PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 19, 2007

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Dave Gustafson, Project Manager; Jerry Gibbs, Public Works Director; Brian Anderson, Parking Manager; Max Paap, Special Events Manager; Gary Hill, Budget Manager; Seth Atkinson, Budget Analyst; and Kent Cashel, Assistant Public Works Director

Mike Sweeney, HMPBA; Kimberly Kuehn, Jewels Harrison and Julie Doerr-Arenson, Park Silly Sunday Market; Coalville Mayor Duane Schmidt; and Insa Riepen, Recycle Utah

1. Council questions/comments. Marianne Cone spoke about sustainability programs addressing the proliferation of plastic bottles and bags. She and Joe Kernan discussed the success of *zip cars*, used in other communities. In recognition of the work session agenda, he disclosed that he owns a recycling company. Ms. Erickson discussed projects proposed by the Friends of the Farm. Jim Hier stated that he and Ms. Erickson participated in special service contract reviews and was pleased with the evaluation process. Mr. Hier commented on the EPA celebration at Empire Pass. Marianne Cone discussed the *Step It Up* Program. Mayor Williams extended his condolences to the families of the victims at Virginia Tech. He noted that he attended the *Step It Up* Event in Salt Lake City which was well attended. He explained that Empire Pass is the third site in Park City removed from CIRCLA and thanked staff and past and current councils for this notable accomplishment. Park City is the 7th city in the country achieving a Green Power Community designation and the Mayor shared his experience meeting with Natural Helpers, a high school group.

2. China Bridge Garage shell space and Swede Alley Plaza discussion. Dave Gustafson explained that the City will begin construction on a 4,500 square foot commercial space in Swede Alley directly north of the parking structure. He requested direction from Council on returning with a real estate purchase contract with KPCW for the second floor space, and pursuing a lease with the DABC for space on the first floor. In the short term, staff is recommending that Unit A on the first floor be retained by the City for use as office space during the Marsac Building upgrade and afterward, secure a rental tenant.

The Mayor discussed the importance of green building for a number of reasons, but did not recommend seeking a LEEDS certification because of the expense to participate in the LEEDS process. He felt that green building is the right thing to do for municipal buildings and asked about the green building rating for the ice arena complex. Mr.

Gustafson explained that from a consumption standpoint, lighting is one of the larger issues associated with that project, but the police facility, shell space, and seismic upgrade will all have high efficiency lights; sustainability will be a focus. Roger Harlan disclosed that he is a part-time employee of the DABC. In response to a question from Marianne Cone, Mr. Gustafson explained that a structural analysis and the repair of the old China Bridge stairwell will be addressed. Jim Hier requested that Council be intermittently updated by staff on the shell space construction phases.

3. Special event parking revenue discussion and direction. Brian Anderson pointed out that this discussion addresses the use of special event parking fees. Staff is seeking direction on continuing to use this parking management tool for future events, which he felt has been very successful. The use of attended paid lots reduced and mitigated traffic, making the event more manageable, which was evident with maintaining traffic flows in the Transit Center corridor. Mr. Anderson believed that the daily, hourly and permit fees are appropriate and effective and the garage was full during the busy peaks and had good overall utilization. Staff believes that this is a good example of the integration of parking and traffic management strategies.

Mr. Anderson stated that $241,000 was collected from garage and permit fees over and above regular revenues. A team consisting of members from Special Events, Parking and Transit, Sustainability, and Budget discussed guiding principles for programming revenues this year. Revenues that are not part of the business license are to be used for the maintenance of the garage. Improvements have been identified in the upcoming budget and staff is requesting purchasing a sweeper/scrubber to keep the garage regularly clean, with no increase in staff. There will be signs advertising free public parking for four-hours and way-finding signs will be installed at another phase. He explained the necessity to equip attendant booths with power and a structural evaluation of the old China Bridge Garage section will determine future maintenance projects. There are also some snow removal challenges. Mr. Anderson asked Council to approve continuing the use of special event parking fees as a parking and traffic management tool for major events, approve the staff recommended process, and prioritize projects during the budget process. Mayor Williams supported acquiring a sweeper and installing signs and pointed out the attention the stairwells often need after a weekend. Mr. Anderson agreed and explained that the sweeper also has a power washing attachment and pointed out the importance of a clean inviting parking garage, which is often the first and last impression visitors have of Park City.

Jim Hier questioned whether it is better to use the $65,000 allocated for the sweeper toward hiring someone to man, monitor and clean the facility. He asked if the purchase of attendant booths will lower the rental costs described in the staff report. There was discussion about the wisdom of permanently installing booths for only two events a year and the option of leasing equipment. In response to a question from Candace

Erickson, Mr. Anderson reiterated that the booths are recommended to be installed permanently. She believed the booths will confuse motorists about free four hour parking and may defeat the purpose of the new signs. Marianne Cone feared the booths may also create snow removal problems and Mr. Anderson indicated that the garage entryway can be easily cleared. Roger Harlan hoped the booths are portable enough to store somewhere else when not in use. He agreed with Ms. Erickson's comments about confusing garage patrons and pointed out that cleaning activities may have to occur in the middle of the night. Ms. Cone asked if the sweeper could be used on sidewalks or other places in town and Brian Anderson clarified that it would be.

Ms. Cone believed the purchase would be money well spent and suggested adding artistic elements in the garage; the Art Advisory Board is anxious to begin a project in the downtown core. The City Manager advised that art could be added to the guiding principles and/or the art in public places budget could be considered. Joe Kernan suggested better lighting. Marianne Cone spoke about the murals she was commissioned to create for the Marriott parking garage which improved the look of the garage for not a lot of money. Brian Anderson commented on replacing the fire sprinkling system, and replacing the stairwell and exhaust system in the garage. In response to a question from Joe Kernan, Mr. Anderson explained that the two new entrances were used during Sundance and the other entrances were attended. Additionally, parking levels could be segregated. Mr. Kernan hoped that the booths could remain in the garage and not stored; renting space is expensive. Mr. Anderson shared concerns about the confusion created by unattended permanently-installed booths but felt that it could be signed. Ms. Erickson also pointed out the potential of damage or vandalism to booths.

