type. The revenue summaries for both quarters show the revenue by Type. The quarter 4 reports show the actuals for 2013-2015, the adjusted budget for 2015, and the difference between the 2015 actuals and the 2015 adjusted budget. The quarter 1 FY 2016 report shows the Actuals for 2013-2015, the year-to-date actuals for FY 2016, the budget for FY 2016 and the difference between the FY 2016 budget and FY 2016 Year-to-date actuals.

The summaries attached to this memo reflect the final budget numbers for FY 2015, including beginning balances and interfund transfers. Also included in this report are the Expenditure and Revenue Summaries for quarter one of FY 2016.

Attachment A: Revenue Summary by Object and Type Q4 FY 2015
Attachment B: Expenditure Summary by Object and Type Q4 FY 2015
Attachment C: Expenditure Summary by Object and Type Q1 FY 2016
Attachment D: Revenue Summary by Object and Type Q1 FY 2016

Revenue Summary by Type – Q4 FY 2015

October 19, 2015

Revenue Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	Annual Budget FY 2015	Remaining Budget FY 2015
011 GENERAL FUND					
311 Property Taxes	10,023,934	9,279,024	9,268,604	10,085,000	816,396
312 Sales Tax	7,649,200	7,314,413	7,408,763	7,247,646	-161,117
313 Franchise Tax	3,037,408	3,158,716	3,061,207	3,439,000	377,793
321 Licenses	391,550	422,747	412,605	432,000	19,395
322 Planning Building & Engineering Fees	1,019,748	2,154,168	2,578,017	2,603,000	24,983
326 Other Fees	38,793	41,961	36,865	42,000	5,135
331 Federal Revenue	24,841	69,654	44,557	60,000	15,443
332 State Revenue	297,567	69,198	66,218	72,000	5,782
333 County/SP District Revenue	8,000				
344 Cemetery Charges for Services	24,777	26,250	38,188	26,000	-12,188
346 Recreation	1,695,154	1,836,326	1,913,310	1,808,000	-105,310
349 Other Service Revenue	75,927	86,364	99,640	76,000	-23,640
352 Library Fines & Fees	19,079	16,124	12,456	21,000	8,544
353 Fines & Forfeitures		100	150		-150
361 Misc. Revenues	313,916	348,604	192,873	395,000	202,127
381 Interfund Transactions (Admin)	251,415,722	1,346,991	2,166,534	2,166,534	
391 Special Revenues & Resources	42,771	42,800	42,048	46,000	3,952
399 Beginning Balance	6,447,817	8,367,681	9,789,256	9,789,256	
Total 011 GENERAL FUND	32,526,203	34,581,121	37,131,290	38,308,436	1,177,146
012 QUINNS RECREATION COMPLEX					
333 County/SP District Revenue	13,500	23,000			
346 Recreation			13,815		-13,815
347 Ice	648,177	787,773	757,271	687,000	-70,271
361 Misc. Revenues	60	58	-24		24
399 Beginning Balance	-2,510,554	-2,919,038	-3,204,132	-3,204,132	
Total 012 QUINNS RECREATION COMPLEX	-1,848,817	-2,108,208	-2,433,071	-2,517,132	-84,061
021 POLICE SPECIAL REVENUE FUND					
332 State Revenue	1,112	500	1,000	1,000	
399 Beginning Balance	27,532	28,644	29,144	29,144	
Total 021 POLICE SPECIAL REVENUE FUND	28,644	29,144	30,144	30,144	
022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT					
332 State Revenue	11,201	-1,875			

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Revenue Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	Annual Budget FY 2015	Remaining Budget FY 2015
399 Beginning Balance	8,985	19,133	17,258	17,258	
Total 022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT	20,186	17,258	17,258	17,258	
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND					
311 Property Taxes			2,298,631	2,192,000	-106,631
361 Misc. Revenues			793		-793
Total 023 LOWER PARK AVE RDA SPECIAL REVENUE FUND			2,299,425	2,192,000	-107,425
024 MAIN STREET RDA SPECIAL REVENUE FUND					
311 Property Taxes			1,266,718	1,305,247	38,529
361 Misc. Revenues			3,254		-3,254
Total 024 MAIN STREET RDA SPECIAL REVENUE FUND			1,269,972	1,305,247	35,275
031 CAPITAL IMPROVEMENT FUND					
311 Property Taxes		283,345			
312 Sales Tax	2,521,908	6,184,909	7,389,182	6,902,000	-487,182
322 Planning Building & Engineering Fees	201,235	397,737	817,666	630,000	-187,666
331 Federal Revenue	61,492	12,613	4,091	4,000	-91
332 State Revenue	358,866	1,302,855	2,385,239	2,300,000	-85,239
333 County/SP District Revenue	640,010	341,001	100,000	100,000	
361 Misc. Revenues	477,063	1,785,454	1,713,671	1,505,000	-208,671
382 Interfund Transactions (CIP/Debt)	849,400	7,164,160	12,069,371	12,069,371	
391 Special Revenues & Resources	344,852	408,647	345,772	202,510	-143,262
392 Bond Proceeds				5,358,582	5,358,582
399 Beginning Balance	19,876,401	18,771,186	27,106,574	27,106,574	
Total 031 CAPITAL IMPROVEMENT FUND	25,331,227	36,651,907	51,931,567	56,178,037	4,246,470
033 REDEVELOPMENT AGENCY-LOWER PRK					
311 Property Taxes	2,305,162	2,203,448			
361 Misc. Revenues	63,683	44,598	26,634		-26,634
382 Interfund Transactions (CIP/Debt)			2,070,548	2,070,548	
392 Bond Proceeds				6,000,000	6,000,000
399 Beginning Balance	9,084,417	9,877,290	8,183,095	8,183,095	
Total 033 REDEVELOPMENT AGENCY-LOWER PRK	11,453,261	12,125,336	10,280,277	16,253,643	5,973,366
034 REDEVELOPMENT AGENCY-MAIN ST					
311 Property Taxes	1,284,211	1,263,060			
361 Misc. Revenues	10,019	6,927	18,035		-18,035

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Revenue Summary by Type – Q4 FY 2015

October 19, 2015

Revenue Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	Annual Budget FY 2015	Remaining Budget FY 2015
382 Interfund Transactions (CIP/Debt)			900,247	900,247	
399 Beginning Balance	1,397,569	1,237,956	1,302,719	1,302,719	
Total 034 REDEVELOPMENT AGENCY-MAIN ST	2,691,798	2,507,943	2,221,001	2,202,966	-18,035
035 BUILDING AUTHORITY					
361 Misc. Revenues	3,389	2,513	2,359	3,000	641
399 Beginning Balance	521,568	523,457	523,127	523,127	
Total 035 BUILDING AUTHORITY	524,957	525,970	525,486	526,127	641
038 EQUIPMENT REPLACEMENT CIP					
361 Misc. Revenues	17,586	146,554	23,812	15,000	-8,812
382 Interfund Transactions (CIP/Debt)	905,000	905,000	925,000	925,000	
399 Beginning Balance	1,244,133	1,586,254	1,902,793	1,902,793	
Total 038 EQUIPMENT REPLACEMENT CIP	2,166,719	2,637,808	2,851,605	2,842,793	-8,812
051 WATER FUND					
322 Planning Building & Engineering Fees	711,464	1,225,961	2,303,997	2,100,000	-203,997
331 Federal Revenue		485,097	1,445,229	1,340,000	-105,229
341 Water Charges for Services	12,199,081	13,128,172	14,125,896	15,055,155	929,259
361 Misc. Revenues	302,999	435,958	508,095	223,123	-284,972
392 Bond Proceeds					
399 Beginning Balance	11,863,021	9,860,717	7,317,437	7,317,437	
Total 051 WATER FUND	25,076,564	25,135,905	25,700,655	26,035,715	335,060
055 GOLF COURSE FUND					
333 County/SP District Revenue	129,024	11,000			
346 Recreation	1,325,627	1,327,549	1,426,520	1,426,850	330
361 Misc. Revenues	32,326	62,941	25,829	50,875	25,046
382 Interfund Transactions (CIP/Debt)	25,000	25,000	25,000	25,000	
399 Beginning Balance	850,677	927,168	1,054,654	1,054,654	
Total 055 GOLF COURSE FUND	2,362,654	2,353,658	2,532,002	2,557,379	25,377
057 TRANSPORTATION & PARKING FUND					
312 Sales Tax	3,868,264	4,019,133	4,398,879	4,050,000	-348,879
321 Licenses	951,477	951,713	1,040,014	1,050,000	9,986
326 Other Fees	1,500	1,500	320		-320
331 Federal Revenue	1,200,950	2,827,961	1,630,990	4,900,000	3,269,010
342 Transit Charges for Services	2,243,874	2,175,148	2,200,248	2,440,701	240,453

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Revenue Summary by Type – Q4 FY 2015

October 19, 2015

Revenue Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	Annual Budget FY 2015	Remaining Budget FY 2015
353 Fines & Forfeitures	757,842	739,204	970,338	769,200	-201,138
361 Misc. Revenues	128,922	108,100	142,300	122,500	-19,800
391 Special Revenues & Resources	332,444	452,727	408,972	346,000	-62,972
399 Beginning Balance	17,656,077	18,038,096	18,794,937	18,794,937	
Total 057 TRANSPORTATION & PARKING FUND	27,141,349	29,313,582	29,586,998	32,473,338	2,886,340
062 FLEET SERVICES FUND					
381 Interfund Transactions (Admin)	2,910,430	2,576,000	2,728,700	2,728,700	
399 Beginning Balance	521,502	874,294	961,174	961,174	
Total 062 FLEET SERVICES FUND	3,431,932	3,450,294	3,689,874	3,689,874	
064 SELF INSURANCE FUND					
361 Misc. Revenues	204,000	204,000	258,000	258,000	
381 Interfund Transactions (Admin)		349,998	463,227	463,227	
399 Beginning Balance	1,848,254	1,423,816	1,208,215	1,208,215	
Total 064 SELF INSURANCE FUND	2,052,254	1,977,814	1,929,442	1,929,442	
070 SALES TAX REV BOND - DEBT SVS FUND					
361 Misc. Revenues	6,540	2,747	4,669		-4,669
381 Interfund Transactions (Admin)	180,847	181,247	168,616	168,616	
382 Interfund Transactions (CIP/Debt)	1,380,741	1,380,741	1,428,429	1,428,429	
392 Bond Proceeds			24,992,543	24,992,542	-1
399 Beginning Balance	1,958,852	1,160,392	1,165,265	1,165,265	
Total 070 SALES TAX REV BOND - DEBT SVS FUND	3,526,980	2,725,127	27,759,521	27,754,852	-4,669
071 DEBT SERVICE FUND					
311 Property Taxes	4,577,873	5,082,714	5,321,592	5,321,592	
361 Misc. Revenues	74,704	94,732	65,958	65,705	-253
392 Bond Proceeds		9,243,543	3,539,845	3,539,845	0
399 Beginning Balance	412,312	407,093	432,580	432,580	
Total 071 DEBT SERVICE FUND	5,064,889	14,828,082	9,359,975	9,359,722	-253
TOTAL	141,550,802	166,752,742	206,683,419	221,139,841	14,456,421

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Expenditure Summary by Object Type – Q4 FY 2015

October 19, 2015

Object Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	Annual Budget FY 2015	Remaining Budget FY 2015
011 GENERAL FUND					
01 PERSONNEL SERVICES	15,722,555	16,906,148	18,056,527	18,036,066	-20,461
02 MATERIALS, SUPPLIES AND SERVICES	1,108,543	1,113,051	1,183,269	1,113,076	-70,193
03 UTILITIES	962,477	726,142	1,420,453	1,504,287	83,834
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	2,362,298	1,791,738	1,856,064	2,411,680	555,616
05 PARTS/MAINTENANCE SUPPLIES	874,810	983,655	891,169	971,027	79,858
06 SPECIAL SERV CONTRACT/MISC CHARGES	906,940	919,237	1,035,873	1,050,400	14,527
07 CAPITAL OUTLAY	167,822	208,870	200,988	373,511	172,523
09 INTERFUND TRANSFER	10,420,758	11,932,280	12,486,945	12,848,389	361,444
Total 011 GENERAL FUND	32,526,204	34,581,120	37,131,289	38,308,436	1,177,147
012 QUINNS RECREATION COMPLEX					
01 PERSONNEL SERVICES	720,419	701,623	670,273	675,077	4,805
02 MATERIALS, SUPPLIES AND SERVICES	63,517	48,642	54,764	53,040	-1,724
03 UTILITIES	149,022	169,420	169,862	194,443	24,581
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	64,140	95,903	96,458	106,824	10,366
05 PARTS/MAINTENANCE SUPPLIES	56,800	66,228	60,074	81,002	20,928
06 SPECIAL SERV CONTRACT/MISC CHARGES	8,885	12,106	12,465	11,995	-470
07 CAPITAL OUTLAY	7,439	1,903	78	6,000	5,922
09 INTERFUND TRANSFER	-2,919,038	-3,204,032	-3,497,044	-3,645,513	-148,469
Total 012 QUINNS RECREATION COMPLEX	-1,848,817	-2,108,208	-2,433,070	-2,517,132	-84,061
021 POLICE SPECIAL REVENUE FUND					
07 CAPITAL OUTLAY			200	30,144	29,944
09 INTERFUND TRANSFER	28,644	29,144	29,944		-29,944
Total 021 POLICE SPECIAL REVENUE FUND	28,644	29,144	30,144	30,144	
022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT					
07 CAPITAL OUTLAY	1,054		1	17,258	17,257
09 INTERFUND TRANSFER	19,133	17,258	17,257		-17,257
Total 022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT	20,187	17,258	17,258	17,258	
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND					
01 PERSONNEL SERVICES			6,460	22,212	15,752
02 MATERIALS, SUPPLIES AND SERVICES			11,950	20,000	8,050
03 UTILITIES			9,868	300	-9,568
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC			67,071	73,940	6,869

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October 19, 2015

Object Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	Annual Budget FY 2015	Remaining Budget FY 2015
06 SPECIAL SERV CONTRACT/MISC CHARGES					
09 INTERFUND TRANSFER			2,204,075	2,075,548	-128,527
Total 023 LOWER PARK AVE RDA SPECIAL REVENUE FUND			2,299,424	2,192,000	-107,424
024 MAIN STREET RDA SPECIAL REVENUE FUND					
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC					
06 SPECIAL SERV CONTRACT/MISC CHARGES			310,086	405,000	94,914
09 INTERFUND TRANSFER			959,885	900,247	-59,638
Total 024 MAIN STREET RDA SPECIAL REVENUE FUND			1,269,971	1,305,247	35,276
031 CAPITAL IMPROVEMENT FUND					
01 PERSONNEL SERVICES	4,634	34,424	45,169		-45,169
07 CAPITAL OUTLAY	6,421,041	9,376,543	18,685,295	50,455,012	31,769,717
09 INTERFUND TRANSFER	18,905,552	27,240,940	33,201,102	5,723,025	-27,478,077
Total 031 CAPITAL IMPROVEMENT FUND	25,331,227	36,651,907	51,931,567	56,178,037	4,246,471
033 REDEVELOPMENT AGENCY-LOWER PRK					
01 PERSONNEL SERVICES	274	5,365	7,861		-7,861
06 SPECIAL SERV CONTRACT/MISC CHARGES	557,051	525,297	543,620	580,000	36,380
07 CAPITAL OUTLAY	550,549	3,060,404	8,846,299	12,356,214	3,509,915
09 INTERFUND TRANSFER	10,345,387	8,534,271	882,497	3,317,429	2,434,932
Total 033 REDEVELOPMENT AGENCY-LOWER PRK	11,453,261	12,125,337	10,280,278	16,253,643	5,973,365
034 REDEVELOPMENT AGENCY-MAIN ST					
06 SPECIAL SERV CONTRACT/MISC CHARGES	271,927	281,491			
07 CAPITAL OUTLAY	231,915	2,385		122,603	122,603
09 INTERFUND TRANSFER	2,187,956	2,224,068	2,221,001	2,080,363	-140,638
Total 034 REDEVELOPMENT AGENCY-MAIN ST	2,691,798	2,507,943	2,221,001	2,202,966	-18,035
035 BUILDING AUTHORITY					
07 CAPITAL OUTLAY		2,844	66,575	66,585	10
08 DEBT SERVICE	1,500				
09 INTERFUND TRANSFER	523,457	523,127	458,911	459,542	631
Total 035 BUILDING AUTHORITY	524,957	525,971	525,486	526,127	641
038 EQUIPMENT REPLACEMENT CIP					
07 CAPITAL OUTLAY	580,465	735,016	1,019,443	2,479,575	1,460,132
09 INTERFUND TRANSFER	1,586,254	1,902,793	1,832,162	363,218	-1,468,944
Total 038 EQUIPMENT REPLACEMENT CIP	2,166,719	2,637,809	2,851,605	2,842,793	-8,812

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Expenditure Summary by Object Type – Q4 FY 2015

