PARK CITY WATER SERVICE DISTRICT MEETING
PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 17, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council and the Water Service District Board of Park City, Utah will hold their regularly scheduled meetings 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 17, 2002.

Closed Session

3:30 p.m. Property

Work Session

4:00 p.m. Council questions/comments
4:30 p.m. Mawhinney parking lot
4:45 p.m. Taxi licensing
5:00 p.m. Review of regular meeting
- Weber Basin contract
- Pechnik house
- Code amendments

Other meeting questions/comments

WATER SERVICE DISTRICT MEETING

6:00 p.m.

I **ROLL CALL**

II **PUBLIC INPUT**

III **MINUTES OF MEETING OF JUNE 20, 2002**

IV **NEW BUSINESS**

Authorization to the Chairman to execute the Water Sales Agreement and Water Supply Agreement with Weber Basin Water Conservancy District

V **ADJOURNMENT**

CITY COUNCIL MEETING

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF SEPTEMBER 12, 2002

V OLD BUSINESS

Construction contract for the Pechnik House remodel

VI PUBLIC HEARINGS

1. Ordinance amending the Sign Code, Title 12, of the Municipal Code of Park City, Utah

2. Ordinance amending Section 15-4-14, Telecommunications, of the Land Management Code of Park City, Utah

3. Ordinance approving a plat amendment for the property located on Lots 13 and 20 of Block 10 of the Park City Survey, 447 Main Street

VII NEW BUSINESS

1. Ordinance amending the Sign Code, Title 12, of the Municipal Code of Park City, Utah

2. Ordinance amending Section 15-4-14, Telecommunications, of the Land Management Code of Park City, Utah

3. Ordinance approving a plat amendment for the property located on Lots 13 and 20 of Block 10 of the Park City Survey, 447 Main Street

VIII ADJOURNMENT

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 24, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah **will not** hold its regularly scheduled meeting on Thursday, October 24, 2002.

Posted: 10/14/02
See parkcity.org

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 17, 2002

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

Tom Bakaly, Acting City Manager; Linda Cook, Project Manager; Mark Christensen, Grants and Budget Manager; Lloyd Evans, Chief of Police; Jerry Gibbs, Public Works Director; Matt Twombly, Project Manager; and Ray Milliner, Planner

Absent: **Council member Jim Hier**

1. **Council questions/comments.** Fred Jones complemented the Friends of the Farm on its scarecrow project at the Farm. He reported that the Olympic Legacy Task Force held its last meeting on Tuesday night where many long and short-term recommendations will be summarized by staff. Peg Bodell discussed a flyer produced for the upcoming state legislative session. Candace Erickson echoed Mr. Jones comments about opportunities to enjoy the Farm. She reported on the Board of Health and Library Board meetings. Library user fees have been reduced and the facility has been re-carpeted. The Friends of the Library should also be commended as its annual luncheon which raised over $7,000 for our facility. The Mayor thanked the OCM&B staff for the production of the citizen budget guide.

2. **Mawhinney parking lot.** Linda Cook explained that this project is highlighted every year when prioritizing capital projects and is prominent because of the number of adjacent planning uses. The City holds a conditional use permit granted by the Planning Commission. Elements of both the City Park master plan and OTIS directly affect this parcel and improvements could be included in the conditional use renewal. Fred Jones stated that it is logical to integrate a plan for the Mawhinney lot and the south end of the park and making the improvements next spring but he did not want to delay the process. Ms. Cook pointed out that there are no plans for the Mawhinney frontage property or defined elements of the bulb-out proposed for Park Avenue. Council member Jones felt that it doesn't make sense to separate these projects which should be a coordinated effort. He commented on the lack of comprehensive planning of Park Avenue although it has been a concern for many years. If the features of the project can be defined, then they can be applied to the rest of the street, but Mr. Jones expressed that he does not want to engage in a year-long planning process for the whole street at the expense of addressing this particular segment. There may be an opportunity to set the tone for Park Avenue and this area will be the focus for improvements for the street. Peg Bodell stated that Park Avenue may need to be looked at as a whole for overall design elements but that does not preclude improvements to this area. She added that she would like an overall plan for Park Avenue which considers bus shelters and narrowing the street.

