

Resolution No. -11

**A RESOLUTION ADOPTING MEMORIAL AND COMMUNITY PROJECT DONATION
POLICY**

WHEREAS, creating community character is a top priority for City Council; and

WHEREAS, providing customer service consistent with open and responsive government is a top priority for City Council; and

WHEREAS, protecting the integrity of City property is paramount for the residents in Park City; and

WHEREAS, the City Council discussed the policy on January 27, 2011, and finds the attached policy to be in the best interests of the residents of Park City.

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

1. Policy Adoption. **The Park City Memorial and Community Project Donation Policy** attached as Exhibit A is hereby adopted.

PASSED AND ADOPTED this 2nd day of June, 2011.

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY DONATION POLICY

I. Purpose

To establish a policy for non-artistic donations proposed in public parks, facilities, open space and trails on City property or on public easements.

II. Authorization

The City Council shall retain final authority for accepting donations and/or authorizing any use of City owned property.

III. Objectives

- Ensure uniformity and a timeline for requests
- Facilitate and encourage contributions to the City
- Protect the integrity of City property
- Provide opportunities for residents to augment the provision of City services and create a vested connection to place and community
- Provide customer service consistent with open and responsive government

IV. Qualifying Donations

- Community project enhancements and/or services, such as eagle scout and youth program projects
- Memorial items, such as benches or trees
- Artistic donations **will not be considered**. PCMC has a specific donation policy for art, which is reviewed by the Art Board.
- Third party consideration prohibited. Unless specifically approved by the City Council, third parties, including non-profit organizations, may not market or include donations to the City as part of a donation or additional consideration to that party or organization. The City Council may only approve such arrangements where the consideration is used to offset costs or enhance existing services or donations directly provided by that organization to the City (such as Adopt a Trail programs).

V. PCMC 'Donation List'

PCMC has created a list of items that may represent a benefit to the community but are not currently funded within the budget. It is recommended that all proposals review this list of approved items. Donations identified on this list have a very high probability of being approved.

VI. Process

The purpose of this policy is to establish a uniform process for donations in public parks, facilities, open space and trails on City property or public easements.

The following guidelines will be used when donating items:

A. Written Proposal and Letter of Intent

A written proposal (Exhibit B) must be submitted to the Executive Office at Park City Municipal Corporation for review. The proposal submitted should include: an explanation or scope of the proposed donation; specifications, including type, dimensions, material and proposed location; estimated value of the donation; and any other pertinent information. Additionally, a draft Letter of Intent (Exhibit C), detailing the general criteria and obligations for a donation needs to accompany the proposal.

B. General Criteria

In general, the following criteria will be considered: Any existing agreements, regulations or deeds, proposal, scope, easements, utilities, existing structures, quality and/or quantity of an object(s), size, future or ongoing maintenance, public safety, estimated value, relationship to the natural environment, users of the proposed site, future development plans, landscape design, existing infrastructure, environmental concerns, visibility and accessibility and if the item is identified on the PCMC “donations list.”

All applications may be reviewed by such city agencies as Engineering, Finance, Parks, Public Works, Sustainability, Water, Recreation or Planning before making a recommendation. Should the donation be proposed for a historic building, site or district, PCMC will consult with the Planning staff and the appropriate Historic Commission. Finally, donations made on property with a conservation easement or deed restriction shall require approval from the easement holder if required per the applicable easement or deed.

The City Council shall retain final authority for all use of City owned property.

C. Timeline and Review Process

Once an application is considered complete, (verified in writing) staff will process and respond to each application within 60 days of submittal. One of the following responses will be provided:

1. Application acceptance and prepare for Council approval.
2. Application denial due to the applicant not meeting the terms of agreement of general criteria.
3. Application modification request which may include a general modification to the scope of the project

4. No timeframe shall be set for Council approval.

Location and Process

Donations will be processed appropriately within a tier system dependent on the proposals location.

Tier 1: Donations which are included in the PCMC Donations List (Exhibit G) and proposed location is within City Parks, Urban green spaces and along trail corridors (Exhibit F), may be approved administratively by a review committee consisting of Parks, Public Works, Executive and Sustainability Department staffers. The City Manager will notify City Council of any such approval, by means of a Manager's Report.

