**PARK CITY COUNCIL MEETING MINUTES**
**445 MARSAC AVENUE**
**PARK CITY, SUMMIT COUNTY, UTAH 84060**

**May 11, 2017**

The Council of Park City, Summit County, Utah met in open meeting on May 11, 2017, at 1:30 p.m. in the City Council Chambers.

Council Member Beerman moved to closed the meeting to discuss property, personnel and litigation at 1:30 p.m. Council Member Henney seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

## CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 3:03 p.m. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

## WORK SESSION

**2017-18 City Manager's Recommended Budget: Presentation and Review:**
Jed Briggs and Nate Rockwood, Budget, presented the City Manager's recommended budget for adoption in the regular meeting. Briggs stated that in the four upcoming meetings, they would discuss the budget and provide opportunities for Council input and direction prior to final adoption in June. Briggs gave a background on budget strategies and explained how the budget was determined. He stated the Results Team evaluated City programs against the Strategic Plan, the strength of the request, need and available resources and performance. Briggs explained the City's two-year budget cycle, which was currently in the off year. Rockwood stated that staff based the budget on Financial Impact Assessment Report (FIAR) projections in January which indicated sales revenue would be 7% above 2016-17. He stated that the actual would be approximately 10% above 2016-17, which translated to approximately $400,000 in the General Fund, $270,000 in the Additional Resort and $300,000 in Transit. Rockwood explained these could now be included in the tentative budget. Briggs reviewed the 2017-2018 Budget Summaries, and noted a 7.2% increase, mainly in the Transit and Parking Funds due to increased Transit Tax and associated operating expenses. Briggs clarified that all of the numbers presented for 2017 were year-to-date and not yet actual. Briggs previewed the Operating Budget and noted the Benefits Committee

recommended a 4% increase in Health Insurance over the 2017 fiscal year, which was lower than in typical years; and Pay Plan Committee recommendation for a 2% increase to pay grades dependent on the performance review process. He reviewed utility increases, technical adjustments and net discretionary increases and presented the total recommended increase over 2016-17 of $1.4 million.

Rockwood reviewed the Capital Improvement Plan (CIP) and explained that it evaluated projects and funds, and was divided into funding categories flexible, semi-flexible and inflexible. He stated they were evaluated on criteria, scored and evaluated by the committee to meet Council priorities. Rockwood stated that the five-year CIP recommended $332 million in funding, which included Water, Transit, RDA, anticipated debt, and the $38 million Bonanza Flat bond. He explained this included federal grants for Transit and potential projects funded by the County's transportation initiatives. He stated that $20 million would transfer to the General Fund, and noted that approximately $2.5 million of that number would go toward ongoing capital replacements. Rockwood explained that construction costs were rising nationally, and expressed concern that current project estimates would be lower than actual building costs. He cautioned Council to expect higher costs for current building projects and recommended strategies to react to market and budget challenges: delayed or reduced scope of projects; he additionally recommended evaluating cost and funding of each project on a case-by-case basis. He cautioned against covering these cost increases from the General Fund.

Rockwood presented New Recommended Projects and stated that these had been discussed in previous meetings. He highlighted the Public Utilities Building, Bus Rapid Transit (BRT) signage, electric busses and electric charging. Rockwood presented projects that were Not Recommended for funding this year., Rockwood stated equipment replacement costs for rolling stock continued to rise, and the Fleet Committee continued to evaluate and control the fund. Council Member Matsumoto asked why the McPolin Barn Seismic Upgrades were presented in parenthesis. Rockwood responded that the project was complete and the remaining balance was represented as negative because it would be returned to the fund to be reallocated toward other projects; this was also true for the Building Permit software. Rockwood stated that Asset Management remained steady and recommended that it continue in the future. Council Member Gerber asked how traffic calming tools fit into Transit budget and initiatives. Rockwood distinguished between traffic planning and management covered by the Transit Fund, and neighborhood needs, such as stop signs, that would be provided through Engineering. Rockwood concluded his presentation and explained that future meetings in May and June would cover specific aspects of the budget to be reviewed by Council in greater detail. He welcomed Council questions.

Council Member Henney asked why rolling stock replacement costs were covered by the General Fund and not by departments. Rockwood responded that Enterprise Funds covered all rolling stock other than those in Transit, Water and Golf. Council Member Henney noted that the $155 million for Water projects was a large component of the

$330 million five-year CIP, and asked how the CIP Fund would adjust when these projects were completed, and if staff had any way of predicting a decrease in CIP funding. Rockwood replied that the Water Fund had its own 30-year model that predicted calming once Clean Water Act, build-out and demand needs were met. Rockwood explained that FIAR evaluated the General Fund and transfer to the CIP from the General Fund, and other funds, including Water, were not included. Council Member Matsumoto stated that things would calm down if new buildings and programs were not pursued. Rockwood responded that slowing Capital campaigns would slow the need for Capital funds, but stated that he saw a greater need for infrastructure growth and improvements. He felt that past and current projects were successful and the City had strong capital asset ability in the future. Council Member Henney complemented the City's infrastructure and reminded Council that 80% of revenues came from second home owners or tourism. Council Member Henney raised the Council priority of affordability and stated that the City and County had discussed the need for property tax increases, adding that he predicted an interesting conversation in the near future about affordability vis-à-vis Park City's 'bang for your buck' amenities.

**Police Complaint Review Committee Interviews:**
Mayor Thomas and the Council interviewed Mellie Owen and Roger Strand for the Police Complaint Review Committee. Mayor Thomas informed the applicants that they would hear of the Council's decision in a few days.

Council Member Gerber moved to close the meeting to discuss property, personnel and litigation at 3:55 p.m. Council Member Beerman seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

## CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 4:25 p.m. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

## WORK SESSION (CONTINUED)

**Council Questions and Comments:**
Council Member Worel indicated she met with the Promise Advocates and mentioned that the Latino Art Festival would be held at the Park City Library June 3rd, and starting June 5th Mountain Town Music with Latinos in Action would host a concert series in City Park Monday nights in June. She stated she met with the Mental Wellness Alliance, and their new coordinator Aaron Newman. She stated Communities the Care sought a coordinator. She stated Newman had initiated a work group for Hispanic outreach lead by Eric Esquivel from the School District. She reminded the group that May was Mental Health Awareness Month and praised Connect for their programming. She stated she

and Mayor Thomas met with non-profit leaders working with the Latino community and representatives from the Mexican consulate attended; the group was working with Mayor Thomas to develop a graphic to assist the public to locate resources. Council Member Worel went to a meeting of the Board of Health and stated that they were preparing for a Community Needs Assessment. She reported that Summit County did well but scored lowest in physical environment by the 2017 Utah County Health Ratings; this included housing, length of commute and single car commuting. She attended the Service Awards Dinner and the Women in Leadership Book Club with author Amy Roberts. Council Member Worel attended the Celebration for Park City Schools, and reported they were listed in U.S. News and World Report and Washington Post in the top 500 schools nationwide, and ranked as the most challenging school in Utah. Council Member Worel indicated she attended the Peace House board meeting and luncheon, which honored Jane Patton. She reported that the Peace House will break ground on their new facility by the end of May open in September 2018.

Council Member Matsumoto indicated she was on vacation, and attended the Planning Commission meeting, where they discussed the most recent traffic study. She stated that staff and the Commission needed more time to review the study to discuss it further at a later meeting.

Council Member Gerber attended the Years of Service Awards and the Women in Leadership Book Club. She attended the Park Area Lodging Association meeting and reported that they were currently promoting their mountain biking program and bike racks. Council Member Gerber indicated she attended a meeting for Friends of the Farm, and reported they were preparing for the June 24 opening event for the McPolin Barn restructure. Council Member Gerber reported the Friends had approached her to ask if Council would fund a red ribbon for the ribbon cutting. She proposed using Council contingency funds for a red ribbon. Council Member Henney asked if this would set a precedent to support other causes at the Barn. City Manager Foster mentioned that the Peace House had made a similar request for purple lights at the Barn for Domestic Violence Awareness Month in October, and Council Member Worel reported that Council denied the request due to level of awareness, precedent and cost. Council Members Henney and Matsumoto stated they would like to know the cost before making a decision. Council Member Gerber stated she would return to the Friends of the Farm to get an estimate of the cost. Council Member Henney stated he would like to develop a policy for granting Council contingency funds. Council Member Gerber stated she met with the Park City Action Network and reported they were a group of residents in their 20s and 30s who were interested in community and government engagement. She asked for Council input regarding her role as the group's informal Council liaison; there were no objections from the Council.

Council Member Henney indicated he attended the Mountainlands Community Housing Trust meeting. He stated the Trust was breaking ground on 330 affordable units at the Silver Creek Village. He reported the Trust was seeking two Board members who would bring ethnic and income diversity, specifically 100% or less Area Median Income, to the Board. Council Member Gerber suggested sharing the openings with Park City Action Network (PCAN). Council Member Henney indicated he attended the Years of Service Awards and thought it was a wonderful event. Council Member Henney reported that Kevin Hines would speak as part of the Connect Mental Health Awareness series on May 17th at the Jim Santy Auditorium.

Council Member Beerman met with the EPA Local Government Advisory Committee and characterized the meeting as bizarre; he stated that the discussion indicated regulations would be easily removed if requested by local governments and expressed concern about where the organization was headed. Council Member Beerman indicated he and Council Member Henney and Diane Foster met with Sundance regarding future event management during the Sundance Film Festival. He attended the Years of Service Awards and was in agreement that it was a wonderful event. Council Member Beerman recommended walking on Main Street to visit with locals and enjoy the beautiful weather. He stated he had received requests for Council to release a statement on Utah Public Lands. He reported that Summit County was proposing a resolution in support of public lands. He asked Council what they thought about Park City Council offering their support to that forthcoming resolution. Council Member Henney and Mayor Thomas were in support. Council Member Matsumoto asked if Park City could draft a resolution if Summit County's was not proposed or passed. Council Member Beerman stated he would return with more information at the next meeting.

