PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 17, 2003

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Lloyd Evans, Chief of Police; Ken Fisher, Acting Recreation Services Manager; Matt Twombly, Trails and Parks Planner; Mark Christensen, Grants and Budget Manager; Alison Butz, Special Events and Facilities Manager

Recreation Board members Liza Simpson, Carol Shepard, Kris Beer, Rich Miller, and Bob Kwan

Randy Barton, Mountain Town Stages; and Alberto Martinez, La Casita Mexican Restaurant

1. **Joint meeting with Recreation Advisory Board (RAB).** Council member Fred Jones asked for clarification on the status of the City Park Master Plan. Tom Bakaly recalled that about a year ago, the Council reviewed a revised plan where the focus was the location of the basketball court adjacent to the skate park. Other discussion topics included designating Sullivan Road as one-way, closing off the road behind Miners Hospital, and uses at the north end. The Council directed staff to proceed with the basketball court which normally would only require an administrative conditional use approval, but because of the opposition, the project was reviewed by the Planning Commission. The Commission continued the item. The City Manager explained that this project could be reviewed by a committee of RAB and referred to the staff report. As defined, a committee is a sub-group of RAB members appointed by the Chair; a task force is appointed by City Council and could include a RAB member. Jim Hier indicated that he attended the Planning Commission meeting and understood that the Commission would like to have a liaison on the City Park Master Plan committee to advise on compatibility and growth issues. The Commission's concerns were prompted by the Boyles' testimony that the location of the basketball court will magnify the noise problems created by skaters breaking in after hours.

The Mayor felt it appropriate that the new board review the City Park Master Plan again as things have changed from its adoption in 1999 and commented that objecting adjacent property owners were aware of the potential uses in the Park when they developed their ~~rental properties~~. Kris Beer felt that RAB could review the Master Plan again as long as there is no expectation that it will be implemented this year. Peg Bodell interjected that there are areas of the park that have never been finished that are an eyesore, i.e., behind 7-11 and Vie Retreat. Instead of creating new features and revising uses, she preferred seeing these areas of City Park completed, i.e., sidewalks, gutters, curbs, bike racks, etc.

Ms. Bodell felt it important for RAB to inventory fields, including Quinns Junction and to formulate a plan for neighborhood parks. Candace Erickson believed there should be a clear plan for the north end, before curb and gutter is installed. Ms. Bodell believed there was a plan as fences and driveways were completed for a portion, but improvements ceased at the north end. Ms. Erickson again expressed her concern that the concept may change. As a new member, Liza Simpson stated that she would like to take a long hard look at the Master Plan so improvements aren't made and then torn out later. Peg Bodell clarified that she would like the parking, curb and gutter completed to finish the park. Matt Twombly believed these projects were contemplated in the original plan and in the revisions, but were not a high priority. There was discussion about designating areas for certain age groups and the Mayor expressed concerns about tearing out perfectly good facilities and constructing them again somewhere else. The issues won't be resolved, but relocated.

Fred Jones believed that as a Planner Commissioner and City Council member, he has looked at the City Master Plan at least three times and none have been executed. He asked that RAB look at the Master Plan before any more consultants are hired. He didn't feel it appropriate to drive recreation uses by lack of enforcement. If there are problems created by people using the skate park after hours, that should be remedied and our recreation needs should not be compromised. Recreation Board member Bob Kwan asked for clarification about accountability and authority in executing a plan. The newly formed board will have new ideas. If Council is asking the board to completely revise the Master Plan, that is going to take more time to implement but if there is consensus on some features, those can proceed. Dr. Kwan believed it would be helpful if those projects are clearly identified before RAB considers any issues. Fred Jones also asked for clarification as he recalled the prior board passed on recommendations that the Council endorsed. Tom Bakaly explained that the board used a consultant to revise the plan and presented it to Council a year ago. Because of some concerns, the Council did not adopt the revised plan, however there was Council consensus to relocate the basketball courts in the skate park area. There was discussion about involving the Planning Commission in the planning effort for City Park. The Mayor stated that he doesn't care if the basketball court is built this year and prefers that the new board look at it. Jim Hier referred to Dr. Kwan's question about implementation of the plan and agreed that it has been a problem in the past. He felt it is the Council's responsibility, not RAB, to direct staff to implement the plan once it's developed. Candace Erickson and Peg Bodell agreed. Ms. Bodell stated that the original process was flawed because staff believed that all recommendations of the Wikstrom report needed to be incorporated. She recommended that RAB revisit that report and form a task force on capacity and uses since the public was not involved. The Mayor believed that a committee would be more appropriate to address the Master Plan and could hold public hearings. Ms. Bodell added that surveys could also be used. Kris Beer emphasized that many public forums were conducted on the City Park Master Plan.

