



## Exhibit D – PCKAF Level Three Special Event Permit DRAFT

### SPECIAL EVENT PERMIT

Type of License:    Level One    Level Two    X Level Three  
Event Name:        2018 Park City Kimball Arts Festival  
Event Date(s):     Friday through Sunday, August 3 through 5 – Park City Kimball Arts Festival  
Event Time(s):     Set up to begin at 6 a.m. (August 1, 2018)  
                              Event to be held 6:00 to 9:00 p.m. as indicated below  
                              Breakdown complete by midnight (August 5, 2018)  
Event Location:    Main Street, Heber Avenue and Swede Alley  
Permittee:         Kimball Art Center  
Contact Person:    Allison Webb, [allison.webb@kimballartcenter.org](mailto:allison.webb@kimballartcenter.org)  
Approved By:       Special Events Coordinator        X City Council of Park City  
Approval Date:     July 19, 2018

The Park City Council has approved the Level Three Special Event Permit for the Park City Kimball Arts Festival as part of the current City Services Agreement that was executed on November 3, 2016. The Park City Kimball Arts Festival is to be held on Main Street, Heber Avenue and Swede Alley on August 3 through 5, 2018. This Level Three Special Event Permit has been issued under the authority described within the Park City Municipal Code Section 4A based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

#### Findings of Fact:

1. Park City Kimball Arts Festival & Gala will operate during the following 2018 dates:  
Friday, August 3 through 5, 2018  
Friday – 5:00 p.m. to 9:00 p.m.  
Saturday – 10:00 a.m. to 8:00 p.m.  
Sunday – 10:00 a.m. to 6:00 p.m.
2. Main Street shall be reopened to traffic and parking by 12:00 a.m. or sooner when possible on Sunday, August 5, 2018. The permittee will organize load-in and load-out for each vendor, as well as, ensure that traffic in the area continues to move during this high traffic time. The permittee is responsible for working to establish and follow parking plans. The applicant will have volunteers as well as the help of Park City Police Department to ensure that efficiency of traffic, transportation and public safety.
3. The permittee has secured permission from the school district to allow the use their parking areas at the Schools around Kearns Blvd. (Hwy. 248) throughout the event. The permittee has also secured parking at with Vail Resorts and Deer Valley Resorts.
4. The permittee will use the City's current transit schedule for attendees that use this lot. Increased transit has been scheduled during the event through the City's Transit Department.
5. The permittee is working with Park City Parking Services Department on exclusive use of City parking lots for vendors.
6. The permittee has established a weather and emergency plan and will train staff and volunteers to the requirements of the plans. The applicant has established these plans to maximize the safety event attendees, volunteers, staff, the general public. There are no weather dates for the event, but the applicant is aware that weather could interfere with the possibility of the event's proposed activities. In the case that the event were to be cancelled due to dangerous weather conditions, they would notify the general public as well as



participants in the event. The applicant understands that Park City Special Events, Police, Fire, Building Official/Fire Marshal and Emergency Management have the right to cancel or postpone the event at anytime due weather or emergency conditions.

7. The events associated with the Park City Kimball Arts Festival will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
8. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
9. There are other Special Event Permits that have been granted for August 3, 4 and 5, 2018. The table below will show in column (A) - Geographic separation of events; column (B) - Proposed time and duration of the events; column (C) - Anticipated attendance. Park City Kimball Arts Festival will not substantially interfere with the logistics and venue for any event for which a license has already been granted and with the provision of City services in support of other such events or governmental functions based on the following:

DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
August 3, 2018	Deer Valley Music Festival	Deer Valley	7:00 p.m. – 10:00 p.m.	4,000
August 3, 2018	Deer Valley Mountain Bike Munchies	Deer Valley	8:00 a.m. – 9:00 p.m.	250
August 3, 2018	Park City Mountain Resort Village Music Series	Park City Mountain Resort	4:00 p.m. – 6:00 p.m.	450
August 4, 2018	Sundance Summer Series	City Park	7 a.m. to noon	300
August 4, 2018	Deer Valley Music Festival	Deer Valley	7:00 p.m. – 10:00 p.m.	4,000
August 4, 2018	Deer Valley Mountain Bike Munchies	Deer Valley	8:00 a.m. – 9:00 p.m.	250
August 4, 2018	PCREC Volleyball Tournament	City Park	7:00 a.m. to 9:00 p.m.	350
August 5, 2018	Big Stars Bright Nights Concert Series	Quinn’s Junction	7:00 a.m. to 9:00 p.m.	3,000
August 5, 2018	Deer Valley Mountain Bike Munchies	Deer Valley	8:00 a.m. – 9:00 p.m.	250
August 5, 2018	Park City Mountain Resort Village Music Series	Park City Mountain Resort	4:00 p.m. – 6:00 p.m.	450

10. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.



11. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
12. Staff finds Park City Kimball Arts Festival is consistent with the measures as outlined in the City Services Agreement as entered into on December 16, 2017 and supports Council's goal of creating a complete community that values economic diversity, arts and culture, and a thriving mountain community. This event creates a community gathering place, encourages and supports the Historic Main Street Alliance, Park City Businesses and encourages local and regional tourism and supports continued Main Street vibrancy.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4A-2-1.