Mayor Thomas stated he attended many of the events mentioned by the Council. He indicated he attended the Public Arts Advisory Board meeting and the Years of Service Awards, and stated his thanks and admiration for the awarded employees for their service. Mayor Thomas stated he spoke with Utah Geospatial about geography, space and Bonanza Flat. He indicated he attended the Peace House luncheon and complemented Council Member Worel on her presentation. Mayor Thomas thanked Matt Dias and Elizabeth Quinn-Fregulia for their work on the newsletter.

City Manager Foster stated that Summit County was seeking a Park City staff member and Council member to attend a couple of Solid Waste Committee meetings. Foster thanked the Council for attending staff meetings.

**<u>Discuss Proposed Amendments to the Convention Sales License (CSL) Process:</u>**
Rebecca Gillis, Finance Accounting Manager, introduced Mindy Finlinson and stated she was the new Accounting Manager and had joined the Finance Department in December. City Manager Foster introduced Jessica Walker, Ice Rink Front Desk Manager, who was job shadowing Foster for the day.

Beth Bynan, Business License Specialist, Rebecca Gillis and Mindy Finlinson presented this item. Bynan stated staff was presenting a Work Session report to discuss Convention Sales Licenses (CSLs). Bynan directed Council to Page Two of the report and clarified some small edits to the report. Bynan introduced the Type 3 CSL and stated that the idea came out of a stakeholder meeting with the Park City Women's Business Network, the Park Silly Holiday Bazaar, Mike Sweeny, HPCA, and the Park City Lodging Association. She stated the Type 3 CSL would make licensing community and non-profit events easier for those applicants by reducing cost and licensing of individual entities associated with an event. Bynan stated staff's top concerns were licensing, safety and reporting state sales tax numbers appropriately. She explained how the Type 3 CSL would be utilized: the organizer would pull an 'umbrella' Type 3 CSL and provide a list of vendors, allowing staff to register individual businesses without requiring fees from them.

Council Member Matsumoto asked how Type 3 CSLs would be implemented for events during Sundance. Bynan stated that Type 3 CSLs would not be available during Sundance, only Type 2 CSLs, and clarified that Type 3 CSLs would only apply to events held in licensed convention spaces. Council Member Worel praised the new CSL type and thanked staff for proposing it to relieve financial burden on individual vendors. Bynan stated they would return with a proposed ordinance.

Bynan stated that staff had been working to improve the CSL licensing process based on Council direction. She stated staff's aim to maintain the current code and allow Council the greatest control possible to approve or deny applications, including presenting Council with detailed applicant information during the application process.

Council Member Beerman stated he understood the challenges with approving a single site for a CSL, and asked if the process could differentiate between requests for CSLs with health and safety concerns. Bynan responded that the current code required the same CSL licensing process from both types of applicants. Gillis stated that staff could include potential risks or concerns in their staff reports. Council Member Beerman asked if those applications that do not pose a health or safety risk could be approved at the staff level to relieve the pressure on Council and staff to approve late applicants. Harrington replied that staff had used this approach in the past, and had found that due to common discrepancies between activity proposed in the application and actual activity, it was fairer and more streamlined to require the same process of all applicants. He stated that applicants who complained about the process were generally those who made last minute changes to their CSL, when timing became a challenge. Harrington cautioned that the more staff differentiates between license types or requirements, the more applicants will seek loopholes.

Council Member Beerman clarified that staff's recommendation was to provide more information to Council regarding applicants, and reiterated that a large number of last-minute applications were for low-risk CSLs. Gillis responded that staff would begin outreach to applicants in October, in advance of the January deadline, and would still receive late applications. Council Member Henney pointed out that Council's aim was to simplify the process for staff, and the result was contributing to the problem by requiring more detailed staff reports, which was a greater burden for staff. Council Member Henney stated he was unfamiliar with licensing, and therefore approved or denied applications based on staff's recommendation. Mayor Thomas asked staff if providing more information would add to their workload. Gillis responded that she did not think it would. She added that staff had also proposed changes to Business License renewals, which would no longer coincide with the Sundance CSL timeline, which would further reduce staff workload. Council Member Henney stated he looked forward to seeing the new process, and Mayor Thomas agreed that staff should notify Council if the workload became burdensome.

Council Member Beerman asked if it had ever been addressed that Type 2 CSLs were often issued to unaffiliated marketers at Sundance who did not contribute otherwise to festival expenses, and if they could be charged impact fees. Gillis responded that staff had responded to this issue a few years ago by substantially increasing the Type 2 CSL fee at this time of year. Harrington stated that fee mechanisms were limited by state statute but that staff had gone through a study to determine how to raise fees beyond administration costs. He stated he could not recall if staff had added an enhanced level of service fee or a fee that met at the amount of exact costs, but it was one of the two. He added that there was also a late fee for late applicants. Council Member Beerman asked if these fees would compensate for public safety and personnel costs at Sundance. Harrington responded that they would on these license categories, and could not recall if they added an additional fee for transportation. Jon Weidenhamer, Economic Development Manager, stated that the last time the fees were updated it was for trash and recycling costs, and that the fees had not been updated to reflect recent safety and transportation cost increases. Council Member Beerman stated that added costs should be factored into licensing fees. Council Member Matsumoto asked what the cost for a Type 2 CSL was, and Bynan responded that it was $372 per federal ID for the two-week period, and the late fee cost $72.  Harrington asked if there was an additional liquor licensing fee; Gillis responded that there was a $76 Special Meeting Fee, but that a Special Meeting had never been held for liquor licensing. Gillis stated that staff would reconsider fees and return at a later date.

Bynan stated they would like to establish a regulatory load-in load-out process for Sundance through the CSL process to alleviate traffic and maintain Old Town vibrancy. She stated it would be a multi-departmental initiative. Bynan asked for feedback from Council a five day CSL requirement. Council Member Henney asked how staff arrived at five day and suggested regulating the time of day vendors may load in and out to earlier in the morning, rather than mandating a number of activation days, based on feedback he has received from the public. Mayor Thomas added that having a required number of days would be beneficial. Council Member Gerber asked if increased regulation would require more staff enforcement. Bynan replied that enforcement would be easier for staff if times were specified in the CSL.

Council Member Worel asked the average time for load in and out. Glidden responded that it varied, and stated that setting a load in or load out time would increase efficiency. He recommended including Sundance in the conversation, and stated that vendors would most likely not want a minimum activation period. Council Member Beerman stated he favored the evening load in and out and the five day requirement to maintain Main Street vibrancy on Monday and Tuesday of Sundance, and stated he thought it would eliminate non-affiliated marketers. Council Member Matsumoto asked if staff could offer an incentive to activate for a specified number of days. Gillis stated that the activation period would be specified in the Municipal Code, and reported that in order to save costs for vendors, staff had discussed requiring maintaining visual vibrancy on Main Street even if the vendor was no longer active. Council Member Matsumoto favored continued discussion with staff and Sundance, and Council Member Henney stated he would like to include Main Street merchants and landlords in the discussion. Mayor Thomas confirmed that Council was in favor of limiting times for load in and load out. Bynan stated staff would continue research and return to Council for further discussion.

**Discussion of Regulation of Chain Businesses on Main Street and Receive Public Input:**

Jon Weidenhamer, Economic Development Manager, Hannah M. Tyler, Planner, and Bruce Erickson, Planning Director, presented this item as a preliminary overview. Weidenhamer stated staff's recommendation to prohibit new chain stores on Main Street in the HCB District and present to the Planning Commission for consideration. Erickson stated that this was in line with the Storefront Enhancement Program and staff's goal to adhere to the General Plan and Council direction. Weidenhammer addressed that the urgency of this item had limited engagement with constituents, but engagement would be more thorough through the Planning Commission process. He explained that constituents were split over City involvement in this issue. Weidenhamer clarified that the staff report contained alternatives to staff's recommendation for a ban on chain stores.

Tyler provided a definition of a conventional chain business and provided an overview of current chain businesses and sporting good businesses on Main Street. She clarified that many of these existing stores would qualify as chain businesses under a ban. Council Member Beerman suggested creating an exemption for locally-based businesses. Erickson explained that there were many subtleties to 'chain' business definitions and economic analyses which staff were familiar with internally and which would be discussed in greater detail with the Planning Commission. Council Member Worel asked how a ban would be implemented. Erickson replied that there were many options and metrics available, and gave examples of other cities' regulatory approaches. Weidenhamer stated that staff was familiar with vertical zoning regulations so that would be a potential approach. Council Member Gerber asked if current chain businesses would be grandfathered in and what would happen in the case of business turnover. Weidenhamer replied that existing chains would qualify under existing nonconforming uses. Harrington stated incoming business requirements would depend on the regulatory measures.

Mayor Thomas opened public comment.

Michael Kaplan commended staff on their work. He stated chain businesses were an economic reality that Park City and other ski resort towns would need to confront. Kaplan expressed concern about a ban, and stated that some chains on Main Street were positive enhancements. He stated that with market scarcity, rental cost for Main Street chain businesses wouldincrease. Kaplan suggested implementing a board to evaluate Main Street compatibility for new tenants. Council Member Matsumoto expressed concern over a grandfather clause raising rents. Erickson responded that a grandfathered space would not necessarily determine higher rents than other businesses on Main Street. Council Member Gerber expressed concern over the idea of compatibility at the risk of compromising diversity.

Hans Fuegi disclosed he was a landlord on Main Street and stated the importance of maintaining character and diversity on Main Street. He expressed concern over a ban, and stated currently the mix was balanced between chain and non-chain businesses, which the City should attempt to maintain going forward.

Eric Nelson questioned the current diversity on Main Street by attesting half of Main Street businesses were restaurants and art galleries. Nelson expressed concern about current ordinances that were out of date for current retailers, and stated he received feedback that retail shopping on Main Street was poor, and a small number of stores generated the most business. Nelson asked the Council to consider their audience when making a decision. Nelson contested the validity of some of the statements in the staff report. Nelson stated that removing chain businesses would create a retail space vacuum that non-chain businesses could not afford to rent. Nelson stated that chain businesses were not a negative and banning chain businesses would be a detriment.

Council Member Henney stated he was in favor of taking the item to the Planning Commission and favored continued discussion with stakeholders. He responded to Nelson by stating that staff and Council were attempting to create an authentic and unique experience for Park City residents and visitors. Council Member Beerman stated he favored continuation to the Planning Commission. He cautioned against instating a board due to state laws and recommended adding limitations to storefronts or square footage, but not grandfathering in spaces. Council Member Beerman expressed concern about local businesses' ability to afford space on Main over time, and suggested a test period for the proposed approach.