The City Manager reiterated that the past board presented a revised City Park Master Plan a year ago. The City Council accepted portions of it and the Planning Commission is raising concerns about the basketball court, which was part of the approval; he asked for direction from Council. As liaison to the board, Candace Erickson agreed with Ms. Beer that there were public meetings and input. There are pieces of land, like the south end, where uses are unidentified and she questioned the concept of placing intense uses next to each other, as problems compound geometrically. Ms. Erickson would like the board to look at uses like basketball, which may have to leave the park. City Park can't accommodate everything for a growing population with growing demands. She agreed that the court can wait. Liza Simpson added that maybe one of the neighborhood parks could be a basketball court and also felt that too much as been crammed in City Park.

Rich Miller acknowledged that this discussion is focusing on individual issues; he hoped that board policies would be addressed and that Council provide direction on whether specific tasks be dealt with through a task force or committee. He suggested that basketball be a task force and perhaps appoint a Planning Commissioner. Council concurred to withdraw the application. Mr. Miller continued that a lot of time and effort was spent on the location of the basketball court and a lot of input rendered. The south end of the park has been an eyesore for years and there was an effort to move adult activities away from the children's area so it could be expanded. There was a lot of thought invested on this concept before it was voted on by the board. Other ideas included a practice area for beginners and a shade component which is necessary at the skate park. Kay Calvert pointed out the benefit of Mr. Miller sharing information with the new board and task force members. The Mayor suggested forming a task force to render recommendations on the City Park Master Plan within a few months. Kris Beer pointed out that a new task force with a Planning Commissioner, newly appointed RAB members, and citizens may take more time to understand the Master Plan than this group and they may have a more difficult time in reaching consensus. Jim Hier suggested forming a hybrid committee by way of recruiting external members. There was discussion about the semantics of describing groups.

Liza Simpson suggested that RAB hold its first meeting and report back to Council. Candace Erickson pointed out the necessity of Council prioritizing projects for RAB and Ms. Simpson agreed that communicating what needs to be addressed immediately is important. The Mayor indicated that ice is his choice but it was pointed out that nothing can be done on this project at this juncture. Jim Hier stated that there is funding set aside for youth but no criteria formulated for its disbursement and there was consensus among Council that this is a high priority. There was discussion about a task force for the Farm trail head. The City Manager clarified that *task force* recommendations, like an inter-local agreement on ice, for instance, would be presented to Council and not RAB. Peg Bodell stated that her first preference is neighborhood parks and establishing a policy and criteria for selection. There was discussion about establishing a philosophy about the purpose of the Racquet Club and creating a maintenance program supported by

RAB. Council felt this is a medium priority. Fred Jones suggested rating the following priorities high based also on timing: youth issues, neighborhood parks, City Park as well as BMX. The Racquet Club and trails are on-going but may not need immediate attention. Council agreed. There was discussion about the need for BMX parks.