Conditions of Approval:

1. The permittee is required to provide supplemental documents including a Transportation and traffic control plan, Contingency plans, Site Identification and detailed map showing specifics of event operations as described in section 4A-2-11. Such documents shall be reviewed and approved with conditions administratively by the Special Events Manager in coordination with from the Chief of Police, Transportation Manager, Chief Building Official and Economic Development Manager.
2. The permittee is required to provide a sufficient number of traffic controllers, signs and other equipment as required by City, not limited to barriers, fencing, traffic devices, monitors for crowd control and safety, and such measures as directed by City, County or State Staff in order to ensure that any safety, health, or sanitation equipment, services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety and the environment, adequate offsite parking and traffic circulation in the vicinity of the event and other services or facilities as necessary to ensure compliance with City ordinances in a plan approved by the Transportation Director, Chief of Police and Chief Building Official in accordance with the Transportation Demand Management Plan, Park City Risk Assessment and International Building and Fire Code.
3. As according to section 6-3-11 of the Municipal Code, a permit for relief from the noise restrictions on the basis of undue hardship may be made to the Building Official as it pertains to building issues and to the Chief of Police as it pertains to special events and community or private functions or events. The permit granted by the Building Official or the Chief of Police shall contain all conditions upon which the permit has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level, or equipment limitation. The permittee shall work to orient noise activities to minimize sound impacts to the neighboring residents, businesses and public facilities. If a complaint is received by Park City Police Department, they will investigate the complaint. If asked by the Park City Special Events or Police Department, shall turn noise down to mitigate concerns of noise from surrounding residents, businesses or public facilities. The permittee shall work with City Staff to orient noise activities so as to minimize sound impacts to the neighborhoods and shall implement the following:
  - (A) The program manager, or his/her designee, shall provide on-site management for each aspect of the event.



(B) The program manager shall be responsible to ensure that the sound system maintains level adjustments not to exceed provisions of the Park City Noise Waiver for the outdoor events.

4. The permittee has agreed to return to City Council and give a debrief of the 2018 event.
5. The permittee is required to submit minimum insurance as required by state law as approved by the City Attorney's office in the amounts as indicated below.  
The permittee must name Park City Municipal Corporation as hereby an additional insure with respect to liability arising out of or in connection with KAC's activities under the Service Agreement and further indemnify the City from liability occurring at the event, except for any claim arising out of the sole negligence or intentional torts of the City or its employees as described in Park City Municipal Code section 4A-2-10 and 4A-2-4.F. It is suggested that the insurer have AM Best Financial Strength rating of at least A: VII.
  - General Liability of \$2,000,000 per occurrence / \$4,000,000 aggregate
  - Auto Liability of \$2,000,000 combined single limit for bodily injury and property damage per accident.
  - Liquor Liability of \$1,000,000 per occurrence/ \$2,000,000 aggregate
  - Proof of Workers Compensation with regard to statutory limits of \$500,000 per accident. (Please note that the City does not have to be additionally insured on this specific policy).
  - The Kimball Art Center shall require any hired security to provide a policy of general liability and auto liability insurance and name both the Kimball Art Center and Park City Municipal Corporation as additional insureds on the policy limits set forth above.
  - The Kimball Art Center shall provide proof that they require any hired security to provide proof of Workers Compensation insurance in the amount that is required above. (Please note that the City does not have to be additionally insured on this specific policy)
6. All plans for tents, stages and other temporary structures as well as flammable materials shall be submitted to the Building Department for review and permitting no later than Friday, July 27, 2018.
7. The permittee is responsible for providing volunteers during event with a volunteer plan during the event.
8. The applicant use of barricade and signage will be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.
9. All third party approvals including the Park City School District, Summit County and State permit approvals required for this event shall be secured by Friday, July 27, 2018 and submitted to Park City Municipal Corporation.
10. The permittee is required to submit an Emergency Operations plan to be approved by the Chief of Police and the City's Emergency Manager. The Park City Special Events, Police, Fire, Building Official/Fire Marshal and Emergency Management have the right to cancel event upon any condition, violation or weather that jeopardizes the life, safety or property of the residents or visitors of Park City.
11. The Applicant will provide a vendor list and sign plan for the event. All handouts, flyers, banners and other signage, shall comply with Park City Municipal's sign code.
12. Estimated City Service fees for the Park City Kimball Arts Festival in 2018 are \$152,789.60. As per section 10.3 of the City Services Agreement, the Kimball Art Center is responsible for paying \$10,000.00 towards the cost of City Services. Final financial reporting in City Service fees shall be reported in the debrief.



13. The permittee shall report zero waste statistics in pounds for the 2018 season as to allow for comparison to future years.
14. The permittee shall have non-exclusive use of the upper and lower Sand Ridge Parking Lots, as well as the Top of China Bridge, Bob Wells Plaza, Flag Pole Lot and Galleria Lot for Artist Parking. Additionally the permittee will have the right to use spaces inside of China Bridge for artist parking.
15. The permittee estimates overall attendance in 2018 will be 50,000. PCKAF shall maintain public safety, traffic and transportation impacts to the City caused by the event.
16. The permittee's use area remains the same as in years past and is attached to this permit.

PASSED AND APPROVED this Thursday, the 19<sup>th</sup> day of July, 2018.

PARK CITY MUNICIPAL CORPORATION

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City Manager, Diane Foster

Attest:

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, City Recorder

Approved as to form:

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Mark D. Harrington, City Attorney