Tier 2: Donations which are NOT included in the PCMC Donations List and proposed location is within City Parks, Urban green spaces and along trail corridors shall be reviewed by City Council in a regularly scheduled work session meeting.

Tier 3: Donations proposed on City Owned Open Space, identified in (Exhibit E), must be compliant with the locations management plan, conservation easements, if any, and shall require City Council approval in a regularly scheduled meeting.

D. Implementation

The following guidelines are provided for the installation, construction or placement of any donation:

- 1. Project and Process**

This donation agreement shall be appurtenant to the following location and project: _____

- 2. Funding**

All costs including initial installation, labor and materials are the responsibility of the donor. All donations with an estimated value over \$5000 need to be reported to the Finance Department.

- 3. Installation**

Park City Parks Department will oversee and provide for the installation of all donations. Donations requiring installation services outside of the Parks Department's regular duties may require an outside contractor at the applicant's expense. Furthermore, the Parks Department shall approve final locations and the installation timeline for all donations.

- 4. Location**

PCMC reserves the right to amend and/or reject any location provided by the applicant, based on any existing agreements, regulations or deeds, scope, proposal, easements, utilities, existing structures, quality and/or quantity of an object(s), size, maintenance, public safety, relationship to the natural

environment, users of the proposed site, future development plans, landscape design, existing infrastructure, proximity to other donations, environmental concerns, visibility and accessibility and if the item is identified on the PCMC "Donations List." Unless specifically agreed to in writing, the City may, at any future date, elect in its sole discretion to remove or relocate the donation. No permanent right, title, or interest of any kind shall vest in the Donor's behalf by virtue of this agreement.

5. Vandalism & Maintenance

All normal maintenance costs are at the City's expense, however, no special maintenance and/or replacement will be undertaken. Special maintenance shall be defined as exceeding normal maintenance as determined and provided by the Parks Department. Payment will be made by check payable to Park City Municipal Parks Department. The Parks Department will replace a tree within one year of the planting of the tree but will not be responsible after two years. The City reserves the right to relocate any donation.

6. Plaques

No upright, free standing signs or plaque donations are allowed without City Council approval. The City will allow at specified sites an engraved (12"x 8") 96 square inch or smaller engraved flat stone that can be placed at the foot of a donation. Other items may have a plaque placed or engraved. These Plaques/engravings will be (4"x 4") sixteen square inches in size. Other details such as materials and wording must be approved by the City as part of the written proposal.

7. Materials

All donated benches and species of trees must be approved by the Parks Department. Materials or items not specified within this document will be reviewed and approved by the City Engineer. Trees may only be planted between May 15th to October 1st; weather permitting approved and coordinated with the Parks Department.

8. Liability

In no event shall the City be liable for value or tax assertions/claims by the Donor. The Donor(s) agree(s) to hold the City harmless and indemnify the City for any and all claims which might arise from any person, entity or corporation, resulting from the Donor's use of the City property or right-of-way for installation purposes, or arising from the Donor's performance or improvement/item donated pursuant to this policy.

9. Other

This agreement shall be in effect for the life of the donated item in accordance with generally applicable standards administered by the Finance Department.

(Exhibit B)
Written Proposal

Date: _____

Applicant: _____

Address: _____

Phone: _____

Email: _____

Scope of donation(s) *(Why and what are you submitting for this request?)*

Location *(Where are you proposing to donate the item(s)? maps, photos are encouraged. Please be specific)*

Type of Donation *(Please provide size, shape, materials, quantity of donation.)*

Approximate Cost of Donation

(Exhibit C)

Donation Letter of Intent

The following guidelines are provided for the installation, construction or placement of any donation:

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9. Other

This agreement shall be in effect for the life of the donated item in accordance with generally applicable standards administered by the Finance Department.

THIS AGREEMENT is made by and between PARK CITY MUNICIPAL CORPORATION (City) and _____(Donor(s)) to set forth the terms and conditions under which the City will permit the applicant to donate certain improvements on City property at _____ (location), Park City, Utah. Subject to the following terms and conditions of this agreement.