In response to a question from Ms. Beer regarding exploring neighborhood parks, Council indicated that types, use, location and a list of existing parks would be useful. Peg Bodell felt it would be helpful to identify needs and to encourage residents to generate the use, gaining stewardship of the project. Also, playgrounds in neighborhoods and partnerships for purchasing property was mentioned. There was discussion about proceeds from the $4 million parks bond being limited to development of parks not acquisition of property for parks and the open space bond monies can not be spent on parks. Jim Hier asked for funding options so that an amount can be budgeted based on availability. Tom Bakaly clarified that ice and parks bonds were issued in 2001 and were originally intended for City Park and an ice facility. Language was added for improvements to parks on existing City-owned land, but not acquisitions. The open space bond was worded in such a way to avoid confusion among voters on the parks bond.

In consideration of the success of the World Series softball tournament in town this year, the Mayor indicated that development of a fields complex should be addressed. Fred Jones felt that the planning for the Quinns Junction complex needs to be completed first. In response to a question from Bob Kwan about existing task forces, the Mayor responded that ice and the Farm trail head groups exist and the Gillmor Parcel and the sewer treatment plant are not organized. It was Council's feeling that proceeding with the sewer treatment plant appointees is not needed at this time. Colin Hilton suggested representation from softball and soccer, etc. for the Gillmor Parcel task force. Fred Jones added that School District participation would also be appropriate. Peg Bodell suggested moving ahead on the Sullivan Road one-way proposal. It was agreed that six is a good number for subcommittees, i.e., golf and tennis and the *friends* groups will report directly to Council but could report to RAB on programs. Kris Beer felt that RAB should not only be informed but involved in recreation-related programs and projects. The City Manager suggested that Council refer appropriate projects to RAB. There was agreement that a liaison from RAB could sit on a *friends* board for communication purposes. Dr. Kwan expressed that groups can result in layers of delegation by having *friends* groups directly reporting back to Council. He pointed out that RAB members have volunteered to assist and may be a reasonable resource for Council to process information. Jim Hier explained that *friends* groups now report to staff and Bob Kwan suggested that RAB hold its first meeting to discuss this issue. Liza Simpson pointed out potential duplication of efforts with groups because of lack of involvement and/or communication. The Mayor cautioned RAB members about the level of time commitment involved with committee work . He thanked them for their input.

2. Council questions and comments - Candace Erickson reported on second home property owner and Internet filtering legislation which is being monitored by the ULCT. The Museum has started its walking tours again. Peg Bodell brought up the standardized application form for boards and suggested that information about various groups be condensed for easier reading. She complimented staff on the water quality report. Mayor Williams introduced Aziz Kurdi, a new employee. He commented on the girls softball tournament and thanked the Senior Citizens for sending a package to soldiers serving oversees. On August 14, Fannie Mae will be in Park City to present Mountainlands a national award for the Holiday Village Apartments project.

He suggested that Miners Park be considered as an art park as he received input that the Coalition Park would not provide enough exposure. Mark Harrington advised that it is contemplated that display of art would be included in the music section of the Municipal Code. The Salt Lake ordinance was used as a model, which is very broad and includes the entire downtown area and staff can narrow or broaden legislation. Fred Jones pointed out that there is very little space on Main Street for patrons and Peg Bodell agreed that there are limited spaces to sit and rest. Park City is much different than Salt Lake. It was decided to schedule this for work session discussion on July 31 and a public hearing and possible action on August 14.

3. Council compensation and expense reimbursement. After speaking with Council members about compensation during the week, Mayor Williams recommended moving ahead with offering family health insurance to members and forming a *blue ribbon* task force on council compensation. Kay Calvert asked for clarification on *blue ribbon* and he explained that outside elected officials volunteered to serve on this committee. Jim Hier felt it would be beneficial to include citizens. The Mayor added that a comparison with other communities on the amount of time devoted to city business and the associated cost of living be conducted. Fred Jones advised that the insurance component should be a part of that discussion as it is all money and Jim Hier agreed. Peg Bodell stated that the expense reimbursement policy has been unclear in the past and there shouldn't be any confusion. There should be orientation for newly elected officials for training on City equipment like the copier and consideration for reimbursement for cell phones, etc. Input from Council members should be solicited from the task force. She hoped that this could be resolved in a timely manner for Council candidates. Jim Hier felt reimbursement guidelines for Council should be consistent with the policy for City employees. With regard to Internet expenses, Fred Jones asked for technical input on producing packets electronically and providing a laptop or computer to members. There was discussion about the need to still provide a paper copy.

