PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 13, 2007

Present: **Mayor Dana Williams; Council members Marianne Cone; Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Alison Butz, Project Manager; and Lloyd Evans, Chief of Police

1. Council questions/comments. Jim Hier commented on a variety of meetings and activities he attended since the last meeting, including the Summer Tour trip. Candace Erickson thanked the election judges who contribute their valuable time to work the Primary Election. She encouraged the public to attend the scarecrow event at the McPolin Farm; tickets are available for purchase at the Library. Ms. Erickson commented on the ULCT fall conference, specifically the luncheon honoring President Hinckley. Joe Kernan complimented staff on producing the Citizen's Budget brochure and suggested including information on number of employees in departments in the future. He commented on the Summer Tour and spoke about the success of Telluride's affordable housing and electric car programs. Mr. Kernan believed that electric cars are worth pursuing and commented on the potential of powering them with solar.

In response to a question from Mr. Kernan about promoting the upcoming bond issue, Ms. Erickson explained that an offshoot of Mountain Trails Foundation is planning to promote the walkability bond. Mayor Williams relayed that the Consumer Report July issue covered electric cars; they received a poor rating with regard to efficiency, cost and handling. Marianne Cone spoke about Miners Day and the status of the bus shelter project. Roger Harlan stated that he attended a Library Board meeting for Marianne Cone, and expressed his interest in being assigned as liaison to the Library Board next year. Because of dwindling book sales, Friends of the Library contracted with a wholesaler who will sell our inventory over the Internet. Mr. Harlan reported on an 11 lot housing project concept in Kamas initiated by Mountainlands Community Housing Trust. Mayor Williams reported on the Mayor's meeting in Coalville where highway funding and sustainability projects were discussed. He spoke about a presentation on incinerating garbage to generate electricity and exploring more sites in the County for wind power.

Mayor Williams referred to the article in the *Park Record* about the Council's prior decision to remove the requirement of disclosing financial campaign disclosures prior to the Primary Election. There was discussion about not recalling the specifics of the reasoning for the amendment recommended by staff some time ago. He felt it in the best interest of voters to have campaign finance information available to the public. Jim Hier pointed out that expenditures may be encumbered but unpaid at the time of a primary election and the reporting form may have to be modified. It may make the most sense to limit disclosure to revenues. There was support to explore an amendment to more closely match state requirements.

Mayor Williams discussed meeting with the Newcomers Club where oversight of walkablility bond revenues emerged as a concern. He suggested establishing an advisory committee, much like COSAC, to make recommendations on street projects which may make voters more comfortable with supporting the bond. Roger Harlan expressed concerns that the purpose be clear that it is an advisory group. Joe Kernan felt this is a good idea and Jim Hier pointed out that COSAC works well as a recommending body. Mayor Williams felt it would be more effective to consider the amendment before the General Election. Mr. Williams reported in detail on the national mayors' conference held in Sundance on climate change during the week. He added that Tom Bakaly also attended.

2. Animal Control MOU and amendment. Police Chief Lloyd Evans explained that a year ago, Summit County introduced the revised MOU providing for animal control enforcement within the Park City limits. For over a year, an animal control officer has been assigned specifically to Park City and he feels comfortable that staffing an officer here will continue, although it is not provided for in the MOU. He referred to a matrix in the staff report illustrating the differences between the County's and the City's animal control ordinances which staff believes are not substantive. The value of adopting the MOU far outweighs any modifications to the City's ordinance to mirror Summit County's legislation.

Roger Harlan relayed that his wife is a member of the Friends of the Animals Board and he asked that she review the MOU and ordinance. He brought up a provision regarding owners proving proof of vaccination of their pets in custody in the shelter and this was briefly discussed as well as number and source of citations.

3. Interview of PAAB applicants. The City Council interviewed Puggy Holmgren and Jeanne Davison who applied to serve on the Public Art Advisory Board.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 13, 2007

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, September 13, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Max Paap, Special Events Manager; Dave Gustafson, Project Manager; and Bred Howser, Budget Analyst.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Stage 1 drought regulations. Water Manager Kathy Lundborg announced that Stage 1 restrictions have been lifted as of Saturday and a press release will be distributed tomorrow.

2. Swearing-in of Police Officer Ben Powers – Chief Lloyd Evans introduced Ben Powers and the Mayor administered the oath of office.