Council Member Gerber stated she was excited about this report because it would support Main Street's character. She favored maintaining a percentage of chain businesses. Council Member Matsumoto said she was not in favor of a ban but preferred a cap on chain businesses, and supported continuation to the Planning Commission. Council Member Worel stated she favored more discussion with stakeholders and the community, and continuation to the Planning Commission if those conversations would occur. . Mayor Thomas said that he favored continued discussion about the nature of Main Street, and was in favor of finding a balance. Council Member Henney stated he was in favor of a limit instead of a ban, and was against a CUP. Erickson stated staff would also not recommend a CUP, and stated there were a few ways to structure a trial period. He outlined the positive social consequences to Council for continuation to the Planning Commission. Weidenhamer thanked Samuels McLean for her work on the report. Council Member Beerman asked if this should be applied to districts outside of the downtown core, and asked that Planning Commission weigh in on a cap for Bonanza Park and Prospector. Mayor Thomas replied that Council should consider Main Street initially. Council Member Beerman anticipated other districts confronting this issue in the future, and suggested staff return to Council with a recommendation from Planning Commission. The Council did not object.



**REGULAR MEETING**

**I. Roll Call**

| Attendee Name | Title | Status |
|---|---|---|
| Jack Thomas | Mayor | Present |
| Andy Beerman | Council Member | Present |
| Becca Gerber | Council Member | Present |
| Tim Henney | Council Member | Present |
| Cindy Matsumoto | Council Member | Present |
| Nann Worel | Council Member | Present |
| Diane Foster | City Manager | Present |
| Mark Harrington | City Attorney | Present |
| Matt Dias | Assistant City Manager | Present |
| Minda Stockdale | Deputy City Recorder | Present |

**II. Communications and Disclosures from Council and Staff**

Council Member Gerber paid tribute to Steve Holcomb, who passed away this week. She remembered him as a childhood friend, Olympic gold medalist, and a kind, sweet spirited man.

**Staff Communications Reports:**

- **Coffee with Council Summary from April 25, 2017**
- **Rename Top Priority to Diverse Community Participation**

- **Summer 2017 Construction Project Update**

## III. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

Mayor Thomas opened the public input portion of the meeting for those who wished to address the Council on items not listed on the agenda.

Carol Sletta suggested installing solar-powered animal crossing road signs. She thanked Council for the benches in front of the Post Office.

Anne Laurent, Community Engagement, introduced Chief Building Official David Thacker. Laurent welcomed Thacker back to Park City Municipal after five years in Colorado as Boulder's Chief Building Official and she thanked Michelle Downard for acting as interim. Thacker stated he was excited to be back in Park City and incorporate his experience into the department.

Pam Woll, President of Sunrise Rotary, and Tom Jacobson, Rotary member, requested Council waive fees for Rotary's lunch contributions to Park City Fourth of July Parade. Harrington advised that the input had originated from cost-sharing as a result of the City managing this event, and staff would be better positioned to report to Council on this topic at a later meeting. Mayor Thomas requested staff return to Council to discuss.

## IV. CONSIDERATION OF MINUTES

**Consideration to Approve the City Council Meeting Minutes from April 27, 2017**
Council Member Henney requested that the minutes be amended to clarify that he lived in Courchevel Condos in Park City, Utah, and not Courchevel, France.

Council Member Beerman moved to approve the City Council Meeting minutes from April 27, 2017 as amended. Council Member Gerber seconded the motion.

**RESULT: APPROVED**
**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

## V. CONSENT AGENDA

**1. Request to Authorize the City Manager to Enter into a Professional Services Agreement Between Park City Municipal Corporation and JTS, Inc. for Event Planner Services as Related to the 2017 Fourth of July Celebration in a Form Approved by the City Attorney that Shall Not Exceed $20,000.00:**

Council Member Worel moved to remove Item One from the Consent Agenda for further discussion. Council Member Gerber seconded the motion.

**RESULT: REMOVED FROM CONSENT AGENDA**
**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**2. Request to Authorize the City Manager to Enter into Agreements in a Form Approved by the City Attorney's Office With: Staker Parson Companies, for Rotomilling, Pavement Overlays, and Utility Adjustments in the Amount of $581,216.42; and Morgan Pavement, for Type II Slurry Seals and Trail Seal Coat in In the Amount $151,395.89 Kilgore Companies, for Crack Seal, in the Amount $82,467.00**

**3. Request to Authorize the City Manager to Execute Contract Amendment No. 2 to the Professional Service Agreement with Parametrix to Provide Consultants Services to Analyze the Main Street/Swede Alley Intersection Area in a Form Approved by the City Attorney and for an Amount of $24,004**

**4. Consideration to Approve Resolution 13-2017, a Resolution Recognizing May 2017 as Historic Preservation Month in Park City**

**5. Request to Authorize the City Manager to Approve a Short Term Lease with the Mountain Trails Foundation (MTF), for Approximately 4,000 Square Feet of the City-Owned Parcel PCRC-2-AM-X, Located at Quinn's Junction**

**6. Request to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with SKM, Inc., for the Quinns Junction Water Treatment Plant Upgrades - SCADA Integration for an Amount Not to Exceed $30,300.**

Council Member Matsumoto moved to approve Items Two through Six of the Consent Agenda. Council Member Beerman seconded the motion.

**RESULT: APPROVED**
**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

**1. Request to Authorize the City Manager to Enter into a Professional Services Agreement Between Park City Municipal Corporation and JTS, Inc. for Event Planner Services as Related to the 2017 Fourth of July Celebration in a Form Approved by the City Attorney that Shall Not Exceed $20,000.00:**

Council Member Worel expressed excitement over the agreement and the chosen applicant. She asked if there would be checkpoints for this position during the event process. Jenny Diersen, Special Event Coordinator, stated that payment would be released before and after the event, the applicant would work closely with staff and she expressed confidence in the applicant. Council Member Worel asked that the agreement protect staff if problems arose. Glidden explained that staff had carefully defined the scope of service, and payment would not be released if not met.

Council Member Gerber moved to authorize the City Manager to enter into a professional services agreement between Park City Municipal Corporation and JTS, Inc. for event planner services as related to the 2017 Fourth of July Celebration in a form approved by the City Attorney that shall not exceed $20,000.00. . Council Member Worel seconded the motion.

**RESULT: APPROVED**
**AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

## VI. NEW BUSINESS

**1. Consideration to Approve Ordinance 2017-20, an Ordinance Adopting a Tentative Revised Budget for Fiscal Year 2017 and a Tentative Budget for Fiscal Year 2018 for Park City Municipal Corporation and Its Related Agencies and Authorizing the Computation of the Property Tax Rate at a No Tax Increase Rate:**
Briggs requested that Council adopt the tentative budget. He stated that the public was welcome to participate over the next four public hearings before adoption June 15th.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Gerber moved to approve Ordinance 2017-20, an ordinance adopting a Tentative Revised Budget for Fiscal Year 2017 and a Tentative Budget for Fiscal Year 2018 for Park City Municipal Corporation and its related agencies and authorizing the computation of the property tax rate at a no tax increase rate. Council Member Worel seconded the motion.

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| **RESULT:** | **APPROVED** |
| **AYES:** | Beerman, Gerber, Henney, Matsumoto, Worel |

**2. Consideration to Approve Resolution 14-2017, a Resolution that Restates and Confirms Park City Municipal Corporation's Intent to Place a Conservation Easement on Bonanza Flat:**

Harrington explained the resolution was requested by Utah Open Lands in order to confirm intent to apply for affirmative representation to donors.

Wendy Fisher, Utah Open Lands, confirmed that the intent was to have the resolution in place to comfort donors.

Mayor Thomas opened the public hearing.

Devery Karz stated she was raised in Park City and Bonanza Flat conservation was important to her. She added she was a member of Leadership Class 23. Karz expressed enthusiasm to protect Bonanza Flat.

Michael Barille suggested fundraising for Bonanza Flat by installing a ski lift.

Mayor Thomas closed the public hearing.

Council Member Matsumoto moved to approve Resolution 14-2017, a resolution that restates and confirms Park City Municipal Corporation's intent to place a Conservation Easement on Bonanza Flat. Council Member Worel seconded the motion.

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| **RESULT:** | **APPROVED** |
| **AYES:** | Beerman, Gerber, Henney, Matsumoto, Worel |

**3. Consideration to Approve Ordinance 2017-21, an Ordinance Adopting Title 6 Health; Nuisance Abatement; Noise, Chapter 1 Abatement of Garbage and Other Deleterious Material, Section 13 Ban of the Distribution of Disposable Single Use Plastic Bags (Less Than 2.25 Millimeters in Thickness) in the Park City Municipal Code:**

Luke Cartin, Environmental Sustainability Manager, stated this ordinance had come out of previous work sessions and public comment on banning grocery weight plastic bags. He presented a background on this issue, including previous Council discussions, national and international bans, and impacts to the local community on trash, recycling and storm water. Cartin clarified that his use of milliliter measurements in the presentation was incorrect, and he intended to use the plastic measurement mil. He clarified that and the City was only authorized to pass a ban; a bag tax or fee would need to be granted by the State Legislature. Cartin outlined the conditions of the ordinance which would ban ‘grocery’ weight plastic bags in grocery stores over 12,000 square feet because they produced the largest volumes of plastic bags. Cartin complimented the impacted store managers with whom he met: The Market at Park City, Rite Aid and A Fresh Market. Cartin explained that representatives from these stores did not favor a bag ban and their concerns were cost, space, use, and fairness.

Council Member Henney asked if the specificity of the bag weight in the proposed ordinance could backfire by allowing bag producers to produce a similar bag at a different weight. Cartin replied that staff could modify the ordinance in the future to account for market changes. Council Member Gerber asked if stores could charge for paper bags if plastic was banned, or if they could charge for plastic bags. Cartin replied that the stores could voluntarily charge a fee, but the City could not enforce one. Council Member Gerber asked about bag bans in comparable resort towns. Cartin replied that there were bans and bag fees in Vail, Telluride, and other towns, and it was effective indeterring use. Council Member Matsumoto clarified that a fee would not reduce bag litter. Council Member Beerman commented that he had received feedback that bans were more effective than fees. Council Member Beerman recommended Council give direction to staff to extend the plastic bag ban to include permitted Special Events.