In response to a comment made by Mayor Williams about the Arts Festival, Max Paap explained that the Kimball Art Center receives $10,000 from parking revenues to operate the Friday night event for locals. There was discussion of eliminating the *Back-half Film Festival Permit* because only two were sold in January. Joe Kernan stated that the information in the staff reports supports the effectiveness of the special event rates and asked about raising them. Brian Anderson explained that parking spaces remained consistently filled and there were few complaints about the rates. Jim Hier stated that in general he supports the process and spending revenues on garage maintenance, repairs, signage, etc. Ms. Erickson agreed with Ms. Cone about incorporating an art element. Gary Hill explained that the Art Board is in the process of defining a work plan and the parking structure can be re-introduced to members.

4. Park City Silly Sunday Market – revised MFL. Max Paap explained that the event is to be held on Main Street between Heber Avenue and 9th Street on successive Sundays during June through October. On November 30, 2006, Council approved the MFL and since that time, the applicants have made four requests which require an amendment to the MFL. These changes include local consent for a beer garden, extending the closure from 4 p.m. to 6 p.m., ability for Council to approve a tandem MFL at the location from 30 days written notice to 90 days written notice, and extending the street closure from 6 p.m. to 10 p.m., including amplified music for an October Fest celebration on October 14. There was discussion about potential concerns from adjacent bar owners and Mr. Paap indicated that the HMBA supported the first draft of the proposed celebration. Ms. Cone felt that 5 p.m. may be a better time to clear the street for the restaurants on lower Main Street and didn't feel that traditional October Fest music needs to be amplified.

Mike Sweeney, business owner and member of HMBA, stated that the members on lower Main Street have rendered their support and no one seemed concerned about the 6 p.m. closure time. He felt that members are more concerned that the event be successful. Candace Erickson expressed concerns about people unknowingly violating the open container law and Mr. Paap felt that the Liquor Commission will require a fenced area to restrict patrons to the licensed beer garden area. On behalf of Chief Evans, the City Manager understood that he is *not wild about* the idea and will be diligent about enforcing the open container law. Mike Sweeney clarified that the beer garden is proposed to be located on his deck and Max Paap relayed that beer gardens are not typically revenue generators. Applicant Kimberly Kuehn stated that this is an option and Julie Doerr-Arenson relayed that the owner of Doolans has asked that the beer garden not be located adjacent to his establishment. She felt a better location is moving it lower on Main Street where there is shade and the Mayor advised that if the location changes to notify the City in a timely manner to process any amendment.

5. Park Silly Sunday Market - Economic Development Grant. Seth Atkinson explained that the Park Silly Sunday Market also applied for an economic development grant and its business plan was reviewed by the grant committee. Members recommended the award of $7,000 and staff is seeking direction on proceeding. Roger Harlan felt the award is appropriate and commended the applicants for being diligent about reaching their goals. He expressed his interest in the event being successful and is supportive of the grant. Kimberly Kuehn relayed the positive feedback they are receiving from Park City and Salt Lake. Mr. Harlan noted, however, that the projections included in the business plan are somewhat optimistic. Candace Erickson addressed her concern with setting a precedent by assisting an *event* with funding, but then viewed this request more as an investment in Park City. This is exactly what she would like to see thrive in our resort community. Ms. Kuehn stated that Rocky Mountain Power is giving them four grants. The Mayor commended the applicants. In response to a question from Marianne Cone about recycling, Jewels Harrison explained that the water bottles will be made of the type of plastic that can be composted on-site and there will be an educational component as part of the recycling plan at the market.

6. Recommendation from Joint Transportation Task Force with School District. Kent Cashel stated that in January, the City Council directed staff to form a task force with the Park City School District to examine traffic and pedestrian issues in and around the school campus on SR248. The group began meeting in early February, with Roger Harlan and Jim Hier serving as the City Council liaisons. The first set of recommendations deal with capital projects in consideration of efficiencies using the School District's contractor for the high school project. He asked for feedback on cost-sharing projects and proceeding with a letter of intent to continue to address traffic and pedestrian issues in the area.

As a task force, Mr. Cashel spoke about reaching a meeting of the minds with regard to what is actually taking place and understanding traffic and pedestrian patterns. The group gathered counts and other information and it became apparent that one of the primary contributors to problems is the shortage of parking on campus. Even at build-out, the District will be still be 100 spaces short. Parking permits are issued to Juniors and Seniors and it seems likely that Sophomores are driving to school, parking in the Prospector neighborhood, and jaywalking to the schools. Mr. Cashel emphasized that jaywalking has a significant disruptive impact on traffic, as well as being a safety issue and a nuisance to the neighborhoods.

The high school currently has an informal agreement with the LDS Church to use its parking lot, but it is not well lit and there is a recommendation to install some down-lit lighting along the path. There will also be lighting attached to school buildings and before anything is constructed, public meetings on improvements will be held. He added that the letter of intent will contain language that in the event the District loses the LDS Church parking, it will build parking to address that shortage. The Lucky John drop-off is being heavily used and is effective in removing traffic from SR248. It provides a convenient and safe place to drop off kids living in the Park Meadows area and improvements are recommended. Although student parking is a key issue, the loading time in the middle of the peak at McPolin is actually causing the greatest traffic disruption. There are two bus pull-outs recommended so that when buses stop, they will be out of the flow of traffic and both will have shelters and links to pedestrian paths. Typically, shelters increase rider-ship and these projects may compel parents to consider transit for their children. He stated that the final project is a hawk beacon which is a pedestrian activated traffic signal, but rather than activating flashing lights, pushing the control will change the light from yellow then to red. Mr. Cashel emphasized that these devices are experimental, requiring UDOT approval. He explained that there is only about a 30% compliance rate with flashing yellow lights at pedestrian crossings but because the hawk beacon turns red, there is a 90% compliance rate. The hawk beacon is also being recommended in the walk-ability study but convincing UDOT to install a non-approved device in a school crossing may take some time. Mr. Cashel felt that the feasibility of campus roads should continue to be studied, which would dramatically improve circulation, but could potentially limit school uses.