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

Candidate orientation - Michael Kaplan, former candidate, thanked everyone who supported him and pointed out to Council the quality of the candidate orientation organized by Tom Bakaly.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 16, 2007

Joe Kernan, "I move to approve the work session notes and minutes of the meeting of August 16, 2007". Roger Harlan seconded. Candace Erickson abstained as she was not in attendance. Motion carried.

Marianne Cone	Aye
Candace Erickson	Abstention
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

V 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")*

Award of contract to Curb-It Inc, in a form approved by the City Attorney for recycling services for the Main Street and City Park facilities in the amount of $22,101 – Max Paap explained that there will be seven cans installed on the street for collection of co-mingled material which will be sorted by Curb-It in Heber. Jim Hier, "I move we authorize the City Manager to enter into a contract with Curb-It, as described in the staff report". Roger Harlan seconded. Motion unanimously carried.

VI NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance approving a Condominium Conversion for Pod B1 in Empire Pass, Nakoma Condominiums - Planner Brooks Robinson recommended a continuance to September 20, 2007. Roger Harlan, "I so move". Marianne Cone seconded. Motion unanimously carried.

2. MFL amplified music Park City Oktoberfest on September 28 and 29, 2007 at the Town Lift Plaza – Max Paap explained that staff met with applicant Michael Kaplan in August to discuss the possibility of holding the event, and an application was submitted on August 21 which was incomplete. Mr. Kaplan applied again on August 27, 2007 with an alternative location specified at the Town Lift Plaza. The Municipal Code requires that MFL applications be received no less than 90 days before the event, however, Council has the discretion to waive this provision. The application proposes amplified music, vendors, and a beer garden. He added that the Park Silly Sunday Market holds an active MFL including an Oktoberfest celebration slated for October 14 which was approved by Council on April 19, 2007.

Candace Erickson felt that modeling this event after Snowbird's Oktoberfest, geared toward daytime activities, is not a good comparison. Michael Kaplan explained that most people will probably opt to be inside the heated tent. In response to a question from Council member Harlan, Mr. Paap advised that the applicant must comply with all outdoor amplified music regulations. The Mayor opened the public hearing.

Kimberly Kuehn, Park Silly Sunday Market, stated that these two Oktoberfests will feature the same band. She added that they met with both Mr. Kaplan and Mike Sweeney and she has no problem collaborating in the future, but PSSM has scheduled this a year in advance. Their plan was before Council in November, approved in April and the prospect of this event *takes the wind out of their sails*. They are considering a two-weekend Oktoberfest next year and possibly changing the dates.

Jules Harrison, Park Silly Sunday Market, pointed out that the prospect of approving this event would make their event the second Oktoberfest of the season. Because of this, they made an executive decision to significantly scale back on what was originally planned.

Junior Richard, technician for Mr. Kaplan's event, explained that there will be a variety of music including local musicians. He felt this is a good opportunity to test activities. Council member Harlan pointed out that the location of the stage on the open plaza will not block sound like having the stage located in the street between buildings. Mr. Richard acknowledged that sound will travel further but stated they will comply with all decibel level requirements.

With no further comments from the audience, the Mayor closed the public hearing.

Mayor Dana Williams advised Council to deny this request for no other reason than failure to meet the 90 day application requirement. He continued that PSSM has planned and marketed their Oktoberfest for six months and is being usurped by this recent application. He acknowledged the importance of special events in the community, but felt this is completely unfair to PSSM. Candace Erickson expressed that it is difficult to determine if PSSM's event will be harmed but the City Council awarded organizers an economic development grant and approving this request seems inconsistent with the intent of the City Council.

Marianne Cone suggested calling the event something else, like a *Fall Festival*. Michael Kaplan explained that he began the Park City Oktoberfest, aka Main Street Oktoberfest, in 2001 and incorporated and reserved both names. As a result, he cannot change the name of the event. He stated that he suggested combining both events on the same weekend but PSSM refused and he was forced to chose an earlier date. It is anticipated that the event will be small, attracting 200 to 400 people, and he doesn't feel it will interfere with PSSM's activities. Discussion again ensued regarding changing the name of the event, and Mr. Kaplan reiterated his argument that the name has been reserved and they can't change the name of their event. PSSM has been offered to use the name, which he felt was very gracious on his part.

Jim Hier agreed with Ms. Erickson's comments and expressed that it is difficult to anticipate the value a 200 person event would bring and feels there may be potential harm to PSSM's Oktoberfest event. There is no good cause in his mind, to waive the 90 day application requirement. Joe Kernan added that he wished more collaboration occurred between parties and described his uncertainty of the impacts of holding both events. However, PSSM has proved its success over the summer and he is inclined to deny the request.