October 19, 2015

Object Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	Annual Budget FY 2015	Remaining Budget FY 2015
051 WATER FUND					
01 PERSONNEL SERVICES	1,934,179	2,077,220	2,305,294	2,354,977	49,683
02 MATERIALS, SUPPLIES AND SERVICES	214,913	192,431	197,443	278,055	80,612
03 UTILITIES	813,641	882,759	955,923	1,075,192	119,269
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	1,099,370	744,473	617,246	1,060,765	443,519
05 PARTS/MAINTENANCE SUPPLIES	531,919	823,086	602,799	838,230	235,431
06 SPECIAL SERV CONTRACT/MISC CHARGES	63,143	18,764	22,459	28,100	5,641
07 CAPITAL OUTLAY	5,560,278	7,965,236	6,047,589	14,026,741	7,979,152
08 DEBT SERVICE	4,300,405	4,361,654	4,510,478	4,506,374	-4,104
09 INTERFUND TRANSFER	10,558,717	8,070,283	10,441,425	1,867,281	-8,574,144
Total 051 WATER FUND	25,076,565	25,135,905	25,700,655	26,035,715	335,060
055 GOLF COURSE FUND					
01 PERSONNEL SERVICES	588,144	678,265	728,579	758,276	29,698
02 MATERIALS, SUPPLIES AND SERVICES	82,281	70,894	52,638	74,900	22,262
03 UTILITIES	60,817	56,458	46,996	58,387	11,391
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	69,628	70,196	71,478	93,942	22,464
05 PARTS/MAINTENANCE SUPPLIES	185,172	185,738	208,841	240,800	31,959
06 SPECIAL SERV CONTRACT/MISC CHARGES	22,571	23,565	25,400	30,500	5,100
07 CAPITAL OUTLAY	252,192	55,877	46,545	83,069	36,524
08 DEBT SERVICE	36,080	36,080	36,080	36,081	1
09 INTERFUND TRANSFER	1,065,768	1,176,585	1,315,444	1,181,423	-134,021
Total 055 GOLF COURSE FUND	2,362,654	2,353,658	2,532,002	2,557,378	25,376
057 TRANSPORTATION & PARKING FUND					
01 PERSONNEL SERVICES	4,119,385	4,496,723	4,896,369	5,685,264	788,895
02 MATERIALS, SUPPLIES AND SERVICES	345,988	263,923	346,871	233,734	-113,137
03 UTILITIES	106,871	130,215	131,885	140,744	8,859
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	504,543	572,123	769,977	458,473	-311,504
05 PARTS/MAINTENANCE SUPPLIES	8,502	11,100	30,305	21,000	-9,305
06 SPECIAL SERV CONTRACT/MISC CHARGES	101,851	81,866	72,297	36,000	-36,297
07 CAPITAL OUTLAY	1,491,113	2,622,510	677,758	15,000,736	14,322,977
09 INTERFUND TRANSFER	20,463,096	21,135,122	22,661,534	10,897,387	-11,764,147
Total 057 TRANSPORTATION & PARKING FUND	27,141,349	29,313,582	29,586,997	32,473,338	2,886,340

Expenditure Summary by Object Type – Q4 FY 2015

October 19, 2015

Object Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	Annual Budget FY 2015	Remaining Budget FY 2015
062 FLEET SERVICES FUND					
01 PERSONNEL SERVICES	635,023	670,854	800,303	817,413	17,111
02 MATERIALS, SUPPLIES AND SERVICES	56,874	66,970	70,130	70,100	-30
03 UTILITIES	1,309,680	1,118,663	994,533	1,355,900	361,367
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	3,747	3,133	3,639	4,200	561
05 PARTS/MAINTENANCE SUPPLIES	539,026	622,705	668,413	757,400	88,987
07 CAPITAL OUTLAY	13,288	6,794	7,438	10,000	2,562
09 INTERFUND TRANSFER	874,294	961,174	1,145,417	674,861	-470,556
Total 062 FLEET SERVICES FUND	3,431,932	3,450,294	3,689,874	3,689,874	1
064 SELF INSURANCE FUND					
02 MATERIALS, SUPPLIES AND SERVICES	8,571	12,720	38,560	50,300	11,740
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	217,075	236,240	450,711	490,000	39,289
06 SPECIAL SERV CONTRACT/MISC CHARGES	402,792	520,639	582,721	565,000	-17,721
09 INTERFUND TRANSFER	1,423,816	1,208,215	857,450	824,142	-33,308
Total 064 SELF INSURANCE FUND	2,052,254	1,977,814	1,929,442	1,929,442	0
070 SALES TAX REV BOND - DEBT SVS FUND					
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC			429,374	430,000	626
08 DEBT SERVICE	1,566,588	1,559,863	8,733,012	8,741,106	8,094
09 INTERFUND TRANSFER	1,960,392	1,165,265	18,597,136	18,583,746	-13,390
Total 070 SALES TAX REV BOND - DEBT SVS FUND	3,526,980	2,725,128	27,759,521	27,754,852	-4,669
071 DEBT SERVICE FUND					
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	311	123,931	74,606	74,606	0
08 DEBT SERVICE	4,657,485	7,107,411	8,282,350	8,294,388	12,038
09 INTERFUND TRANSFER	407,093	7,596,740	1,003,018	990,728	-12,290
Total 071 DEBT SERVICE FUND	5,064,889	14,828,082	9,359,974	9,359,722	-252
TOTAL	141,550,804	166,752,743	206,683,419	221,139,842	14,456,423

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Object Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	YTD Actual FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016
011 GENERAL FUND						
01 PERSONNEL SERVICES	15,722,555	16,906,148	18,056,527	4,532,339	18,561,379	14,029,039
02 MATERIALS, SUPPLIES AND SERVICES	1,108,543	1,113,051	1,183,269	258,394	1,178,550	920,156
03 UTILITIES	962,477	726,142	1,420,453	125,630	1,468,863	1,343,233
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	2,362,298	1,791,738	1,856,064	476,412	2,507,012	2,030,600
05 PARTS/MAINTENANCE SUPPLIES	874,810	983,655	891,169	150,116	995,660	845,544
06 SPECIAL SERV CONTRACT/MISC CHARGES	906,940	919,237	1,035,873	681,682	1,050,400	368,718
07 CAPITAL OUTLAY	167,822	208,870	200,988	21,562	369,282	347,720
09 INTERFUND TRANSFER	10,420,758	11,932,280	2,231,840	582,297	13,603,699	13,021,402
Total 011 GENERAL FUND	32,526,204	34,581,120	26,876,184	6,828,432	39,734,845	32,906,413
012 QUINNS RECREATION COMPLEX						
01 PERSONNEL SERVICES	720,419	701,623	670,273	164,757	739,960	575,203
02 MATERIALS, SUPPLIES AND SERVICES	63,517	48,642	54,764	21,877	53,040	31,163
03 UTILITIES	149,022	169,420	169,862	26,437	174,443	148,006
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	64,140	95,903	96,458	13,932	70,699	56,767
05 PARTS/MAINTENANCE SUPPLIES	56,800	66,228	60,074	33,735	76,275	42,540
06 SPECIAL SERV CONTRACT/MISC CHARGES	8,885	12,106	12,465	1,948	4,500	2,552
07 CAPITAL OUTLAY	7,439	1,903	78		6,000	6,000
09 INTERFUND TRANSFER	-2,919,038	-3,204,032		300	-4,047,930	-4,048,230
Total 012 QUINNS RECREATION COMPLEX	-1,848,817	-2,108,208	1,063,974	262,986	-2,923,013	-3,185,998
021 POLICE SPECIAL REVENUE FUND						
07 CAPITAL OUTLAY			200			
09 INTERFUND TRANSFER	28,644	29,144			29,144	29,144
Total 021 POLICE SPECIAL REVENUE FUND	28,644	29,144	200		29,144	29,144
022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT						
07 CAPITAL OUTLAY	1,054		1			
09 INTERFUND TRANSFER	19,133	17,258			17,258	17,258
Total 022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT	20,187	17,258	1		17,258	17,258
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND						
01 PERSONNEL SERVICES			6,460	4,844	22,634	17,791
02 MATERIALS, SUPPLIES AND SERVICES			11,950	4,400	20,000	15,600
03 UTILITIES			9,868	827		-827

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Object Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	YTD Actual FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC			67,071	27,058	150,000	122,942
06 SPECIAL SERV CONTRACT/MISC CHARGES					580,000	580,000
09 INTERFUND TRANSFER			2,070,548	410,280	1,646,158	1,235,878
Total 023 LOWER PARK AVE RDA SPECIAL REVENUE FUND			2,165,897	447,408	2,418,792	1,971,384
024 MAIN STREET RDA SPECIAL REVENUE FUND						
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC				30,000	80,000	50,000
06 SPECIAL SERV CONTRACT/MISC CHARGES			310,086		405,000	405,000
09 INTERFUND TRANSFER			900,247		757,000	757,000
Total 024 MAIN STREET RDA SPECIAL REVENUE FUND			1,210,333	30,000	1,242,000	1,212,000
031 CAPITAL IMPROVEMENT FUND						
01 PERSONNEL SERVICES	4,634	34,424	45,169	15,823		-15,823
07 CAPITAL OUTLAY	6,421,041	9,376,543	18,685,295	2,704,876	10,840,624	8,135,748
09 INTERFUND TRANSFER	18,905,552	27,240,940	251,079	324,396	4,504,822	4,180,426
Total 031 CAPITAL IMPROVEMENT FUND	25,331,227	36,651,907	18,981,544	3,045,095	15,345,446	12,300,351
033 REDEVELOPMENT AGENCY-LOWER PRK						
01 PERSONNEL SERVICES	274	5,365	7,861	2,262		-2,262
06 SPECIAL SERV CONTRACT/MISC CHARGES	557,051	525,297	543,620			
07 CAPITAL OUTLAY	550,549	3,060,404	8,846,299	335,414	9,525,750	9,190,336
09 INTERFUND TRANSFER	10,345,387	8,534,271	326,938	81,000	5,105,866	5,024,866
Total 033 REDEVELOPMENT AGENCY-LOWER PRK	11,453,261	12,125,337	9,724,719	418,677	14,631,616	14,212,939
034 REDEVELOPMENT AGENCY-MAIN ST						
06 SPECIAL SERV CONTRACT/MISC CHARGES	271,927	281,491				
07 CAPITAL OUTLAY	231,915	2,385				
09 INTERFUND TRANSFER	2,187,956	2,224,068	880,412	200,970	1,951,951	1,750,981
Total 034 REDEVELOPMENT AGENCY-MAIN ST	2,691,798	2,507,943	880,412	200,970	1,951,951	1,750,981
035 BUILDING AUTHORITY						
07 CAPITAL OUTLAY		2,844	66,575			
08 DEBT SERVICE	1,500					
09 INTERFUND TRANSFER	523,457	523,127			459,542	459,542
Total 035 BUILDING AUTHORITY	524,957	525,971	66,575		459,542	459,542
038 EQUIPMENT REPLACEMENT CIP						
07 CAPITAL OUTLAY	580,465	735,016	1,019,443	145,982	1,011,000	865,018

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Object Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	YTD Actual FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016
09 INTERFUND TRANSFER	1,586,254	1,902,793			348,218	348,218
Total 038 EQUIPMENT REPLACEMENT CIP	2,166,719	2,637,809	1,019,443	145,982	1,359,218	1,213,236
051 WATER FUND						
01 PERSONNEL SERVICES	1,934,179	2,077,220	2,305,294	553,303	2,393,327	1,840,024
02 MATERIALS, SUPPLIES AND SERVICES	214,913	192,431	197,443	45,179	284,425	239,246
03 UTILITIES	813,641	882,759	955,923	176,865	1,123,197	946,332
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	1,099,370	744,473	617,246	132,110	1,081,955	949,845
05 PARTS/MAINTENANCE SUPPLIES	531,919	823,086	602,799	86,955	843,230	756,275
06 SPECIAL SERV CONTRACT/MISC CHARGES	63,143	18,764	22,459	3,465	28,100	24,635
07 CAPITAL OUTLAY	5,560,278	7,965,236	6,047,589	476,388	9,487,293	9,010,905
08 DEBT SERVICE	4,300,405	4,361,654	4,510,478	59,776	4,508,739	4,448,963
09 INTERFUND TRANSFER	10,558,717	8,070,283	1,531,898	226,059	6,923,280	6,697,221
Total 051 WATER FUND	25,076,565	25,135,905	16,791,128	1,760,101	26,673,547	24,913,446
055 GOLF COURSE FUND						
01 PERSONNEL SERVICES	588,144	678,265	728,579	241,363	778,404	537,041
02 MATERIALS, SUPPLIES AND SERVICES	82,281	70,894	52,638	8,208	74,900	66,692
03 UTILITIES	60,817	56,458	46,996	12,195	58,387	46,192
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	69,628	70,196	71,478	17,710	93,942	76,232
05 PARTS/MAINTENANCE SUPPLIES	185,172	185,738	208,841	67,201	240,800	173,599
06 SPECIAL SERV CONTRACT/MISC CHARGES	22,571	23,565	25,400	10,871	30,500	19,629
07 CAPITAL OUTLAY	252,192	55,877	46,545	2,815	115,565	112,750
08 DEBT SERVICE	36,080	36,080	36,080		27,060	27,060
09 INTERFUND TRANSFER	1,065,768	1,176,585	127,457	29,268	1,180,353	1,151,085
Total 055 GOLF COURSE FUND	2,362,654	2,353,658	1,344,015	389,631	2,599,911	2,210,280
057 TRANSPORTATION & PARKING FUND						
01 PERSONNEL SERVICES	4,119,385	4,496,723	4,896,369	1,172,160	5,850,622	4,678,462
02 MATERIALS, SUPPLIES AND SERVICES	345,988	263,923	346,871	51,250	233,734	182,484
03 UTILITIES	106,871	130,215	131,885	20,876	140,744	119,868
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	504,543	572,123	769,977	77,839	458,473	380,634
05 PARTS/MAINTENANCE SUPPLIES	8,502	11,100	30,305	1,549	21,000	19,451
06 SPECIAL SERV CONTRACT/MISC CHARGES	101,851	81,866	72,297	13,650	36,000	22,350
07 CAPITAL OUTLAY	1,491,113	2,622,510	677,758	35,714	1,748,443	1,712,729

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Expenditure Summary by Object Type

October 2, 2015

Object Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	YTD Actual FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016
09 INTERFUND TRANSFER	20,463,096	21,135,122	2,555,882	649,554	10,639,926	9,990,372
Total 057 TRANSPORTATION & PARKING FUND	27,141,349	29,313,582	9,481,345	2,022,593	19,128,943	17,106,350
062 FLEET SERVICES FUND						
01 PERSONNEL SERVICES	635,023	670,854	800,303	199,299	835,721	636,422
02 MATERIALS, SUPPLIES AND SERVICES	56,874	66,970	70,130	14,806	70,100	55,294
03 UTILITIES	1,309,680	1,118,663	994,533	231,782	1,355,900	1,124,118
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	3,747	3,133	3,639	1,438	4,200	2,762
05 PARTS/MAINTENANCE SUPPLIES	539,026	622,705	668,413	115,322	220,920	105,598
07 CAPITAL OUTLAY	13,288	6,794	7,438	4,311	10,000	5,689
09 INTERFUND TRANSFER	874,294	961,174			910,920	910,920
Total 062 FLEET SERVICES FUND	3,431,932	3,450,294	2,544,457	566,958	3,407,761	2,840,804
064 SELF INSURANCE FUND						
01 PERSONNEL SERVICES						
02 MATERIALS, SUPPLIES AND SERVICES	8,571	12,720	38,560	1,035	50,300	49,265
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	217,075	236,240	450,711	41,165	346,000	304,836
06 SPECIAL SERV CONTRACT/MISC CHARGES	402,792	520,639	582,721	54,691	550,000	495,309
09 INTERFUND TRANSFER	1,423,816	1,208,215			479,227	479,227
Total 064 SELF INSURANCE FUND	2,052,254	1,977,814	1,071,992	96,890	1,425,527	1,328,637
070 SALES TAX REV BOND - DEBT SVS FUND						
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC			429,374			
08 DEBT SERVICE	1,566,588	1,559,863	8,733,012	2,100	2,600,563	2,598,463
09 INTERFUND TRANSFER	1,960,392	1,165,265	12,069,371		6,503,374	6,503,374
Total 070 SALES TAX REV BOND - DEBT SVS FUND	3,526,980	2,725,128	21,231,756	2,100	9,103,937	9,101,837
071 DEBT SERVICE FUND						
04 CONTRACT SVCS/CONSULTING/SOFTWARE LIC	311	123,931	74,606			
08 DEBT SERVICE	4,657,485	7,107,411	8,282,350	500	4,230,380	4,229,880
09 INTERFUND TRANSFER	407,093	7,596,740			1,050,784	1,050,784
Total 071 DEBT SERVICE FUND	5,064,889	14,828,082	8,356,956	500	5,281,164	5,280,664
TOTAL	141,550,804	166,752,743	122,810,932	16,218,323	141,887,589	125,669,266