Mayor Thomas opened the public hearing.

Dave Davis with the Utah Food Industry Association and the Utah Retail Merchants Association stated he represented the three affected retailers. Davis complimented Luke on their past conversations and his presentation. Davis stated the Trade Association was against the ordinance as drafted, and felt that the challenge was to reduce single-use bags and waste production and encourage reusable bag use. Davis explained the tax increase to retailers if the ordinance passed, and stated the Association would favor fees for bags over a ban. Davis made the following suggestions: working with staff to support Senate Bill 244 which imposed a fee state-wide, signage to remember reusable bags in a vehicle, and a recycling option provided by the stores. Council Member Beerman asked if Davis was opposed to a ban on plastic and paper bags as a solution to single-use bags. Davis replied that this would be aggressive but the Association would not be opposed.

Ed Parisian differentiated between single bag use by locals and tourists. He suggested that the ban be imposed and that stores charge a small fee for a reusable souvenir bag with a Park City logo. Parisian noted that single-use plastic bags were often not filled to capacity.

Amanda Baltzley stated she had recently moved here from Telluride and reported the ban there created a habit to use reusable bags. She stated that fees for paper bags would not impede tourists buying groceries and fees were returned to the retailer and local organizations. Balzley stated reusable bags were larger so fewer of them would be in use.

Sharelle Rodman thanked Council for considering the ordinance and expressed support on behalf of the Park City Plastic Coalition.

Mary Christa Smith clarified that the ordinance aimed to ban single-use plastic bags, not single-use bags. Smith asked Council to consider the community before tourism. Smith was in favor of a ban over fees to encourage personal and community responsibility.

Jana Barz asked that Council honor Utah's ecology and set an example in the state by passing the ordinance.

Jennifer Gardner expressed her personal willingness to adapt to a bag ban and shared her experience using reusable bags in California to avoid paying a plastic bag fee.

Doug Dastroup with Fresh Market expressed a desire to be a part of the solution and shared his concerns: competition with stores where the ban would not be in place and cost difference between paper and plastic bags. Dastroup stated that Fresh Market sold affordable reusable bags. Dastroup expressed concern that tourists would travel to Kimball Junction for their groceries due to the bag ban.

Craig Rodman favored a county-wide ban over bag fees imposed voluntarily by the stores.

Tiffany Root was in favor of the ban and in favor of making it county-wide.

John Hale represented Rite Aid and opposed the ban. He stated paper bags would not hold up in wet weather for the majority of their customers who walked.

Mayor Thomas closed the public hearing.

Council Member Worel asked if the ordinance would be grandfathered in if the Legislature passed a ban on the ban. Harrington replied he could not comment without seeing the legislation but likely not. Council Member Worel was in favor of moving forward and creating incentives for the community to use reusable bags. Council Member Henney stated that he was in favor of the ban after hearing public comment. He stated he was willing to risk state legislative action. Council Member Beerman thanked the public for coming and spoke in favor of the ban. He stated his belief that locals and tourists would continue to patronize local stores. He stated he would reach out to the county about adopting the ban. Council Member Beerman supported a ban of both plastic and paper bags. Council Member Gerber supported a ban of all single-use bags and spoke in favor of more signage to remember reusable bags and offered to support the impacted stores through community outreach. Council Member Matsumoto stated she did not favor a paper bag ban, but would be in favor of the 2.25 mil plastic bag ban City-wide. Mayor Thomas spoke in favor of the plastic bag ban and was opposed to a paper bag ban. Mayor Thomas asked Council if they were in consensus to ban plastic 2.25 mil bags, and Council Member Beerman stated he was strongly in favor of a single-use ban and opposed to a ban on all retail plastic because stakeholders had not been involved yet. Council Member Matsumoto agreed. Cartin clarified that staff outreach had been limited to the three large stores and not other retail businesses, and the 45-day implementation period could be adjusted if Council chose to broaden the scope of the ban.

Dave Davis responded to the proposed single-use bag ban and stated that he could speak for the membership on this issue before speaking with them.

Council Member Matsumoto recommended moving forward with the ban as proposed and making changes in the future. Council Member Henney asked if the language in the ordinance could specify single-use rather than 2.25 mil. Cartin explained that single-use was difficult to define. Harrington suggested staff return with options based on further research if the Council wished to broaden goals beyond the current proposed ordinance. Cartin expressed the need for further research and review by the Legal Department in order to broaden the goals of the ordinance. Council Member Beerman was in favor of passing the ordinance as it stood as an initial step. Harrington clarified the amendment in section A-1 from milliliters to mil.

Council Member Beerman moved to approve Ordinance 2017-21, an ordinance adopting Title 6 Health; Nuisance Abatement; Noise, Chapter 1 Abatement of Garbage and Other Deleterious Material, Section 13 Ban of the Distribution of Disposable Single Use Plastic Bags (Less Than 2.25 Mil in Thickness) in the Park City Municipal Code as amended. Council Member Gerber seconded the motion.

| | |
|---|---|
| **RESULT:** | **APPROVED** |
| **AYES:** | Beerman, Gerber, Henney, Matsumoto, Worel |

## V. OLD BUSINESS

**1. <u>Discuss Proposed Public Utilities and Streets Facility Programmatic Goals and Project Alternatives as They Relate to Net-Zero Energy Goals, the Incorporation of Transit Housing, the Project Location and Phasing Plan:</u>**
Clint McAffee, Public Utilities Director, Roger McClain, Water Utilities Engineer Manager and Nate Rockwood discussed the Public Utilities and Streets facility. McAffee presented two alternatives: Phase 1 of the Master Plan facility at the Quinn's site and redevelopment of the Iron Horse site. McAffee presented site plans and 3D phased renderings of both facilities. McAffee asked if Council wanted to direct staff to pursue a net-zero facility at $2 – 2.5 million cost.

Council Member Matsumoto mentioned that the project had come in over budget. McAffee confirmed it was short from the General Fund and the Water Fund. Council Member Matsumoto suggested the Council reconsider the additional cost; Council Member Worel was in favor of pursing the net zero facility. Mayor Thomas agreed that it came at a high cost but it fulfilled a critical priority. McAffee indicated that the additional net-zero costs would be spread across funds and would not necessarily account for the General Fund shortage. Council Member Matsumoto asked about payback on the micro-hydro. McClain reported a 25-year payback on the net-zero facility, and a facility life expectancy of 40 years or more. Council Member Gerber asked if the micro-hydro pond budget was already allocated, and McAffee confirmed it was.

Rockwood stated that energy critical priority budgets were embedded into individual projects, which accounted for some shortages.

Mayor Thomas asked how Transit housing helped these budgets. McAffee stated that Transit housing units in both alternatives allocated site costs to Transit Housing. McClain responded to Mayor Thomas that site costs constitute approximately 15% of the project. McAffee mentioned that more units could be added in the future. Council Member Henney asked for confirmation that the funds for Transit housing were coming from Transit fund and not the Affordable Housing fund, Rockwood confirmed this was correct. Council Member Beerman was in favor of building the shell for future development and spending available housing funds in the town core, including Ironhorse. Council Member Gerber asked if Phase 1 at Quinn's could be pursued in conjunction with Transit housing at the Ironhorse facility, or if housing was attainable only at one location. Rockwood responded that housing at Ironhorse would require additional funds than what were already in the budget. Council Member Gerber replied she was in favor of housing at Quinn's. Council Member Matsumoto was in favor of housing at either location to increase affordable units for Transit. Council Member Worel was in favor of Transit housing at Quinn's.

Council Member Worel was not in favor of public utilities' space in the town core because she felt the space could be better used. Council Member Matsumoto agreed, and was in favor of using town core space for housing and community-centered needs. Mayor Thomas explained the long-term value of the Ironhorse facility and was in favor of public utilities at the Quinn's site and agreed with Council Member Beerman to support the most housing in town core as possible. Council Member Beerman supported prioritizing housing or administration space in town. McAffee stated staff's recommendation to start the Master Plan Development (MPD). McClain explained staff would make the MPD application through the Planning process with phasing plan and potential for affordable housing. Council Member Beerman suggested pausing Phase 1 development until the budget was more defined. Bruce Erickson stated that the land use for the site needed to be clarified and staff would like to work with Clint to clarify this. McAffee stated that the project was tied to the Water Treatment Plant project. Erickson recommended the MPD process to resolve the zoning, and McClain estimated an additional $20,000-30,000. McAffee confirmed the plans were complete and could go to the Planning Commission. Mayor Thomas stated that having the MPD to facilitate Phase 1 made sense and it seemed like it would be easy to modify.

Rockwood stated that they had been looking at reducing the site costs that could reduce overall cost, timing, and other alternatives and that staff would continue to report back on other project costs over the next few budget discussions.

## VI. NEW BUSINESS

### 4. Discuss Code Enforcement Level of Service

Anne Laurent, Community Development Manager, Jed Briggs, Capital Projects Manager, Matt Cassel, City Engineer, Michelle Downard, Deputy Chief Building Official, Bruce Erickson, Planning Director, and Rick Ryan, Police Captain, presented this item. Laurent stated that code enforcement issues were complex to frame and focus, and staff recognized the need to adjust and implement code enforcement as conditions changed. She asked Council to consider the level of service, prioritization, level of assertiveness and geographical focus areas.

Downard presented options for approaches to implement code enforcement and stated they currently used a hybrid or strategic approach: enforcement was primarily complaint-based and citations were issued after a warning, and could be criminal citations or not, through Administrative Citation Enforcement (ACE). Downard explained staff used stop work orders to enforce construction sites. Downard outlined strategic priorities based on three years of logged complaints. Mayor Thomas asked if standard surveillance of construction sites could have influenced staff's statistics. Downard replied that it could. Downard and Erickson outlined specific concerns: noise in the Main Street core, construction mitigation and gravel. Erickson explained that Code compliance was multi-departmental and code enforcement was a tool that was typically implemented in the final stages. He explained that the Land Management Code and Conditional Use were the best enforcement for construction mitigation plans, and staff used enforcement tools other than code enforcement when possible. He explained that staff was working to define gravel and gravel use. Downard outlined staff's recommendation for strategic approach with adjusted priorities, including construction mitigation plans with increased regulation and collaboration with Planning staff to include conditions of approval. Downard presented staff's recommendation to commit more time to community outreach and education around specific sections of municipal code. Erickson stated community education would be incorporated into staff reports.