Mayor Williams thanked the committee for its work. He supported cost-sharing on street and lighting improvements, but felt projects like a new parking lot on campus should be funded entirely by the School District because of the potential of double-taxing citizens. Jim Hier noted that with the inclusion of the church lot, the group felt there is adequate parking, but the language specifies that the District will secure and construct parking if needed. Joe Kernan felt that cost-sharing is a good approach to improvements and promotes inter-agency cooperation. There was discussion about the high use of the church lot and the viability of building a new lot managed with a permit parking program. Mr. Cashel believed that there needs to be education on and enforcement of jaywalking. Mr. Kernan felt that monitoring the program is critical. Marianne Cone pointed out the location of the lots designed with one entrance and exit. She asked the reason why the Lucky John Drive drop-off is priced at $100,000 and Comstock at $50,000 and Mr. Cashel explained the grading and culvert work involved on Lucky John, adds an additional $50,000. Mayor Williams appreciated the recommendations and was pleased that improvements like barriers or walls are not suggested. There was discussion about enforcement and educating students about jaywalking. Joe Kernan commented on his support of the relocation of the bus shelter at the campus.

Kent Cashel confirmed that Council is supportive of cost-sharing projects with the School District and proceeding with a letter of intent.

6. Main Street recycling and Old Town trash container issues. Jerry Gibbs stated that in March, the City Council discussed Main Street solid waste issues and directed staff to prepare a letter of intent with Summit County to participate in a solid waste master plan, which is scheduled for action tonight. Recycle Utah formulated options for recycling on the street and pocket parks and suggested placing recycling containers for aluminum and plastics. Recycling contractors have not yet been contacted, but it is estimated that a Main Street service would cost about $10,000 per year. He commented that the resolution contains goals which can be expanded upon.

Mayor Williams introduced Duane Schmidt, Mayor of Coalville, and expressed that the proposal from Recycle Utah was not nearly enough. Mr. Gibbs agreed that the plan is very conceptual and acknowledged that more information is needed from the recycling community. The Mayor relayed the need for a recycling program at the Racquet Club, parks and other areas where people gather. At the last Coalition of Governments' meeting, he stated that Mayor Schmidt's shared his ideas about solid waste. Summit County is rapidly approaching spending $1 million annually toward recycling, but only capturing 10% or less of recycles and it is important to create an effective and cost-effective plan. Jerry Gibbs explained that part of the solid waste and recycling effort is examining economic and community interests and agreed that up to this point, there was no comprehensive approach.

Marianne Cone referred to the 55 trash containers stored from the Olympics and Mr. Gibbs spoke about a previous attempt to recycle on Main Street and the problems associated with contaminated material. Ms. Cone felt it is time to try this again and better identify the containers. He clarified that recycling is only intended for the pocket parks and she again suggested that the stored containers by reused. Mr. Gibbs noted that the plan is to first recycle in pocket parks, and then consider other areas, like City Park and the Racquet Club at another time. Joe Kernan discussed methods to minimize contamination and felt it important to make the recycling effort visible and available throughout town. Jim Hier agreed and stated that he supports spending $10,000 on a recycling program for the pocket parks.

Mayor Duane Schmidt relayed that as a county, *we're missing the boat* and are about 30 years behind in solid waste management. This issue has been studied and studied by the County He recommended that Summit County install transfer stations at the landfill for sorting waste which makes the most economic sense. He felt a recycling program, even at an additional cost, would be appealing to commercial establishments. Mayor Williams understood that the quality of recyclables is compromised when it is commingled with trash. There are effective approaches and 80% recycling is an achievable goal but expensive. Mayor Schmidt emphasized the cost of the alternative of expanding our landfills which are filling up at an alarming rate. *You can pay now or you can pay later*, and a transfer station will seem like an extremely affordable alternative compared to building a new landfill cell. Mayor Schmidt acknowledged that there are short term solutions, but he encouraged Council not to pursue another report, but begin to explore transfer stations at our landfills.

Jerry Gibbs suggested delaying the purchase of a compactor for Main Street until a plan is finalized addressing trash collection and creating an incentive program for businesses to recycle. Mr. Hier believed that recycling containers should be installed on Main Street too and Roger Harlan believed they need to be clearly identified. Candace Erickson suggested that the stored containers be donated to Recycle Utah for use by condo and hotel patrons if the City is not planning to reuse them. Mayor Williams asked if containers could be added at the Library, City Park and the Racquet Club. Marianne Cone felt the Racquet Club is adequately equipped but would like City Park serviced at least in the summer months. Mr. Gibbs explained that he is currently talking with a vendor for recycling services at the ball fields. Insa Riepen encouraged a uniform look for containers throughout town which will result in a more successful program.

Tom Bakaly pointed out that staff is asking for direction on setting goals for recycling and suggested that staff return with a strategic plan. The City is waiting to hear back from the HMBA on commercial trash collection. In response to a question from Ms. Erickson about the transfer station concept, Mayor Schmidt expressed his disappointment that many suggestions were ignored by the committee. Mr. Gibbs recalled that a transfer station was briefly discussed and will be considered in a master plan with Summit County and SBWRD. Recycling is not mandatory at this point. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 19, 2007

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 19, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ray Milliner, Planner; Brooks Robinson, Planner; Katie Cattan, Planner; Max Paap, Special Events Manager; Ken Fisher, Recreation Director; and Matt Twombly, Project Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Red Stag Lodge condominium plat – Planner Brooks Robinson reported that this plat was approved in January by the City Council. The commercial unit was described as 694 square feet but the final plat is drawn at 721 square feet. Staff feels the increase is diminuous and does not increase parking requirements or exceed the 5% support commercial. Members of the City Council indicated their agreement to proceed to allow the owner to record the plat.