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Revenue Summary by Type

October 2, 2015

Revenue Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	YTD Actual FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016
011 GENERAL FUND						
311 Property Taxes	10,023,934	9,279,024	9,268,604	32	10,464,000	10,463,968
312 Sales Tax	7,649,200	7,314,413	7,408,763		8,353,936	8,353,936
313 Franchise Tax	3,037,408	3,158,716	3,061,207	279,029	3,414,000	3,134,971
321 Licenses	391,550	422,747	412,605	23,513	449,000	425,487
322 Planning Building & Engineering Fees	1,019,748	2,154,168	2,578,017	472,428	1,545,000	1,072,572
326 Other Fees	38,793	41,961	36,865	20,153	43,000	22,847
331 Federal Revenue	24,841	69,654	44,557		60,000	60,000
332 State Revenue	297,567	69,198	66,218		72,000	72,000
333 County/SP District Revenue	8,000					
344 Cemetery Charges for Services	24,777	26,250	38,188	3,689	27,000	23,311
346 Recreation	1,695,154	1,836,326	1,913,310	328,527	1,875,000	1,546,473
349 Other Service Revenue	75,927	86,364	99,640	17,066	91,000	73,934
352 Library Fines & Fees	19,079	16,124	12,456	4,018	21,000	16,982
353 Fines & Forfeitures		100	150			
361 Misc. Revenues	313,916	348,604	192,873	24,855	401,000	376,145
381 Interfund Transactions (Admin)	1,415,722	1,346,991	2,166,534	385,338	2,256,360	1,871,022
391 Special Revenues & Resources	42,771	42,800	42,048	150	46,000	45,850
399 Beginning Balance	6,447,817	8,367,681			10,616,549	10,616,549
Total 011 GENERAL FUND	32,526,203	34,581,121	27,342,034	1,558,798	39,734,845	38,176,047
012 QUINNS RECREATION COMPLEX						
333 County/SP District Revenue	13,500	23,000			10,000	10,000
346 Recreation			13,815	4,871		-4,871
347 Ice	648,177	787,773	757,271	89,839	712,500	622,661
361 Misc. Revenues	60	58	-24	-9		9
399 Beginning Balance	-2,510,554	-2,919,038			-3,645,513	-3,645,513
Total 012 QUINNS RECREATION COMPLEX	-1,848,817	-2,108,208	771,061	94,701	-2,923,013	-3,017,714
021 POLICE SPECIAL REVENUE FUND						
332 State Revenue	1,112	500	1,000	500		-500
399 Beginning Balance	27,532	28,644			29,144	29,144
Total 021 POLICE SPECIAL REVENUE FUND	28,644	29,144	1,000	500	29,144	28,644
022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT						
332 State Revenue	11,201	-1,875				

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Revenue Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	YTD Actual FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016
399 Beginning Balance	8,985	19,133			17,258	17,258
Total 022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT	20,186	17,258			17,258	17,258
023 LOWER PARK AVE RDA SPECIAL REVENUE FUND						
311 Property Taxes			2,298,631		2,413,792	2,413,792
361 Misc. Revenues			793			
399 Beginning Balance					5,000	5,000
Total 023 LOWER PARK AVE RDA SPECIAL REVENUE FUND			2,299,425		2,418,792	2,418,792
024 MAIN STREET RDA SPECIAL REVENUE FUND						
311 Property Taxes			1,266,718		1,242,000	1,242,000
361 Misc. Revenues			3,254			
Total 024 MAIN STREET RDA SPECIAL REVENUE FUND			1,269,972		1,242,000	1,242,000
031 CAPITAL IMPROVEMENT FUND						
311 Property Taxes		283,345				
312 Sales Tax	2,521,908	6,184,909	7,389,182		7,131,000	7,131,000
322 Planning Building & Engineering Fees	201,235	397,737	817,666	91,023	860,000	768,977
331 Federal Revenue	61,492	12,613	4,091		1,000,000	1,000,000
332 State Revenue	358,866	1,302,855	2,385,239	6,767	300,000	293,233
333 County/SP District Revenue	640,010	341,001	100,000		50,000	50,000
361 Misc. Revenues	477,063	1,785,454	1,713,671	31,731	230,000	198,269
382 Interfund Transactions (CIP/Debt)	849,400	7,164,160	12,069,371			
391 Special Revenues & Resources	344,852	408,647	345,772	7,662	302,500	294,838
392 Bond Proceeds						
399 Beginning Balance	19,876,401	18,771,186			5,471,946	5,471,946
Total 031 CAPITAL IMPROVEMENT FUND	25,331,227	36,651,907	24,824,993	137,183	15,345,446	15,208,263
033 REDEVELOPMENT AGENCY-LOWER PRK						
311 Property Taxes	2,305,162	2,203,448				
361 Misc. Revenues	63,683	44,598	26,634			
382 Interfund Transactions (CIP/Debt)			2,070,548	410,280	1,641,125	1,230,845
392 Bond Proceeds					10,000,000	10,000,000
399 Beginning Balance	9,084,417	9,877,290			2,990,491	2,990,491
Total 033 REDEVELOPMENT AGENCY-LOWER PRK	11,453,261	12,125,336	2,097,182	410,280	14,631,616	14,221,336
034 REDEVELOPMENT AGENCY-MAIN ST						
311 Property Taxes	1,284,211	1,263,060				

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Revenue Summary by Type

October 2, 2015

Revenue Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	YTD Actual FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016
361 Misc. Revenues	10,019	6,927	18,035			
382 Interfund Transactions (CIP/Debt)			900,247		752,000	752,000
399 Beginning Balance	1,397,569	1,237,956			1,199,951	1,199,951
Total 034 REDEVELOPMENT AGENCY-MAIN ST	2,691,798	2,507,943	918,282		1,951,951	1,951,951
035 BUILDING AUTHORITY						
361 Misc. Revenues	3,389	2,513	2,359			
399 Beginning Balance	521,568	523,457			459,542	459,542
Total 035 BUILDING AUTHORITY	524,957	525,970	2,359		459,542	459,542
038 EQUIPMENT REPLACEMENT CIP						
361 Misc. Revenues	17,586	146,554	23,812			
382 Interfund Transactions (CIP/Debt)	905,000	905,000	925,000	249,000	996,000	747,000
399 Beginning Balance	1,244,133	1,586,254			363,218	363,218
Total 038 EQUIPMENT REPLACEMENT CIP	2,166,719	2,637,808	948,812	249,000	1,359,218	1,110,218
051 WATER FUND						
322 Planning Building & Engineering Fees	711,464	1,225,961	2,303,997	299,833	2,100,000	1,800,167
331 Federal Revenue		485,097	1,445,229			
341 Water Charges for Services	12,199,081	13,128,172	14,125,896	5,863,469	15,660,141	9,796,672
361 Misc. Revenues	302,999	435,958	508,095	-1,970	178,023	179,993
392 Bond Proceeds					8,400,000	8,400,000
399 Beginning Balance	11,863,021	9,860,717			335,383	335,383
Total 051 WATER FUND	25,076,564	25,135,905	18,383,218	6,161,332	26,673,547	20,512,216
055 GOLF COURSE FUND						
333 County/SP District Revenue	129,024	11,000				
346 Recreation	1,325,627	1,327,549	1,426,520	663,732	1,469,596	805,864
361 Misc. Revenues	32,326	62,941	25,829	920	51,350	50,430
382 Interfund Transactions (CIP/Debt)	25,000	25,000	25,000	6,249	25,000	18,751
399 Beginning Balance	850,677	927,168			1,053,965	1,053,965
Total 055 GOLF COURSE FUND	2,362,654	2,353,658	1,477,348	670,901	2,599,911	1,929,010
057 TRANSPORTATION & PARKING FUND						
312 Sales Tax	3,868,264	4,019,133	4,398,879		4,190,000	4,190,000
321 Licenses	951,477	951,713	1,040,014	7,661	923,699	916,037
326 Other Fees	1,500	1,500	320			
331 Federal Revenue	1,200,950	2,827,961	1,630,990		2,000,000	2,000,000

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Revenue Summary by Type

October 2, 2015

Revenue Type	Actuals FY 2013	Actuals FY 2014	Actuals FY 2015	YTD Actual FY 2016	Annual Budget FY 2016	Remaining Budget FY 2016
342 Transit Charges for Services	2,243,874	2,175,148	2,200,248	171,486	2,556,039	2,384,554
353 Fines & Forfeitures	757,842	739,204	970,338	173,163	679,200	506,037
361 Misc. Revenues	128,922	108,100	142,300	5,280	92,500	87,220
391 Special Revenues & Resources	332,444	452,727	408,972	5,076	346,000	340,924
399 Beginning Balance	17,656,077	18,038,096			8,341,505	8,341,505
Total 057 TRANSPORTATION & PARKING FUND	27,141,349	29,313,582	10,792,061	362,666	19,128,943	18,766,277
062 FLEET SERVICES FUND						
381 Interfund Transactions (Admin)	2,910,430	2,576,000	2,728,700	682,704	2,730,800	2,048,096
399 Beginning Balance	521,502	874,294			676,961	676,961
Total 062 FLEET SERVICES FUND	3,431,932	3,450,294	2,728,700	682,704	3,407,761	2,725,057
064 SELF INSURANCE FUND						
361 Misc. Revenues	204,000	204,000	258,000	64,500	258,000	193,500
381 Interfund Transactions (Admin)		349,998	463,227	123,165	492,666	369,501
399 Beginning Balance	1,848,254	1,423,816			674,861	674,861
Total 064 SELF INSURANCE FUND	2,052,254	1,977,814	721,227	187,665	1,425,527	1,237,862
070 SALES TAX REV BOND - DEBT SVS FUND						
361 Misc. Revenues	6,540	2,747	4,669	5,459		-5,459
381 Interfund Transactions (Admin)	180,847	181,247	168,616	41,022	164,089	123,067
382 Interfund Transactions (CIP/Debt)	1,380,741	1,380,741	1,428,429	606,366	2,425,473	1,819,107
392 Bond Proceeds			24,992,543			
399 Beginning Balance	1,958,852	1,160,392			6,514,375	6,514,375
Total 070 SALES TAX REV BOND - DEBT SVS FUND	3,526,980	2,725,127	26,594,256	652,847	9,103,937	8,451,090
071 DEBT SERVICE FUND						
311 Property Taxes	4,577,873	5,082,714	5,321,592		4,223,453	4,223,453
361 Misc. Revenues	74,704	94,732	65,958	0	66,983	66,983
392 Bond Proceeds		9,243,543	3,539,845			
399 Beginning Balance	412,312	407,093			990,728	990,728
Total 071 DEBT SERVICE FUND	5,064,889	14,828,082	8,927,395	0	5,281,164	5,281,164
TOTAL	**141,550,802**	**166,752,742**	**130,099,323**	**11,168,577**	**141,887,590**	**130,719,013**

Attachment D

PARK CITY
1884

DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

Respectfully:

Hugh Daniels,

City Council
Staff Report

Subject:	**Citywide Safety Program Online/On Demand Training & Recordkeeping - Contract Award**
Author:	**Hugh Daniels, CEM, UCEM**
Department:	**Executive**
Date:	**October 22, 2015**
Type of Item:	**Administrative**

Summary Recommendation:
Staff recommends that Council authorize the City Manager to enter into a contract, in a form approved by the City Attorney, for Online/On Demand Safety Training and Recordkeeping in an amount not to exceed Thirty-three Thousand, Four Hundred – Sixty Dollars ($33,460.00).

Topic/Description:
Contract award for a three-year contract, including initial implementation for web-based access to online/on demand safety training courses, the ability to include in-house training to the system, update employee information automatically and provide training recordkeeping for the citywide safety program and HR programs.

Acronyms in this Report:

CEM	Certified Emergency Manager
UCEM	Utah Certified Emergency Manager
IT	Information Technology
HR	Human Resources
UOSH	Utah Occupational Safety and Health
SDS	Safety Data Sheets
OSHA	Occupational Safety and Health Administration

Background:
Park City Municipal had a decentralized safety program for a number of years focusing primarily on Public Works and Police. Early on in 2014 the City Manager tasked Hugh Daniels, the City's Emergency Manager with developing a citywide comprehensive safety program to make sure all departments and all city staff meet and exceed all UOSH standards and requirements. With a small organizing group in early 2014, followed by a 12 member Safety Committee in late 2014, the City targeted five key components, a citywide Safety Policy, diverse Safety Committee, Training Requirement Matrix with Recordkeeping for each employee, Safety Manual and Incident/Workplace Audits. With the on-going assistance of the Utah Safety Council, Workers Compensation Fund of Utah, Utah Division of Occupational Safety and Health (UOSH)

and the Moreton Group, the City's insurance broker, complete implementation of the program should be complete in 2016.

One of the key components mentioned above is the Training Requirement Matrix with Recordkeeping. The Safety Committee along with assistance from each department, identified 31 separate safety training courses that various employees need to take in order for Park City to be UOSH compliant. Some employees may only need to take five courses while others may need to take up to 22 courses. All employees, full-time, part-time, contract and seasonal have safety training requirements. In total there are upwards of 5,000 pending or completed courses that we need to track. Over the years many of these courses have already been taken but we need to have a better way of recordkeeping, which to date has been on paper and in addition make sure we are meeting current standards for each required course.

Analysis:
Once the Safety Committee completed the analysis of which courses were required and which job titles needed to take those courses, it became apparent that tracking and recordkeeping needed to move from paper to a centralized electronic system. Further, in order to keep costs reasonable, we should diversify how we do our training using three methods depending on how many employees needed to take each course. Those methods are online training, in-house staff training and outside instructors. For the second and third methods we decided to video tape those presentations to be viewed by employees who may have been unable to attend the presentation or new employees.

As the committee began to work through the recordkeeping component, it also became apparent that it would be difficult for a single individual or single department to handle all of the recordkeeping for this program. Therefore the committee began to look at what software and/or web based programs may be available to solve several issues, including the availability of online training, particularly for highly technical subjects, recordkeeping for multiple courses and multiple employees, the ability for email reminders, the ability to have decentralized administration, the ability for the system to interface with IT databases and the ability to meet the UOSH record keeping requirement of thirty years.

Committee members looked at three online programs that met some or all of the criteria above, MSDSonline, Bloomberg BNA and BLR®—Solutions with online presentations from MSDSonline and Bloomberg BNA (including IT and HR). MSDSonline was by far the most flexible and met virtually all of the criteria including the ability to add all city employees into the system without a per person cost, add tracking for HR training, add our own training videos and database interface. MSDSonline also had the lower cost of the two. MSDSonline is also our online provider to meet our citywide Safety Data Sheet (SDS) UOSH requirements.

Department Review:
This report was reviewed by HR, IT, Budget, Legal, and Executive.

Alternatives:

A. Approve the Request:

Authorize the City Manager to execute a three-year contract with MSDSOnline in the total amount not to exceed Thirty-three Thousand, Four Hundred – Sixty Dollars **($33,460.00) Staff's Recommendation.**

B. Deny the Request:

Without approval we will not have the online ability for training and recordkeeping for our safety program and will need to investigate other solutions while maintaining the current paper system.

C. Continue the Item:

If the Council needs more information or would like to see a change in the scope of the contract, the item can be continued.

D. Do Nothing:

This option would have the same result as denying the request.

Significant Impacts:

The training and recordkeeping component of the new citywide safety program is among the most complicated and labor intensive of the five key identified components of the program. Further, the law requires us to meet the minimum standards set by OSHA and adopted by UOSH, which include training and recordkeeping for each employee.

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?	+ Every City employee is an ambassador of first-class service		+ Skilled, educated workforce	+ Engaged, capable workforce + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive ⇧		Positive ⇧	Very Positive ⬆
Comments:				

Funding Source:

General Fund – Safety Program Supplies & Materials – 064-40132-02412-000-000

Attachments:
Attachment A - MSDSonline Contract Order
Attachment B - MSDSonline Subscription Agreement

Recommendation:
Staff recommends that Council authorize the City Manager to enter into a contract, in a form approved by the City Attorney, for Online/On Demand safety training and recordkeeping in an amount not to exceed Thirty-three Thousand, Four Hundred – Sixty Dollars ($33,460.00).

MSDSonline®
EH&S Compliance Made Simple

Customer Order Form

350 N Orleans St. Suite# 950
Chicago, IL 60654
Ph: 312.881.2000
Fax: 866.320.1021
Tax ID #: 04-3626476

Contract Number: 050180
Contract Date: 9/23/2015
Sales Rep: Jessica Bedard
Offer Valid Through: 10/23/2015

Customer Information

Bill to:
Customer: Park City Municipal
Attn: Hugh Daniels
Address: 445 Marsac
Park City, UT 84060

Ship to:
Customer Park City Municipal
Attn: Hugh Daniels
Address: 445 Marsac
Park City, UT 84060

Terms and Conditions

Related Contract: Not Applicable
Contract Start Date: Upon Execution
Contract End Date: Determined upon execution
Term: 3 Years
Coverage: 1 Location(s)

PO Number:
Payment Terms: Standard
Billing Frequency: Annually
Initial Invoice Due: 30 Days from Execution

Services	Qty	Year 1	Year 2	Year 3
Implementation Services	1	$850.00		

Other Compliance Solutions	Qty	Year 1	Year 2	Year 3
On-Demand Training Premium Seat	650	$7,475.00	$7,475.00	$7,475.00
On-Demand Training – Developer Role	650	$1,395.00	$1,395.00	$1,395.00
On-Demand Training – Import Script	1	$2,500.00	$1,750.00	$1,750.00
	Total:	$12,220.00	$10,620.00	$10,620.00

This Customer Order is governed by the terms and conditions of the MSDSonline Master Subscription Agreement, as posted on www.MSDSonline.com. By signing below, Customer agrees to be bound by such terms and conditions. If not received by MSDSonline within such period, MSDSonline may deem this Customer Order null and void.

Park City Municipal

Signature:

Name:

Title:

Date:

MSDSonline

Signature:

Name:

Title:

Date:

Implementation Service: MSDSonline will provide implementation assistance that includes the following:

- An assigned contact who will escort you through the implementation process.
- Assistance with the configuration of the system in a manner most suitable to your environment.
- Training (phone or Web conference) to any named system administrator (Primary or Additional).
- Help facilitating the deployment of your system across your organization.
- Unlimited access to the Customer Care and Technical Support resources to answer any questions you may have (between the hours of 7am and 7pm CST).