Downard asked for Council feedback on staff's recommendation to adjust code enforcement to focus on strategic priorities. She added another option would be to increase level of service which would impact staffing, and would require additional discussion and direction from Council.

Mayor Thomas opened the public hearing.

Carol Sletta stated that she experienced a lack of regard for residents and neighborhoods by contractors and developers in her neighborhood. Sletta expressed support for proactive monitoring and enforcement to hold parties accountable.

Mike Sweeny expressed concern and support for staff to enforce code violations with the support of the City.

John Phillips spoke on behalf of the Planning Commission and was in favor of increased code enforcement of conditions. Phillips expressed concern that code violations could negatively impact neighbor relations. Phillips spoke as a citizen. He stated he had submitted a complaint about specific conditions that were violated and staff were not aware of the conditions, and that was unacceptable to him. He expressed concern about complaint-based enforcement because violations were difficult to prove. Phillips stated that the issue became emotional for him due to public safety concerns. Phillips expressed frustration with violations that continue after enforcement leaves the site, and with the expectation that citizens record and report violations. Foster thanked Sweeny and Phillips for recognizing staff and for staff's attendance.

Mayor Thomas closed the public hearing.

Council Member Henney identified the primary problem was prioritizing citizens and their concerns, and directed staff to make that a focus. He was not in favor of complaint-based response because it had not worked in the past. Council Member Henney questioned continuing the hybrid approach due to citizen frustrations with enforcement. He expressed support for the report recommendations with a focus on citizen concerns, and flexibility to make adjustments in the future.

Council Member Worel stated that she received similar feedback from citizens and expressed fury that conditions of approval were not enforced or included in construction mitigation plans. She expressed concern about the burden on citizens to report violations, therefore was not in favor of a complaint-based system and favored a more proactive approach.

Mayor Thomas was in favor of increased enforcement.

Council Member Gerber was in favor of investing time and energy into resident experience as the City did for visitor experience. Council Member Gerber asked staff about the process of staff's response to a complaint, and asked staff to report their needs to respond effectively.

Council Member Beerman stated that recent staffing increases and internal restructuring of the Community Development Department would improve these problems over time, and was hesitant to increase resources immediately. Council Member Beerman suggested posting conditions at sites with contact numbers, marking enforcement vehicles and increasing surveillance of repeat offenders. He was in favor of increasing resources or a hybrid approach.

Foster asked the Council for clarification on their direction to pursue a proactive approach, or continue with the hybrid approach with additional staffing. Harrington cautioned against over simplification of the enforcement process, and added that enforcement was a balance of discretion and education. Harrington recommended that Council allow staff to proceed with their direction and request incremental staff reporting on their progress. Erickson agreed with Council Member Beerman and Harrington that recent internal adjustments would improve enforcement over time, and committed to supporting enforcement in the field. Council Member Beerman suggested presenting a condensed version of the staff report to the Planning Commission. Council Member Matsumoto asked about neighborhoods with the highest impacts, and Erickson responded these were historic residential districts and Prospector. He recommended proactive surveillance in these neighborhoods. Foster clarified staff's recommendation for increased construction mitigation and Erickson reported staff would return.

**5. Consideration to Approve a Purchase Agreement in the Amount of $4,328,000 to Acquire 11 Newly Constructed Housing Units in Central Park Condos Located at 1893 Prospector Avenue, for the Purpose of Affordable Housing**

Anne Laurent, Community Development Manager Rhoda Stauffer, Affordable Housing Project Manager, Heinrich Deters, Trails and Open Space Manager and Alias Louis with Mr. Peabody LLC presented this item. Laurent presented the purchase agreement and thanked Phyllis Robinson, former Community Development Director, and Louis for their work setting the stage for this purchase. Louis presented his approach to building community-focused housing through the MPD process and commented on the quality of the building, and stated they were approached by staff to develop this property and his enthusiasm to be involved.

Council Member Worel expressed her excitement about the project and asked about the application process. Stauffer stated that the application would be released in conjunction with Mountain Lands and would go through Community Development around July.

Mayor Thomas opened public hearing.

Ed Parisian expressed support for the City acquisition and development of property in Old Town.

Mayor Thomas closed the public hearing.

Council Member Worel moved to approve a purchase agreement in the amount of $4,328,000 to acquire 11 newly constructed housing units in Central Park Condos

Located at 1893 Prospector Avenue, for the purpose of affordable housing. Council Member Gerber seconded the motion.

| | |
|---|---|
| **RESULT:** | **APPROVED** |
| **AYES:** | Beerman, Gerber, Henney, Matsumoto, Worel |

**6. Consideration to Approve a Donation Application for Placing a Bench and Tree on the City-Owned Library Field Parcel**

Heinrich Deters, Open Space Manager, reported the application was received from Judge Hilder's family, and the Recreation Advisory Board approved the bench but had reservations about the site views where a conservation easement was being discussed. He stated staff and the Recreation Advisory Board (RAB) developed the proposed location and requested Council approval.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

Council Member Matsumoto requested reviewing the application process for memorials for approval or denial. Deters stated staff would return with recommendations.

Council Member Beerman moved to approve a donation application for placing a bench and tree on the City-owned Library Field parcel. Council Member Gerber seconded the motion.

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|---|---|
| **RESULT:** | **APPROVED** |
| **AYES:** | Beerman, Gerber, Henney, Matsumoto, Worel |

**7. Consideration to Continue an Ordinance Approving Village at Empire Pass North Subdivision Plat Located at 7695 Village Way:**

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Henney moved to continue an Ordinance approving Village at Empire Pass North Subdivision Plat located at 7695 Village Way to June 15, 2017. Council Member Worel seconded the motion.

| | |
|---|---|
| **RESULT:** | **CONTINUED TO JUNE 15, 2017** |
| **AYES:** | Beerman, Gerber, Henney, Matsumoto, Worel |

**8. Consideration to Continue Park City Land Management Code (LMC) Amendments Related to Lot and Site Requirements in the Single Family (SF) Zoning District (Chapter 2.11), the Annexation Expansion Area (Chapter 8.7), and**

**the Elimination of the Numbering of Definitions in Chapter 15 and Throughout the LMC Document :**
Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to continue Park City Land Management Code (LMC) Amendments related to lot and siter equirements in the Single Family (SF) Zoning District (Chapter 2.11), the Annexation Expansion Area (Chapter 8.7), and the Elimination of the Numbering of Definitions in Chapter 15 and Throughout the LMC Document to June 15, 2017. Council Member Gerber seconded the motion.

| | |
|---|---|
| **RESULT:** | **CONTINUED TO JUNE 15, 2017** |
| **AYES:** | Beerman, Gerber, Henney, Matsumoto, Worel |

## 9. Discussion of a Temporary Parking Program on the Recently Acquired South Lot of the Yard Subdivision

Jon Weidenhamer, Economic Development Manager, Kenzie Coulson, Parking and Fleet Manager and Blake Fonnesbeck, Public Works Director, presented this item. Weidenhamer presented staff's recommendation to use the lot as a park and ride shuttle for Main Street employee parking as paid parking was implemented. Coulson stated her preference to prioritize Main Street employee parking and stated public safety upgrades needed to be made on the property. She indicated staff was open to additional uses and implementing new parking technology in the space. Fonnesbeck stated that this was a good opportunity for an interim system while additional solutions in town were realized. He stated this would help the City achieve a permanent solution in alignment with Council's goals.

Council Member Gerber expressed concern about road safety off of Homestake Road and suggested adding road safety measures. Council Member Beerman suggested making Homestake Road one-way. Weidenhamer responded that he did not know if staff had considered a one-way street. He stated that a complete street philosophy would be introduced in the area. Fonnesbeck introduced the possibility of taking traffic out of Munchkin Road or Bonanza to avoid car traffic.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

The Council approved staff's proposal.

## 10. Consideration to Approve the Proposed Permitting Process for the Use of Outdoor Recreation Facilities for Commercial Use

Ken Fisher, Recreation Manager, presented this item and stated staff sought Council approval for a permitting process to allow commercial use of parks and fields due to increased use of parks and fields for commercial recreation services.

Council Member Worel asked about the liability on City property if members of the public were injured. Harrington stated it was not high risk.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

Council Member Matsumoto moved to approve the proposed permitting process for the use of outdoor recreation facilities for commercial use. Council Member Worel seconded the motion.

| | |
|---|---|
| **RESULT:** | **APPROVED** |
| **AYES:** | Beerman, Gerber, Henney, Matsumoto, Worel |

## VII. ADJOURNMENT

With no further business, the meeting was adjourned.

Minda Stockdale, Deputy City Recorder

# CSL WORK SESSION

Information and Discussion

May 11, 2017

# BACKGROUND – TYPE 2 CSL

- Currently, each Type 2 CSL application must receive Council approval before the license can be issued.
- In the past, 120-180 CSL applications have been received for operation during the Festival dates.
- Late application require a Special Meeting to be held in order to obtain City Council approval.
- In 2017, nearly 30% of the total CSL applicants were approved during the Special Meetings.
- Late applicants are charged an additional $76 each to cover the cost of the Special Meeting.
- Council needs to know when the workload is negatively affecting staff and public safety.
- Load out during the first five days of the festival create negative impacts on traffic, parking, and the overall vibrancy during the Festival.

# PART I

- Type 2 CSLs
  - Maintain current code
    - Council retains authority to approve/deny
  - Staff will provide detailed background information about late applicants so that Council may make more informed decisions on whether to approve or deny
  - Staff will provide recommendation to Council whether to approve or deny

# PART II: LOAD-IN/LOAD-OUT

- Require the space to be maintained and “vibrant” for five days until designated load-out time.
  - + Maintain vibrancy during Festival
  - + Reduces traffic congestion during busiest time of Festival
  - - Stakeholder may not want longer activations from unofficial entities
- Coordinate with multiple departments & take **team** approach regulating load-out activity
  - Condition of approval of CSL: shall we require loading procedures as part of required CSL application materials?