2. Commuter Vision Award. Kent Cashel presented the City Council with the Commuter Vision Award awarded by UTA in recognition of the Transportation Summit, conversion of our bus system to bio-diesel, and the future park and ride lot project. Summit County and the Share the Road group were also recognized.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MARCH 29, 2007 AND APRIL 5, 2007

Roger Harlan provided minor typographical corrections to the City Recorder. Marianne Cone, "I move we accept the minutes of March 29 and April 5, 2007 (as corrected)". Joe Kernan seconded. Motion carried unanimously.

V CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

1. Consideration of an Ordinance approving the Roundabout Subdivision, 300 Deer Valley Loop **(Motion to continue to May 24, 2007)** - and

2 Consideration of an Ordinance approving the 621 Woodside Avenue Plat Amendment **(motion to continue to May 24, 2007)** – The Mayor requested a motion to continue both items to May 24. Jim Hier, "I so move". Roger Harlan seconded. Motion unanimously carried.

3. Consideration of an Ordinance considering approval of amendments to the Land Management Code of Park City, Utah, to address substantive revisions to Chapter 2.2 Historic Residential (HR-1) District, Chapter 2.23 Community Transition (CT) District, Chapter 3- Parking, Chapter 4- Supplemental Regulations, Chapter 2 Zoning Districts, and Chapter 15 – Definitions – Planner Ray Milliner explained that the amendment to the HR-1 relates to parking requirements for bed and breakfasts and boarding houses. Currently, these uses are allowed only in historic structures and there will be additional language about meeting parking requirements. The second modification is changing conservation activities in the CT Zone from a conditional use to an allowed use. The third increases parking requirements for nightly rental uses for dwellings with more than five bedrooms. Supplemental regulations are recommended to be revised to be consistent with requirements in Chapter 2 of the zoning districts. The definition for *accessory apartments* and *nightly rental* language has been clarified. Mr. Milliner explained changes to Chapter 2 clarifying the minimum roof pitch needed to qualify for a roof height exception. In response to a question from Jim Hier, Brooks Robinson stated that the reworded definition for nightly rental is intended to clarify a nightly rental from a bed and breakfast. Nightly rentals are described as renting to one entity, not multiple parties. Mr. Hier asked what section the square footage limitation on accessory apartments is located, and Mr. Miller noted that it is not in Definitions but Supplemental Regulations. The Mayor opened the public hearing and with no comments from the audience, closed the hearing.

4. Consideration of an Ordinance approving the 411 Park Avenue Re-plat Plat amendment combining all of Lot 3 and a portion of Lot 3 Block 4, of the Park City Survey, located at 411 Park Avenue, Park City, Utah – Ray Milliner explained that the request is to remove an interior lot line to accommodate the construction of a single family home. The Planning Commission and staff recommend approval. The Mayor opened the public hearing, and with no comments, closed the hearing.

5. Consideration of an Ordinance approving the 573 Main Street single-lot subdivision plat amendment, located at 573 Main Street, Park City, Utah – Planner Ray Milliner explained the lot combination request is for The Claimjumper Hotel on Main Street to accommodate the renovation of the historic structure. The proposal is to remove the additions installed in the 1980s and the Planning Commission recommends approval pursuant to the findings, conclusions and conditions outlined in the Ordinance. Jim Hier asked if potential impacts to the Park Avenue neighborhood during construction are addressed. Mr. Milliner explained that mitigation will be considered at

the building permit and design review stages. The entire structure is proposed to be built in the HRC Zone with no encroachment in the HR-2, or deliveries from Park Avenue. In response to a question from Roger Harlan about modifying the front façade, Ray Milliner explained that the addition will be stepped back and not affect the front of the building. The building has a National Historic Registry designation and the Mayor asked if it can be maintained with the new addition. Mr. Milliner believed the designation will not be compromised; the original footprint will remain and all historic materials will be saved. Ms. Erickson believed that by allowing the addition, the national historic designation will be withdrawn. Mr. Milliner reiterated that the plan is to retain the historic materials and the existing additions currently cover the original rear of the building. Also, the porches are not historically accurate and will be removed. Dina Blasé, Historic District consultant, reviewed the design and had no major objections. Mayor Williams stated that there are only 15 buildings on Main Street on the Historic Register and losing one more is serious; he asked if design criteria could be more stringent on this application. The City Manager clarified that this project is at the plat amendment stage and subject to other processes. Mr. Milliner noted that the property owner indicated that it is not on the Historic Register because of the 1980 additions, but and the application will be reviewed further. Roger Harlan discussed the difficulty in matching historic brick and Mr. Milliner advised that the additions are proposed to be copper. Mayor Williams expressed his interest in getting the building on the Historic Register and opened the public hearing.

Peter Barnes, architect, stated that he lives across the street and did not receive notice. He asked if a rooftop bar proposed, not that he would object. He would like to be kept informed.

With no further comments, the public hearing was closed.

6. Consideration of an Ordinance approving the 436 Main Street Subdivision combining Lot 9, Block 23 of the Park City Survey and the parcel of land adjacent to Swede Alley and east of 436 Main Street, Park City, Utah – Katie Cattan explained that the application is a request to combine two lots into one parcel in order to facilitate an addition to the commercial building off the rear portion facing Swede Alley. The addition will have no effect on its Main Street façade and the Planning Commission forwards a positive recommendation to City Council. There was no public input and staff recommends approval based on the findings outlined in the Ordnance. The Mayor opened the public hearing. With no input from the audience, the public hearing was closed.

VI CONSENT AGENDA *(items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not*

imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")

Roger Harlan, "I move approval of Consent Agenda Items 1, 2, 3 and 4". Jim Hier seconded. Motion unanimously carried.

1. Ordinance considering approval of amendments to the Land Management Code of Park City, Utah, to address substantive revisions to Chapter 2.2 Historic Residential (HR-1) District, Chapter 2.23 Community Transition (CT) District, Chapter 3- Parking, Chapter 4- Supplemental Regulations, Chapter 2 Zoning Districts, and Chapter 15 – Definitions – See public hearing and staff report.