Ms. Cook explained that there is some pressure to complete the Mawhinney improvements; the conditional use permit will expire October 2003. Peg Bodell asked for clarification as she did not believe the pressure is coming from the Planning Commission and understands the Commission prefers to address Park Avenue as a whole. Ms. Cook explained that some utility work is recommended as well as engineering services associated with the City Park master plan. Tom Bakaly explained that there are two plans; one is associated with the CUP application which calls for less parking than currently exists. The Planning Commission extended the timing of improvements to October 2003. The second plan includes traffic calming aspects of the revised City Park master plan which calls for more parking which may create an issue with the Planning Commission. Additionally, the contemplated walkway may require the removal of a mature tree. Staff has considered using the approved plan for the CUP and adding in traffic calming on Park Avenue and Mr. Bakaly asked for Council direction.

Kay Calvert expressed that Council has already identified Park Avenue as a traffic calming priority. Mr. Jones felt that specific designs don't need to be completed, but a plan for common elements needs to be formulated. This area should contemplate completion of traffic calming and the street-scape and Ms. Cook indicated that this direction is helpful.

3. Taxi ordinance. Mark Christensen explained that amendments are proposed for action on October 31 and staff is requesting some direction today. In 1998, the City began regulating the taxi industry and staff worked with the industry in developing an ordinance, but there have been issues. In the spring, 649-TAXI approached Council and short and long term approaches were formulated culminating with an ordinance. The main areas of concern deal with enforcement, administration, public outreach and fiscal impact. The largest and most difficult component is enforcement. In some instances, it appears best that the police enforce the ordinance and in other areas, the business licensing clerk or code enforcers. The Chief has agreed to step up enforcement which will have consequences. Mr. Christensen explained that a police officer must have probable cause to pull over a cab and he discussed situations where Salt Lake cabs may be in Park City to drop off a customer and not to solicit fares. Peg Bodell suggested that parked operators be questioned about licensing and she considered this approach as part of an outreach program. Mr. Christensen explained that police officers will not be dedicated to Main Street and the Mayor explained that other violations include operators not licensing all vehicles.

With regard to administrative controls, Mr. Christensen explained that placement of stickers on qualified vehicles will be monitored by the business license clerk either at City Hall or at the applicant's place of business. Ms. Calvert suggested that the license plate number appear on the sticker and the new design was discussed which will be displayed at the rear of the vehicle. He continued that the public outreach program will include disbursing information to Salt Lake cab companies and producing guidelines for special event organizers and the lodging association in the promotion of selecting licensed shuttles. Some people's fees will increase while others will go down. Current classifications include taxi, shuttle, or a combined taxi/shuttle with associated fees and it is proposed to combine all types in one definition, for-hire vehicles. This will result in more equitable fees but there are associated administrative costs. Since the business license clerk will be called out of the office, that position needs to be backed-up, and there will be additional building enforcement efforts estimated at about $8,500. In response to questions from Kay Calvert, Mr. Christensen explained that there are 21 companies and all renewals occur in December for the next calendar year. Ms. Erickson asked if the City can control fines for violations. The Chief of Police explained there are penalty fees for operating a business without a license and there are fines set by the court; the City doesn't have the ability to increase those fines. There was discussion about fines being considered the "cost of doing business" by offenders and that they are not punitive enough to encourage compliance when there is a demand for service. The Chief indicated, however, that the same operator can be cited with a new violation every day to compound fines. There was discussion about the negative aspects of pulling over a shuttle and inconveniencing visitors trying to get to the airport. Kay Calvert suggested the City representative calling another cab company at that point. There was discussion about maintaining a list of qualified operators to call for back-up on a rotating basis in this situation. Chief Evans interjected that although this may seem like a good public relations effort, tourists will be delayed and standing around in the cold while efforts are made to find another carrier. This is am image issue for the Police Department and the City as a whole. The Mayor recognized Gordon Cummings in the audience.