Mark Christensen understood direction to be that the task force would be appointed by Council to study compensation, equipment (including Internet) and office space. The reimbursement and travel policies will remain the same. Peg Bodell brought up child care and Mr. Christensen explained the 125 Cafeteria Plan available to employees to budget for day care expenses with pre-taxed dollars. There was discussion about providing elected officials with a child care benefit not offered to employees, and Council decided to include it as a consideration for the task force. With regard to checks and balances for reimbursement of travel expenses, the City Manager suggested appointing the Mayor or other members to approve submissions. There was agreement to have the Mayor approve travel, and in an emergency, the City Manager. Peg Bodell suggested that the Mayor have a car allowance. In the interim, the City Manager asked for support of remaining provisions of the reimbursement policy. A work session on forming a task force was scheduled on July 31.

4. Review of regular meeting:

Outdoor music at LaCasita. Randy Barton of Mountain Town Stages referred to an email he sent to Council members and stated that a stage has been constructed and music programmed for the past two weeks through a temporary approval. He is now requesting that this location be a part of the outdoor music ordinance so that it can be programmed the rest of the summer. He acknowledged the requirement of a sound study and assured Council it would be produced by tomorrow before the performance begins. Mr. Barton requested approval contingent on a positive report from Spectrum Engineering. Alison Butz added that the study will analyze sound impacts from a third stage in the lower Main Street area. Mark Harrington expressed that he is somewhat uncomfortable recommending approval until the study is received but could craft conditional language which is not his first choice. The Mayor strongly felt that Council move ahead appropriately because of potential and past litigation and the study is a critical component. Jim Hier pointed out business like conditional use approvals and other actions contingent on staff approval and asked why this is different. The City Attorney advised that the public will not be aware of the study or have an opportunity to dispute the results of the study in a public meeting session by way of delegation to staff. On the other hand, the study is not entirely new but augments an existing sound analysis. In response to a question from the Mayor with regard to potential liability because of a conditional approval, Mark Harrington explained that the stage has been in operation for three weeks, but not active at the same time as performances in other locations. Jim Hier felt that the parameters could be introduced at the public hearing and the City Attorney agreed that Council could assess public testimony at that time.

In response to a question from Candace Erickson, Alison Butz explained that the original study monitored noise levels in certain areas including Park Avenue, Main Street and sections of Old Town. The sound engineer considered location of the stages, maximum decibel level, the structures and traffic between emanations, and impacts to the neighborhoods. Adding one stage to another limited at 90 decibels only increases the measurement by three with the same type of noise and distance. She continued that the sound will be monitored and the neighborhood surveyed. Peg Bodell expressed concerns about dueling bands and reported a conflict with the performance at La Casita and music at an adjacent restaurant last weekend. In response to a question from Kay Calvert, Alison Butz indicated that she has not received complaints from condominium owners in the area. Alberto Martinez, owner of La Casita, stated that live music has increased his summer business substantially.

See regular meeting minutes.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 17, 2003

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, July 17, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Alison Butz, Special Events and Facilities Manager; Mark Christensen, Budget and Grants Manager, Michelle Barrus, Special Events and Facilities Coordinator; Kathy Gammel, Water Manager; and Ron Ivie, Chief Building Official.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter not scheduled on the agenda.

Town Lift - Sally Elliott, representing the Main Street Business Alliance, reported that the merchants are pleased that the Mountain Resort has agreed to operate the Town Lift this summer and are working on other attractions for summer visitors.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV PUBLIC HEARINGS

1. Ordinance combining the southerly 12 feet of Lot 32, Block 76, Millsite Reservation with Lot 3 of Anchor Development Second amended plat, and approving a right-of-way vacation of approximately 211 square feet of platted, unbuilt Ridge Avenue and combining said 211 square feet with the above described lot (aka 83 King Road, Park City, Utah) **(motion to continue to a date uncertain)** - The Mayor requested a motion to continue. Fred Jones, "I so move". Peg Bodell seconded. Motion unanimously carried.