2. Ordinance approving the 411 Park Avenue Re-plat Plat amendment combining all of Lot 3 and a portion of Lot 3 Block 4, of the Park City Survey, located at 411 Park Avenue, Park City, Utah - See public hearing and staff report.

3. Ordinance approving the 573 Main Street single-lot subdivision plat amendment, located at 573 Main Street, Park City, Utah - See public hearing and staff report.

4. Ordinance approving the 436 Main Street Subdivision combining Lot 9, Block 23 of the Park City Survey and the parcel of land adjacent to Swede Alley and east of 436 Main Street, Park City, Utah - See public hearing and staff report.

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

1. Consideration of adoption of a Resolution approving a letter of intent between Park City Municipal Corporation, Summit County, and Snyderville Basin Water Reclamation District – See staff report and work session comments on solid waste issues. The Mayor invited comments. Mike Sweeney expressed support on behalf of the HMBA. Jim Hier, "I move we approve the Resolution as written in the staff report". Candace Erickson seconded. Motion carried unanimously,

2. Request to modify the Master Festival License for the Park *Silly* Sunday Market, including extended street closure times, amplified music, and single event beer license on lower Main Street from Heber Avenue north to ~~8th~~ **9TH** Street from June through October 2007 – Max Paap explained the history of the application which was discussed during work session. He covered amendments to the MFL previously approved by the City Council including obtaining local consent for a beer garden on the approved venue site, extending hours from 4 p.m. to 6 p.m., changing the ability for the City Council to approve another MFL at the same location from 30 days written notice to 90 days written notice, and a one-time approval for amplified music for an October Fest

celebration with the street closure extending from 6 a.m. to 10 p.m. on October 14. In response to a question from Candace Erickson, Ms. Kuehn explained that the street will be dismantled by 6 p.m. The amplified music request was discussed. The Mayor opened the public hearing.

Ed Brophy, resident, pointed out that the wording on the agenda title should read 9th Street not 8th Street and Max Paap regretted the typo, but noted that the staff report is correct.

With no further pubic input, the Mayor closed the public hearing. Joe Kernan, "I move we approve modifications to the Master Festival License for the Park Silly Sunday Market as written". Marianne Cone seconded. Motion unanimously carried,

VIII OLD BUSINESS *(old items with presentations and/or anticipated detailed discussions)*

1. Consideration to proceed with a Conditional Use Permit application for a dog park located at the base of PC Hill - Mayor Williams explained that Council received public input on this project a couple of weeks ago. Ken Fisher explained that the Recreation Advisory Board introduced the dog park concept in September 2005 and a subcommittee was formed to identify a location for a dog park. In 2006, the Recreation Advisory Board recommended building a dog park at the North 40 parcel. Council was supportive of the recommendation and using neighborhood park funds to pay for the installation of fence. On March 29, 2007, staff asked for permission to proceed with a conditional use permit application because an active user group had been formed to address fund-raising and maintenance of a facility. The City Council directed staff to revisit the inventory of City-owned property with specific criteria, including space for vehicle parking, ability to be developed at minimal expense, not earmarked for other uses, minimum of one acre, level, qualify for a CUP, located near potential users, located near existing recreational amenities, and access to pedestrians. Mr. Fisher stated that based on these criteria, staff arrived at the same conclusion as it did in 2005 and continues to recommend the North 40. The Mayor opened the public hearing.

Ed Brophy, asked if there will be an area for small dogs. Ken Fisher explained that there will be one fenced area but the area can be divided, if needed.

Tony Mahon, adjacent property owner asked where the park will be and what it will look like. Matt Twombly identified the location by way of a map and described the fencing. He asked who will enforce violations and stated that the dog park will depreciate property values. The neighborhood has had no input and Council members should consider this like it was in their front yards. Roger Harlan interjected that there is no proof that a dog park will negatively impact property values and Mr. Mahon spoke about the nuisance of barking dogs.

Steven Osguthorpe stated that his family owns a two acre lot immediately adjacent to the dog park property. It has been on the market for years but as soon as the buyers found out about the dog park, they backed out of the sale. He feels this is indicative of a dog park reducing property values and felt that property owners should have been notified. A dog park was not contemplated when his family sold open space property to the City and retained the two acre parcel. Mr. Osguthorpe expressed his experience with and love of animals. A dog park is needed but this is not the place to put it. The run off from the parcel and parking lot will drain into the creek affecting downstream users. He suggested that Quinns Junction be considered rather than devaluing adjacent properties and the creek should be preserved. Ken Fisher advised that the facility is sited 50 feet away from the creek. Through illustration of a map, the Osguthrope property was defined for Council members. Tom Bakaly clarified that staff is not looking for a decision on approving the dog park at this location but rather proceeding with a conditional use permit process for the dog park. Mitigation and design issues will be addressed at this stage and the public will be noticed and have an opportunity to participate at meetings.

Greg Schirf, adjacent property owner, stated that everyone is in favor of a dog park but the question tonight is the best place to build one. Nobody has recommended a *good* site, the *best spot* is just not good planning. A dog park should have been master planned at Quinns Junction where there aren't residents. He felt Quinns meets all of the criteria because it has parking and access.

Debbie Schirf, adjacent property owner, described the location of their home on the map. The dog park will block their views from their home and will be extremely disturbing. Having dogs in the area would disturb their pets and the moose, fox, and sandhill cranes in the area. She doesn't believe that Park City needs a dog park because of the number of trails; this is not a cosmopolitan area.

Liza Simpson, RAB member and subcommittee member, stated that dog parks aren't about walking your dog on a trail, but relate to socializing dogs. If the Council feels that Quinns Junction is a more appropriate site, the committee is more than open to consider it, but it was not on the table because it didn't meet the criteria. She believes the North 40 is a *good* site and the conditional use permit can be revoked if there are complaints.

Matt Galvin, RAB Chair, acknowledged concerns expressed by adjacent property owners but feels that Park City needs a dog park. There are potentially dangerous situations with off-leash dogs and no matter where it is proposed, there will be objections and concerns expressed by neighbors about disturbing wildlife. Mr. Galvin felt that pedestrian access to the park is important which limits options and suggested odd and even use of trails and/or parks.