Mark Harrington clarified that Council, not staff, has the ability to waive the 90 day requirement if there is good cause. There are two conflict provisions in the Code; one dealing with events held the same day and another regarding interference with another festival for which a license has already been granted. He encouraged framing a motion on these two code provisions. Jim Hier, "I move to deny the request for a master festival license based on the fact that it was not submitted under the criteria established for that purpose and based on Section 4-8-5(d) that the event would substantially interfere with another special event for which a license has already been granted. Based on both criteria, I move to deny processing this master festival license application". Marianne Cone seconded. Motion carried unanimously.

4. Consideration to authorize the City Manager to execute Addendum No. 1 to the Professional Services Agreement with Bowen Collins & Associates in the amount of $144,000 for a total contract value of $419,000 – Kathy Lundborg explained that fees were estimated as a percentage of construction costs. This addendum reflects true contract costs, of which $92,000 represents a master plan update. In response to a question from Marianne Cone about accounting for $35,000 categorized as miscellaneous, Ms. Lundborg explained that the amount represents a number of small tasks anticipated every year. Jim Hier described the amount as a contingency and pointed out that payments will not be made until services are rendered. Candace Erickson. "I move we authorize the City Manager to execute the first addendum to the professional services agreement with Bowen Collins & Associates". Joe Kernan seconded. Motion unanimously carried.

5. Consideration to authorize the City Manager to execute a Construction Contract, in a form approved by the City Attorney, to Action Snowplow and Lawn Care, Inc. in the amount of $129,662 – Dave Gustafson explained that four companies attended a pre-bid facility walk-through and two bids were formally submitted. Action Snowplow and Lawn Care is the recommended contractor; the landscaping will be installed as soon as possible, if approved. Marianne Cone acknowledged that the lawn is drought tolerant, but expressed her disappointment it will have to be mowed and requires a watering system. She acknowledged the post office landscaping adjacent to the area, but doesn't feels planting materials have to be the same Mr. Gustafson explained that maintenance will be minimal because the area is so small. He pointed out that the new police facility is across the street from the golf course on the entry corridor. The landscaping will merge into the post office's green area and wild flowers and grasses are planned in another section. Mr. Kernan appreciated the design of the irrigation system which appears to be very efficient. For the benefit of Roger Harlan, Mr. Gustafson expressed that Action is very qualified and installed the landscaping at Quinns Junction. Candace Erickson, "I move to authorize the City Manager to execute a contract with Action Snowplow and Lawn Care". Joe Kernan seconded. Motion unanimously carried.

6. Consideration of an Ordinance amending Title 4, Chapter 2, of the Municipal Code regulating business licensing in general – Bret Howser explained that the City

Council approved a resolution creating the Main Street Business Improvement District on August 30, 2007. Purposes of the BID included ensuring a single contractor for commercial trash collection and providing funding for business promotion. The proposed amendment requires businesses within the District to have an account in good standing with the selected commercial trash service provider before receiving a business license. Item 7 contemplates a tax of $156 per business collected with the business license fee. The Mayor opened the public hearing on Item 6.

Mike Sweeney, HMBA, thanked the City Council for providing another opportunity for the HMBA to reach its goals.

Ms. Cone asked if the cost of the City providing administrative services in monitoring business licensing, Mr. Howser acknowledged that it hasn't been calculated but felt it will be minimal.

Jim Hier, "I move we adopt an Ordinance amending Title 4 of the Municipal Code requiring businesses in the Main Street BID to have a current account in good standing with the City's chosen commercial solid waste removal service provider before the business can obtain a business license". Marianne Cone seconded. Motion unanimously carried.

7. Consideration of an Ordinance levying a tax of $156 on all businesses within the boundaries of the Main Street Business Improvement District – See comments under Item 6. The Mayor opened the public hearing. With no comments from the audience, the public hearing was closed. Jim Hier, "I move we adopt an Ordnance levying a tax of $156 per business tax on all businesses located in the Main Street Business Improvement District for the purpose of business promotion and the aforementioned adoption of the Municipal Code amendment". Roger Harlan seconded Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

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, Marianne Cone, Candace Erickson, Roger

Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kathy Lundborg, Water Manager; Jerry Gibbs, Public Works Director; Myles Rademan, Public Affairs Specialist; Craig Sanchez, Director of Golf; and J. Craig Smith, legal counsel. Jim Hier, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Marianne Cone, "I move to open the meeting". Jim Hier 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

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