On-Demand Training Premium Seat Option:

- Priced on a "per enrollment" (per course seat) basis for 650 seats.
- Course licenses are based on an annual subscription period that commences at the time of product delivery. Licensing expires at the end of the contract term.
- Premium Training Center license includes Learner, Manager, Instructor, Reporter and Administrator roles.
- Technical & Customer Support is included.
- Licensing expires at the end of the contract term.

On-Demand Training –Developer Role: Assigned users may create custom courses in two modes: either using the Developer tools within the Training Center or utilizing PowerPoint Plugin to convert existing PowerPoint Presentations into courses.

- Priced on a "per student" basis.
- Premium Training Center license includes hosting for up to 25 customer-created courses for 650 students.
- License includes Learner, Manager, Instructor, Reporter and Administrator Roles.
- Access is not granted to edit MSDSonline-created courses, unless purchased separately
- Technical & Customer Support is included.
- Licensing expires at the end of the contract term.

On-Demand Training – Import Script: Automated script will be developed to allow customer to import an employee data file into the Customer's training center.

- Customer-supplied data file must be pre-approved
- Import will occur at agreed upon interval
- Script development will be performed in year one with script support provided in subsequent years.

All Year One (1) fees, unless otherwise noted below, become due within 30 calendar days of the execution of this Customer Order Form. The Base Subscription period will commence on the Contract Start Date, as noted on page one (1) of this agreement; the Contract Start Date will become the subscription "anniversary date". Subsequent yearly fees will be invoiced between 45 and 60 days before each anniversary date, with payments due prior to each anniversary date. Customer may at its discretion pre-pay the full term of the agreement.

MSDSONLINE INC. MASTER SUBSCRIPTION AGREEMENT

BY CHECKING THE "I ACCEPT" BOX DISPLAYED AS PART OF THE ONLINE ORDERING PROCESS OR INTITAL LOGIN, YOU AGREE TO THE FOLLOWING TERMS AND CONDITIONS ("THE AGREEMENT") GOVERNING YOUR USE OF THE SELECTED MSDSONLINE INC. ("MSDSONLINE", WE OR US) ONLINE MSDS MANAGEMENT SERVICE, ONLINE TRAINING CLASSES, ONLINE SAFETY TOOLKIT, ONLINE ENVIRO TOOLKIT INCLUDING ANY OFFLINE COMPONENTS (COLLECTIVELY "THE SERVICE") AND VARIOUS PROFESSIONAL SERVICES (COLLECTIVELY "THE COMPLIANCE SERVICES"). IF YOU ARE ENTERING INTO THIS AGREEMENT ON BEHALF OF A COMPANY OR OTHER LEGAL ENTITY, YOU REPRESENT THAT YOU HAVE THE AUTHORITY TO BIND SUCH ENTITY TO THESE TERMS AND CONDITIONS, IN WHICH CASE THE TERMS "YOU" OR "YOUR" SHALL REFER TO SUCH ENTITY. IF YOU DO NOT HAVE SUCH AUTHORITY, OR IF YOU DO NOT AGREE WITH THESE TERMS AND CONDITIONS, YOU MUST NOT CHECK THE "I ACCEPT" BOX AND MAY NOT USE THE SERVICE. IN THIS AGREEMENT, MSDSONLINE AND YOU, THE CUSTOMER, ARE EACH REFERRED TO AS A "PARTY" AND ARE COLLECTIVELY REFERRED TO AS THE "PARTIES."

1. SCOPE

The terms and conditions of this Agreement apply to and govern: (i) the Service and the Compliance Services specified on an MSDSonline "Customer Order" that references the Agreement and that has been executed by MSDSonline and by you, the Customer; and (ii) the Service and the Compliance Services that you purchase or license from MSDSonline by registering, subscribing, or completing another applicable process (collectively, "Registration") on the MSDSonline Web site, www.msdsonline.com (the "Site"). The Agreement, together with the applicable Customer Order or the applicable Registration, is a binding contract between MSDSonline and you, the Customer. By signing the applicable Customer Order or by completing the applicable Registration, you acknowledge that you have read and understand the Agreement and you agree to be bound by its terms. All access to and use of the Site is subject to the Terms of Use and the Privacy Policy posted on the Site, which you should also read carefully.

2. LICENSE GRANT AND RESTRICTIONS

2.1 License Grant. MSDSonline hereby grants Customer a limited, non-exclusive license to use the Service indicated in the applicable Customer Order or Registration, subject to the restrictions and limitations specified in such Customer Order or Registration and the terms of the Agreement, solely for Customer's legitimate internal business purposes during the Term (as defined in Section 7.1).

2.2 Permitted Use. Customer may permit no more than the maximum number of users, viewers, accounts, desktops, seats, logins, or IDs specified in the applicable Customer Order or Registration with respect to a given Service to use or access such Service during any given month. Customer may reallocate logins, IDs, accounts, desktops, or seats, as applicable to the specific Service, to different individual users or viewers, as reasonable and appropriate, from time to time. You may not access the Service if you are a direct competitor of MSDSonline, except with MSDSonline's prior written consent. In addition, you may not access the Service for purposes of monitoring its availability, performance or functionality, or for any other benchmarking or competitive purposes. Customer may use the Service only for their internal business purposes and shall not: (i) send spam or otherwise duplicative or unsolicited messages in violation of applicable laws; (ii) send or store infringing, obscene, threatening, libelous, or otherwise unlawful or tortuous material, including material harmful to children or violates third party rights; (iii) send or store material contain software viruses, worms, Trojan horses or other harmful computer code, files, scripts, agents or programs; (iv) interfere with or disrupt the integrity or performance of the Service or the data contained therein; (v) attempt to gain unauthorized access to the Service or its related systems or networks; or (vi) allow its customers or unauthorized users access the Service unless expressly acknowledged and agreed to by MSDSonline in the Customer Order Form. Customer acknowledges that the Service is designed to function in the hardware and software operating environments specified in the applicable documentation. MSDSonline shall not be responsible or liable for the use, operation, or functionality of the Service, and the limited warranty set forth in Section 8.2 hereof shall be null and void with respect to such Service, if operated in a hardware or software operating environment other than those specified in the applicable documentation.

2.3 Access. With respect to any Service to be installed at Customer's location, subject to Section 2.2, and in accordance with the applicable documentation and specifications, Customer may install ("Customer Hosted") any such Service on a networked server for purposes of: (i) installing it onto individual workstations on such network; or (ii) using it in a multi-user configuration over such network. Nevertheless, no such Service shall be installed on any computer that is accessible via the Internet, or via other open or unsecured networks, to parties other than Customer and its authorized employees, and subcontractors. Customer may not provide access to the Service to its customers or unauthorized users unless specifically acknowledged and agreed to by MSDSonline in the MSDSonline Customer Order Form. Customer may make a reasonable number of copies of such Service or documentation solely for backup or archival purposes. Customer shall maintain the confidentiality of any logons or IDs assigned to it by MSDSonline (and any associated passwords) for use of the Service and Customer shall be responsible and liable for all transactions, activities, and other consequences resulting from the use or disclosure of such logons, IDs, and passwords.

2.4 Service Maintenance & Upgrades. During the Term, MSDSonline shall make available to Customer at no additional cost such new releases, upgrades, updates, patches, and bug fixes with respect to the Service as may, from time to time, be developed and made generally available by MSDSonline at no cost to other licensees of such Service under similar circumstances. All such new releases, upgrades, updates, patches, and fixes shall be deemed to constitute part of the applicable Service and shall be subject to the terms of this Agreement.

2.5 Prohibited Conduct. Except as expressly permitted by this Agreement, Customer shall not, directly or indirectly, without the express, prior written consent of MSDSonline: (i) use or permit the use of, reproduce or otherwise duplicate, disclose, distribute, modify, encumber, time-share, license, sublicense, rent, lease, or transfer any part of the Service, any portion thereof, or any of Customer's rights thereto (as granted by this Agreement); (ii) merge any Service or any portion thereof with any other program or materials, without prior written consent of MSDSonline; (iii) reverse engineer, decompile, disassemble, extract, or otherwise derive or attempt to derive the source code of any Service or any other compiled software provided or made available by MSDSonline hereunder; (iv) adapt, translate, localize, port, or otherwise modify any Service or any other compiled software provided or made available by MSDSonline hereunder; (v) remove, obliterate, or cancel from view any copyright, trademark, or other proprietary or confidentiality notice or legend appearing on or in the Service or any other materials provided or made available by MSDSonline hereunder; (vi) allow access to the Service to its customers or unauthorized users unless specifically acknowledged and agreed to by MSDSonline in the MSDSonline Customer Order Form;

and (vi) knowingly permit any other person or entity to engage in any of the foregoing conduct.

3. COMPLIANCE SERVICES

3.1 Description. MSDSonline will provide or cause to be provided to Customer the specific Compliance Services indicated in the applicable Customer Order or Registration, in accordance with the specific instructions and descriptions set forth in such Customer Order or Registration, which may include (but may not necessarily be limited to): (i) MSDSonline building an electronic library of Material Safety Data Sheet ("MSDS") documents by processing copies of MSDSs supplied by Customer; (ii) "MSDS Requests" in which MSDSonline requests copies of MSDSs from Customer's suppliers or manufacturers for inclusion in Customer's electronic library; (iii) "Binder Valet," where MSDSonline obtains MSDSs for Customer from a pre-approved Customer inventory list; (iv) "Fax Back Services" where Customer may request MSDS documents and receive them via fax back service 24x7; and (v) MSDSonline on-going updating of Customer's existing electronic library of MSDSs.

3.2 Acceptance. The Compliance Services shall be deemed to have been accepted by Customer upon their completion by MSDSonline unless Customer provides MSDSonline with written notice, in accordance with Section 8.1, within thirty (30) days after such completion. In cases where the Services include, or Customer has separately contracted for, MSDS Requests or Binder Valet (i.e., respectively, MSDSonline contacting suppliers on Customer's behalf, or MSDSonline searching its database, for MSDSs based on Customer's product inventory or other list), Customer is responsible for ensuring, and Customer's acceptance shall be deemed to acknowledge and confirm, that MSDSonline has made the appropriate selection, inclusion, or provision of MSDSs.

3.3 Deliverables. Customer is solely responsible for installing and configuring at its location, or on its workstations or servers, any deliverables or other materials delivered by MSDSonline to Customer in connection with the Compliance Services that require such installation or configuration.

4. FEES AND PAYMENT

4.1 Fees. Customer shall pay MSDSonline the fees specified in the applicable Customer Order or Registration (the "Fees"). MSDSonline shall invoice Customer, or automatically charge the credit card specified by Customer, for such Fees in accordance with the payment schedule indicated in such Customer Order or Registration. Fees are due and payable within thirty (30) days after the date of the applicable invoice or the due date otherwise indicated in the applicable Customer Order or Registration. Customer must report any errors or discrepancies in any MSDSonline invoice within thirty (30) days after the date of such invoice or such invoice will be deemed correct and payable by Customer in accordance herewith. Except as expressly provided herein, all Fees are nonrefundable.

4.2 Taxes. Fees do not include, and Customer shall pay, all applicable sales, use, and other taxes imposed in connection with this Agreement, the Service, or the Compliance Services. Where applicable and upon request, the Customer will supply to MSDSonline the applicable exemption certificate.

4.3 Out of Scope Services. Customer shall pay for any services performed, at Customer's request, beyond the scope of the Compliance Services described in the applicable Customer Order or Registration at MSDSonline's then-prevailing rates.

5. PROPRIETARY RIGHTS

5.1 Ownership. The Service, and other materials (except for the MSDSs) provided to Customer by MSDSonline hereunder (including, but not limited to, the technology (whether in source code, object code, or other form), databases, indexing, search, and retrieval methods and routines, hypertext markup language ("HTML") code, active server pages ("ASP"), intranet pages, and similar materials) constitute the valuable intellectual property and proprietary material of MSDSonline and its licensors and are protected by applicable intellectual property laws of the United States and other countries. Except for the rights expressly granted to Customer in this Agreement, all MSDSonline Technology, the Service, and other materials that are provided, and all work product that is developed, under this Agreement, all modifications, compilations, and derivative works thereof, and all intellectual property and proprietary rights pertaining thereto, are and shall remain the property of MSDSonline and its respective licensors. MSDSonline hereby grants Customer a limited, non-exclusive, non-transferable license and right to use and reproduce such materials during the Term, solely for the internal business purposes of Customer, consistent with the other terms of this Agreement. Customer shall reproduce and include any copyright and other proprietary notices included in the Technology, the Services, or any such other materials on all copies, in whole or in part, made thereof. Notwithstanding anything to the contrary in this Agreement, all MSDSs are created and owned by their respective authors and all rights pertaining thereto shall remain the property of such authors. MSDSonline neither claims nor grants any ownership rights in any MSDS.

5.2 Customer Materials. Customer may upload to or distribute on MSDSonline.com MSDS content that is not subject to any copyright or other proprietary rights protection, content in which MSDSonline has given express authorization for distribution on the World Wide Web or content that Customer specifically earmarks for "private use" during the MSDSonline upload process or Binder Valet process. Customer may not use the batch upload process to upload "private use" documents. The unauthorized submission or distribution of copyrighted or other proprietary content is illegal and could subject the Customer to criminal prosecution as well as liability for damages in a civil suit. Customer shall at its sole expense, defend, indemnify and hold harmless MSDSonline and it employees with respect to any claim and all costs, expenses (including reasonable attorney's fees), fines, penalties, deficiencies, losses, liabilities (including settlements and judgments) from any infringement of copyrights or proprietary rights, or from any other harm arising from such Customer upload of content. In compliance with the Digital Millennium Copyright Act, Customer and other persons can report infringement claims to CustomerHelp@MSDSonline.com. Customer hereby grants MSDSonline a royalty-free, perpetual, irrevocable, non-exclusive, worldwide right and license to use, reproduce, modify, adapt, publish, translate, and distribute, in any form, media, or technology now known or hereafter developed, all MSDS content that Customer posts to MSDSonline's database for public use (or otherwise acquired by MSDSonline for or on behalf of Customer) hereunder and to incorporate such MSDS content in other works, in any form, media, or technology now known or hereafter developed. When making use of such information and materials, MSDSonline shall use commercially reasonable efforts to prevent disclosure of Customer's identity as the party from or for whom MSDSonline obtained such MSDS content or materials, except that MSDSonline will not disclose or make such MSDS content available to MSDSonline's other customers if Customer specifically earmarks the MSDS content for private use or requests in writing when such materials and information are provided to, or otherwise obtained by, MSDSonline.

6. CONFIDENTIALITY

The Service and the other materials that are provided or disclosed by MSDSonline in connection with this Agreement contain confidential and proprietary information of MSDSonline and its licensors that is not in the public domain, that is of commercial value to MSDSonline and others because of it not being generally known, and which is the subject of efforts reasonable under the circumstances to maintain its secrecy or confidentiality (collectively, "Confidential Information," and including, but not limited to, technical and non-technical data, marketing and promotional information, software programs and code (regardless of form or language), methods, techniques, strategies, processes, customer and supplier lists, trade secrets, distribution methods, and pricing and financial data relating to MSDSonline, the Service, or the Compliance Services). Customer may use Confidential Information only as necessary and appropriate to perform its obligations hereunder and to receive the benefit of the Service or the Compliance Services, in accordance with this Agreement. Customer shall hold all such information in strict confidence and shall at all times use at least a reasonable standard of care to maintain the confidentiality thereof. Customer's obligations with respect to Confidential Information, as set forth in this Section 6, shall continue in force and effect for a period of five (5) years after termination or expiration of this Agreement or, with respect to such portions of such Confidential Information that constitute trade secrets under applicable law, for so long as such trade secret status is maintained.

7. TERM AND TERMINATION

7.1 Term. The term of this Agreement (the "Term") shall commence, as applicable, on the date that the applicable Customer Order is executed by both Customer and MSDSonline or on the date that the applicable Registration is completed by Customer. The Term shall continue for the period specified in the applicable Customer Order or Registration, and shall thereafter be renewed and extended in accordance with Section 7.2, unless terminated earlier by either Party in accordance with Section 7.3 hereof or another provision of this Agreement.

7.2 Automatic Renewal. UNLESS AND UNTIL TERMINATED BY EITHER PARTY PURSUANT TO SECTION 7.3, OR EITHER PARTY PROVIDES WRITTEN NOTICE OF NON-RENEWAL TO THE OTHER PARTY AT LEAST SIXTY (60) DAYS PRIOR TO THE SCHEDULED EXPIRATION OF THE THEN-CURRENT TERM, THE TERM SHALL AUTOMATICALLY RENEW AND BE EXTENDED UPON ITS EXPIRATION (REGARDLESS OF WHETHER PREVIOUSLY RENEWED OR EXTENDED) FOR ANOTHER TERM OF THE SAME DURATION AS SPECIFIED IN THE APPLICABLE CUSTOMER ORDER OR ONLINE ORDERING PROCESS. THE TERMS APPLICABLE TO ANY SUCH RENEWAL OR EXTENSION SHALL BE THE SAME AS THOSE SET FORTH HEREIN, EXCEPT THAT, UNLESS EXPRESSLY PROVIDED OTHERWISE IN THE APPLICABLE CUSTOMER ORDER OR ONLINE ORDERING PROCESS, THE FEES APPLICABLE TO SUCH RENEWAL OR EXTENSION SHALL BE AT THE RATES THEN MADE GENERALLY AVAILABLE BY MSDSONLINE.