Kevin Callahan, Park Meadows resident, felt a dog park is needed. He was an Animal Control Officer for three years and is familiar with problems between dogs and people. Many issues have to do with dogs defining and protecting their territories. However, dogs recognize that dog parks are shared turf and learn how to get along with each other, resulting in a dramatic change in behavior. Walking dogs on lead will provide some exercise but it is not the same as running and the problem with trails is that they're multiple use. Mr. Callahan felt odd and even days would be difficult to enforce. From an animal control point of view, the dog park not only socializes dogs but also dog owners and there is pressure for owners to be more responsible. The Trailside Dog Park was discussed which is not well used because it is too small.

Trisha Hipskin questioned the need for a dog park and agreed with Debbie Schirf. She felt there are more dogs here than people. As an operator of a dog sitting business, there definitely needs to be a solution, but she does not believe it is necessarily a dog park and recommended even and odd day use of trails. The North 40 site has no shade or water and the parcel is next to soccer fields and schools which is inappropriate for a dog park. She felt dogs receive the same socialization on a trail as in a dog park. She admitted that she runs her dogs off leash on trails but they are voice command trained.

Mayor Williams explained open and responsive government and when a group approaches the City Council with an idea, it is incumbent upon the City Council to look at it without preconceived notions. He stated that Park City is a dog friendly town but within the last year, there have been three devastating dog attacks on our trails. There are people who believe their dogs are under voice control and are above the law. This is a community dialog to determine what is best for the overall good.

Ian Wyman, student, read a statement into the record. He relayed that dog parks have many community benefits and are very popular. The North 40 site is a great location because it is walk-able from many neighbors and requested Council approval.

Carol Potter, Mountain Trails Foundation, spoke about being a law abiding citizen by always having Roxie leashed and she would love to have a dog park to let her run. Mountain Trails is in total support. As a RAB member, she relayed that they have worked very hard on this project, but she is personally comfortable with Quinns as well.

Susan Townsend, Park Meadows resident, acknowledged the socialization benefits of a dog park but it needs to be in the right location. She doesn't feel that dog parks are a real necessity for dogs and space needs to be considered. She is opposed to the North 40 proposal.

Marty Schloesser, dog park committee member, explained that the group has a vision for the dog park and has raised funds so that it becomes more than a grassy area with a fence. She talked about the facility being able to accommodate small dogs. There are stringent guidelines proposed for dog owners using the park and she felt that pollution of the creek is unlikely. Dog parks are very popular across the country and are actually promoted in marketing tourism.

Mike Osguthorpe, neighboring property owner, referred to the map and the proximity of his family's property. He felt that property values will decrease with a dog park because of the noise and hours of operation, and other nuisances. Quinns Junction is the right place because there is no residential there.

Kristen Montgomery, Park Meadows resident, felt that the North 40 location is inappropriate because traffic is already an issue on SR248 and users may affect peak hours. The Quinns Junction option is better. She commended Ian Wyman for pursuing this civic project. She personally doesn't want to see a fence installed on open space, wouldn't want this in her backyard, and is concerned about disturbing wildlife migration corridors.

Alexander Loft, Park Meadows resident, relayed his respect for all opinions rendered, but pointed out that the design is conceptual and subject to change. He believes that concerns can be adequately addressed and discussed the success of dog parks in expensive neighborhoods. He felt the impacts will not be as great as some people fear because self-policing among dog owners is common and effective. The North 40 area is highly used now and the wildlife in the area does not seem to be disturbed and he felt that a fenced dog park would not be a negative. He pointed out that more people may have to drive to the Quinns location than the North 40. Dog parks are a great amenity.

Beth Mahon, Park Meadows resident, spoke about the open space on the North 40 where there is rarely a problem with dogs interacting. She is not against a dog park and has seen many facilities across the country where they are a necessity. She didn't feel that a mix of small and large dogs will work. There will be a lot of barking and hoped that Council will consider other locations so her neighborhood is not impacted.

Brian Dagget, Park Meadows resident, acknowledged the pros and cons presented, but addressed the importance of monitoring and policing the park. There will be a lot of barking and there are irresponsible dog owners who may not clean up after their dogs. Locating a dog park in the middle of a residential area is insane.

Carol Sletta, Sampson Avenue, spoke about the changes over the decades, including electronic fencing and active pet education and adoption programs. It is only logical that Park City has a dog park. She would much more prefer living next to a dog park than a condominium project next to her house.

Charlene Brewster, Furberia, explained that one of the reasons the Trailside dog park is not used is because it is an inadequate size to be successful. Dog parks are very good places for dogs to socialize and she spoke about the popularity of doggie day cares, for instance. She encouraged people to visit a two acre park in Salt Lake where there has been no negative impact on property values. Park City is becoming more urban every day and most visitors assume we already have a park.

Roz Cone, Park Meadows resident, complained about the proximity of the dog park to her home if it is approved. She did not like the idea of out-of-state visitors driving to her neighborhood to use the dog park. Park Meadows is not urban and is very residential. There will be more traffic on SR248 and the hours of operation are too long.

Chris Wickland, resident, felt that there will be opposition to any location suggested for a dog park. The approval of the conditional use permit can be reversed if concerns can not be mitigated. He thanked Council for taking on this project.

Jen Gayle, Summit Park resident, stated that she complies with the leash law and takes her three dogs to doggie day care and dog parks in Salt Lake. She is not sure of the right location, but would love to have a facility in the community.

Carey Coffee, Park Meadows residents, stated that she supports a dog park, but not at the North 40 location. She is fearful of disrupting the wildlife there. She suggested contacting the ski resorts for more space; a dog park is not appropriate in a residential area.

Dottie Small, Park Meadows resident, felt that dogs need to run and is not opposed in concept to a dog park. As an adjacent neighbor, she felt she should have been notice and is also concerned about the wildlife in the area. Having people hanging around the schools is not a good idea and her vet didn't feel a dog park will work. Dogs will be barking all day and property values will decrease. There is already a lot of open space and trails for socialization.