2. Amendment to Title 4, Chapter 8A, Outdoor Music, to allow an additional stage at LaCasita Restaurant, 710 Main Street - See staff report and work session notes. The Mayor opened the public hearing.

Alberto Martinez, owner of La Casita Mexican Restaurant, stated that providing live music for patrons has increased his business by 35% compared to numbers last year.

Jim Hier discussed continuing the item and expressed confusion about how to proceed in consideration of the lack of sound engineering information on bands playing at the same time. Alison Butz explained that the on-going monitoring is conducted by staff trained on the noise meters but acknowledged that it is not a sound analysis. She explained that Spectrum Engineering can perform an analysis, but probably not as early as tomorrow. Kay Calvert asked if the engineer has to be there if the modeling information in on-line and Peg Bodell brought up potential conflicts with other businesses and residences. Ms. Butz added that if the City receives complaints, staff is authorized to reduce the decibel level by three and again by three if the problem is not rectified. If the situation persists, the ordinance would be brought back to Council. Jim Hier stated that the item could be approved based on staff approval of the data. Fred Jones indicated that the information needs to be provided in a reasonable time frame for adequate review prior to the performance. The Mayor invited further input.

Ed Fraise, Mountain Town Stages Board member, stated that he can answer any questions. Hearing no further comments or questions, the Mayor closed the public hearing.

V CONSENT AGENDA

The Mayor read the Arts and Culture resolution into the record. With regard to the bond resolution and COSAC's recommendation not to reimburse a portion of the McMillian purchase with bond proceeds, Fred Jones requested that this matter be scheduled for an upcoming work session, especially in light of the earlier discussion on funds available to purchase parks land. The City Manager explained that the issuance allows for reimbursement of the McMillian purchase and Mark Christensen explained that the bonds won't be sold until September, allowing time for further consideration. Jim Hier, "I move approval of the Consent Agenda". Candace Erickson seconded. Motion carried unanimously.

1. Resolution proclaiming the month of August as Art and Culture Month in Park City, Utah - See attached.

2. Resolution authorizing the issuance by the City of up to $5,000,000 aggregate principal amount of General Obligation Bonds; fixing certain maximum terms for the Bonds; and providing for related matters - See staff report.

3. Authorization to staff to execute a contract with Cache Valley Electric for the construction of Park Avenue bus pull-out and crosswalk in an amount not to exceed $82,500 - See staff report.

VI NEW BUSINESS

1. Amendment to Title 4, Chapter 8A, Outdoor Music, to allow an additional stage at LaCasita Restaurant, 710 Main Street - See staff report, work session notes, and

public hearing. The City Attorney distributed an amended draft of the ordinance. Jim Hier, "I move that we approve an Ordinance amending Title 4, Chapter 8 of the Municipal Code regulating master festival licensing by amending Sub-chapter 8A, regulating public outdoor music plazas, with the modification in the second relined paragraph (recital) to add "*Whereas, (the approval will be) conditioned upon staff approval of an update to be provided by Spectrum Engineering by July 18, 2003 stating that the addition of a third stage does not increase the impact to the adjacent residential neighborhood*". Peg Bodell seconded. Motion unanimously carried.