Gordon Cummings, owner of All Resort Express, admitted that he hasn't attended recent meetings. He believes the problem is the issuance of 21 licenses which is not the case in other communities and the long term companies are being penalized. The City should license only local people and companies. Mark Christensen explained that in 1998 the focus was health and safety although limiting the number of companies was reviewed. A franchise approach was considered but not pursued. Kay Calvert asked why Salt Lake companies are licensed to operate in Park City when there are local companies available. Mr. Cummings explained that his license allows him to pick up customers at the airport on a pre-arranged basis and he doesn't have a problem with that practice in Park City, but the real problem lies with unqualified people operating out of Prospector Square or Park Meadows and parking their vehicles everywhere. Mark Christensen believed many problems will be eliminated with the new administrative controls like the City applying the stickers. Kay Calvert reiterated that indicating the license number of the vehicle on the sticker would be effective as a deterrent to get around the ordinance. Chief Evans interjected that the control identification of a vehicle is the VIN because plates can be readily changed. Peg Bodell suggested photo identification for the drivers but it was pointed out that it could mean processing hundreds of employees. Mr. Christensen responded that it could be done; Salt Lake issues a certificate of necessity and narrowly limits the number of taxi companies to three and everyone else operates as a for-hire or a shuttle vehicle. Tom Bakaly advised that a franchise approach would prompt a selection process because Council would be restricting business. The City Attorney added that the Council would have to base criteria on a performance study determining the community's necessity and preference can not be given to local businesses. Mr. Bakaly continued that four years ago, the taxi companies did not support a franchise process.

He stated that there are associated costs with increased enforcement and administrative services which will appear in the budget. There was discussion on an outreach program to tourists to urge hiring compliant companies for services. Ms. Erickson felt that if Council adopts this ordinance and businesses pay increased fees, it needs to be enforceable. Peg Bodell encouraged staff to consider broader elements like parking, location and traffic and the outreach program is an important element. Mark Christensen asked for direction on cost recovery. Kay Calvert and Peg Bodell responded 100%. Council member Erickson expressed her reluctance to increase charges to businesses who have been compliant over the years and the ordinance is not tried and true. The majority of violations occur during special events when police and enforcement officers are already busy. Mr. Christensen believed that operators don't expect the City to catch every violator but there is an opportunity to tighten the ordinance and make it more realistic. It was pointed out that the increase is about $42 per vehicle a year, and Ms. Erickson clarified that her concern is that we're charging more money without guaranteeing enforcement. Chief Evans added that compliance relates not only to street enforcement but also conducting prearranged vehicle inspections, requiring him to make priority decisions on where to allocate police resources. It is helpful to receive fees to offset providing services.

Fred Jones assumed that most violations are concentrated in certain areas like Main Street. Chief Evans emphasized that there are unintended consequences with increased enforcement. He was involved with the design of the first sticker so it is as visible as possible. There is the potential of licensed operators becoming upset when mistakenly stopped by the police. Council member Jones felt fees should cover the cost of the program which can be considered next meeting. If the ordinance is supported, there needs to be reasonable enforcement and Mark Christensen stated that the legislation provides for better enforcement options and may be less demanding in future years. Mr. Jones emphasized that it is neither reasonable or appropriate to expect the public to be the enforcers. The public outreach program should only involve the special event organizations and the cab companies not the lodging association. Peg Bodell encouraged the design of the sticker to be supported by the Chief and asked vendors not to tape their advertising on public property.