Jess Reid, Park Meadows resident, stated that he is totally opposed to the North 40 site and encouraged Council to consider Quinns Junction.

With no further input, the public hearing was closed. Mayor Williams relayed that he has spent a lot time at the North 40 observing neighborhood dogs off leash chasing the wildlife. The property is being used as a dog park now, and he doesn't *buy* the wildlife argument and understands the *NIMBY* points of view. He lives 300 feet from affordable housing which has not negatively impacted his property values and enhances the community. He favored the North 40 location, but completely changed his mind when he realized tonight the proximity of the Osguthorpe property and suggested *going back to the drawing board*. Jim Hier felt that if the Osguthorpe home existed, pursuing the North 40 location would not have occurred. It would be great to open trails as a leash-free area for trained dogs, but the City does not have the ability to change the leash law and a dog park should be considered as an option. The Quinns Junction parcel is an appropriate site but was earmarked for other uses and not considered by the committee. He pointed out that Council has the discretion to direct staff to look at the Quinns location which meets much of the criteria and agreed with comments made about creating additional traffic congestion and parking in the North 40 area. A conditional use permit doesn't guarantee future use and may provide for an annual review. The dog park can be revoked if conditions are not met. With regard to public notice, he felt there has been a lot of reporting on this issue and noticing is required when the conditional use permit application is submitted. The City felt it beneficial to hold meetings on the dog park in advance.

Candace Erickson commended RAB and the subcommittee who followed criteria, specifically not considering property which is already programmed. She commented on the many changes in town over the past ten years and felt a dog park is needed, especially for people who want to be law-abiding citizens. Ms. Erickson agreed with Mr. Hier and felt Quinns Junction may be a better choice because it is not residential. It may be harder to get to, but the parcel may be larger.

Marianne Cone observed that confined dogs seem to create problems. She proposed reconfiguring the parcel so that the facility is farther from the building pad on the Osguthorpe parcel. The North 40 is a good spot and if it is pursued, she suggested using temporary fencing in the event the location changes. The leash law should be enforced if and when a dog park is built as there are incidents on trails.

Joe Kernan believes the community needs a dog park and that contamination of the stream can be addressed. He is reluctant to use valuable property contemplated for fields for construction of a dog park and believes potential problems can be resolved during the CUP process. He indicated that Richardson Flats may be an option.

Roger Harlan spoke about the responsibility of elected officials to consider public input and relayed the success of the skate park project which received a lot of criticism from adjacent neighbors during the planning process. He discussed conditions associated with a CUP and suggested that a temporary dog park be built on the North 40 site and when a building permit is requested on the Osguthorpe property, that the City remove and relocate the dog park. He is interested in this location because of its proximity to the Park Meadows and Prospector neighborhoods. There is a lot of flexibility with a CUP and he is supportive of proceeding with an application for the North 40. Jim Hier pointed out that the skateboard park would be successful anywhere because of its outstanding design. Building at Quinns would provide an opportunity to better plan amenities for the dog park. Creating a condition that when a building permit is approved, the dog park moves is not a good idea because the park may be working well and then what does the City do? He felt that if it works at the North 40, it will work at Quinns. Roger Harlan again spoke about the skate park project and preconceived ideas by the neighborhood. Candace Erickson added that there were issues with the skate park, and the City installed fences and landscaping so patrons didn't wander on private property and to help buffer the noise for residents. Jim Hier observed that most comments in opposition are from the Park Meadows area and he didn't feel many people in town will walk to the North 40 site.

Roger Harlan and Marianne Cone were in favor of pursuing the North 40 site and Jim Hier, Joe Kernan and Candace Erickson did not support pursuing a CUP on the North 40 site. Mayor Williams suggested that the Council redefine criteria and provide RAB with more options. Jim Hier stated that several properties have already been analyzed and rejected. Quinns Junction is already programmed for fields and is not within walking distance. It would be helpful to explore the overall programming for Quinns to determine if a dog park is feasible. Mr. Hier stated that he doesn't need a new set of criteria and would like to see if City-owned property or possibly a donated parcel at Quinns works and Candace Erickson agreed. Marianne Cone commented that she would consider donated property. Candace Erickson emphasized that the City does not own Richardsons Flats and considerations should be limited to City-owned parcels. Joe Kernan pointed out that there may be long-term solutions at other locations. Roger Harlan acknowledged the direction of the majority of Council members, and thanked the work accomplished by RAB.

Tom Bakaly understood Council direction to be to return to Council with a plan for Quinns and not pursue a conditional use permit for a dog park at this time.

2. <u>Continuation of discussion considering an Amendment to Parcel 1 of the Walter Daniels Subdivision, located at 605 Woodside Avenue, Park City, Utah</u> – Ray Milliner explained that information associated with the Planning Commission's deliberations are included in the packet material. The applicant is requesting subdividing Parcel 1 of the Walter Daniels Subdivision into two properties for the purpose of restoring an historic home and constructing a residence in the back of the property. Staff has made the following findings; the subdivision is an increase in density which is incompatible with the neighborhood and there is not good cause to amend the original subdivision plat. The plat amendment was approved in 1995 and compliant with the LMC. It eliminated

metes and bounds parcels in the rear and created areas where the existing home could be expanded and still have a sizeable yard. Staff finds that the original plat amendment was and is appropriate. The third finding for denial is that there is insufficient frontage along Woodside Avenue; the applicant is proposing a 16 foot wide frontage and the Code requires a 25 foot wide strip.

Through illustration of slides, Mr. Miller explained the proposal to remove the garage from the historic home which then becomes access to the second home in the rear. Property owner Lawrence Meadows clarified the location of the garage and stated that the original historic wall will not be disturbed. Architect Kevin King emphasized that no new retaining walls will be built and he pointed out that the grade of the driveway will be raised so the walls will appear shorter. Mr. Milliner illustrated the proposed plat and a site plan.