2. KPCW lease for space located in the Marsac Municipal Building ~~and public service contract~~ - Alison Butz distributed a draft of the special service contract which is an attachment to the lease. In return for a rent reduction, the special service contract reflects the services the City receives from KPCW. The term is one year with an option to renew for two additional years. In exchange for the City's contribution, the community receives public safety information, public service announcements and emergency information. The public service contract application has been submitted to the Council grants subcommittee. There was reference to minor corrections. For the benefit of Peg Bodell, General Manager Blair Feulner explained that the north doors are handicap accessible but not used as a public access. There was discussion about designating the west doors, rather than the north doors, as the primary entrance for KPCW in the lease and a second access to be determined by the City Manager. Mr. Feulner explained that KPCW does not sublet space to KCPW which is part of Community Wireless, but holds a different FCC license. Fred Jones, "I move to approve the lease as amended". Jim Hier seconded. Motion carried unanimously.

3. Authorization to staff to enter into a professional services agreements with Hansen Allen and Luce, and Montgomery Watson Harza for general water engineering, inspections, and planning for the Park City water system in a shared amount not to exceed $450,000 - Kathy Gammel explained that these contracts have expired and staff is recommending renewal. In response to a question from Mayor Williams, Ms. Gammel explained that proposals for the Spiro filtering project will be before Council sometime in August and she also reported on work on the Judge Tunnel. Kay Calvert, "I move to authorize staff to enter into a professional services agreements with Hansen Allen and Luce, and Montgomery Watson Harza for general water engineering, inspections, and planning for the Park City water system in a shared amount not to exceed $450,000".. Jim Hier seconded. Motion unanimously carried.

VII OLD BUSINESS

Fee waiver for ~~12~~ 22 affordable housing units located at 555 - 557 Deer Valley Drive Subdivision - Mountainlands Community Housing Trust - See staff report. Michelle Barrus explained that the staff report has been rewritten so that fee categories are identified. She pointed out that each structure has two units for a total of 22 units. Building fees amount to $23,639 and impact fees at $91,609. Mountainlands submitted a formal request for a waiver of the building permit fees, impact fees, and an additional $5,000 per unit consistent with Resolution No. 18-99, totaling $110,000. She referred to Code sections and clarified that Council can waive building fees, and up to $5,000 per unit for impact fees. A waiver of water impact fees, because the water fund is an enterprise fund, must be reimbursed and staff is recommending using the affordable housing fund, which now totals about $425,000. Council can grant a partial waiver, excluding water impact fees in the amount of $58,410, a full fee waiver in the amount of $115,149 with reimbursement to the water fund, or a full fee waiver and in addition to that, grant $110,000 in financial assistance from the affordable housing fund. The Mayor stated that there has been an on-going commitment to the community that new development pay its own way for water. Ron Ivie explained that there has never been a total water waiver but the $5,000 assistance per unit concept has covered a portion of water impact fees for some projects. In response to a question from Kay Calvert, the City Manager explained that about half of the money in the affordable housing account comes from the RDA and the other half is in-lieu-of fees; unused funds roll over each year. He reiterated that Council can waive all fees, including all building and impact fees in the amount of $115,249 and direct staff to reimburse the water enterprise fund in the amount of $56,000.

Jim Hier felt it prudent to reserve a portion of the affordable housing fund until a strategy is formulated to provide funding to initiate a project rather than at the end. Fred Jones agreed that it is a good idea to *front-end* projects. Candace Erickson stated that the water concerns her but since there is available funding and no other requests, and considering that affordable housing is a prime objective, and Mountainlands has a special service contract for providing these types of services, she is supportive of a total fee waiver. Peg Bodell felt there may be housing opportunities with existing stock in the community. Mr. Hier asked that this be scheduled at an upcoming work session. In response to a question from Kay Calvert, Tom Bakaly stated that Aziz Kurdi is the manager assigned to affordable housing and he will be contracting consulting services.

Kay Calvert, "<u>I move that we approve a full fee waiver for the 22 units located at 555 Deer Valley Drive in the amount of $115,248.92 and reimburse the water fund from the in-lieu-of fees' portion of the affordable housing fund</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

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 2:30 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Fred Jones, "I move to close the meeting to discuss property and litigation". Jim Hier seconded. Motion carried unanimously.

The meeting opened at approximately 3:20 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

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Janet M. Scott

Janet M. Scott, City Recorder