DATED this _____ day of _____, 20____

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Owner's Signature

Owner's Name (Printed)

Mailing Address

email address or phone number

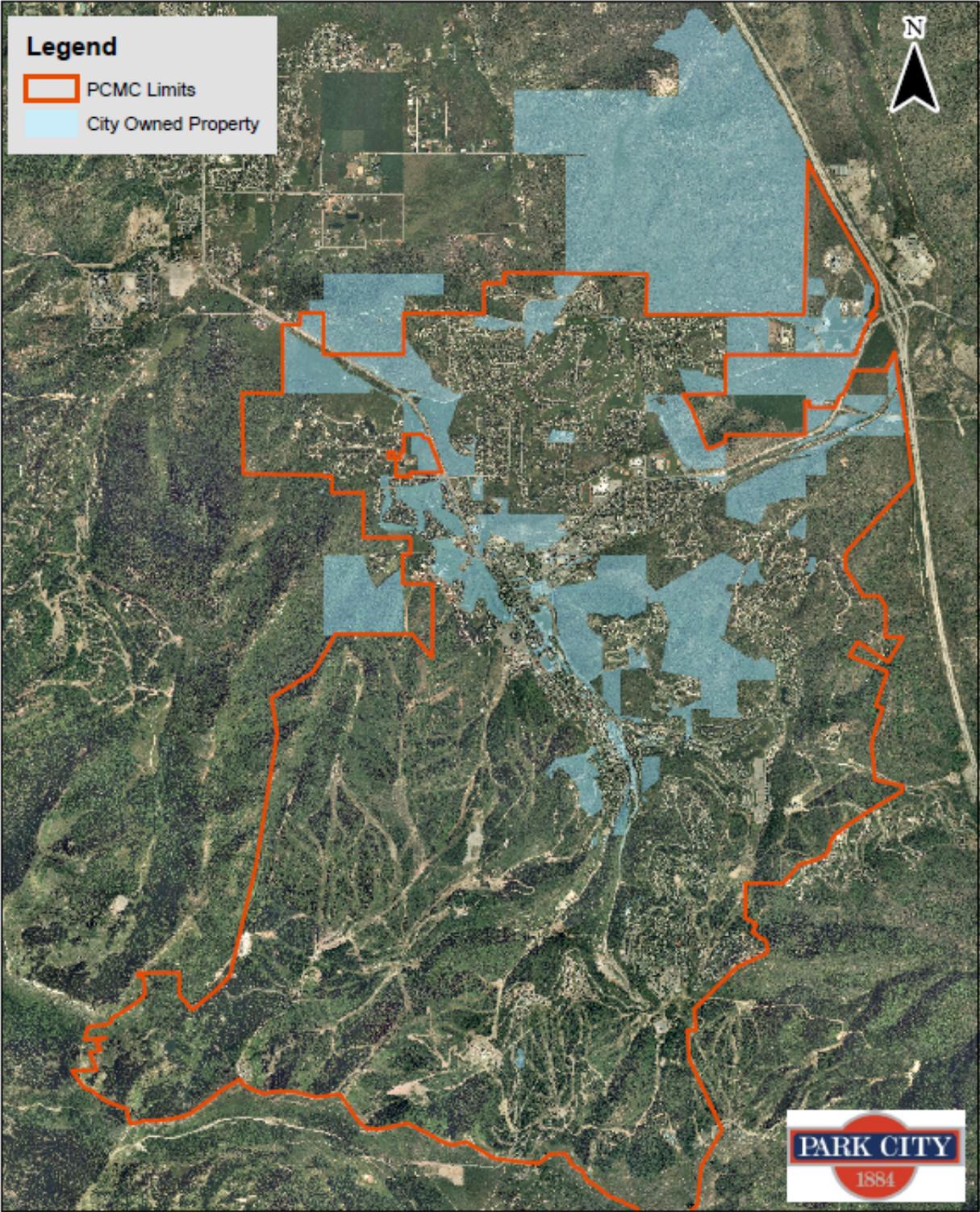
STATE OF UTAH)
 ss
COUNTY OF SUMMIT)

On the ____ day of _____, 20____, _____ personally appeared before me _____ who, being first duly sworn and upon oath, and in full recognition of the penalty for perjury in the State of Utah, did acknowledged to me that she/he is the Owner(s) of the property or, if the Owner(s) is a Corporation, that she/he is an authorized representative of the Corporation, and that she/he signed the foregoing instrument on their behalf.