4. Review of regular meeting.

Weber Basin contract. Jerry Gibbs explained that in 1996 the City, Summit County and Weber Basin entered into a Memorandum of Understanding, anticipating that the City, County and Basin would enter into a water sales contract and water supply agreement sometime during the seven year duration of the Memorandum. In June 2002, the sixth year, the City and County jointly sent a letter of understanding to Weber Basin indicating that Summit County is pursuing the ground water portion while the City is pursuing the importation project. Staff has worked very hard in negotiating the contract and agreement which appear on the Water Service District meeting agenda tonight. If adopted, they will be reviewed by the Weber Basin Board for approval. The Board has requested that Summit County send a more formal declaration that the MOU is no longer in force and that the reservation fees apply to the contract. Mr. Gibbs explained that the contract addresses reservation commitments and secondly, the agreement to purchase water. Over a three year period of time, the City will have purchased 5,000 acre feet of water. Reservation fees will be allocated toward the cost of the project which will reduce overall costs in the long term.

Pechnick house. Matt Twombly explained that on September 25, the City Council continued an award of bid to remodel this structure. Council raised questions about the disposition of the property, specifically historic significance and options for selling it. There is a finding that the house is not historically significant. The house and property were purchased with affordable housing funds which account needs to be repaid. There is an opportunity to still award the bid which expires tomorrow. He stated that staff is recommending that Council reject the bid and provide direction on alternatives on the disposition of the property. Cleaning up the property lines was discussed before a sale occurs, and Mr. Twombly felt that it could be sold with the buyer dealing with the plat. Mark Harrington interjected that it would be much easier for the City to clean up the property lines than an individual. The Mayor felt that Council needs more information in order to recover its investment costs.

With regard to pending business, Fred Jones stated that he supports staff recommendation to reject the bid for the reasons outlined. He suggested that Mountainlands Community Housing be contacted about the potential of developing employee housing on the site. That input should be taken into consideration before the house is remodeled or demolished or a plat amendment is pursued. Council concurred.

Code amendments. Ray Milliner explained that it is recommended that the Olympic language be removed from the telecommunications chapter. Amendments to the sign code are also scheduled on the agenda. Through illustration of samples, Mr. Milliner displayed two dimensions for temporary signs, one at three square feet and one at six square feet. Mark Harrington explained that types of signs should be consistently regulated for legal reasons. About a year ago temporary signs, i.e., campaign, construction and real estate signs were increased to six square feet based on the standard adopted by other cities. Despite the amendment, real estate and campaign signs are still typically three square feet. Mr. Jones believes that no one realized that the amendment was enacted and endorses going back to three square feet for temporary signs. Peg

Bodell and Mayor Williams agreed. Ms. Erickson asked if many people will be affected in retro-fitting their six square foot signs. Mr. Milliner indicated that it doesn't seem to be a problem in the real estate community; other signs affected are yard sale signs and special purpose signs and these are temporary. There was discussion about the current provision of prohibiting posting private signs on public property and Peg Bodell pointed out that she isn't concerned with neighborhood information signs. The City Attorney explained that the City can not limit the speech allowed within public rights-of-way, and opening it up to one group and not another is illegal. Fred Jones added that he is not interested in regulating the square footage of both sides of the sign surface since they are required to be installed parallel to the street. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 17, 2002

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6:10 p.m. at the Marsac Municipal Building on Thursday, October 17, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones. Jim Hier was excused. Staff present were Tom Bakaly, Acting City Manager; Mark Harrington, City Attorney; Colin Hilton, Project Manager; Matt Twombly, Project Manager; and Ray Milliner, Planner.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Colin Hilton advised that there will be meeting on OTIS on Tuesday, October 29 at 7 pm. at the Santy Auditorium with the consultants. Chief Evans invited the public and Council to the Neighbors Helping Neighbors Program scheduled on October 22 at the Santy Auditorium at 7 p.m.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF SEPTEMBER 12, 2002

Hearing no corrections or omissions, the Mayor requested a motion to approve. Peg Bodell, "<u>I so move</u>". Candace Erickson seconded. <u>Motion carried</u>,

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

V OLD BUSINESS

<u>Construction contract for the Pechnik House remodel</u> - See staff report and work session discussion. Matt Twombly understood Council's direction of rejecting the bid for the Pechnik House remodel. The Mayor requested a motion to deny. Peg Bodell, "<u>I so move</u>". Candace Erickson seconded. <u>Motion carried</u>.

Peg Bodell	Aye
Kay Calvert	Aye

Candace Erickson	Aye
Jim Hier	Absent
Fred Jones	Aye

In response to a comment made by Council member Bodell, Tom Bakaly indicated that discussion of the options for the property will be scheduled sometime in November.

VI PUBLIC HEARINGS

1. Ordinance amending the Sign Code, Title 12, of the Municipal Code of Park City, Utah - The Mayor invited the audience to comment. Hearing no input from the Council or the public, the public hearing was closed. The Mayor requested a motion to continue the hearing to October 31. Fred Jones, "I so move". Kay Calvert seconded. Motion carried,

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

2. Ordinance amending Section 15-4-14, Telecommunications, of the Land Management Code of Park City, Utah - The Mayor explained that this ordinance eliminates language dealing with the Winter Olympic Games. He invited the public and the Council to comment. Hearing none, the public hearing was closed.

3. Ordinance approving a plat amendment for the property located on Lots 13 and 20 of Block 10 of the Park City Survey, 447 Main Street - Ray Milliner explained that there has been a considerable amount of public input on this application. The property is the No Name Saloon, located at 447 Main Street and the applicant is requesting a lot line adjustment in the rear in order to construct a storage area on the roof. There have been complaints from neighbors about potential noise and commercial use impacts and staff has conditioned the plat to read, *no construction will take place in the HR-2 zone*, which results in no construction on the top of the building in the first ten feet. It is additionally conditioned that the remodel is for storage only, not occupancy. Through illustration of a map, Mr. Milliner described the HR-2 zone and the HCB on the plat. Staff is recommending approval, as conditioned; the application requires approval from the HDC and must go through the building permit process. In response to a question from Fred Jones, Mr. Milliner explained that access to the storage area is from the interior.

Chris Almon, owner of a Woodside Chalets unit above the No Name, stated that his issue is noise and he is concerned that the addition will increase seating capacity and associated impacts. Ray Milliner stated that this is addressed in Condition No. 6, *stating that no public occupation of the expanded storage area shall be permitted as part of this historic structure renovation.* Jesse Shetler, owner of No Name Saloon, reassured the Council that the this addition is strictly to expand storage; they are currently leasing storage space off-site. It was clarified for the benefit of Peg Bodell, that when there is an application for work on remnant lots, the LMC requires that the lot be legally platted. Additionally, this action will accommodate compliance with setback requirements.

Hearing no further comments, the Mayor closed the public hearing.

VII NEW BUSINESS

1. Ordinance amending the Sign Code, Title 12, of the Municipal Code of Park City, Utah - See motion continuing the hearing.

2. Ordinance amending Section 15-4-14, Telecommunications, of the Land Management Code of Park City, Utah - Peg Bodell, "I move approval of Ordinance amending Section 15-4-14, Telecommunications, of the Land Management Code and the Ordinance approving a plat amendment for the property located on Lots 13 and 20 of Block 10 of the Park City Survey, 447 Main Street". Kay Calvert seconded. Motion carried.

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

3. Ordinance approving a plat amendment for the property located on Lots 13 and 20 of Block 10 of the Park City Survey, 447 Main Street - See above motion.

VIII 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 3:30 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, and Fred Jones. Jim Hier was excused. Staff present were Tom Bakaly, Acting City Manager; Mark Harrington, City Attorney;. Fred Jones, "I move to close the meeting to discuss property". Candace Erickson seconded. Motion carried.

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

The meeting opened at approximately 4 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott

Janet M. Scott, City Recorder