# BACKGROUND – TYPE 3 CSL

- Various organizations host bazaars, seasonal markets or other fundraising activities within City limits

- Code requires every vendor (individual point of sale) participating in such activities to obtain a Type 1 CSL ($149 each).

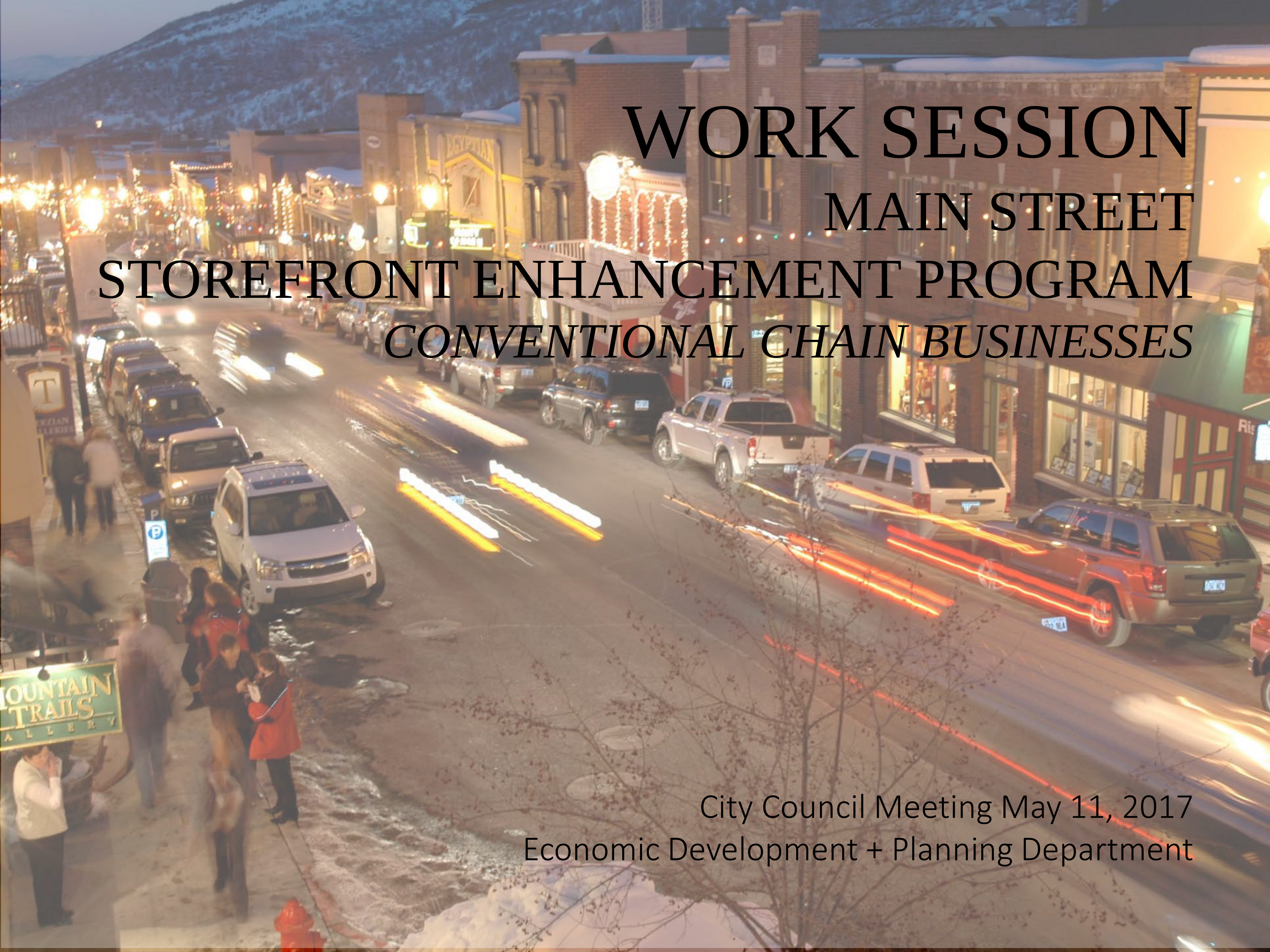
- For some vendors, the fees to obtain a license can be problematic for several reasons:
  - Most vendors are start-up or small businesses, and the cost to participate in both the activity and pay the CSL fee is too high for them.
  - Many of these vendors do not make enough to justify the fees to participate.
  - The vendor also has to pay a participation fee to the organization.

# PART III: PROPOSED "TYPE 3" CSL

- Type 3 CSL
  - Umbrella license held by event organizer
    - Organizer must provide list of vendors and temporary state sales tax #'s with application
  - Available only in licensed convention spaces
  - Designed for Holiday Bazaar, fundraising events
  - Not available during Sundance Film Festival
  - $149: covers cost of inspection and multi-department approval

# COUNCIL FEEDBACK

- Staff would request feedback from City Council regarding the proposed changes to the Convention Sales License process. With this feedback, staff would like to continue discussions with stakeholders and return to Council at a future date with proposed changes to the Municipal Code.
- Does Council support the direction staff is moving in?
  - Maintaining the current process that allows for Special Meetings to be held for approval of late applications, but have staff provide detailed background information about applicant.
  - Adding a requirement of a minimum number of days of activation?
  - Creation of a Type 3 CSL for bazaars, seasonal markets or other fundraising activities within City limits



# WORK SESSION

## MAIN STREET
## STOREFRONT ENHANCEMENT PROGRAM

### *CONVENTIONAL CHAIN BUSINESSES*

City Council Meeting May 11, 2017
Economic Development + Planning Department

# CHAINS RECOMMENDATION

- Hold a preliminary discussion on enhancing or maintaining a broad mix of commercial uses on Main Street.
- Provide direction requesting the Planning Commission consider an ordinance to prohibit any new chain stores for Main Street storefronts, south of Heber Avenue.

# BACKGROUND

1. Commercial leasing isn’t our business.
2. Experts in preservation, revitalization, land use, (and regulation);
3. Moved out of studying & into implementation phase
4. Storefront Enhancement Program:
   a) Design Guidelines
   b) Vertical Zoning (storefronts)
   c) Width of storefronts
   d) Chains
   e) Vacancy/vibrancy
5. Analyzing unintended consequences.
6. Engagement with Biz (general, not specific to the recommendation);
7. Here’s what we heard in the past

# POTENTIAL ALTERNATIVES FOR DISCUSSION

- Rather than a ban, establish a cap or threshold i.e. total Linear Feet or Number of chains;
- Storefronts and upper levels;
- Main Street, north of Heber not included;
- Main Street National Register Historic District;
- Bonanza Park;
- Recreation Based Businesses;

# CONVENTIONAL CHAIN BUSINESS DEFINITION

- Conventional Chain Business is a business which may be required by contractual or other arrangement to maintain one or more of the following conventional items: conventional menu or merchandise with 50% or more of in stock merchandise from a single distributor bearing uniform markings, a conventional array of products or merchandise, a conventional menu, uniform apparel, conventional architectural design, layout of facade, conventional decor or color scheme and/or conventional signs, trademarks, service marks or logos, or similar conventional features which causes it to be substantially identical to more than 10 other businesses regardless of ownership or location at the time of the application.

# CURRENT CONVENTIONAL CHAIN BUSINESS STOCK

- List of Conventional Chain Businesses
  - Harley Davidson
  - Gorsuch
  - Lulu Lemon
  - Roots
  - The North Face
  - Marmot Outdoor Gear
  - Overland Sheepskin Co.
  - Summit Sotheby's
  - Summit Sotheby's
  - Berkshire Hathaway
  - Keller Williams Real Estate
  - Patagonia
  - Shirt Off My Back
  - Rocky Mountain Chocolate

# CURRENT CONVENTIONAL CHAIN BUSINESS STOCK

*Storefront Totals - Condensed into Conventional Chain Business and Non-Conventional Chain Business:*

| | Franchise and Conventional Chain Business | Non-Conventional Chain Business (including vacant) | Total |
|---|---|---|---|
| Linear Feet | 499 | 3405 | 3904 |
| Quantity | 14 | 116 | 129 |
| Percentage of Streetscape (Linear Feet) | 12.7% | 87.3% | 100% |
| Percentage of Streetscape (Quantity of Storefronts) | 10.8% | 89.9% | 100% |

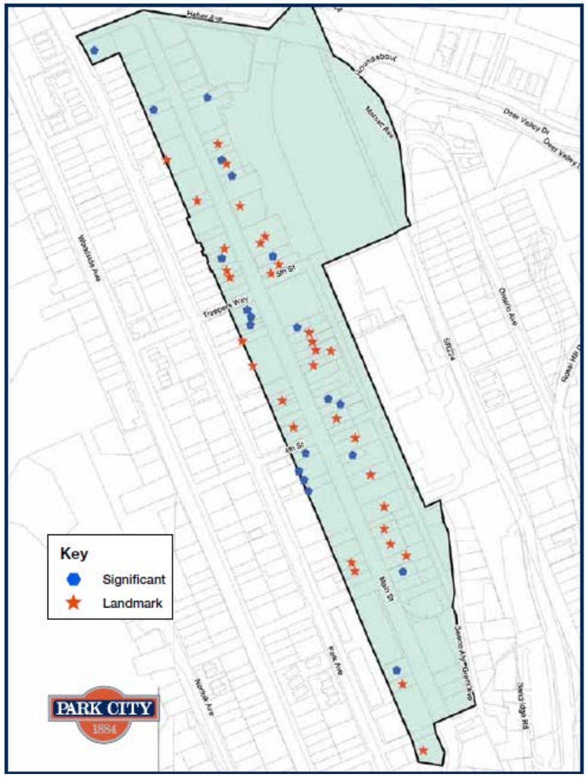
*Storefront Totals - Chain Totals Versus Chain Sporting Goods (Outdoor Recreation):*

| | Total Franchise and Conventional Chain Business | Chain Sporting Goods (Outdoor Recreation) |
|---|---|---|
| Linear Feet | 499 | 210 |
| Quantity | 14 | 4 |
| Percentage of Streetscape (Linear Feet) | 12.7% | 5.3% |
| Percentage of Streetscape (Quantity of Storefronts) | 10.8% | 3.1% |

# SPORTING GOOD (OUTDOOR RECREATION) BUSINESSES

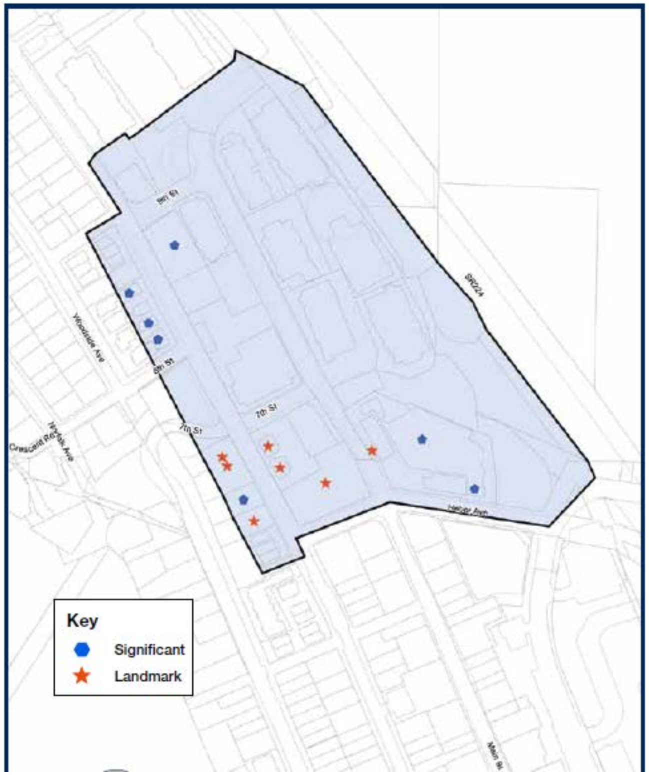
- Conventional Chain Businesses
  - Lulu Lemon
  - The North Face
  - Marmot Outdoor Gear
  - Patagonia
- Nationwide Internet Retailers with Flagship Stores (do not meet Conventional Chain Business Definition)
  - Kuhl

### Historic Sites in the HCB Zone




### Main Street National Register Historic District


### Historic Sites in the HR-C Zone



| Upper/ Lower Main Street Comparison | | | | | |
|---|---|---|---|---|---|
| | | 2013 | 2014 | 2015 | 2016 |
| All Types | % of Total Sales of Upper Main - Non Chain | 86% | 85% | 81% | 78% |
| All Types | % of Total Sales of Upper Main - Chain | 14% | 15% | 19% | 22% |
| All Types | % of Total Sales of Lower Main - Non Chain | 94% | 94% | 93% | 95% |
| All Types | % of Total Sales of Lower Main - Chain | 6% | 6% | 7% | 5% |
| All Types | Sq. Ft. Upper Non-Chain vs. Chain | 114 | 88 | 73 | 69 |
| All Types | Sq. Ft. Lower Non-Chain vs. Chain | (594) | (528) | (611) | (766) |
| All Types | Per Business Upper Non-Chain vs. Chain | 119,164 | 54,170 | (67,191) | (49,435) |
| All Types | Per Business Lower Non-Chain vs. Chain | 412,677 | 392,204 | 261,948 | 264,186 |
| Retail | % of Total Sales of Upper Main - Non Chain | 71% | 71% | 62% | 53% |
| Retail | % of Total Sales of Upper Main - Chain | 29% | 29% | 38% | 47% |
| Retail | % of Total Sales of Lower Main - Non Chain | 83% | 80% | 76% | 84% |
| Retail | % of Total Sales of Lower Main - Chain | 17% | 20% | 24% | 16% |
| Retail | Sq. Ft. Upper Non-Chain vs. Chain | 68 | 71 | 82 | 57 |
| Retail | Sq. Ft. Lower Non-Chain vs. Chain | (269) | (470) | (706) | (484) |
| Retail | Per Business Upper Non-Chain vs. Chain | (106,220) | (90,267) | (233,474) | (323,798) |
| Retail | Per Business Lower Non-Chain vs. Chain | (16,015) | (184,146) | (636,183) | (322,388) |
| Resturant/Bar | % of Total Sales of Upper Main - Non Chain | 95% | 94% | 94% | 94% |
| Resturant/Bar | % of Total Sales of Upper Main - Chain | 5% | 6% | 6% | 6% |
| Resturant/Bar | % of Total Sales of Lower Main - Non Chain | 100% | 100% | 100% | 100% |
| Resturant/Bar | % of Total Sales of Lower Main - Chain | 0% | 0% | 0% | 0% |
| Resturant/Bar | Sq. Ft. Upper Non-Chain vs. Chain | 255 | 177 | 164 | 192 |
| Resturant/Bar | Sq. Ft. Lower Non-Chain vs. Chain | 514 | 513 | 659 | 524 |
| Resturant/Bar | Per Business Upper Non-Chain vs. Chain | (223,183) | (1,056,271) | (1,312,707) | (1,272,768) |
| Resturant/Bar | Per Business Lower Non-Chain vs. Chain | 1,306,349 | 1,297,155 | 1,423,729 | 1,180,284 |
| Service | % of Total Sales of Upper Main - Non Chain | 73% | 67% | 61% | 57% |
| Service | % of Total Sales of Upper Main - Chain | 27% | 33% | 39% | 43% |
| Service | % of Total Sales of Lower Main - Non Chain | 27% | 49% | 49% | 53% |
| Service | % of Total Sales of Lower Main - Chain | 73% | 51% | 51% | 47% |
| Service | Sq. Ft. Upper Non-Chain vs. Chain | (235) | (501) | (879) | (1,253) |
| Service | Sq. Ft. Lower Non-Chain vs. Chain | (1,316) | (966) | (1,043) | (1,368) |
| Service | Per Business Upper Non-Chain vs. Chain | (508,765) | (772,754) | (1,249,635) | (1,683,281) |
| Service | Per Business Lower Non-Chain vs. Chain | (174,958) | (99,569) | (112,798) | (160,469) |

# Code Enforcement Level of Service

Discussion for Council:

- the level of service from code enforcement (proactive, complaint based or hybrid);
- prioritization responsibilities and if there are areas of high priority that Council would like to see adjusted;
- the level of assertiveness code enforcement action should be; and
- If there are specific geographical areas where proactive code enforcement would be more appropriate.

# Approaches of Code Enforcement

- **Proactive Code Enforcement**: Code enforcement staff regularly conducts visual surveys throughout the community to identify and rectify code violations. Requires the highest staffing level.
- **Hybrid or Strategic Code Enforcement**: Primarily complaint based with additional specific high priority area focus. The high priority areas of focus can either be ones of specific community concern (construction mitigation, noise, etc.) or a geographic focus.
- **Reactive Code Enforcement**: Nearly exclusively complaint-based. This requires the lowest staffing level.

# Tools of Enforcement

**Verbal Warnings** are provided as appropriate for first time, less egregious offenses. Generally, violations are resolved and do not escalate to additional enforcement action.

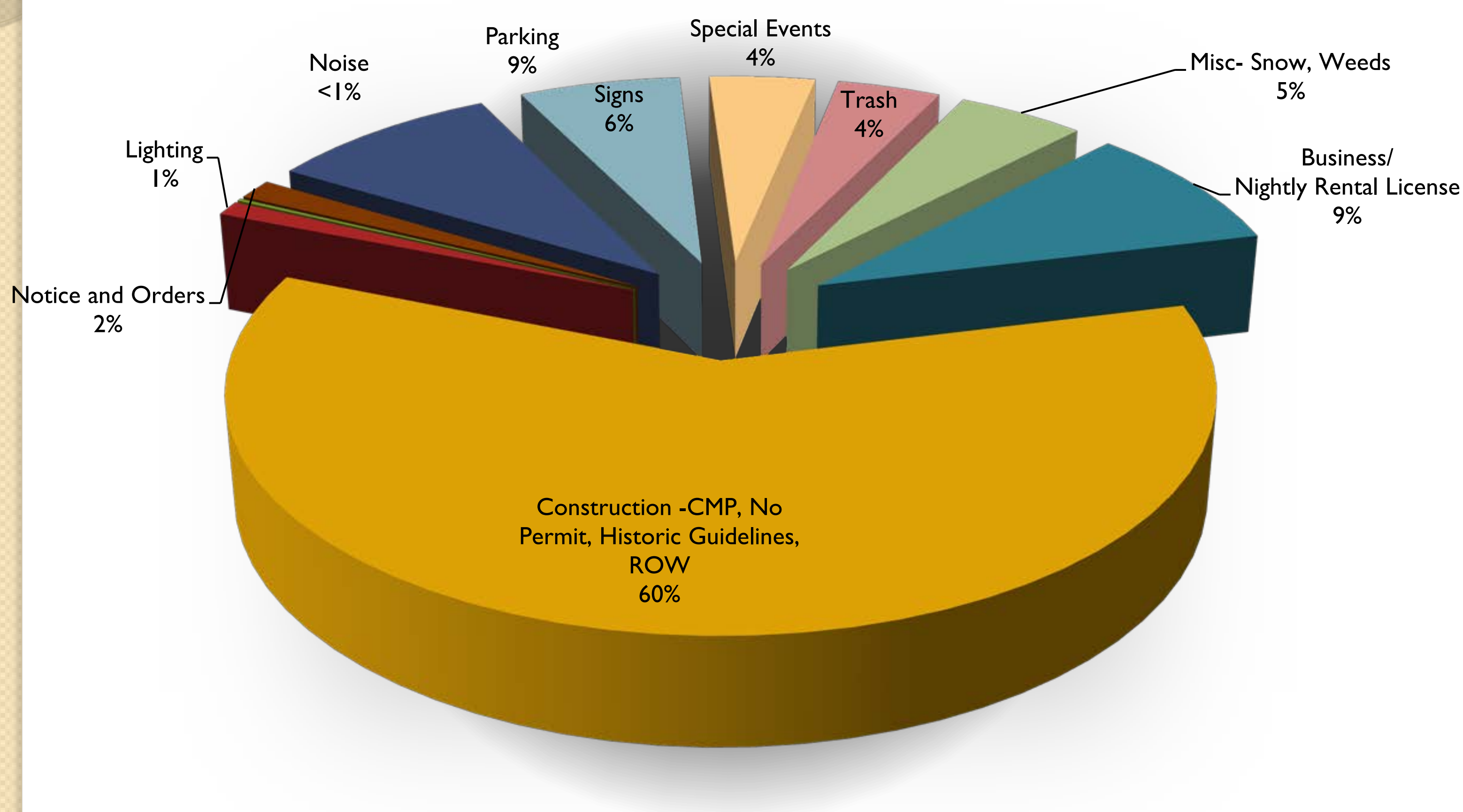
**Criminal Citations** can only be done with the assistance of a police officer and are processed through the Justice Court.

**ACE Citations** were codified on June 15, 2006.

- $100 Fees
- Utah State Law 10-9a-803 (3) requires that municipalities provide the owner a reasonable opportunity to cure a noticed violation prior to imposing a penalty.

**Stop Work Orders** – shut down of construction sites until violations are eliminated.

# Strategic Priorities



# Specific Concerns

- **Noise** As a result of recent noise concerns, staff has complied the following recommendations:
  - Consider amendments to the current Park City Noise Ordinance with consideration of decibel levels and vibrations; Purchase new sound level meters; All operators to complete training for calibration and operation; Maintain a log of received complaints and Adjust the form of enforcement (proactive vs. complaint based) in response to community concerns
- **Construction Mitigation Plans** Staff recommends maintaining CMPs as a high priority and increasing focus on the inclusion of Conditions of Approval. From Planning Commission Actions. Communication of Conditions of Approval between departments..
- **Gravel** As a result of recent enforcement action and the subsequent community concerns, Park City's gravel ordinance has been a topic of discussion for both staff and the Planning Commission. Staff is in discussion with the Planning Commission for additional code discussions and clarification and intends to subsequently bring those discussion to Council.

# Code Enforcement Priorities

## Tier 1

-Response and follow-up to Individual Complaints

-Work w/o Permits

**-Construction Site (CMP) Enforcement in the Field**

**-Noise**

-LOD inspections (scheduled)

-Drafting CMPs (including covering front counter each morning)

-MS4 inspections

## Tier 2

-Sign Enforcement

-Special Event/Holiday (outside normal hours coverage)

**-Snow Shoveling, Landscaping, Weeds**

**-Community Outreach**

**-Land Management Code- property lines, setbacks, fences, drainage**

-ROW issues (road closures, staging in ROW)

## Tier 3

-Business License and Nightly Rental Enforcement

-Housing Code Violations

-Abatement of Distressed Properties

- Trash Receptacles

-Training/UOCA Involvement

# Increasing Level of Service

**Goals**

Additional staffing would achieve increased level of code violation detection.

However, some tools would remain the same. For example, the ACE enforcement process of providing the responsible party with a reasonable opportunity to cure the violation.

**Implementation**

- Personnel Changes
- Program Design
- Staff Training
- Community and Stakeholder Engagement and Education

1. The user Kathy Dopp has posted a comment on [Legislative File 2398: Consideration to Approve Ordinance 2017-20, an Ordinance Adopting Title 6 Health; Nuisance Abatement; Noise, Chapter 1 Abatement of Garbage and Other Deleterious Material, Section 13 Ban of the Distribution of Disposable Single Use Plastic Bags (Less Than 2.25 Millimeters in Thickness) in the Park City Municipal Code].

**Comment:** I support this proposed ordinance to ban plastic bags.

2. The user Kathy Dopp has posted a comment on [Legislative File 2419: Consideration to Approve Resolution 12-2017, a Resolution that Restates and Confirms Park City Municipal Corporation's Intent to Place a Conservation Easement on Bonanza Flat].

**Comment:** I support this proposed conservation easement on Bonanza Flat.

3. From: Greg Friedman [mailto:CJHOA-Greg@park-audio.com]
Sent: Tuesday, May 09, 2017 11:29 AM
To: Lee Whiting; Jonathan Weidenhamer; John Burdick (jrburdick4@aol.com)
Cc: Lynn Ware Peek; Anne Laurent; Kenzie Coulson; Alfred Knotts
Subject: Re: PCMC South Yard Interim Use

Thanks Lee. Hi Jonathan, John and CC's.

Living on Homestake Road for many years has allowed me to longitudinally observe it's use under many circumstances. I agree with Lee that safety, resident parking and other concerns regarding this de-facto residential street must not be disregarded.

My two cents. Please consider this as public input regarding the proposed Interim Use:
1) Shuttle buses to enter Homestake Road from SR224, not Munchkin Road right of way.
2) Shuttle buses to make no turns once on Homestake, except for turning right onto SR248.
3) Make a pullout on Homestake road adjacent to lot, so shuttle will completely clear street when stopped.
- see that the shuttle stop initially has refuse receptacles and eventually downward projected lighting and shelter.
4) Minimize the effects of the kink in Homestake road. This is currently a common failure point when two trucks go to pass. Even passenger cars sometimes have trouble passing there.
- For example if a city bus and Fresh Market semi meet there head to head they must be very careful and slow. One may have to stop or even back up. The kink's radius is quite short at 31' and is likely not to current standards for a road handling commercial traffic. In reality the kink should be straightened, especially in consideration of future

use.  Buy or trade rights of way and small areas of land needed to straighten the kink. Currently, the heavy rocks that are in the snow storage right of way are a dangerous way to direct traffic and are a hazard to plow equipment and vehicles.
- Pedestrian safety at that location is currently rather low, even hazardous.
5) Add sidewalks on Homestake with roll curb for plowing.  Preferably on the east side where lighting already exists.
6) Implement a permit and fine system for residential street parking so overflow lot parkers are discouraged from displacing residential street parkers.
7) Remove grandfathered chain link fence, a material prohibited in current code.
8) Move forward on "skinning" the substation as that task (from what I've been told) is already funded.

Jon, If this cannot be considered public input please direct me to how I may register my comments without spending hours at meeting waiting for the relevant agenda item.

Thank You,

Greg

Greg Friedman
Vice President
Claimjumper Condominium Association
PO Box 681907
Park City, UT  84068-1907

4. **From:** Lee Whiting [mailto:leejwhiting@msn.com]
**Sent:** Monday, May 08, 2017 5:55 PM
**To:** Jonathan Weidenhamer; John Burdick (jrburdick4@aol.com)
**Cc:** Lynn Ware Peek; Anne Laurent; Kenzie Coulson; Teresa Wharton; Alfred Knotts
**Subject:** Re: PCMC South Yard Interim Use

Thank you Jonathan,

Once again a very short notification lead time for personal planning purposes...

I have forwarded this to my board of directors for their consideration.  I will not be able to attend the meeting.   Since the use is already permitted, personally I do not object to this use as long as the city controls the situation regarding on-street parking and speed limits with a consideration towards public safety, and that the noise levels, pollution and congestion do not exceed the capacity of Homestake Rd.   However, I think it is time that we have a comprehensive neighborhood parking plan, including on-street permitting for Homestake parking.    With increased traffic this may become a safety/snow removal issue as well.   When we get to the redevelopment phase, we will have a lot to say about these issues and others as well, including lighting, sidewalks, safety crossings, intersections,signalization, speed bumps, etc.  Please pass my comments from us along to council along with your staff report.  We await the RFP for the feasibility concepts and public engagement process that you refer to.  We continue to look forward to working with you as key neighborhood stakeholders.

Sincerely,

Lee Whiting

President

Claimjumper Condominium Association

PS-  Please note that Teresa Wharton and Erin Grieve no longer work on behalf of Claimjumper Condos, so you may remove them from future correspondence to us.

Dear Council,

I am writing to provide some brief initial feedback on the proposed ordinance banning Chain Businesses on a portion of Main Street scheduled for discussion at your May 11th work session. The proposal is an interesting starting point. There was no prior coordination with the HPCA or opportunity to view a proposal outline so there has not been any opportunity to discuss the proposal or solicit feedback from HPCA members at this time.

Having said that I believe a number of groups (including the HPCA Tenant Mix Committee) have been wrestling with the economic forces that are currently a part of operating a business in the Historic Main Street district, the challenges they present to existing businesses and / or new local entrepreneurs and how best to address these influences with some combination of regulatory, market based, and incentive strategies. I think the lack of a consensus proposal from the business community or elsewhere is not a sign of lack of concern but more an expression of the difficulty in crafting a perfect solution. In fact HPCA has expressed their concerns on issues involving tenant mix and vibrancy in a previous position statement shared with staff and the Council. Given the ongoing concern about these issues the Executive Committee of the HPCA and I are supportive of the Economic Development Manager's attempt with this proposed ordinance to put forward a solution as a starting point for a set of issues that is of vital concern to our members and the economic health and diversity of the district. The review of other ordinances and writing of the report is well crafted and is sure to illicit a response from all of the key players in this important community issue. Sometimes starting the discussion at one end of the spectrum is a better method than proposing a flawed middle ground for firming up stakeholder positions and driving the conversation towards a resolution.

The HPCA would like the opportunity from this point forward to be part of the conversation, to help facilitate further discussion, and to attempt to develop a consensus position at least amongst our members. We look forward to working with the Economic Development Manager, Business Owners, Building Owners, and other key stakeholders to schedule follow up meetings to become better informed about the details of this new proposal and to begin forwarding substantive input for changes or support for the proposal as is depending on how our membership views the proposal once they are fully informed. To begin that process we issued an email alert to our members and stakeholders with a link to the work session staff report and a request that they read the report or attend the work session to become informed and begin shaping an opinion. We will be ready to continue to engage our membership and organize them to participate directly with

City Staff in process that we look forward to helping to define. At a minimum we will re-activate our Tenant Mix Committee and make ourselves available to provide review and feedback on future drafts of the ordinance. We would also invite the Staff to speak at any of our upcoming monthly Board Meetings to keep Board Members informed of the current status of the proposal. Our next meeting this coming Tuesday if an introductory presentation seems feasible please contact me to arrange adequate time on the agenda. Thanks for your consideration and initiative in moving this conversation forward.

--

Michael Barille
Executive Director
Historic Park City Alliance

435.640.3188