7.3 Termination. Either Party may terminate this Agreement immediately and without penalty by sending written notice to the other Party, describing in reasonable detail the reason for such termination, in the event that the other Party: (i) breaches any material term or condition hereof and, if such breach is curable, fails to cure such breach within thirty (30) days after being provided written notice thereof by the other Party (except with regard to a breach by Customer with regard to its payment obligations hereunder, in which case the applicable cure period shall be only five (5) days). All rights and licenses granted herein to Customer to access and use the Service shall automatically terminate and be revoked, and Customer shall promptly return or destroy all proprietary information, results of the Compliance Services, and related materials in Customer's possession or control, upon any expiration or termination of this Agreement.

8. WARRANTIES

8.1 Service. MSDSonline warrants that the Service will perform substantially in accordance with the applicable specifications and documentation generally made available by MSDSonline, provided that Customer shall have properly accessed, installed, operated, and used the Service in accordance with this Agreement and such specifications and documentation. MSDSonline does not represent, warrant, or covenant that the Service, or that the operation and use of the Service, will meet Customer's requirements, that use of the Service shall be entirely without interruption or totally error-free, or that all defects (including, but not limited to, minor or cosmetic defects that do not significantly and adversely affect functionality or features) will be corrected. Customer must provide MSDSonline with written notice reasonably describing any failure of the Service to satisfy the limited warranty set forth above in this Section 8.1, and repair or replacement of the applicable Product shall be Customer's sole and exclusive remedy for any such failure. Nevertheless, if, after receiving such a written notice from Customer, MSDSonline determines that it is unable through the exercise of commercially reasonable efforts to repair or replace the Service in a manner that satisfies such warranty, then upon Customer's return of any material (if applicable) and access to the Service, MSDSonline will refund any fees that Customer has paid for the Service hereunder during the immediately preceding twelve (12) months.

8.2 Compliance Services. MSDSonline warrants the Compliance Services will be performed in a competent and workmanlike manner, in accordance with standards common and prevalent in the industry. As Customer's sole and exclusive remedy for a claimed breach of this limited warranty: (i) if Customer notifies MSDSonline, in writing and in reasonable detail, of the nature and extent of such failure within thirty (30) days after the completion of the applicable Compliance Services, MSDSonline shall re-perform or cure any portion of such Compliance Services that fail to satisfy the foregoing limited warranty; or (ii) if, after being provided with notice as described in the foregoing clause (i), MSDSonline determines, in its sole discretion, that it is unable to re-perform or cure the Compliance Services in a manner that complies with such warranty through the exercise of commercially reasonable efforts, MSDSonline will refund to Customer the fees paid for such portion of the Compliance Services during the immediately preceding twelve (12) months.

8.3 Power and Authority. Customer represents that it is financially solvent and that it has the requisite legal and corporate power, right, and authority to enter into this Agreement, to grant the rights it purports to grant hereunder, and to perform its duties and fulfill its obligations hereunder.

8.4 Accuracy of Information. Customer represents that all information provided to MSDSonline in connection with this Agreement is, and warrants that all information provided to MSDSonline hereunder shall be, true, complete, and correct in all material respects, to the best of Customer's ability, knowledge, and belief.

9. DISCLAIMERS

9.1 **DISCLAIMER OF WARRANTIES.** EXCEPT AS EXPRESSLY PROVIDED IN SECTIONS 8.1 AND 8.2: (I) MSDSONLINE MAKES NO WARRANTIES, EXPRESS OR IMPLIED, IN CONNECTION WITH THIS AGREEMENT; (II) THE SERVICE AND THE COMPLIANCE SERVICES ARE PROVIDED BY MSDSONLINE ON AN "AS-IS" BASIS, WITHOUT ANY FURTHER WARRANTIES OF ANY KIND; AND (III) MSDSONLINE DOES NOT REPRESENT, WARRANT, OR COVENANT THAT THE SERVICE, THE COMPLIANCE SERVICES, AND THE OTHER MATERIALS (INCLUDING, BUT NOT LIMITED TO, MSDS DOCUMENTS, REPORTS, ADVICE, AND RECOMMENDATIONS, IN ANY FORM) PROVIDED BY MSDSONLINE OR ITS CONTRACTORS OR AGENTS IN CONNECTION WITH THIS AGREEMENT, ARE OR WILL NECESSARILY ALWAYS BE COMPLETELY ACCURATE, CURRENT, OR COMPLETE, CONTINUOUSLY AVAILABLE, OR APPROPRIATE FOR ANY PARTICULAR USE TO WHICH CUSTOMER OR ANY THIRD PARTY MAY CHOOSE TO PUT THEM. MSDSONLINE EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS AND IMPLIED, OTHER THAN THOSE SET FORTH IN SECTIONS 8.1 AND 8.2, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND ANY IMPLIED WARRANTIES THAT MIGHT ARISE THROUGH USAGE OF TRADE OR CUSTOM, COURSE OF DEALING, AND COURSE OF PERFORMANCE.

9.2 **MSDS DISCLAIMER.** IN NO EVENT SHALL MSDSONLINE BE LIABLE TO CUSTOMER OR TO ANY THIRD PARTY FOR ANY LOSS, DAMAGE, OR EXPENSE RELATING TO THE APPROPRIATENESS, SELECTION, CONTENT, MAINTENANCE, RETENTION, AVAILABILITY, USE, OR NON-USE OF MSDS DOCUMENTS OR REPORTS, ADVICE, AND RECOMMENDATIONS PROVIDED IN CONNECTION THEREWITH IN ANY FORM. CUSTOMER IS SOLELY RESPONSIBLE FOR CONFIRMING THAT ANY MSDS THAT IT PROVIDES TO MSDSONLINE, OR THAT IT APPROVES, ACCEPTS, SELECTS, USES, OR OTHERWISE OBTAINS FROM OR THROUGH MSDSONLINE, THE SERVICE, OR THE COMPLIANCE SERVICES, IN CONNECTION WITH THIS AGREEMENT, IS APPLICABLE TO AND APPROPRIATE FOR THE SERVICE OR PURPOSE FOR WHICH CUSTOMER MAY NEED AN MSDS. CUSTOMER ACKNOWLEDGES THAT MSDSONLINE DOES NOT AUTHOR, EDIT, OR CHANGE ANY INFORMATION CONTAINED IN ANY MSDS AND THAT MSDSONLINE ASSUMES NO RESPONSIBILITY OR LIABILITY WITH RESPECT TO THE ACCURACY, USEFULNESS, COMPLETENESS, OR CURRENCY OF ANY SUCH INFORMATION. MSDSONLINE SHALL BE ENTITLED, AT ALL TIMES AND WITHOUT INCURRING LIABILITY: (I) TO RELY ON INFORMATION PROVIDED BY CUSTOMER, ON WRITTEN AND ORAL COMMUNICATIONS WITH CUSTOMER'S PERSONNEL, AND ON INFORMATION AND MATERIALS APPROVED OR ACCEPTED BY CUSTOMER, WITH RESPECT TO SPECIFIC SERVICE FOR WHICH AN MSDS IS SOUGHT OR REQUESTED; AND (II) TO MAKE REASONABLE ASSUMPTIONS AND SUBSTITUTIONS IF INFORMATION PROVIDED BY CUSTOMER IS INCOMPLETE, INACCURATE, OR NON-SPECIFIC OR IF AN MSDS FOR A PARTICULAR SUPPLIER'S PRODUCT, PRODUCT ID, OR SKU NUMBER IS NOT AVAILABLE THROUGH THE EXERCISE OF COMMERICALLY REASONABLE EFFORTS.

9.3 **FAXBACK DISCLAIMER.** THE FAX BACK SERVICE CONSISTS OF CUSTOMER RECEIVING REQUESTED COPIES OF MSDS DOCUMENTS VIA FAX. CUSTOMER ACKNOWLEDGES THAT THE FAXBACK SERVICE IS PROVIDED THROUGH THIRD PARTY CONTRACTORS RETAINED BY MSDSONLINE AND THAT SUCH CONTRACTORS MAY PROVIDE OR OFFER TO PROVIDE ADDITIONAL SERVICES, ADVICE, REPORTS OR RECOMMENDATIONS TO CUSTOMER, INCLUDING BUT NOT LIMITED TO MEDICAL, HEALTH CARE OR EMERGENCY INFORMATION ABOUT OR PERTAINING TO EXPOSURE TO OR TREATMENT FOR EXPOSURE TO CHEMICALS, THAT ARE NOT PART OF THE FAX BACK SERVICE ("OTHER SERVICES OR ADVICE"). IN NO EVENT SHALL MSDSONLINE BE LIABLE TO CUSTOMER OR

TO ANY THIRD PARTY FOR ANY LOSS, DAMAGE, OR EXPENSE RELATING TO SUCH OTHER SERVICES OR ADVICE OR CUSTOMER'S RELIANCE THEREON, AND CUSTOMER AGREES TO HOLD MSDSONLINE HARMLESS FROM SAME.

10. LIMITATIONS OF LIABILITY

10.1 **EXCLUSIONS.** NEITHER MSDSONLINE, ITS SUBSIDIARIES, CONTRACTORS, SUPPLIERS, CO-BRANDERS, AND OTHER SIMILAR ENTITIES, NOR THE OFFICERS, DIRECTORS, EMPLOYEES, REPRESENTATIVES, AND AGENTS OF ANY OF THE FOREGOING (ALL SUCH PERSONS AND ENTITIES AS LISTED HERETOFORE IN THIS SENTENCE, COLLECTIVELY, THE "MSDSONLINE ASSOCIATES"), SHALL BE LIABLE TO CUSTOMER OR TO ANY THIRD PARTY FOR ANY LOSS, COST, DAMAGE, OR OTHER INJURY, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, ARISING OUT OF OR IN CONNECTION WITH: (I) CUSTOMER'S USE OR NON-USE, OR CUSTOMER'S RELIANCE ON OR FAILURE TO RELY ON, THE SERVICE, THE COMPLIANCE SERVICES, OR ANY OTHER MATERIALS (INCLUDING, BUT NOT LIMITED TO, ANY MSDS DOCUMENTS AND ANY REPORTS, ADVICE, AND RECOMMENDATIONS, IN ANY FORM) PROVIDED OR MADE AVAILABLE BY MSDSONLINE OR ITS CONTRACTORS IN CONNECTION WITH THIS AGREEMENT (COLLECTIVELY, THE "MSDSONLINE MATERIALS"); OR (II) ANY DECISIONS MADE OR NOT MADE, OR ACTIONS TAKEN OR NOT TAKEN, BY CUSTOMER OR ANY THIRD PARTY WITH REGARD TO, IN RELIANCE ON, OR AS A RESULT OF, USE OF ANY MSDSONLINE MATERIALS. IN ADDITION, UNDER NO CIRCUMSTANCES SHALL THE MSDSONLINE ASSOCIATES BE LIABLE TO CUSTOMER OR ANY THIRD PARTY FOR ANY INDIRECT, CONSEQUENTIAL, INCIDENTAL, PUNITIVE, SPECIAL, OR SIMILAR DAMAGES OR COSTS (INCLUDING, BUT NOT LIMITED TO, LOST PROFITS OR DATA, LOSS OF GOODWILL, LOSS OF OR DAMAGE TO PROPERTY, LOSS OF USE OR DOWNTIME OF FACILITIES, EQUIPMENT, OR SERVICES, COSTS OF COVER, BUSINESS INTERRUPTION, AND CLAIMS OF THIRD PARTIES) ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT OR ANY MSDSONLINE MATERIALS, EVEN IF MSDSONLINE WAS ADVISED, KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY OF SUCH DAMAGES OR COSTS.

10.2 **MAXIMUM LIABILITY.** IN A JURISDICTION THAT DOES NOT ALLOW THE EXCLUSION OR LIMITATION OF LIABILITY FOR CERTAIN DAMAGES, THE LIABILITY OF THE MSDSONLINE ASSOCIATES SHALL BE LIMITED IN ACCORDANCE WITH THIS AGREEMENT TO THE FULLEST EXTENT PERMITTED BY LAW. WITHOUT LIMITING ANY OF THE FOREGOING PROVISIONS OF THIS SECTION 10, AND NOTWITHSTANDING ANY FAILURE OF THE ESSENTIAL PURPOSE OF ANY REMEDY OR OTHER PROVISION OF THIS AGREEMENT, IF ANY OF THE MSDSONLINE ASSOCIATES ARE FOUND LIABLE TO CUSTOMER OR TO ANY THIRD PARTY AS A RESULT OF ANY CLAIMS OR OTHER MATTERS ARISING UNDER OR IN CONNECTION WITH THIS AGREEMENT, THE CUMULATIVE, AGGREGATE, AND MAXIMUM LIABILITY OF THE MSDSONLINE ASSOCIATES, COLLECTIVELY, FOR ALL SUCH CLAIMS AND OTHER MATTERS SHALL BE LIMITED TO THE FEES ACTUALLY PAID BY CUSTOMER TO MSDSONLINE HEREUNDER DURING THE TWELVE (12) MONTH PERIOD IMMEDIATELY PRECEDING THE EVENT MOST PREDOMINANTLY GIVING RISE TO SUCH LIABILITY.

10.3 **INTERNET DELAYS.** MSDSONLINE'S SERVICE MAY BE SUBJECT TO LIMITATIONS, DELAYS, AND OTHER PROBLEMS INHERENT IN THE USE OF THE INTERNET AND ELECTRONIC COMMUNICATIONS. MSDSONLINE IS NOT RESPONSIBLE FOR ANY DELAYS, DELIVERY FAILURES, OR OTHER DAMAGES RESULTING FROM SUCH PROBLEMS.

10.4 **BASIS OF THE BARGAIN.** THE PROVISIONS OF SECTIONS 9, 10, AND 11 OF THIS AGREEMENT ARE ALL FUNDAMENTAL AND SPECIFIC REQUIREMENTS OF THE BASIS OF THE BARGAIN BETWEEN CUSTOMER AND MSDSONLINE, AND MSDSONLINE WOULD NOT BE ABLE TO PROVIDE THE SERVICE AND THE COMPLIANCE SERVICES ON THE OTHER TERMS SET FORTH HEREIN WITHOUT EACH SUCH PROVISION.

11. INDEMNIFICATION

11.1 Infringement. MSDSonline shall defend, indemnify, and hold Customer harmless from and against any claims, actions, and other proceedings ("Claims"), and shall pay all losses, damages, liabilities, settlements, judgments, awards, interest, civil penalties, and expenses (collectively, "Losses," and including reasonable attorneys' fees and court costs), to the extent arising out of any claims by any third party that the Service or the Compliance Services (excluding any material provided or furnished by, or included at the direction of, Customer) infringe upon United States' copyright or any United States' patent issued as of the date of the applicable Customer Order or Registration. In the event of such a claim, MSDSonline may, in its discretion, either procure a license to enable Customer to continue to use the allegedly infringing item or develop or obtain a non-infringing substitute of substantially equivalent functionality and performance. If MSDSonline determines that neither of the foregoing options is commercially reasonable or practicable, then, notwithstanding anything to the contrary elsewhere in this Agreement, MSDSonline may immediately terminate Agreement and refund to Customer, upon Customer's return of the Service, the results of the Compliance Services, and all related materials, any prepaid fees for the then-remaining or unexpired portion of the Term. Notwithstanding the foregoing, MSDSonline shall have no obligation to indemnify, defend, or hold Customer harmless from any Claim to the extent that it is based upon: (i) a modification by Customer (or by anyone under Customer's direction or control) to the Service or the Compliance Services; (ii) a modification made by MSDSonline pursuant to Customer's order or specification or in reliance on materials or information provided by Customer; or (iii) the use by Customer (or by anyone under Customer's direction or control) of the Service other than in accordance with this Agreement. This Section 11.1 sets forth Customer's sole and exclusive remedy, and MSDSonline's entire liability, for any claim that any MSDSonline Materials violate or infringe upon the rights of any third party.

11.2 Third Party Claims. Except as provided in Section 11.1, Customer shall defend, indemnify, and hold MSDSonline harmless from and against all Claims, and shall pay all Losses, arising out of or related to third-party claims based upon: (i) Customer's (or that of anyone authorized by Customer) use, non-use, or modification of any MSDSonline Materials; (ii) an MSDS or other content posted by Customer or by MSDSonline at Customer's direction which infringes upon a United States' copyright or any United States' patent or (iii) the violation of any rights of any third party in connection with Customer's (or that of anyone authorized by Customer) use, non-use, or modification of any MSDSonline Materials.

11.3 Defense. With regard to any Claim subject to indemnification pursuant to this Section 11, the indemnified Party shall grant the indemnifying Party the right to assume full defense and control of such Claim and shall reasonably cooperate with the indemnifying Party regarding such Claim. Nevertheless, the indemnified Party may reasonably participate in such defense, at its sole expense.

12. GENERAL

12.1 Changes to the Service. MSDSonline expressly reserves the exclusive right to, without prior notice, at any time and from time to time,: (i) offer new, additional, or substitute products and services; (ii) modify, amend, or discontinue offering all or any particular products or services; and (iii) post a revised version of this Agreement on the Site. Nevertheless, during the Term MSDSonline shall not, except as expressly provided elsewhere in this Agreement: (a) materially and significantly reduce or decrease the functionality and features of the Service; or (b) cease offering any of the Service without offering a substitute of comparable functionality and features. Further, despite the posting at any time of a new version of this Agreement on the Site, any previously executed Customer Orders and previously completed Registrations shall continue to be governed by the version of this Agreement in effect as of the date of such Customer Order or Registration. You agree to accept as the true and accurate copy of this Agreement the version hereof maintained with respect to the date of the applicable Customer Order or Registration by MSDSonline in the course of its normal backup and archival process.

12.2 Entire Agreement. This Agreement, together with the applicable Customer Order or Registration, constitutes the entire agreement and understanding between the Parties regarding the subject matter hereof and supersedes any prior representations, advertisements, statements, proposals, negotiations, discussions, understandings, or agreements regarding the same subject matter. This Agreement may not be modified or amended except by a writing signed by an authorized representative of each of the Parties. In the event and to the extent of any conflict between this Agreement and the applicable Customer Order or Registration, the terms of this Agreement shall prevail and control.

12.3 Governing Law. This Agreement shall be governed by and construed under the substantive laws of the State of Illinois, without regard to choice of law provisions thereof. The application of the United Nations Convention of Contracts for the International Sale of Goods and the provisions of any state law adopting, in whole or in part, or in any modified form, the provisions of the Uniform Computer Information Transactions Act are expressly excluded here from.

12.4 Forum. The exclusive forum and venue for any legal or equitable claim or action brought in connection with this Agreement shall be the state and federal courts situated in Cook County in the State of Illinois. The Parties hereby irrevocably submit and consent to the personal and subject matter jurisdiction of such courts and irrevocably waive any objection or claim that venue is improper for any reason in such courts.

12.5 Arbitration. Except for any claims or actions seeking injunctive relief for a breach or alleged breach of Section 5 or Section 6, any dispute, claim, or controversy arising out of, or relating to, this Agreement (a "Dispute") shall be addressed in accordance with this Section 12.5. Each Party agrees to notify the other in writing as soon as reasonably practicable after becoming aware of the basis of a Dispute and to use commercially reasonable efforts to informally resolve or settle the Dispute after providing or receiving such a notice. Nevertheless, if the Parties fail to resolve such a Dispute within thirty (30) days after the date that such notice was received; either Party may submit the Dispute to binding arbitration in accordance with the Commercial Arbitration Rules of the

American Arbitration Association then in effect. Any such arbitration shall be conducted in Chicago, Illinois before an arbitrator having at least five (5) years experience in the information technology industry. Judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. Notwithstanding the foregoing, where the dispute is monetary in nature and the amount involved does not exceed $30,000.00, either party may waive arbitration and prosecute the claim in a court having jurisdiction consistent with Section 12.4 above.

12.6 Attorneys' Fees. In any arbitration, suit, action, or proceeding relating to this Agreement, the prevailing Party will have the right to recover from the other its costs and reasonable fees and expenses of attorneys, accountants, and other professionals incurred in connection therewith. MSDSonline shall also be entitled to reimbursement for any and all of its collection costs in the event of late payment or nonpayment by Customer.

12.7 Severability. Every provision of this Agreement shall be construed, to the extent possible, so as to be valid and enforceable. If any provision of this Agreement so construed is held by a court of competent jurisdiction to be invalid, illegal, or otherwise unenforceable, such provision shall be deemed severed from this Agreement and all other provisions shall remain in full force and effect.

12.8 Survival. The provisions of this Agreement, and the rights, duties, and obligations of the Parties hereunder, which by their nature may be reasonably inferred to have been intended to survive termination, cancellation, completion, or expiration of this Agreement (including, but not limited to, the rights, duties, and obligations set forth in Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, and 12 hereof) shall survive and continue as valid and enforceable rights, duties, and obligations.

12.9 Waiver. The failure by either Party at any time to enforce any of the provisions of this Agreement or any right or remedy available hereunder or at law or in equity, or to exercise any option herein provided, shall not constitute a waiver of such provision, right, remedy, or option or in any way affect the validity of this Agreement. The waiver of any default by either Party shall not be deemed a continuing waiver, but shall apply solely to the instance to which such waiver is directed.

12.10 Assignment; Change in Control. All rights granted to Customer herein are personal to Customer and Customer may not assign, delegate, or otherwise transfer this Agreement or any of Customer's rights or obligations hereunder, either voluntarily or by operation of law, without the prior written consent of MSDSonline, which consent shall be in MSDSonline's sole discretion. MSDSonline may assign this agreement without consent to (i) a parent or subsidiary, (ii) an acquirer of assets, or (iii) a successor by merger. Any actual or proposed change in control of Customer that results in a direct competitor of MSDSonline directly or indirectly owning or controlling 50% or more of Customer shall entitle MSDSonline to terminate this Agreement for cause immediately upon written notice. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns.

12.11 Force Majeure. Except for payment obligations hereunder, neither Party shall be liable or deemed to be in default for any delay or failure in performance hereunder to the extent resulting, directly or indirectly, from acts of God, terrorism, or civil insurrection, strikes or other organized labor interruption, telecommunications or utility interruptions or failures, fire, explosions, floods, or other natural disasters, any similar cause or any third party beyond the reasonable control of such Party, and any delay or failure of the other Party to fulfill its obligations hereunder.

12.12 Compliance with Law. Customer is solely responsible for compliance with all federal, state, and local laws, regulations, rules, ordinances, and policies regarding possession and maintenance of MSDSs (including, but not limited to, federal environmental and OSHA requirements, and, to the extent applicable, the specific requirement that access to certain MSDSs be maintained on Customer's premises). Further, Customer is solely responsible for compliance with export and import laws and regulations as they relate to the Service provided hereunder.

12.13 Cooperation. At all times during the Term, Customer shall promptly and fully cooperate with MSDSonline, and shall promptly make competent, appropriately trained, and qualified personnel available to assist and answer questions of MSDSonline, as necessary and appropriate and as reasonably requested by MSDSonline.

12.14 No Third Party Benefit. The provisions of this Agreement are for the sole benefit of the Parties hereto. Except as expressly provided herein, this Agreement neither confers any rights, benefits, or claims upon any person or entity not a Party hereto nor precludes any actions against, or rights of recovery from, any persons or entities not Parties hereto.

12.15 Notice. All notices required hereunder shall be in writing or in electronic format and shall be deemed to have been given when mailed by first class mail to the respective address, when sent via email to the respective email address, or when sent via receipted facsimile to the respective facsimile number, specified in the applicable Customer Order or in the applicable Registration and as updated in accordance herewith.

Last Updated 7/27/2011

DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

Respectfully:

Hugh Daniels,

City Council Staff Report

Subject:	**Public Safety Building - Closed Circuit Video Upgrades Contract Award**
Author:	**Hugh Daniels, CEM, UCEM**
Department:	**Executive**
Date:	**October 22, 2015**
Type of Item:	**Administrative**

Summary Recommendations:
Staff recommends that Council authorize the City Manager to enter into a contract, in a form approved by the City Attorney, for closed circuit video (CCV) upgrades to the Park City Public Safety Building in an amount not to exceed $35,155.00.

Topic/Description:
Contract award for the replacement of 13 analog CCV cameras with digital CCV, the addition of two digital CCV along with some CCV relocations to provide better coverage at the Park City Public Safety Building, 2060 Park Ave., as a part of the City's ongoing building security initiatives.

Acronyms in this Report:

CEM	Certified Emergency Manager
UCEM	Utah Certified Emergency Manager
BSC	Building Security Committee
CCV	Closed Circuit Video
EAC	Electronic Access Control
IT	Information Technology
CIP	Capital Improvement Projects

Background:
Park City established its Building Security Committee (BSC) in February, 2008 under the chairmanship of the Emergency Program Manager. The general charge of the committee was to review all occupied city buildings, update and improve their security components and train the staff in security measures.

One of the larger components of our security program are closed circuit video (CCV) cameras. The City currently has 84 CCV cameras in 14 buildings tied to a centralized network that can be viewed by Police Dispatch and others with authorized access. In the near future police officers in the field will also be able to access all the city's cameras.

As funds allow, we continue to upgrade and add cameras to our system which is highly flexible and expandable. Existing analog cameras are reaching the end of their life span and we are seeing increasing numbers of failures. Further the new digital technology is far superior in clarity and options.

With this contract we will be of replacing 13 old and failing analog CCV interior and exterior cameras, adding two digital cameras and relocating four of the replacement CCV cameras from their current locations to provide better coverage.

Analysis:
AVTEC Systems Integrator is a division of Cache Valley Electric (the contractor) and is the sole certified installer for the CCV and Electronic Access controls (EAC) using our centralized network system. In addition, Cache Valley Electric/AVTEC participates in the "state contract." The scope of work included in this contract is outlined on Attachment A, entitled "Park City – Dispatch Center Network Video Additions."

Park City Municipal Administrative Policy, Section 3. *Municipal Budget Policies and Objectives*, Part II, *Contracting and Purchasing Policy*, D. *Exceptions*, 4. *Purchases from companies approved to participate in Utah State Division of Purchasing and General Services Agreements and Contracts and under $100,000 are not subject to competitive bidding requirements.* Therefore this contract was not required to go out for a RFP and bid. Additionally the contractor is the sole certified provider in Utah, of integration services to our existing centralized network system.

The City maintains funds for security in the General Fund, Asset Management CIP and Security CIP. In an effort to provide the security level of service recommended by the Emergency Manager, funds have been identified from two sources including: $17,577.50 from the Asset Management CIP account since we are replacing a number of items within the existing building and infrastructure and $17,577.50 from the Security CIP account.

Department Review:
This report was reviewed by Building Maintenance, IT, Budget, Legal, Police and Executive.

Alternatives:

A. **Approve the Request:**
Authorize the City Manager to execute the contract with Cache Valley Electric in the amount of Thirty-five Thousand, One Hundred, Fifty-five Dollars ($35,155.00)**. This is staff's recommendation.**

B. **Deny the Request:**
Without approval there will be no upgrades or replacements to the existing system and analog cameras will continue to fail, jeopardizing facility security. A new plan would need to be developed.

C. **Continue the Item:**

If the Council needs more information or would like to see a change in the scope of the contract, the item can be continued.

D. Do Nothing:

This option would have the same result as denying the request.

Significant Impacts:

The installation and upgrades of security equipment meet the goals of the City's Building Security Committee as approved by the City Manager. Further this improves the safety and security of employees and visitors to the Public Safety Building.

	World Class Multi-Seasonal Resort Destination **(Economic Impact)**	**Preserving & Enhancing the Natural Environment** **(Environmental Impact)**	**An Inclusive Community of Diverse Economic & Cultural Opportunities** **(Social Equity Impact)**	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is walkable and bike-able	(Select Desired Outcome)	+ Community gathering spaces and places	+ Well-maintained assets and infrastructure + Streamlined and flexible operating processes
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive		Positive	Very Positive
Comments: Safety and Security in community gathering places are core public safety functions of government.				

Funding Source:

$17,577.50 from Asset Management CIP – cp014603-031475

$17,577.50 from Security CIP – cp0264-031475

Attachments:

Attachment A – Avtec Proposal

Recommendation:

Staff recommends that Council authorize the City Manager to enter into a contract, in a form approved by the City Attorney, for closed circuit video (CCV) upgrades to the Park City Public Safety Building in an amount not to exceed $35,155.00.

SYSTEMS INTEGRATOR
2345 SOUTH JOHN HENRY DRIVE SALT LAKE CITY, UTAH 84119
TEL 801.530.1330 FAX 801.530.1331 www.avteccorporation.com
A DIVISION OF CACHE VALLEY ELECTRIC

August 25, 2015

Mr. Hugh Daniels
Park City Municipal Corporation
Park City, Utah

RE: Park City – Dispatch Center
Network Video Surveillance Additions

Dear Hugh,

As requested Avtec – Systems Integrator is pleased to provide you with this proposal to provided Video Surveillance for your Park City Public - Dispatch facility. It is the intention of this proposal to replace all of the existing Analog Video Surveillance Cameras, with Networked, Hi-Definition Cameras. This proposal has been broken into sections as requested at the initial job walk through, for budgetary purposes.

Scope of Work

A. Exterior PTZ Cameras - Avtec shall provide and install (4) Axis, Hi-Definition, PTZ Cameras. Cameras shall be installed in place of existing PTZ Cameras and be relocated to the Corners of the Dispatch Building, to provide better coverage of the surrounding area.

B. Exterior Gate Camera – Avtec shall provide and install (1) Axis, Hi-Definition, Low Light Dome Camera, on the North side of the Dispatch Building. Camera shall be installed in place of existing Analog Camera and shall have a specific view for the Vehicle Gate Entrance.

C. Exterior Parking Camera – Avtec shall provide and install (1) Axis, Hi-Definition, Panoramic View Dome Camera, on the North side of the Dispatch Building. Camera shall be installed in place of existing Analog Camera and shall have an overall view of the North Parking Lot.

D. Interior Camera Replacement – Avtec shall provide and install (7) Axis, Interior, Hi-Definition Dome Cameras. Cameras shall be installed in place of existing Analog Cameras for the following locations:

1. Dispatch Front Entrance
2. Dispatch Rear Entrance
3. Intox Room (Camera to have audio capability)

4. Lobby/Records Camera (Above Secure Lobby Door)
5. Lobby Camera (By Restroom Doors)
6. Training Room (Camera to have Audio Capability)
7. Finger Print Hallway

E. Interior Camera Addition – Avtec shall provide and install (1) New Axis, Interior, Hi-Definition Dome Cameras. Cameras shall be installed in the Administration Hallway.

F. Exterior Patio Camera Addition – Avtec shall provide and install (1) New Axis, Environmental, Low Light, Dome Cameras. Cameras shall be installed in the Patio Area.

G. All Cameras location include the installation of network cabling, camera mounts, supports, Man-Lift Rental and PoE Midspans.

Total Installed Cost for (15) Dispatch Cameras: $35,155.00

General Proposal Clarifications:

1. Any IP Based connectivity including; network connections, security and IP Address Schemes will be provided by the owner.
2. Proposal assumes the use of existing owner's network switch utilizing Power over Ethernet (PoE).
3. Owner shall provided adequate rack space and power requirements for Archive Server.
4. All Camera pricing includes camera stream licenses.
5. Proposal assumes standard daytime working hours. Any work requiring after hours installation, shall require additional charges.

Proposal has been broken down for the use of the owner to evaluate cost budgets; please note the following key items:

This proposal is valid for 30 days from the date noted on this proposal.

It shall be the responsibility of the Owner / Contractor to provide onsite supervision and support if required to gain access to this facility.
Please feel free to contact me at your convenience if you have any questions regarding this correspondence.

Sincerely,

Joe Mireles
Avtec – Systems Integrator
A Division of Cache Valley Electric

DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

On June 4, 2015 Council gave direction for staff to create a limited-term Blue Ribbon Housing Commission on Housing. The role of the Blue Ribbon Housing Commission is to provide community perspectives on current housing-related issues and challenges, and to review and provide input on recommended updates to existing policies. Staff recommends the creation of the Blue Ribbon Commission to ensure a broad, inclusive, and thorough analysis of proposed housing programs and policies in Park City. Twenty-three applications were submitted and 20 were deemed complete and eligible for consideration. Applicants represent a diversity of community and professional experience, age, gender, income and tenure in the community. Seven community members are recommended for appointment.

Respectfully:

Phyllis Robinson, Public & Community Affairs Manager

City Council Staff Report

Subject: Blue Ribbon Housing Commission Appointments
Author: Phyllis Robinson, Communications and Public Affairs Manager
Date: October 22, 2015
Type of Item: Appointments- Advice and Consent

RECOMMENDATION: Staff recommends that the Mayor, with the consent of the Council, appoint the following members of the Blue Ribbon Housing Commission (Housing Commission) as recommended by the Selection Committee in alphabetical order:

1. Nicole Butolph
2. Thomas Horton
3. Ron Hunt
4. Megan Ryan
5. Mark Sletten
6. Mike Stewart
7. Glenn Wright

EXECUTIVE SUMMARY: On June 4, 2015 Council gave direction for staff to proceed with establishing a Blue Ribbon Commission on Housing as a limited term entity. The role of the Blue Ribbon Housing Commission is to provide community perspectives on current housing-related issues and challenges, and any recommended updates to existing policies. Staff recommends the creation of the Blue Ribbon Commission to ensure a broad, inclusive, and thorough analysis of proposed housing programs and policies in Park City. Twenty-three applications were submitted and 20 were deemed complete and eligible for consideration. Applicants represent a diversity of community and professional experience, age, gender, income and tenure in the community. Seven community members are recommended for appointment.

ACRONYMS USED IN THIS REPORT:
EPS – Environmental and Planning Systems, Inc.

BACKGROUND: In 1991 the Park City Chamber's Economic Development Committee set up a committee to study the issue of affordable housing. In 1991 the City adopted its first housing resolution that identified affordable housing as a growing need and established its first housing program that included up to $5,000 in fee waivers/subsidies financial assistance to encourage rehabilitation of residential structures for primary residents and to consider the need for requiring affordable housing as part of Annexations and Master Planned Developments. This resolution formed the basis of what is today's housing resolution. Another important outcome was the creation of Mountainlands Community Housing Trust (formerly known as ICHTHOS) and the development of Peace House and the Washington Mill Apartments on Daly Avenue.

The City has continued to grow and expand its housing programs and resource. Its commitment to affordable housing public policy was recognized by the Urban Land Institute when the city received the prestigious Larson Award in 2013. Similarly, the City and its nonprofits, Mountainlands Community Housing Trust and Habitat for Humanity, have developed award winning housing projects to meet a growing need and changing demographics.

Today, Park City is once again at a housing crossroads; in December 2014 the City Council elevated affordable housing to a Critical Priority level. The City is undertaking a comprehensive review and update of our existing housing programs, policies and regulatory approaches. The City has engaged Economic and Planning Systems (EPS) to assist us in this process and provide recommendations on future policies and approaches.

On June 4, 2015 Council gave direction for staff to proceed with establishing a Blue Ribbon Commission on Housing as a limited term entity. The role of the Blue Ribbon Housing Commission is to provide community perspectives on current housing-related issues and review and provide input to the city's consultant EPS on recommended updates to existing policies. The first meeting of the Blue Ribbon Housing Commission is scheduled for Tuesday, October 26 at 5:30p. It is expected that commission members will meet every two weeks through December 20, 2015 with future meetings scheduled as need. The term of the appointment is through March 31, 2016.

The goals for the Housing Commission in conjunction with the EPS study are:

- Complete a regulatory review to identify potential barriers to affordable housing development
- Determine the best approach to mitigate the impact of new construction as well as reconstruction on redevelopment on affordable housing needs in the Park City
- Assess employee generation formulae for Park City's primary employment sectors
- Examine the current formula for in-lieu fee calculation as well as the trigger mechanism for housing requirements (i.e. Annexations and Master Planned Developments) to determine the most, equitable and defensible approach(es) to mitigating the impact of new growth, and
- Identify the linkages between the city's critical priorities of affordable housing, transportation and environmental resiliency and economic development and housing's role in addressing these priorities and in furthering the city's sustainability and livability goals.

ANALYSIS: The City opened the application process for the Blue Ribbon Housing Commission on September 17, 2015. Applicants were recruited through the city website, a Park Record article and radio interviews. The commission was open to any registered voter living within the Park City municipal limits.

Applicants were required to submit a short application in response to the following questions:

- Please describe your interest in serving on the Blue Ribbon Housing Commission
- Please describe briefly any professional and/or volunteer experiences that will be of benefit to the Commission.
- What do you see as immediate needs for the City related to community housing needs?
- The application also captured demographic data including gender, age, racial identification, tenure in Park City, household income and housing tenure. Applicants were also asked to identify any known conflicts that could affect their ability to serve on the Commission.

Twenty-three applications were submitted and 20 were deemed complete and eligible for consideration. Applicants represent a diversity of community and professional experience, age, gender, income and housing options and tenure in the community.

Selection Process: Each application was assigned a number in place of the applicant's name. A four-member selection committee was created to review applications and forward its recommendations to the Mayor and Council.

- **Shellie Barrus,** Executive Director, Habitat for Humanity of Summit and Wasatch Counties
- **Scott Loomis,** Executive Director, Mountainlands Community Housing Trust
- **Phyllis Robinson,** Communications and Public Affairs Manager, Park City Municipal
- **Rhoda Stauffer,** Housing Specialist, Park City Municipal

Selection Committee members were not disclosed in advance of the selection process. This allowed the Selection Committee to review and discuss applications without external pressure. The selection committee received applications with the applicants' names and addresses redacted. Each application was assigned a number.

Each committee member ranked the applications individually and then met as a group to develop its recommendations to the Mayor and Council.

The Selection Committee recommends that the Mayor, with the consent of the Council, name the following Park City residents to the Blue Ribbon Commission on Mayor and Council Compensation.

1.
2. Nicole Butolph
3. Thomas Horton
4. Ron Hunt
5. Megan Ryan
6. Mark Sletten
7. Mike Stewart
8. Glenn Wright

Staff wishes to thank publicly Shellie Barrus, Habitat for Humanity, and Scott Loomis, Mountainlands Community Housing Trust, for their contribution of time and service in reviewing applications and participation on the Selection Committee. The Selection Committee has been invited to attend the October 22 City Council work session to present its recommendations and answer questions.

The Blue Ribbon Commission effort will result in an educated, well-vetted, public process and result that will facilitate Council direction in the future. The Commission meetings will be noticed and open to the public.

SIGNIFICANT IMPACTS:

	World Class Multi-Seasonal Resort Destination **(Economic Impact)**	**Preserving & Enhancing the Natural Environment** **(Environmental Impact)**	**An Inclusive Community of Diverse Economic & Cultural Opportunities** **(Social Equity Impact)**	**Responsive, Cutting-Edge & Effective Government**
Which Desired Outcomes might the Recommended Action Impact?	+ Balance between tourism and local quality of life	+ Reduced municipal, business and community carbon footprints	+ Diverse population (racially, socially, economically, geographically, etc.) Residents live and work locally Diverse population (racially, socially, economically, geographically, etc.)	+ Engaged, capable workforce
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Positive	Positive	Very Positive	Positive
Comments:				

DEPARTMENT REVIEW: This report was reviewed by Legal and Executive Departments.

Department Review:
This report has been reviewed by Sustainability, Legal and the City Manager.

Approve: Appoint the members of the Blue Ribbon Housing Commission as recommended by the Selection Committee. *This is the staff recommendation.*

Deny: Council could deny the staff recommendation and request staff to expand the application pool. Denying this request would have a negative impact on the timeframe for implementing affordable housing as well as miss a key opportunity to engage the community around housing in the community.

Continue: Council could ask staff to return with further information on applicants or process. Continuing this item will extend the time frame before housing can be produced to meet the needs of lower and middle income households.
Depending on the time frame this could impact the overall program time frame.

Funding Review: The Housing Commission will be conducted within the existing operating budget of the Community Affairs Department. Staff will provide support to the Commission.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Should Council not take action on this request, at this time, the process for ensuring that the City is using all avenues to meeting the impacts of development on the City's affordable housing needs will be delayed with a potential negative impact on the city's ability to meet housing needs and further the related goals of reducing Traffic and Congestion and Carbon Reduction. Staff recommends the creation of the Blue Ribbon Commission to ensure a broad, inclusive, and thorough analysis of proposed housing programs and policies in Park City.

RECOMMENDATION: Staff recommends that the Mayor, with the consent of the Council, appoint the following members of the Blue Ribbon Housing Commission (Housing Commission) as recommended by the Selection Committee in alphabetical order:

1. Nicole Butolph
2. Thomas Horton
3. Ron Hunt
4. Megan Ryan
5. Mark Sletten
6. Mike Stewart
7. Glenn Wright

PARK CITY
1884

DATE: October 22, 2015

TO HONORABLE MAYOR AND COUNCIL

The City was designated as a Municipal Separate Strom Sewer System ("MS4") under the Clean Water Act last year. In order to comply with the Clean Water Act the City must create and adopt a Storm Water Management Plan by July 1, 2015. The additional costs associated with becoming an MS4 has triggered a desire to evaluate whether the City should form an enterprise fund and associated storm water utility and associated user fee and potential impact fee to cover all or a part of our storm water system including operational and capital costs related to the City's storm water system and regulatory compliance. The contracts staff is recommending Council authorize in this staff report will assist in creating a Storm Water Management Plan and inform staff and Council on the option to create a Storm Water Utility.

Respectfully:

Jason Christensen, Conservation & Tech Coordinator

City Council
Staff Report

Subject: Storm Water Master Plan and Storm Water Utility Planning
Author: Jason Christensen, Water Resources Manager
Department: Public Utilities
Date: 10/22/2015
Type of Item: Administrative

Summary Recommendations:

(1) Staff recommends Council authorize the City Manager to execute a Provider Special Services Contract with J.U.B Engineers, Inc. for engineering services related to the creation of a Storm Water Management Plan and investigation of the creation of storm water utility; in a form approved by the City Attorney and in an amount not to exceed $88,380.

(2) Staff recommends Council authorize the City Manager to execute a Provider Special Services Minor Contract with Zion's Public Finance, Inc. for financial services related to the investigating the creation of a storm water utility; in a form approved by the City Attorney and in an amount not to exceed $29,225.

Executive Summary:
The City was designated as a Municipal Separate Strom Sewer System ("MS4") under the Clean Water Act last year. In order to comply with the Clean Water Act the City must create and adopt a Storm Water Management Plan by July 1, 2015. The additional costs associated with becoming an MS4 have triggered a desire to evaluate whether the City should form an enterprise fund and associated storm water utility and associated user fee and potential impact fee to cover all or a part of our storm water system including operational and capital costs related to the City's storm water system and regulatory compliance. The contracts staff is recommending Council authorize in this staff report will assist in creating a Storm Water Management Plan and inform staff and Council on the option to create a Storm Water Utility.

Acronyms in this Report:

MS4 Municipal Separate Storm Sewer System
RFQ Request for Qualifications
IFFP Impact Fee Facility Plan
DWQ Division of Water Quality

Background:
Park City operates a storm water system to convey water generated by storm events, snow melt, and constant seeps and springs through town and into natural stream channels. The purpose of this system is primarily to prevent flooding and damage to property and infrastructure. In 1966 the Clean Water Restoration Act was passed, creating the law commonly referred to as the Clean Water Act. The goals of the Clean Water Act included making all the waters of the United States drinkable and swimmable.

By 1987, progress had been made towards those goals, but failings of the 1966 Act were also becoming apparent. The 1966 Act had been successful in reducing the pollution load from factories and other large discreet point sources, but pollution from non-point sources such as urban settings was growing and impacting the goals of the Clean Water Act. In response to this, Congress passed a 1987 amendment to the Clean Water Act requiring certain storm water systems to obtain a Clean Water Act permit in order to operate. Smaller communities that are required to obtain a Clean Water Act permit are often referred to as MS4s. In December of 2014 the City was notified by the Utah Division of Water Quality (DWQ) that Park City will be required to obtain a Clean Water Act Permit in order to continue operations of our storm water system. In order to obtain a permit the City must create and adopt a Storm Water Management Plan. Staff requires assistance creating this Storm Water Management Plan. Staff also anticipates that the Storm Water Management Plan will identify additional staff, programs, or assets that will be required to maintain an operating permit.

Over the past five years, staff has been working on a Storm Water Master Plan. The Master Plan is in final draft form and provides an excellent inventory of the City's existing storm water infrastructure and a condition assessment on portions of the existing system. This effort also included modeling the existing infrastructure using various storm water runoff events in order to determine deficiencies in the existing system. Deficiencies include currently undersized or inadequate infrastructure, future deficiencies related to growth, and a preliminary capital improvement plan. It is important to note that this Master Plan will continually be updated as staff gains a better understanding of the existing system and develops a prioritized list of required improvements. As a result of this Master Plan effort, a Capital Budget of approximately $1,000,000 per year for the next 10 years is planned to address existing deficiencies in the system. This amount could increase and be extended beyond the initial 10 year period as staff develops more accurate and complete capital plans.

After notification from DWQ, it was determined that at an organizational level the best approach to meeting the City's new obligations as an MS4 was to reorganize and form a Public Utilities Department. This reorganization has provided for a more comprehensive approach to storm water as the Public Utilities Department has divisions for regulatory, operational, and engineering support. As part of the creation of this Department, staff has committed to investigate the creation of a storm water utility and storm water enterprise fund concurrently with the generation of a Storm Water Management Plan. A storm water utility could fund all, a part, or none of the asset management, operations, and regulatory requirements of the City storm water system. Staff needs assistance assigning costs to these options for presentation to Council, and technical financial assistance related to the creation of a utility. The creation of a Storm Water Utility is not required by the Clean Water Act, but Council may find that such a Utility provides additional funding for its goals and objectives.

It is staff's goal to propose fees for Council's consideration during the upcoming FY 17 budget cycle. If approved, these fees would take effect July 1, 2016 concurrently with the submittal of the Storm Water Management Plan.

Analysis:
Staff issued separate RFQs for Engineer and Financial services related to the creation of a Storm Water Management Plan and Financial assistance needed to create a Storm Water Utility. These tasks are ultimately intertwined and the two selected consultants will be acting as a team on behalf of the City. For that reason the proposals received were reviewed simultaneously by the same selection committee. As this was a RFQ, the selection decision was made on qualifications, with project scope and cost negotiated after selection.

The selection committee met on August 13, 2015 and was comprised of Clint McAffee, Troy Dayley, Chris Morgan, Nate Rockwood (Financial only), Griffin Loyd, and Jason Christensen. The committee first reviewed the Financial Consultant Submittals. Four firms submitted qualifications: Zions Public Finance, Shaun Pigott Associates, Lewis Young Robertson & Burningham, and Raftelis Financial Consultants, Inc. The selection committee unanimously selected Zion's Bank. Two other firms were in the running, but ultimately the committee felt that Zion's demonstrated the skill necessary for this project while also maintaining a reasonable rate for the work.

Staff has negotiated a scope of work with Zion's Bank in the amount of $29,225. This scope includes calculation of possible storm water user rates, impact fees and general financial modeling.

The selection committee next discussed the engineering.

Stantec, Forsgren Associates, JUB Engineers, Stanley Consultants, and Hansen Allen & Luce. Two of these firms submitted requested changes to our standard insurance and indemnification language. Legal has requested that for the time being, any changes to these provisions be pre-negotiated, and the RFQ highlighted this requirement. Those firms that requested changes in their submittal that were not pre-negotiated were docked points. Two firm's proposals seems to meet the qualifications and discussions focused on which firm's submittal demonstrated the most experience with Storm Water Management Plans. Ultimately the selection committee determined that JUB's submittal demonstrated the most experience with Storm Water Management Plans.

Staff has negotiated a scope of with JUB Engineers, Inc for the engineering work needed to set up a Storm Water programing, including outreach, Storm Water Master Plan, Storm Water Utility, and investigation of Utility Creation. This scope is in an amount of $88,380.

<u>Staff wishes to make Council aware that at least one change order is expected to this contract.</u> The anticipated change order(s) are driven by three items where staff currently lacks the needed information to accurately price the tasks. Since this was a qualification based selection and these services were included within the scope of the RFQ this represents in staff's opinion the best approach to securing these services. These are:

1. Public Outreach & Engagement

The Public Outreach & Engagement portion will be scoped after stakeholder meetings. Staff has structured it this way so that the stakeholder meetings will inform any additional public outreach tasks.

2. The Impact Fee Facility Plan ("IFFP") and its relationship to potential impact fees

An IFFP is required if the City choses to impose storm water impact fees. It is possible that a preliminary analysis will find that the administrative cost of this impact fee will outweigh the financial return. If this is not the case, a change order will be required to actually complete the IFFP.

3. Cityworks

Finally, staff understands that the Storm Water Management Plan that will be drafted will unavoidably create a great deal of administrative tracking and documentation in order to demonstrate Clean Water Act compliance. In order to make this process as efficient as possible staff is working to leverage a software tool that the City has already purchased and has implemented in other areas within Public Utilities. This GIS based software, Cityworks, will reduce the staff time required to implement the Storm Water Management Plan. Until the Storm Water Management Plan is in a draft form staff does not currently know the time that will be required to implement the Storm Water Management Plan in Cityworks. Once known, staff may return with a change order to implement the Storm Water Management Plan in Cityworks.

Staff is requesting Council authorization to expend $117,605 on two contracts one with Zion's Bank and one with JUB Engineering. The scope of this effort, generally, is first to generate a Storm Water Management Plan so as to comply with the Clean Water Act; and second to study and present to Council the option to create a Strom Water Utility and Fee in order to fund part or all aspects of Park City's storm water program.

Department Review:

This report has been reviewed by representatives of Public Utilities, the City Attorney's Office, and the City Manager's Office and their comments have been integrated into this report.

Alternatives:

A. Approve:

This is staff's recommendation.

B. Deny:

Federal law requires the City create a Storm Water Management Plan, therefore failure to approve the J.U.B. contract could result in non-compliance. Failure to approve Zion's Public Finance would limit exploration of a storm water utility, likely resulting in staff seeking funding from the general fund for this effort. An outcome of this enhanced storm water program will be better water quality going into our natural streams (McLeod Creek and Silver Creek). Denying this request would delay, reduce and potential eliminate improvements to the quality of the water entering these streams.

C. Modify:

Council could request a modification to the scope or reject staff's recommended consultants. Staff would discuss the impact this might have on any deadlines if Council choses to modify the recommendation.

D. Continue the Item:

Council may choose to continue this item, but prolonged delay may impact staff's ability to meet various deadlines.

E. Do Nothing:

This would have the same effect as alternative B. Deny.

Significant Impacts:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
Which Desired Outcomes might the Recommended Action Impact?		+ Managed natural resources balancing ecosystem needs		+ Fiscally and legally sound
Assessment of Overall Impact on Council Priority *(Quality of Life Impact)*	Neutral	Positive	Neutral	Positive
Comments:				

Funding Source:

Funding for these studies, future studies, and future operational/capital costs is included in the approved 5 year CIP. A future storm water fee, if approved, would provide an additional revenue source to offset some or all of the costs related to this program.

Consequences of not taking the recommended action:

Federal law requires the City create a Storm Water Management Plan, therefore failure to approve the J.U.B. contract could result in non-compliance. Failure to approve Zion's

Public Finance would limit exploration of a storm water utility, likely resulting in staff seeking funding from the general fund for this effort. An outcome of this enhanced storm water program will be better water quality going into our natural streams (McLeod Creek and Silver Creek). Denying this request would delay, reduce and potential eliminate improvements to the quality of the water entering these streams.

Recommendation:

(1) Staff recommends Council authorize the City Manager to execute a Provider Special Services Contract with J.U.B Engineers, Inc. for engineering services related to the creation of a Storm Water Management Plan and investigation of the creation of storm water utility; in a form approved by the City Attorney and in an amount not to exceed $88,380.

(2) Staff recommends Council authorize the City Manager to execute a Provider Special Services Minor Contract with Zion's Public Finance, Inc. for financial services related to the investigating the creation of a storm water utility; in a form approved by the City Attorney and in an amount not to exceed $29,225.

October 16, 2015

To: Clint McAffee, Park City Municipal Corporation

From: Matt Millis, Zions Public Finance, Inc.

Re: Storm Water User Rate Analysis

OVERVIEW OF PROPOSED WORK

Zions Public Finance, Inc. (Zions) is pleased to present the following scope of services to the Park City Municipal Corporation (the City) to calculate the City's storm water user rates, impact fees and general financial modeling. This effort will be led by Matt Millis, Vice President of the Zions Municipal Consulting Group. The total proposed fee for this project is $29,225.

PROPOSED PROJECT TASKS

Storm Water Financial Model

The approach to create the storm water financial model will be very similar to the one Zions and the City prepared for the Water utility. Zions proposes the following items be done in the financial model:

- Utilize any information and analysis previously generated to the fullest extent possible to avoid recreating data and analytics that already exist or are well understood;
- Work very closely with City staff to ensure that the outcomes are tailored to the needs of the City and are useful given the City's needs;
- Ensure that the model updates accurately and with minimal user efforts given changes in assumptions such as projects, bonding, cash targets, debt coverage ratios, inflation, growth, etc.;
- Create some simple summaries of the complex tables by grouping operational expenses, revenues, etc. into a single line or two per category and prepare a dashboard of graphics to more easily see the effects of changes in assumptions;
- Provide clear presentation of methodology, assumptions, and other factors to City staff at final delivery of the model.

Above all, the model must be easy to update quickly and accurately for testing scenarios and comparing outcomes.

FINANCIAL ANALYSIS AND MODEL				
	HOURLY RATES			
HOURS PER TASK	Vice-President $ 125	Analyst $ 80	Clerical $ 65	Fee Per Phase
ZBPF Model Review and Data Gathering With the City	5	-	-	$ 625
Create a Dashboard Report	2	2	6	800
Rewrite Formulas for Fluid Calculation	15	5	-	$ 2,275
Test and Prove Formulas	6	3	-	990
Review Meetings with the City	12	-	-	1,500
Final Review of Financial Model and Delivery to City Staff	4	-	-	500
Total	44	10	6	$ 6,690

Storm Water Impact Fee Analysis

The Impact Fee portion of the scope is divided into two phases. The first phase will review if there is sufficient justification for the City to assess an impact fee for the storm water system. This task will review the current system and capacities, nature of future storm water projects, future growth patterns, and other factors that will indicate if an impact fee is appropriate and can be justified. If the first phase determines that an impact fee is justified then the second phase will complete the impact analysis. Otherwise, the impact fee work ends with the first phase.

Storm drain impact fees are generally calculated based on equivalent surface units (ESU) that consider lot size, impervious surface area and any onsite detention as required. Non-residential units require more detailed review than residential users. The existing inventories of non-residential ESUs as well as the Impact Fee Facilities Plan (IFFP) are to be completed by the Engineers with coordination and support from Zions.

NPDES/MS4 permitting requires a capital project plan that is regulatory in nature (based on water quality and not flow). The IFFP proportionate share must reflect the regulatory related projects and cannot include those costs in the growth related portion.

Using the historic cost of existing infrastructure as well as the future value of the projects included in the six-year IFFP, a proportionate share analysis is completed and a fee is calculated. Prior to calculating the maximum legal fee, the professionals at Zions will partner with the Engineers to ensure consistency, ensure the IFFP is compliant with the Impact Fees Act, addresses Homebuilder concerns, and clearly addresses the level of service and proportionate share.

STORM WATER IMPACT FEE ANALYSIS				
	HOURLY RATES			
HOURS PER TASK	Vice-President $ 125	Analyst $ 80	Clerical $ 65	Fee Per Phase
Phase 1. Determine Feasibility of a Storm Water Impact Fee	3	3	1	$ 680
Phase 1 Total	3	3	1	$ 680
Phase 2. Facilitate Noticing Requirements	0	0	1	65
Phase 2. Information Gathering/Facilities Plan Review and Coordination	2	3	2	620
Phase 2. Proportionate Share Analysis and Calculation of Legal Maximum Fee	17	13	5	3,490
Phase 2. Written Analysis and Presentation of Findings	14	6	5	2,555
Phase 2 Total	33	22	13	$ 6,730
STORM WATER IMPACT FEE ANALYSIS TOTAL				7,410

Storm Water User Rate Policy White Paper

The storm water user rate policy will detail the policies which will guide the management of the newly created storm water utility. Policies will be clearly defined and plainly summarized. Project hours and costs for the policy white paper are included in the user rate analysis fee table located in the following section.

Storm Water User Rate Analysis

The revenue requirement analysis will project the annual revenues that the water user rates must generate over a five-year period. Revenue requirement analysis components include appropriate cash reserves, coverage ratios, rate stability and adequacy, reinvestment into the system and other factors that are important to rating agencies will be analyzed in depth. Another important revenue requirement consideration is an accurate share between users to ensure that each user class pays their fair portion of the utility costs.

The user rate analysis of the storm water system will focus on allocating the annual revenue requirements to each customer class including residential, commercial, industrial, etc., according to the impact each class places on the system in terms of storm water release per property. The total cost of the storm water system will be divided according to detention, collection facilities, administration, and billing costs. Zions will work with the City to ensure that the proposed billing method is compatible with the current Eden billing software and will help the City run test bill calculations to confirm that new bills are accurate. Ultimately Zions will work closely with the City to define the final method of cost allocation and policies that best fits the City.

STORM WATER USER RATE ANALYSIS				
	HOURLY RATES			
HOURS PER TASK	Vice President $ 125	Analyst $ 80	Clerical $ 65	Fee Per Phase
Data Gathering, Staff Interviews, Capital & Financing Costs	3	-	1	$ 440
Prepare Rate Policy White Paper	12	10	5	2,625
Develop Storm Water Financial and User Rate Model	6	4	4	1,330
Revenue Requirement Analysis	6	4	5	1,395
Cost of Service Analysis	6	2	1	975
Create a User Rate Structure	8	4	1	1,385
Prepare Written Report	10	5	5	1,975
Total	51	29	22	$ 10,125

Proposed Project Fee Summary

STORM WATER PROJECT SUMMARY				
	HOURLY RATES			
HOURS PER TASK	Vice-President $ 125	Analyst $ 80	Clerical $ 65	Fee Per Phase
STORM WATER FINANCIAL MODEL				
	44	10	6	$ 6,690
STORM WATER IMPACT FEE ANALYSIS/ PHASE 1 And 2				
	36	25	14	$ 7,410
STORM WATER USER RATE ANALYSIS				
	51	29	22	$ 10,125
GENERAL FINANCIAL TASKS*				
				$ 5,000
SUBTOTAL	131	64	42	$ 29,225

* Use of Funds Requires Approval from City

For any additional work desired by the City that is outside the scope of work detailed herein the City will be billed according to the hourly billing rates detailed below.

ZIONS BANK PUBLIC FINANCE		
Hourly Billing Rates		
Vice-President	Analyst	Clerical
$125	$80	$65

J-U-B ENGINEERS, INC.

J-U-B ENGINEERS, Inc.
AGREEMENT FOR PROFESSIONAL SERVICES

FOR

MS4 Compliant Storm Water Management Plan & Utility Project
Park City

Exhibit A – Scope of Services, Schedule, and Basis of Fee

Exhibit A includes the following provisions regarding the Scope of Services, Schedule of Services, and the Basis of Fee:

For the purposes of this attachment, 'Agreement for Professional Services' and 'the Agreement' shall refer to the document entitled 'Park City Municipal Corporation Service Provider/Professional Services Agreement,' executed between J-U-B and CLIENT to which this exhibit and any other exhibits have been attached.

PROJECT UNDERSTANDING

The project is to work with the City to set up a Storm Water program including, Outreach, SWMP, Storm Water Utility and possible Storm Water Impact Fee.

PART 1 - SCOPE OF SERVICES

A. **Basic Services** - J-U-B's Basic Services under this Agreement are limited to the following tasks. Changes may be made consistent with paragraph 13 of this agreement.

Task 100 – Public Outreach & Engagement Strategy

This item is intended to be a phased approach, Phase 1 is to define the needs for storm drainage plans includes the following. Phase 2 is intended for implementation after this initial scope.

110 Stake Holder Identification and Interview questions set up meeting. The consultant with meet with the City determine meaningful questions and to identify about 10-15 stakeholders in Park City that would be able to give helpful insight into the storm water management needs in the community.

120 Stake Holder interviews and summary report (assume 10-15 stake holders identified). The consultant will set up meetings with these stakeholders and meet with them individually. This task assumes ten to fifteen separate interviews

130 Develop initial Public Outreach strategy. The consultant will compile the information obtained in the above interviews and determine a strategy for the rest of the community. This strategy will be reviewed with City Staff.

140 JUB's Public Involvement staff will be involved with City elected officials and staff to share the City's vision and expectations for Storm Drain and for JUB to share the vision of Storm Water Management and how it applies to the City. This is associated with task 215 for educating of Public Officials.

Deliverables: Report memo and interview results

Task 200 – Generate/update Storm Water Management Plan ("SWMP")

200 Review existing ordinances statues, rules standards related to the recently completed draft Storm Water Master Plan and SWMP. The existing SWMP was generated in 2003 and will need many updates and revisions with the new permits required today. JUB will work with City staff to involve them in the creation of an updated SWMP. Existing ordinances statues and rules will be reviewed and compared to contemporary documents and recommendations will be made to the City for updates. One meeting at the City is assumed.

210 Work with staff to create new SWMP. Several tasks will need to be completed to update the SWMP.

211 Develop overall approach philosophy. With the information obtained from the Interview, JUB and City will develop an overall approach and philosophy for the Storm Water Management. This philosophy will influence all plans, goals and visions for the City.

212 Work with City to Identify Target Pollutions. JUB will review the existing two TMDLs and other documentations to determine Target Pollutants that can be reasonably addressed in this plan. One meeting at the City is assumed.

213 Establish measurable and sustainable goals in six Minimum Control Measures (MCMs). The goals must be both measurable but also sustainable for the future for ease in reporting and interaction with State, and Federal agencies.

214 Document process and rational for plan. JUB will assist the City in establishing a documenting process and rational. Effort will be made to incorporate this process into existing systems and protocol.

215 Assist the City to develop GIS as a tool to track activities. The City currently is using GIS to manage and inventory existing infrastructure. JUB will utilize GIS documenting and managing the storm water system. JUB will work with the City to incorporated forms, tracking, scheduling into the CityWorks program owned by the City. If needed JUB investigate incorporating a CityWorks sub-consultant in phase 2 of the contract.

216 Work with staff to prioritize areas, goals and activities. JUB will work with City to prioritize areas, goals, and activities in accordance with the permit requirements.

217 Provide template and training for City staff to develop SOPs. The permit requires four audiences to be educated: "(1) residents, (2) businesses, institutions, and commercial facilities, (3) developers and contractors (construction), and (4) MS4 industrial facilities.", We have intended the following seven trainings 1) Engineering; 2) Planners; 3) Inspectors; 4) Office Staff; 5)Police and Fire; 6)Public Works; and 7)Public Officials. Several trainings would be done in the same day requiring two days for JUB. JUB will work with the City to determine a format for training. Actual curriculum is not included at this point. Educating of Public Officials is intended to occur in a City Work Session attended by JUB.

218 Train various departments on implementing activities related to obligations under the SWMP and General Permit. JUB will work with City staff to discuss curriculum for training of the all city staff. Several groups will need to be trained. Actual curriculum is not included at this point. One meeting at the City is assumed.

219 Create needed checklists, forms and schedules paper. Based upon permit requirements of inspections of City facilities, JUB will work with City to determine inspections and efforts will be made. Possible involvement with CityWorks will not be included in this scope but a Cityworks sub-consultant may be considered in a second phase of this project.

220 Make Recommendations for updating ordinances and standards. JUB will work with the City to make recommendation on new and existing ordinances along with possible changes in public works standards for construction. One meeting at the City is assumed.

230 Unassigned meetings. This item includes up to five unassigned meetings for unforeseen trips to the City. It includes travel time and one hour meeting with one hour preparation or follow up per meeting.

Deliverables: Storm Water Management Plan forms, goals, SOPs, lists, for the City to insert into their SWMP. (The State requests that consultants not assemble the SWMP, but only assist). Training sessions for City departments.

Task 300 – Storm Water Utility Preparations

300 Review Current Draft Storm Water Master Plan. Many of the future projects will be build using the utility fees. An equitable schedule and rate for construction will need to be determined. JUB will work with City staff to define these parameters.

310 Using GIS digitize areas for ERU base unit and all Commercial users. The consultant will digitize 200 residential parcels as a representative sample in determining a base line equivalence for the residential fee. All commercial, multifamily, and municipal units will be digitized and compared. Information will be submitted to the City in GIS for future review and updates.

320 Identify equitable methods of imposing user fee that create incentives for Low Impact Development (LID). A review of Low Impact development standards will be made and possible modifications of the user fees and be discussed with the City staff.

325 Create a 6-year plan for projects to be completed. This plan will be created from review of the Storm Water Master Plan, Review of problem areas with City, and review of the SWMP projects. This plan will be prioritized based upon criteria determined by the City. This plan can then be used for Utility Rate calculations as well as the IFFP (if chosen) and by the City for budgeting and programing for the future.

330 Work with Zions Bank for fee structure. JUB will work with Zions Bank and the City to obtain a fee structure that takes into account Residential (4256), Commercial (359), Multi-Family (315), and Municipal (79) groups.

340 Generate user fee data based on existing City Development and customers/fee payers. JUB will assist Zions Bank in making a recommendation for the users in the city.

350 Prepare summary report. A report will be given to the City and information submitted electronically for future updates and revisions.

360 Present report to City Council. JUB with Zions bank will present findings to the City Council in a work shop meeting and in a public hearing.

Deliverables: Report and findings of the GIS work, summary of calculations. Presentation for City Council

Task 400 – Storm Water IFFP

400 There will be two phases to this task. Phase 1 is to determine the feasibility of Impact Fee after review of growth projections, and needed projects compared to revenue from the utility fund. A meeting will be held to discuss the option of Impact Fee Facilities Plan (IFFP) - go/no-go of Impact Fees. Review of Impact Fees and possibilities for implementing will be discussed with the City and Zion's Bank so that a recommendation can be made on the feasibility of an impact fee. If chosen, a contract modification will include a Phase 2 item to create an IFFP for the City to be used by Zions Bank for the creation of an impact fee.

Deliverables: memo on findings and recommendations.

Task 900 – Other items/Sub Consultants –

At this point, no sub-consultants have been identified.

910 Miles – an estimate of the number so trips has been made and mileage included in this item.

B. **CLIENT's Responsibilities** - CLIENT is responsible for completing, authorizing J-U-B to complete as Additional Services, or authorizing others to complete all tasks not specifically included above in J-U-B's Basic Services that may be required for the project, including, but not limited to:

1. Storm water flow information for the area involved.

PART 2 - SCHEDULE OF SERVICES

A. The following table summarizes the anticipated schedule for the identified Basic Services predicated upon timely receipt of CLIENT-provided information, typical review periods, and active direction during work. CLIENT acknowledges that the J-U-B will not be responsible for impacts to the schedule by events or actions of others over which J-U-B has no control.

Following your Notice to Proceed, J-U-B will complete the work for the above mentioned scope of tasks 100-400 in by the end of February 2016 as discussed (assuming Notice to Proceed given in a timely manner).

PART 3 - BASIS OF FEE

A. CLIENT shall pay J-U-B for the identified Basic Services as follows:

1. For Lump Sum fees:
   a. The portion of the Lump Sum amount billed for J-U-B's services will be based upon J-U-B's estimate of the percentage of the total services actually completed during the billing period.
2. For Time and Materials fees:
   a. CLIENT shall pay J-U-B an amount equal to the cumulative hours charged to the Project by each J-U-B employee times that employees' standard billing rate for all services performed on the Project, plus Reimbursable Expenses and J-U-B's Consultants' charges, if any.

B. The fee types and amounts for each task are presented in the following table:

Task Number	Task Name	Fee Type	Amount
100	Public Outreach and Engagement Strategies	Time and Material	$15,400
200	Generate/Update Storm Water Management Plan	Time and Material	$31,400
300	Storm Water Utility Preparations	Time and Material	$37,000
400	Storm Water Impact Fee Facilities Plan – Go/No Go discussion	Time and Material	$2,600
900	Mileage and Sub Consultants	See above	$1,980
		Total Budgetary Estimate:	$88,380

C. Period of Service: Work is to commence on November 1, 2015 and to be completed on or before November 1, 2016. Changes in Scope or inflationary compensations will be handled by a contract modification for phase 2 items as mentioned above.