Notary Public

EXHIBIT E

PCMC Owned Property



Park City Open Space (Exhibit E description continued)

1. Round Valley Open Space
2. Osguthorpe Conservation Easement
3. Armstrong Open Space
4. April Mountain/Masonic Hill Open Space
5. McPolin Farm Open Space (does not include barn structures and patio area)
6. Willow Ranch/Aspen Springs Open Space
7. Coalition Park Open Space
8. Rail Trail
9. Virginia Mining Claims/Rossi Hill Open Space
10. Iron Mountain/Colony Open Space
11. Town Lift
12. Quinn's Complex Open Space
13. PRI parcel
14. Quarry Mountain Open Space
15. Park City Heights Open Space
16. McLeod Creek Open Space (not including trail corridor)
17. Pace Open Space
18. North 40 Open Space
19. Triangle Parcel
20. Eagle Mountain Open Space
21. Huntsman Parcel adjacent to Hwy 224

Park City Urban Spaces and Parks (Exhibit F)

PARK CITY CEMETERY
CARL WINTERS
CITY PARK
MARSAC (No trees)
RACQUET CLUB
THAYNES CREEK RANCH
TRANSIT CENTER (No trees)
UPPER CHINA BRIDGE (No trees)
LOWER CHINA BRIDGE (No trees)
T.M.I. PARKING (No trees)
OLYMPIC WELCOME PARK
6TH STREET (No trees)
CREEKSIDE PARK
COALITION PARK
MAIN STREET WALK (No trees)
CITY PARK REC. BUILDING
SOUTH END OF CITY PARK
PROSPECTOR PARK
PROSPECTOR BUFFER STRIP
MAKING TRACKS
HUNTSMAN PARK
TROLLEY TURN AROUND

224 MEDIAN (No trees)
SANDRIDGE PARKING
SKATE PARK
248 MEDIAN (No trees)
ROTARY PARK (No trees)
HILLSIDE PARK
SENIOR CITIZENS CENTER
SIDEWINDER PARK
PUBLIC WORKS
MAWHINNIE PARK
HACKNEY COURT
SUNSET COURT
RIVER BURCH COURT
WHITE PINE
RED MAPLE
QUAKING ASPEN
MOUNTAIN OAK
RED PINE
QUINN'S – PARK CITY SPORTS COMPLEX
HOLIDAY RANCH PARK STRIP
COMSTOCK PARK STRIP
HILLSIDE PARKING LOT
ROUNDBOUT
BONANZA MEDIAN/PARK STRIP
Poison Creek Pathway
McLeod Creek Pathway
Crescent Tram area
Round Valley Way Trailhead
Cove Trailhead
Quinn's Trailhead
Lost Prospector Trailhead
Guardsman Pass Trailhead
Park City Recreation Center Park/Outdoor areas
Solamere Trailhead
Mid Mountain Trailheads
Lost Prospector Trailhead

DONATIONS LIST (Exhibit G)

All proposed donations must meet City specifications and be approved by the Parks Department.

- Interior Plants
- Trees
- Shrubs
- Flowers

- Picnic tables
- Benches
- Playground equipment
- Drinking fountains (existing water service must be considered)
- Doggy waste dispensers or bags
- Ball Field Conditioner
- Ball Field Bleachers
- Recreational Equipment – (ball sports, swimming, exercise, etc.)
- Soccer or Lacrosse goals or nets
- Garbage cans
- Shade Structures
- Memorial Markers
- Flags (national or municipal)
- Trailhead (tools) kiosk/informational items
- Signage (informational and without sponsorship)
- Trailhead Kiosk
- Bicycle Racks