Mark Kozak, attorney, referred to an exhibit showing that from the turn of the century there were two houses on this property near the street. It was never platted to be a two house parcel. He quoted several complimentary comments included in the Planning Commission meeting minutes demonstrating there is a solid record of the appreciation of the design qualities of the project. With respect to the prior plat amendment staff recommendation, Mr. Kozak believed the intention was in general to ensure existing structures are not straddling several property lines and to add a portion of a previously unplatted section of property to each owner's backyard creating larger lots. The HR-1 Zone is characterized by a mix of large contemporary residences and smaller historic homes and they are proposing a large contemporary residence and a small historic home. Mr. Kozak addressed Finding No. 9 regarding incompatibility in creating a gap in the streetscape for a driveway. This is compatible with their neighbor and Finding No. 10, regarding retaining walls, is a misstatement. Mr. Meadows interjected that the property is next to the 6th Street easement which creates a 35 foot gap on the street and he doesn't view visual open space as a negative. They are also volunteering to build the 6th Street Stairs as a part of this project. The Mayor invited the audience to comment; and with no public input, he closed the public hearing.

In response to a question from Marianne Cone, Mr. Meadows indicated that the existing driveway is 24 feet. Roger Harlan expressed concerns about the historic house being damaged with the tunnel construction and Mr. Meadows explained that the structure over the current garage will be removed. Kevin King added that he has designed a planter to buffer that side of the driveway. Mark Harrington urged Council to comment on the alleged inaccuracies of Findings Nos. 9 and 10 or give alternative direction to staff. The incompatible gap issue was discussed. It was pointed out that the dwelling is non-conforming but this is not cited as a finding. Jim Hier asked if it should be a finding and Mark Harrington responded that it depends on Council's evaluation of whether there is good cause for this plat amendment. Staff takes issue with selectively choosing to quote certain Planning Commission statements with regard to the design but some were out of context. Mark Harrington stated that modifications that are considered appropriate can be done without the plat amendment, i.e., restoration of historic home. The real issue for staff was allowing the additional density in the back which would have been allowed before the 1995 plat amendment and whether there is good cause to revert to that configuration. The 1995 staff report clearly reflects the intent to provide compatible additions and the record speaks clearly to that. Mr. Harrington advised that the Council weigh whether there is good cause to support that direction or whether this proposal is sufficiently consistent with zoning. The zone encourages lot combinations for single family dwellings and there needs to be findings to support going in the other direction by re-subdividing. Kevin King commented on the change in thinking about additions to historic structures and he received positive comments on his concept. The Code allows them to construct a duplex and doesn't believe this plan increases density.

The Council deliberated over Finding No. 10 with regard to the height of the retaining walls. Jim Hier suggested that it may not be that important and suggested striking it as a Finding. All members concurred. In response to a comment from Roger Harlan about a duplex, Ray Milliner stated that Finding No. 8 speaks to the potential for a duplex and there was discussion about it not being relevant to this application. Jim Hier stated that he could drop the finding about the incompatible gap and Ray Milliner explained that it is mentioned because it is different than the typical streetscape and considered incompatible. Joe Kernan didn't feel he could support this finding and Jim Hier explained that the findings support denial. Jim Hier suggested that the last sentence in Finding No. 9 be deleted. He believes that the favorable Planning Commission comments referred to by Mr. Kozak were prefaced with statements that the LMC doesn't support it and the Commission makes decisions based on compliance with the General Plan and LMC. He agrees with the Planning Commission's denial because of the potential for increased density.

Marianne Cone stated that she doesn't have a problem with the driveway space and Mark Harrington described staff's position on the streetscape. The statement regarding density is a compatibility determination that Council must make. Members must also decide whether there is good cause to revert to the prior plat and to evaluate zoning regulations as they apply to this application. Ray Milliner relayed, in response to a question from Joe Kernan, that lots must be 25 feet wide measured 15 feet back from the front property line. A determination was made that the property fronts Woodside Avenue where the width of the lot should be measured, rather than from unbuilt Sixth Street or Norfolk Avenue. Kevin King clarified that Section 15-2.2-3, lot and size requirements, refers to frontage but does not specify 25 feet of frontage and lot width is defined as the minimum distance between the side lot lines and the front setback or front building façade. He stated that the front building façade is behind the historic structure with 47.9 feet of width and they also have frontage. Ray Milliner again stated that there is no existing building to measure from. Mark Harrington discussed irregularly shaped lots and the Planning Director's discretion in determining the front side of the building. In response to a question from Joe Kernan, Ray Milliner explained that increases in density are not illegal but discouraged. Lot combinations are encouraged which typically reduces density. Candace Erickson asked if the applicant is willing to decrease the back lot and increase the front lot size; the result would not accommodate a duplex on either lot. Mr. Meadows suggested a deed restriction and Ms. Erickson stated that this is not always the best approach for the City. There was discussion that Ms. Erickson's suggestion would decrease the size of the back house. Mr. Meadows emphasized that the unit equivalency on the property is 3.8 and density is governed by the definition of the minimal conforming lot. Mark Harrington disagreed and explained that density is sometimes qualified by other development standards and some density units require additional review and approval and there are no entitlements. He encouraged the applicant to focus on the merits of the project rather than distracting Council with peripheral issues. He encouraged Council to look at compatibility and Ray Milliner added that a duplex in this zone would require a conditional use approval.

Jim Hier, "I move we deny the application based on the Findings of Fact and Conclusions of Law, as modified during this deliberartion to exclude the last sentence in Finding No. 9 and deleting Finding No. 10". Candace Erickson seconded. Motion carried unanimously.

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

X 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 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present were Gary Hill, Budget Managesr; Kent Cashel, Assistant Public Works Director Tom Bakaly, City Manager; and Mark Harrington, City Attorney; Myles Rademan, Public Affairs Director; and Tom Daley, Deputy City Attorney. Marianne Cone, "<u>I move to close the meeting to discuss property</u>". Candy Erickson seconded. <u>Motion carried unanimously</u>. The meeting opened at approximately 2:45 p.m. Marianne Cone, "<u>I move to open the meeting</u>". Joe Kernan seconded. <u>Motion unanimously carried</u>.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder