PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 13, 2003

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jonathon Weidenhamer, Planner; Michelle Barrus, Special Events Coordinator; Alison Butz, Special Events Manager; and Colin Hilton, Project Manager

1. **Council questions/comments.** Peg Bodell reported on her trip to Washington D. C. to attend the National League of Cities conference. The NLC is exploring changes to its programs to better benefit communities like Park City. She urged fellow Council members to attend the Utah League of Cities conference in April and spoke to Scottish Power representatives about under-grounding utilities. At the NLC conference, homeland security was discussed, and this is an issue Park City should be considering to be prepared in the event of an attack. Another interesting session was on diversity and more particularly *soft bigotry*. This term is described as assuming mediocrity of others of a minority race which exists in our community. She emphasized that the conference was very informative. Jim Hier commented on the COOL meeting this week where members discussed informing the public on the lands dedicated as open space as a part of the Flagstaff development. COSAC also met and worked on its mission statement and the next meeting will include a tour of properties purchased with initial open space bond proceeds. Kay Calvert noted that the Economic Development Task Force convened this week where a variety of interests are represented; she acknowledged the challenge of reaching consensus on an approach. Mayor Williams commented on the return of Elizabeth Smart to her family which was an important day for Utah.

2. **Economic development program.** Jonathon Weidenhamer explained that the City Council directed staff to form a task force, representing lodging, the Chamber, resorts, HMBA, private developers, etc. There are six focus groups charged with formulating strategies: resort based economy, economic diversity, capital improvements, Main Street vitality, special events, and cultural and heritage tourism. The goal of the first phase of the Economic Development Work Program is to provide a list of strategies and recommendations which will then enable the Council to prioritize actions and policy decisions geared at shaping City-wide economic opportunities. Goals include completing an analysis, vision, and action plan to implement those strategies and the progress of this effort will again be reviewed the middle of April.

He referred to Council members Jones' initial work with the resorts to arrive at a vision. Strategies could include promoting special events for Main Street, SR224 improvements, regional transportation, water sources, etc. With regard to economic diversity and commercial mix, the group recommends promoting our strengths, like our Olympic legacies as a marketing tool. Redevelopment plans for the Kearns and Bonanza areas, convention center, outdoor performing arts center, activities for kids and seniors, and the role of the City were are all addressed. Mr. Weidenhamer explained that the City's role is to provide the infrastructure, help facilitate events, streamline processes, and utilize our political influences with regard to procuring funding and support. The recent HyettPalma study, contracted by the City, has been an effective tool with regard to commercial mix recommendations for Main Street.

Michelle Barrus reported that the cultural and heritage tourism group met twice. *Cultural* is described as special events, attractions, and performances while *heritage* represents our mining past, history, and museum. The group is diverse and there wasn't a consensus on a strategy but our strengths and opportunities were agreed upon to be our strong arts programs, historic sites, and Olympic legacies. A common theme from the group included adding more attractions and events, The goal of the first phase of the Economic Development Work Program is to provide a list of strategies and recommendations which will then enable the Council to prioritize actions and policy decisions geared at shaping City-wide economic opportunities more specifically art studios for classes and/or exhibitions and literary conferences where *"people come and they do"*. Another idea is hosting more cultural type festivals, i.e. culinary and wine events, like the former *Taste of Park City*. She explained that these could be held in the shoulder seasons. Other recommendations included creating an art and sculpture garden, and public art and historic walking tour to promote people walking and browsing Main Street with a purpose. Existing attractions could also be enhanced, i.e., consider conducting mining tours again, Old Town tours, expand the museum to display our large collection, and programs at the Kimball Art and Egyptian Theatre. There are over 200,000 patrons visiting Cedar City for the Shakespearean Festival in the heat of the summer. There is an opportunity for Park City to do something similar. Ms. Barrus continued that creating a cultural alliance between the Eccles Center, Egyptian Theatre, Kimball Art Center, Historical Society and Arts Council will encourage communication and collaboration between groups. Considerations include implementation of an action plan, and identifying funding sources and partnerships.

Colin Hilton pointed out that capital improvements relate to Park City's economic vitality and most of these members also serve on other focus groups; the first meeting is scheduled next week. This effort will study the budgetary impacts and his initial thoughts are that downtown vitalization funding in the CIP Fund will be considered. Alison Butz explained that the promotion of special events is common with each group. Events have been strongly supported by the City Council and four strategies are identified: sustain existing events, improve processes for events, develop additional of funding and marketing sources for events, and encourage new events.

Jonathon Weidenhamer expressed that the role of recreation in economic development continues to be identified but is not included in this analysis. It doesn't necessarily fit in any one category, but relates to all of them. He asked for direction of whether it should be created as a separate focus group. Peg Bodell believed recreation merits its own separate group. Mr. Weidenhamer pointed out that trails can be an important destination attraction and cited Moab's success. Fred Jones agreed that we have many assets that could be packaged and promoted. Jim Hier expressed concern about creating too many groups and suggested that it be combined with another and Planner Weidenhamer suggested inclusion with the resort economy segment. Peg Bodell felt that our trails project planner should be involved in this group and trails also relate to recreation for the community. She also suggested programs like a tennis camp. There was discussion about the special events group standing on its own and Ms. Butz explained that their charge is to determine what current special events are lacking; how to solicit other festivals will be based on certain criteria yet to be developed. Fred Jones felt that there needs to be an organization producing new events and the funding needs to be determined. Ms. Butz responded that the benefits of a community foundation is to market, produce and fund events.

Mayor Williams pointed out the significant expense of renting stages for individual performances and the savings realized by investing in one. Colin Hilton agreed that if infrastructure was available this year alone for Sundance, World Cup and America's Opening, it may have covered the cost for a permanent installation. This commitment also attracts groups to the City because their costs are less. There are many ideas on events, but not a good collection point to analyze them which is needed. Peg Bodell added that the community's and the City's capacity to absorb the impacts of events needs to be analyzed as well as fee waivers. Ms. Butz clarified that at this point in time, associated impacts are not a part of the analysis and recommendations but that doesn't preclude the formation of a subsequent special events committee if a need is demonstrated.

In response to a observation made by Peg Bodell that these activities don't necessarily promote economic development for the off-season. Alison Butz explained that the group's mission is to look at our strengths, which are winter and summer and then begin to formulate strategies for the shoulder seasons. Ms. Bodell thanked Ms. Butz for the feedback which is helpful. In response to a comment made by Council member Calvert about the benefits of professional consulting, Alison Butz explained that the task force will identify work that should be out-sourced. With regard to creating a separate recreation group, Fred Jones believed it would be productive but left the decision to the discretion of the task force. Jim Hier expressed his skepticism about six groups being able to present a meaningful integrated plan within six to eight weeks. Council member Bodell predicted that each group will arrive at a different outcome and expressed that recreation should be an independent committee. Colin Hilton summarized that individual focus group recommendations will be unique because they are a *smorgasbord* of ideas generated to bring to Council who can then select and provide direction on what suggestions should be pursued. The City Manager explained that each group will render a recommendation on recreation and Kay Calvert cautioned that by not forming a separate group that opportunities may be overlooked.

Ms. Bodell stated that last week, Washington D.C. experienced a 70% occupancy rate, largely due to its ability to accommodate conventions while Park City's was at 45% in our peak season. Jim Hier agreed that we should strive to increase our occupancy rates, but the comparison is not that simple. Mr. Weidenhamer reiterated that the charge is to enhance the wintertime tourism economy. M. Hier commented that the skier base and convention business may not be compatible, but Council member Erickson reported that an annual doctor's conference is held at Shadow Ridge every ski season. It was pointed out that staff will return to Council in a couple of weeks.

<u>Recap Economic development program</u>

- Integrate the promotion of recreation for visitors; could be a separate focus group
- Include the City's Trail Project Manager in the resort/commercial group and market trails
- Support direction of enhancing existing events not particularly new events until information from this task force is analyzed
- Each group will generate different options for Council to select from and provide direction on
- Explore conventions to increase occupancy in winter

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 13, 2003

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 13, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michelle Barrus, Special Events Coordinator; and Patrick Putt, Planning and Zoning Administrator.

II PUBLIC INPUT

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

Cities for peace initiative - Patrick Lovell, resident, expressed his support of Council's steadfastness to resist the campaign to endorse a peace resolution because he doesn't feel Council should be making decisions on these matters. The arguments as represented in the *Park Record* appear to be one-sided and one dimensional, i.e., only a war for oil, etc. He didn't feel that Council should be pressured with the argument that as an Olympic city, it is incumbent upon the City to adopt a resolution and appreciate's the Council's position.

With no further comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Special service contracts - Mark Christensen explained that RFPs will be published very soon and conducting a pre-proposal bid meeting is contemplated. The closing date has been extended this year from March 31 to April 7 , which will provide additional time for applicants and enough time for staff to prepare for budget sessions in May. Mr. Hier highly recommended holding the informational meeting.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 20, 2003

Peg Bodell, "I've reviewed the Minutes of February 20, 2003 and find them complete and accurate and move approval". Jim Hier seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARING

Master Festival License for St. Patrick's Day Celebration on March 17, 2003 at the Town Lift Plaza - applicant Sweeney Brothers Town Lift Café - Michelle Barrus referred to her staff report and asked Council members if they have any questions. With no comments from the City Council or audience, the public hearing was closed.

VI CONSENT AGENDA

The Mayor requested a motion to continue the lease with the Historical. Fred Jones, "I move to remove Item No. 2 from the Consent Agenda to a date uncertain and approve Item No. 1". Motion carried unanimously.

1. Master Festival License for St. Patrick's Day Celebration on March 17, 2003 at the Town Lift Plaza - applicant Sweeney Brothers Town Lift Café - See staff report and public hearing.

2. Lease with Historical Society for space located at 528 Main Street, Park City, Utah - Continued; see motion.

Recap: Item No. 1 approved as presented. Item No. 2 continued.

VII NEW BUSINESS

1. Ordinance amending Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah to dissolve the Parks, Recreation and Beautification Advisory Board and re-write Section 17 in its entirety to create a new Recreation Advisory Board with new terms, membership, purpose, duties, procedures and subcommittee responsibilities:

(A) Staff presentation and (B) City Council questions/comments - Tom Bakaly explained that the Ordinance changes the name of the Parks, Recreation and Beautification Advisory Board to the Recreation Advisory Board (RAC), reduces the number of members from a range of eight to twelve to seven, and staggers terms. The purpose of the Board is to advise the Council and staff on parks and recreation policy, as requested by the City Council. It is contemplated that the Council will define its goals every January and assign associated projects to RAC. He pointed out that other changes relate to special subcommittees which may or not consist of a RAC member. Approval will disband the current Board and reconstitute it as described and the next logical step would be to formulate operating policies, advertise the positions, and select candidates. Mark Harrington outlined technical features, including the determination that RAC is a public body as defined by the Open and Public Meetings Act and subject to associated requirements. Additionally, the Recreation Manager is referenced, which is a newly contemplated position as a result the City's reorganization. In response to a question from Kay Calvert, the City Manager indicated that a vision or work program should be defined before positions are solicited. The application process will begin shortly. In light of the information emerging from the budget process, Peg Bodell recommended that terms begin July 1 rather than January 15. Council members agreed. Council member Erickson pointed out that this is better timing with relation to elections as well.

She relayed that she received comments from current members concerned about term limits. It is possible that a contributing member may be in the middle of an important project and is prohibited to reapply and participate at the conclusion of two terms. Mark Harrington stated that there is still an opportunity for ex officio (non-voting) status, but the language *citizen at large* could be added to the provision to make it clearer although it is not exclusive as currently drafted.

(C) Public hearing - The Mayor opened the public hearing.

Dean Schulman, Chairman of the Parks, Beautification and Recreation Advisory Board, stated that he regrets Council's decision. Any issues Council had with the Board could have been resolved without such a comprehensive measure. Under the current ordinance, task forces and independent committees could have been employed just as they are contemplated here. Council always had the right to appoint representatives to the Board and if this change proceeds, he hopes that the good work and accomplishments of members over the past 20 years will be acknowledged. He also hopes that the valuable contributions of Board members will be remembered and given weight if they decided to apply for RAC. Additionally, he emphasized his hope that the new Board be peopled with dedicated generalists rather than special interest advocates.

Dave Stahle, current member, expressed his concern about term limits and discussed his commitment to serving on the ice facility task force and to participate until the project is underway. Tom Bakaly responded that this provision relates to open and responsive government goals to provide an opportunity for other citizens to participate. The staggered term strategy would result in allowing a person to serve for a range of four years to six years, depending on the specific appointment. Mr. Stahle pointed out that in his five years of service, there has been steady turn-over and it has been his experience that there are more vacancies than applicants. Candace Erickson interjected that the Library Board has term limits. The town changes every few years and a fresh point of view is often insightful. Mr. Stahle agreed, but felt that will occur without term limits and omitting the clause would provide more flexibility to maintain a valuable member. A classic example is George Hull who served for about ten years; removing him during his tenure would have been a mistake. Peg Bodell added that retired members could also serve on task forces. Mr. Stahle stated that if he was removed from the Board, he personally would like to continue in any capacity on ice, but can not speak for other members. Kay Calvert believed that someone could serve two consecutive terms, take a break, and reapply. Jim Hier felt that the reason for lack of public interest is because the City doesn't do a good job of advertising for and recruiting candidates. Dave Stahle countered that the Leisure Services staff employs public service announcements on *KPCW, Park Record* notices and word of mouth for vacancies. Mr. Hier felt that is not the public's perception and insisted that the City could do a better job.

Dave Stahle also suggested that the Ordinance codify bylaws in the Code so communication and reporting are clarified. The purpose and duties are described as policy-based in the current ordinance but could be better defined. He feels it is a mistake not to appoint a member of the Board to other task forces with recreation components, because it undermines the value of the advice from the Board. Besides not taking advantage of a member's knowledge and history, communication may also be hindered. Jim Hier stated this is a good point.

Don Bloxom, resident, pointed out that Council has term limits, called *elections.* He hoped that this proposed Ordinance will streamline processes as the skate park took five years to build. He supports the ordinance. Term limits are crucial.

With no further input, Mayor Williams closed the public hearing.

(D) <u>City Council action</u> - City Manager Tom Bakaly explained staff's recommendation to adopt the Ordinance tonight, including any amendments, with the intention of returning in two weeks at work session with operating procedures which will be much less formal than tonight's meeting. Fred Jones stated that he is comfortable with the July 1 date and still felt that the subcommittee language is flexible. There could be instances where the subcommittee's project may not be under the purview of RAC but may be broadly interpreted as recreation, i.e., ski events. It is not the intention to exclude Board members from involvement. He is in favor of term limits. Two terms should provide enough time to be effective and there are others in the community that would like the chance to participate. Mr. Jones cited an example where someone is doing a very good job on a committee and his third or fourth terms comes up. It's very difficult for the Council to appoint a new member with a fresh perspective, because the member may interpret this as being rejected and this has happened. Expectations should be clear so people are comfortable at the end of their terms and there will continue to be task force opportunities. Mr. Hier agreed with Mr. Bloxom's comments about elected officials and added that there is no review by the community for appointees. He suggested language changes to Section (E), Committees, which puts a more positive spin on its intent. He agreed with Mr. Stahle that whenever possible, there should be a representative of RAC on task forces involved with recreation activities. Council concurred. Kay Calvert explained that the Ordinance is an attempt to streamline processes and create better communication between the Board and the Council and supported the amendments to Section (E). Peg Bodell suggested an additional amendment to Section (E) omitting the language *to advise the Council on recreation matters* in the last sentence.

Fred Jones, "<u>I move to adopt this revised Ordinance as amended through this</u>

discussion". Kay Calvert seconded. Motion carried. Jim Hier requested a copy of the revised resolution.

Recap:
- Enact Ordnance as amended
- Formulate general vision and work plan for Board before applications are solicited - target two weeks
- Change appointment date next year from January to July to better fit with budget cycle and elections
- Limit terms as drafted
- Include RAC members on task forces with a recreation element as often as appropriate
- Correct typographical errors and clarify language in Section (E) Committees
- Provide Council members with a final draft of the revised Ordinance

2. Proposal to initiate Planning Commission review of an amendment to the Land Management Code, Title 15, Chapters 11 and 12 of the Municipal Code of the City of Park City, Utah to dissolve the Historic District Commission (HDC); rewrite Chapters 11 and 12 to consolidate HDC functions with the Planning Commission and Planning Department; create a temporary, non-voting, ex officio Historic District Advisor to the Planning Commission; replace an existing member on the Planning Commission with a new Historic District Advisor member effective February 9, 2004; create a new Historic Preservation Commission for administration of grants; and amend Chapters 1, 2, and 15, and miscellaneous individual sections as necessary to remove references to the HDC:

(A) Staff presentation and (B) City Council questions/comments - Patrick Putt explained that the proposed Ordinance is presented in response to Council's recent goals of streamlining the design review process by improving the expertise of the Planning Commission on Historic District matters . He emphasized that this does not diminish the importance or regulatory scrutiny of the Historic District design review process and the proper checks and balances will continue to be maintained. This amendment strives to advance an improved preservation program, responsiveness and process. Regulations for administrative procedures, Land Management Code regulations, Historic District Guidelines, and building codes remain in place. The notice to property owners, timing and/or the number of opportunities for appealing an application, or the Historic District grant program will not be diminished. There is still an initial design review process conducted by professional staff; this would free up time to complete projects like the Historic District survey, incentives for home owners to take on difficult and expensive rehabilitations, work on the CAD process, and public education about preservation benefits. The existing design review provisions remain the same and this approach eliminates redundancy and noticing to adjacent property owners, and posting property will still occur. The steep slope analysis, enacted over the past several years, is currently a review by the Planning Commission, . He emphasized that the HDC's calendar is very light, mainly due the lack of appeals of staff determinations which demonstrates that the current staff review is effective.

Mr. Putt summarized the major features of the proposed Ordinance:

- eliminate the Historic District Commission
- establish the right to appeal or call-up staff decisions with regard to determinations of significance to the Planning Commission
- amend Chapter 12 , Planning Commission, so that all other appeals of staff decisions to the Board of Adjustment
- create a new three member Historic District Preservation Commission to administer the grant applications and make recommendations to the General Plan elements as they relate to historic preservation
- amend the economic hardship process to establish a hearing before an independent hearing officer
- monitor conditional use approvals which are noticed and appealable
- create the position of Historic Advisor on the Planning Commission with terms
- replace one member on the Commission with the Historic Advisor, who is a member of the community, as a voting member beginning February 2004

He reiterated that streamlining the process will create opportunities to move forward on important historic preservation programs and fosters collaborating and partnering within the community. By way of illustration of flow charts, he again described design review, appeal, determination of significance, and economic processes in detail. Mark Harrington interjected that individual Planning Commissioners have the ability to call-up an action, as the HDC does today, ensuring the checks and balances of a public body component in addition to the rights of neighbors to appeal. Mr. Putt read a letter of an Philip Hughes who was not able to attend the hearing (see public hearing comments).

For the benefit of Mayor Williams, the Planning and Zoning Administrator described that this proposal will be forwarded to the Planning Commission who will hold public hearing(s) and render a recommendation to the City Council who will also hold a public hearing before taking formal action. It is contemplated that the Commission will review this on April 9 and then return to Council shortly thereafter, depending on the public hearing process. On March 27, staff will present Council with a preservation work program to prioritize projects. Candace Erickson understood that a remodel, not an expansion, would first be reviewed by staff and asked if it would also be reviewed by another body. Mr. Putt explained the Planning and Building Departments would review the application with associated codes, adjacent properties would be noticed, the property would be posted and the project would be approved unless there are outstanding issues or an appeal. Ms.

Erickson asked what would occur if a staff person missed a guideline. There is no *second set of eyes* looking at the application and the project could proceed and the oversight discovered later when it's too late. Additionally, there are citizens very interested in historic preservation who may or may not be a neighbor. Pat Putt admitted that this could happen, but it would be an exception, and no process is foolproof. The City Attorney explained that the intent would be to maintain the same *second look* by the Planning Commission who would receive notification of staff approval so there is an opportunity for call-up. This is also applicable for remodels. Ms. Erickson suggested that the Historic Advisor be charged with checking for compliance. Mark Harrington believed this could easily be added to the Ordinance at Council's discretion. Ms. Erickson continued that there is little in-fill left and she felt remodels will be more prevalent. It was clarified that remodels are not reviewed by the HDC currently, unless there is an appeal. Peg Bodell recommended that appointments should be made in July, rather than February and supported the name change to *Historic Preservation Board* as it better defines its advisory charge. Mark Harrington explained that the title mirrors state code but with regard to administering the grant program, it is not an advisory body, because final awards are made by the Board.

Mr. Putt explained that the Historic Advisor would be a non-voting member of the Commission to maintain the integrity of the Planning Commission by not increasing the odd-numbered membership. In response to a question from Kay Calvert, he explained appeals of staff decisions will first go to the head of the Planning Department. The City Attorney added that the independent hearing officer would address economic hardship cases, and not determinations of significance which would remain with the staff and Planning Commission. Economic hardship applications are very infrequent. The independent review by an expert is sought to avoid takings claims and determinations by the hearing officer are appealable to the district court. All actions of this proposal than can be appealed. The Mayor opened the public hearing.

(C) Public hearing:

Philip Hughes (comments by way of letter read earlier into the record), Historic District property owner of 502 Park Avenue and 60 Prospect Avenue, relayed that he was awarded an Historic District grant several years ago and was treated in a timely manner by the HDC and planning staff. He is applying for another grant this year and is strongly opposed to disbanding the HDC. He acknowledged judgments can be subjective, but he would rather rely on subjective review by a five member panel than an unappealable decision of a City employee.

Ron Shepherd stated that he is a major grant recipient and agreed with Mr. Hughes' comments. Redundancies in city governments create checks and balances. By eliminating the HDC, staff is empowered at a level that turns the review process into an appeal rather than having a board look at an application with his interests in mind. He doesn't always agree with the HDC because members tend to be more conservative than him, but would rather have the Commission in place. He doesn't believe City staff is as sensitive to the importance of historic renovation. The review process with the Preservation Planner and the HDC provided guidance while the process for a plat amendment with the planning staff was unyielding. The HDC offered options.

Paul DeGroot, resident and contractor, stated that he was served on the HDC from 1981 to 1986. The early years were contentious with arguments about governmental control, but eventually the HDC was supported by Council and the community. Guidelines were put in place and people agreed that Old Town was worth saving. He is as committed to historic preservation and the HDC today as he was then. Guidelines have changed very little over the years, however they are not rules, but provide guidance. This is something the HDC continues to *gets a bad rap over*, but it has been successful over the years. Staff has a good grasp of the guidelines and is capable of interpreting them. Mr. DeGroot stated that he is a designer and builder, specializing in Old Town. As the town has evolved, the work left for the Commission can be described as the *taste police*, i.e., moving a window a few inches, color of paint, etc. At this point, he doesn't support the extra layer of government and subjective reviews. Mr. DeGroot didn't feel a variety of opinions make a better project and those days are gone. He questions what *the specially appointed member with historic architectural expertise* is and how that person is found. He would prefer to keep the Board in some semblance to overview staff decisions and questioned whether one person can effectively promote historic preservation efforts. The Planning Commission has always been much more concerned with applying laws than the HDC. Without the HDC, he didn't believe Old Town is threatened and is supportive of staff's recommendation to minimize the layers of government, but at the same time remains supportive of the HDC and preservation efforts.

Don Bloxom, stated that no one in the room is anti-preservation and he, like other designers specializing in historic preservation in Park City, intentionally avoid the HDC because it is so subjective and capricious. However, he fears that if the HDC is not disbanded after his testimony tonight, he will not be able to do business in Park City because of his comments. During an HDC review of one of his projects, a member stated that *he would have approved the application, but he (Bloxom) pissed him off.* People with no expertise are making important decisions and delaying projects at a significant cost to people. He can't inform clients about what they can build because the outcome or time involved is never predictable. Federal guidelines specifically provide that replication is not allowed, but the Guidelines encourage this with cookie cutter designs. There is no authentic 90s period in Park City which hurts our future. This plan does allow for continued preservation which is what the HDC should be doing. The bulk of newcomers in Old Town are moving in new in-fill buildings and the review of new buildings should not be *trial by fire.* Currently, there is only one HDC member who can actually read plans. If there is a new three member commission, there should be tight guidelines and decisions should not be deferred to appointees whose qualifications are having the time to sit on a board. He believes the HDC should not review new structures because of the potential of skyrocketing the cost of building. Every time the HDC asks for more information because of lack of expertise, it costs the owner more money. Architecture is the legacy of civilization and the HDC has done nothing but drive that to mediocrity. There are many professionals who do not want to do business in Park City because this layer has become so odious, even knowing their projects meet the Guidelines. He criticized the re-write of Chapter 4 by creating more control. The HDC doesn't have much pending business, but he supports a three member board to administer grants. Instead of appointing citizens, hire professionals.

Peter Barnes stated that when he is approached by a potential client wanting to build in Old Town, he discourages him because of the cost. If his client can not afford to hire a lawyer, he shouldn't even think about hiring a designer. He relayed that he is at a complete loss as to how to predict the potential work load involved and consequently the architectural fee. Due to the irregularities in processing his last application, the project was delayed seven months. This resulted in many thousands of dollars in fees which were not anticipated in the original agreement, but he stood by his original contract and lost a considerable amount of income. Mr. Barnes described his experiences in England where buildings ranging from hundreds of years old to a 6,000 year old structure. Bickering over the color and the placement of stairs delayed him by seven months because of opinions. *Why not just ask people at Albertson's for a decision or make it a Fox reality television program?* Preservation is incredibly important and the interested amateur should not be involved. There is adequate noticing and posting of property and the Historic District is not that large. He described a project where the door placement was denied because the HDC insisted there was no photograph of the historic location of the door. The building was then redesigned and when the remodel commenced, they discovered the door under the siding where it was originally designed. They couldn't afford to argue the issue with further delays. Many people believe the Olympics were worth memorializing, but not the HDC. History is not about the past, but a continuous flow of events and the future is important as well. We should let designers design their buildings. He applauds this day. Subjective opinions can completely destroy a project. Mr. Barnes stated that he went to the HDC with 150 hours worth of work into a project and negotiated it with the planning staff beforehand. The HDC awarded the property with a grant and on the basis of that decision, he moved ahead with engineering and design drawings. But at the final meeting, the HDC denied the project saying that they didn't approve the drawings when the grant was awarded. The owner decided to give the HDC what they wanted. This eliminated needed square footage for underground space resulted in a building which is 25 feet high rather than 26 feet. There are adjacent four story condominiums surrounding his house and the garage space was lost so parking is on the street. This occurred in November and they were delayed until March because of the Olympics. It took no more than five minutes for the HDC to approve the project at its March meeting after waiting five months. The owner didn't get what he wanted and he lost a great deal of money. Only the elite with money can build in Old Town and that is not what the Historic District should be about. Reliance on precedence stamps out common sense and the future should be given a chance.

Ginny Schulman, Aerie resident, stated that she is opposed to the Ordinance and added that she resided in German Village in Columbus, Ohio which is the largest privately funded historic district in the United States and it has a preservation commission. She doesn't believe the Planning Commission has the sensitivity to maintain the integrity of the Historic District. As a example, she cited the Commission's decision regarding the roof on a structure on Lot 3 in the Aerie which was flat and exceeded allowable height by almost four feet. Adjustments resulted in a building which is four inches higher with a roof which now considered pitched. She is opposed to placing our historic heritage in the hands of the Planning Commission. The HDC should remain in place.

Kristen Wright, HDC member, believes disbanding the HDC is premature and the proposed plan won't work because there currently is a lack of adequate preservation efforts. The LMC isn't enforced now with regard to demolition by neglect. She asked the motivation of moving the review to the Planning Commission when the process mirrors the current one. Regulations should be imposed on City buildings and external non-vested professionals should be hired to conduct a review of the Guidelines so they are clear and more objective. She then questioned whether Council members have read the Guidelines; and all Council indicated that they have. With stronger Guidelines, rules can be applied and applications approved at an administrative level. When there are disagreements between the applicant and the staff, the HDC could review the project. She stated that she is not reapplying and suggested better communication between the staff and the HDC about pending projects. The HDC can be effective with these commitments. She admitted that the five members have different views but are all committed to preservation. Keep n mind that there are people giving testimony that have a financial interest and if the Council does not support the current membership, appoint a new board without disbanding the HDC. In the two years she has served, there has been no discussion on color.

Bill Schoff stated that he President of Fandango Resorts who is a co-developer of Easy Street Brasserie (formerly Utah Coal & Lumber). He is a developer but indicated that not all developers *rape and pillage*; some live here and move their headquarters here. Part of what *we* do is create jobs and infrastructure. As he proceeded through the process, there was criticism of the rehabilitation of the Utah Coal & Lumber Building which they prevented from falling down. It was put back together with a lot of money and research, some of which was gained from the Historical Society like the name Easy Street. Many people believe the building, constructed in 1925, was a livery but it actually operated as a lumber mill. Their proposal for the window design was deemed to be out of keeping with the historic features of the building. The windows on the building are the same as those in a 1925 photograph and the openings were discovered during the remodel. With the guidance of Derek Satchell, each was custom made to exact specifications. He pointed this out that emotional situations can render poor judgments and he questioned at what point is the design historic; it is 1950 or 1930? The Utah Coal and Lumber had the same windows, but at some time in the 1970s, the windows were covered. Unfortunately, the public perceived that they had done something terribly wrong.

The color of paint was found on original siding and exactly matched. Mr. Schoff is particularly troubled about being accused of special treatment by staff because their project moved at a reasonable pace. He is offended by critics because staff is fair and professional. He described several high profile renovation projects he has been involved with and believed that the City staff enforces strict regulations fairly. As we move ahead, he encouraged eliminating this unnecessary emotion, name calling, and assured the public of staff's commitment to historic preservation.

Elizabeth Giraud stated that she is the Historic Preservation Planner for the Salt Lake Landmark Commission. She is here to offer her observations and is not here in any official capacity. She is somewhat concerned how this action may shape historic preservation in this region. It is disturbing to hear from citizens that they have been unfairly treated by the HDC. No one should come out of a meeting feeling they have been treated derisively, unduly hampered by a system or deliberately held up by capricious concerns by a group of appointed citizens. Acknowledging that Salt Lake is much larger, she relayed that they have been fortunate to be able to appoint professionals. Because of the many responsibilities of the Park City Planning Commission, it may be very difficult to effectively focus on historic preservation issues. The result may be totally deferring to the Historic Preservation Advisor and there may be a negative dynamic because roles are very different. Salt Lake does not review paint color and have many low income people in its District. In her eleven year tenure, their mantra has been to expedite the good projects and give careful consideration to new construction and demolition requests. It's very challenging and she pointed out the many contradictions with public comment tonight. Relying on precedent can certainly compromise creativity but at the same time, people complain about not knowing what to expect. This is the essence of anything that falls within the public realm and maintaining balance can be challenging. She applauds efforts to make the system rigorous and viable, but the community may be losing public debate which is worrisome. Ms. Giraud invited Council members to contact her if they would like more information on the Salt Lake Landmark Commission.

Ann MacQuoid, resident, indicated that the first three speakers supporting disbanding the HDC were architects. As a realtor, she has observed a plethora of homes being built in the Historic District in the last few years within the appropriate size and scale and is confused about the argument about not being able to get through the HDC. She rhetorically asked, *where did this come from?* To disband the HDC is shocking. She explained several prominent historic preservation projects undertaken by her and her husband and her positive experiences with the HDC. Ms. MacQuoid emphasized that we are all amateurs, including the City Council as well as the majority of the Planning Commission members. There were comments made about HDC members not being able to read plans and architects being offended to talk to amateurs, but none of you are professional City Council members. She is not offended to approach the Council but expects to be treated respectfully and believes the HDC does that. If not, appoint other citizens. *Don't throw out the baby with the bath water.* She continued that Pat Putt described the Historic Preservation Advisor as having some sort of expertise which is not clear. Ms. MacQuoid stated that although she loves the Easy Street Brasserie renovation, she can't imagine why that building wasn't reviewed by the HDC. Had it not been for the HDC's insistence to review the Transit Center, the building would have been the size of one football field or possibly two. It's up to Council to interview HDC candidates to decide who will make good commissioners. If the current system is dysfunctional, revise regulations and appoint new people so there are checks and balances. She felt the Planning Commission will not want to deal with the minutia involved with historic preservation. One of the things that makes Park City's unique from other resorts, is our Historic District much to the credit of the diligence of citizens who honesty care. Many of our buildings are listed on the Historic Register and it would be very sad to lose that distinction. She pleaded with Council to allow the citizenry to be involved in City government.

Lynn Fey, HDC member, stated that she has the utmost respect for the City Council and planning staff. We all want to do the right thing but we're just looking at the situation differently. She, like Ms. MacQuoid, was shocked and dismayed by the decision and surprised that members of the HDC were not informed. She admitted that they haven't been functioning well and there needed to be a change, but not this drastic. Staff has not been giving them much to do lately and she felt that communication has broken down which was in contrast to her earlier experiences. The LMC is not clear regarding administrative and HDC processes and she called other communities about their boards, responsibilities, and processes. Aspen, Colorado has an appointed Historic District Commission with a Preservation Planner. Members include professionals and citizens and staff approves insignificant additions and paint color and all else goes to the HDC. Aspen's code is very clear; this is the true crux of our problem. Telluride has an appointed historic preservation committee, named HARK with a Preservation Planner. The HARK Chairman reviews all applications with staff and any significant renovation or addition over 10% must go to HARK. Boulder, Colorado has an appointed Landmark and Preservation Advisory Board with professionals and citizens. Staff reviews paint color and minimal changes. There is a design review committee with two rotating Board members, and meet with staff weekly to review and approve applications. There is no notice to the public but the public can attend. Breckenridge has a town historian who advises the planning staff on projects and the Planning Commission reviews all details, i.e., roofs, siding, materials, etc. These applications are then forwarded to the Town Council for final approval. At the urging of the Mayor, she stated that she explored the system in Phoenix which had minimal relevance to Park City. She received positive feedback from these communities about their roles and processes; people like a public process and it's to the applicant's benefit, not just staff. She admitted her frustration with staff for the lack of work load and being omitted from the Easy Street review. Ms. Fey stated that Derek Satchell pointed out that there is nothing in the re-write of the LMC requiring design review by the HDC and she was surprised to find that to be true. The pendulum has swung too far and public participation is eliminated. It is unfair to accuse the HDC of taking too much of staff's time. Her research revealed that other communities also feel their historic guidelines are subjective. She thanked Council members for their time and wished them well in their decision.

Linda McReynolds, former HDC member and owner of 843 Norfolk, pointed out that there is no home owners association in Old Town and residents rely on the City and the HDC. She fears that if there is no commission that we're going to lose important historic elements. The Planning Commission may not be the best solution in streamlining the process as their role is different. She observes that complaints have increased in tandem with the appreciation of values in Old Town. In the last ten years, appreciation has increased 300% and in the last 15 years 600%. In the past twelve months, there have been 50 single family homes sold in Old Town. For those of us who live there, please keep our best interests at heart. Ms. McReynolds recommended that instead of making a quick decision, appoint a task force to talk to residents and owners of Old Town. Perhaps there could be a questionnaire or open house conducted. There needs to be more information before the proposal goes to the Planning Commission to arrive at a better approach.

Craig Elliott stated that he is an architect, resident and Old Town business owner. When he decided to open a practice on Main Street he received negative feedback from everyone he talked with. He likes to be walking distance from the Marsac Building. Staff is proposing to fix a broken process and this approach omits a layer of review but maintains regulations. The construction season here is limited and timing is critical. He explained the training required to become a licensed architect who are not arrogant but professionals. He wants his projects to be successful and clients are spending hundreds of thousands of dollars on the repair and upgrade of buildings and bringing a business on board. This is extremely important to the economic viability of Park City. Licensed architects want the opportunity to interact on a professional level and an efficient process is important.

Tom Hurd stated he is a current HDC member, property owner in Old Town and former Historic District resident. He believes there have been excesses on the part of the HDC and staff which don't have to be revisited to night. We have an opportunity now to make the process more professional and expedited. There is no reason to go backwards in time and add more layers of government like Aspen or other communities. It is important to look at the Guidelines because every applicant should be provided a clear notion of what is expected and it shouldn't necessarily be subject to interpretation. Guidelines should be clear, concise and uniformly applied. If the process can be streamlined, Park City may be leading the way to the future rather than making the experience more cumbersome.

With no further public input, the public hearing was closed. Mayor Williams thanked speakers for their valuable input.

(D) City Council direction - Fred Jones stated that he would like to take some time to digest the input tonight. There is a tremendous opportunity now to improve historic preservation and maybe more thought needs to be given to Chapter 11 with regard to its original intent and the Historic District Guidelines to determine if they are still relevant and clear. Review of projects is only one small component of preservation and amending the process is long overdue. Mr. Jones emphasized that this is not about having good or bad HDC members; it's about moving forward and how best to have an efficient process and expand our historic preservation efforts. Candace Erickson agreed and supports the Historic Preservation Advisor on the Planning Commission, because Chris Larson will not be a Commissioner forever. The current LMC does not require the HDC to review designs unless staff requests clarification or there is an appeal; the proposal maintains the role, but reduces the number of members. She felt that it is Council's responsibility to appoint experts and is not opposed to bringing in qualified professionals outside of Park City. The Guidelines need to be rewritten and she agreed with Mr. Barnes' comments about resulting mediocre architecture. She urged the Council to take more time. Kay Calvert stated that she agrees with all previous comments and it is clear to her that communications need to be greatly improved and that breakdowns created animosity. But everyone has good intentions and the goal to preserve our heritage. Jim Hier also agreed with Council comments. The language in the staff report to *disband the HDC* is misleading because the intent is not to eliminate our commitment to historic preservation or having a preservation board. Not only would this committee administer historic grants but it takes on responsibilities currently outlined in the LMC, including recommendations to the Council, and means and methods for achieving preservation goals referenced in the LMC and the General Plan. Not only would he like more time on this issue, but he would like the Planning and Zoning Administrator to formulate a more detailed plan that encompasses some of those actions. Pat Putt responded that he is happy to present more information and options at the next meeting on March 27, but it was incumbent on staff to first present the *big picture*. Jim Hier explained that his intent is not to delay this from moving ahead, and stated that he supports citizen appointments. He thanked the audience for its interest in City government and appreciated the input. Peg Bodell also relayed her thanks to the people testifying on the Parks and Recreation Advisory Board reorganization, who left the meeting earlier. This ordinance needs to be considered in the full range of what preservation means to this community and the realignment of responsibilities. She is also concerned when she hears people talk about the Council disbanding the HDC and historic preservation . That distrust and emotion needs to be omitted form this process and pointed out that Council has been asking for input over the past several weeks and has been receiving input about the HDC from both sides for many years. She invited the public to continue to put their thoughts in writing for Council's consideration and input is more helpful in an open and positive manner. Like other Council members, she would like more time and options. She thanked the public and members of the HDC. Dana Williams assured the public that this is not a *done deal* and the public process will not be usurped. He stated that the goal of this Council is to demonstrate that elected officials are responsible to the community, not employees or board members. The Mayor agrees with Council comments and feels confident that the outcome will be an improvement; and requested a motion to continue. Jim Hier, "I so move". Peg Bodell seconded. Motion unanimously carried.

Recap: Take time to consider public input before forwarding to the Planning Commission. The Planning and Zoning Administrator will return to Council on March 27 with ordinance options and models for an historic preservation board. Public hearing continued.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney;. Peg Bodell, "I move to close the meeting to discuss personnel". Jim Hier seconded. Motion carried unanimously.

The meeting opened at approximately 4:30 p.m.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

CITY COUNCIL REPORT

DATE: March 13, 2003
DEPARTMENT: Community Development
AUTHOR: Rick Lewis, Jonathan Weidenhamer
TITLE: Economic Development Plan Update
TYPE OF ITEM: Informational

SUMMARY RECOMMENDATION: Staff is requesting input from the City Council on the attached Economic Development Work Program.

A. Topic - Economic Development Work Program

B. Background

The City Council recently directed staff to prepare and implement an Economic Development Strategic Plan for the City. The work program has been prepared and a task force consisting of staff and stakeholders has been established. This task force has met on several occasions to date and six focus groups have been installed to provide more specific recommendations. In the next few weeks the following groups will be meeting to gain a better understanding of our economy as it functions today, define a vision of our preferred economic future, and a series of strategies to meet our vision:

1. Resort Based Economy
2. Economic Diversity
3. Capital Improvements
4. Main Street Vitality
5. Special Events
6. Cultural & Heritage Tourism

C. Process

The goal of the first phase of the Economic Development Work Program to provide a list of strategies and recommendations which will then enable the Council to prioritize actions and policy decisions geared at shaping City-wide economic opportunities. The following process has been outlined to develop these strategies:

❑ Analysis (Where are we now?)
- state of the regional economy (strengths/weaknesses)
- external trends and forces (opportunities/threats)
- identify partners
- identify resources

❑ Vision (Where do we want to be?)
- define preferred future
    - identify competitive advantages (maximize strengths/opportunities; minimize weaknesses/threats)
    - identify goals

❑ Action Plan (How do we get there?)
- identify general strategies
    - identify specific activities/recommendations to implement general strategies
- prioritize strategies

The second phase of our Economic Development Work Program will be the implementation of the

Action Plan and finally an evaluation of the program's overall progress. The strategies, as recommended by the Task Force, will be implemented based on Council's prioritization of the action items by using a working matrix as outlined below.

- ❑ Implementation of Action Plan
  - Individual Matrix for each Focus Group consisting of:

activity	benefit	responsible	time line	cost	resources	obstacles	benchmarks

- ❑ Evaluation (Are we meeting our [changing] goals?)
  - formal, quarterly or bi-annual report updating our progress

D. Preliminary Findings and Observations

Several recent studies prepared by the staff and others have given us some interesting information relating to sales tax trends, business use on Main Street, and the economic impact of the resorts. In addition, information has been provided by task force members, the recent workshop conducted by the HyettPalma consulting group, and the Leadership Park City Group. Following are some highlights from these initial visioning sessions:

Main Street Vitality & HyettPalma

- ☐ Preferred Future
  - diverse commercial mix (retail, residential, restaurant, office)
  - pedestrian friendly
  - more outdoor activities especially outdoor dining and performing arts
  - target local, regional, and destination visitors
  - four season destination
  - more parking
- ☐ Strategies
  - build parking structure
  - better marketing
  - more events
  - promote cultural and heritage tourism
  - market analysis
  - strengthen and retain existing businesses
  - recruiting appropriate, additional businesses
  - complete overall long-range plan - define roles, responsibilities, staffing, funding

Cultural and Heritage Tourism

- ☐ Preferred Future
  - promote off-season(s)
  - bring in C&HT destination visitors
  - extend stay of existing/future destination visitors
  - increase local awareness of existing/future C&H
  - develop strong partnership with UPCMC to promote existing mining facilities
  - retain existing winter tourists

- Strategies
  - create stronger partnerships/ better cooperation
  - define target audience
  - enhance public/interactive art
  - improve museum
  - support off-season events(non C&HT)
  - more summer C&HT festivals (wine, jazz, film, theatre)
  - institute off-season attractions - workshops/lectures/continuing ed. classes
  - promote Olympic legacies
  - promote existing strengths (sundance, kimball, museum, main st, galleries, etc.)

Events

- Preferred Future
  - assure long-term stability of large events - large events break even (don't lose $)
  - funding to support all the events our unique & modern infrastructure can handle
  - develop and promote events in all 4 seasons
- Strategies
  - sustain existing events
  - improve processes for events
  - develop additional funding and marketing sources for events
  - encourage new events

Leadership Park City - Class IX
January 28, 2003 meeting discussed all 6 focus groups - Summation

- Preferred Future
  - more ethnic and cultural diversity
  - year-round attractions to main st and city - wide
  - target guests from many demographics (especially senior & children's activities)
  - more large-scale events
  - main st. enhancement programs - beautification & pedestrianization
  - diverse main st. commercial mix
  - resorts offer more recreation opportunity - biking, golf, off-piste skiing
  - more affordable housing (employees)
  - higher transient occupancy/longer stays

- Strategies
  - promote olympic legacies
  - better regional transportation
  - events geared toward extending visitor stays
  - promote museum & other historic culture
  - dog tie-posts and waste baggies
  - build parking structure
  - widen sidewalks
  - add more & improve pocket parks (including heaters everywhere possible)
  - add lift from main st. to Deer Valley
  - add a unique, discount lift tickets booth to main st.
  - international news stand
  - more outdoor dining and other outdoor activities
  - cover skate park (year-round events)
  - info kiosks @ Kimball jct.

- convention center
- add recreation opportunity - water park, overnight yurts, interconnect, golf
- partnership with airlines/lodging to offer travel packages

E. Next Step

In the next few weeks the Task Force will discuss and offer suggestions in their specific focus areas. The resulting recommendations will be incorporated into an overall draft economic development strategy and action plan which will then be presented to City Council.

M:\CDD\Jon\projects\Economic Development plan\council update 3-13-03.wpd

DATE: March 5, 2003
DEPARTMENT: Special Events and Facilities
AUTHOR: Michelle Barrus
TITLE: St. Patrick's Day Celebration
TYPE OF ITEM: Master Festival License Application

SUMMARY RECOMMENDATIONS: Review the Master Festival License application, conduct a public hearing, and consider approving the license for a St. Patrick's Day Celebration, as conditioned, on Monday, March 17, 2003

A. TOPIC
Review of the Master Festival License Application, submitted by Sweeney Bros' Town Lift Cafe, for the St. Patrick's Day Celebration on Monday, March 17, 2003.

B. BACKGROUND
The Sweeney Bros' Town Life Cafe wishes to have live music on their deck for the St. Patrick's Day holiday. This will take place on the Town Lift Plaza at 751 Main Street on Monday, March 17, 2003. The event begins at 3:00pm with live music and food and beer concessions. The event will conclude at 8:00pm.

As part of this application, the Sweeney Bros' Town Lift Cafe has requested the Council review their request for a full fee waiver of the $100 MFL application fee. The Municipal Code allows the Council to waive all or a portion of fees based upon certain criteria.

C. ANALYSIS
The City Council, per the Municipal Code, reviews all new applications for Master Festival Licenses and shall either approve, approve with conditions or deny the applications. The St. Patrick's Day Celebration is being reviewed as a Master Festival due to the use of amplified music adjacent to a residential neighborhood.

The organizers are expecting a crowd of 100-200 to attend this event. Due to the size of the anticipated crowd and the duration of the event, adequate parking is available in the Main Street area.

The event will not require building permits. Additional police and transportation services will also not be requested nor necessary for this event.

Fee Waiver Request
Section 4-8-9 of the Municipal Code provides applicants for Master Festival and Special Event Licenses with criteria to request a waiver for all or a portion of associated fees. The Section further states that fee waiver requests for all new applications be reviewed and approved or denied by the City Council. Eligibility for a full or partial fee waiver shall be determined pursuant to the following criteria, none of which shall be individually controlling. The Sweeney Bros' Town Lift Cafe has requested a full waiver of all fees associated with the St. Patrick's Day Celebration. Please see text in italics for the Sweeney Bros' Town Lift Cafe's response to the criteria.

A. For-profit or non-profit status of the Applicant;
The Sweeney Bros' Town Lift Cafe is a for profit organization

B. Whether the event will charge admission fees;
There is no general admission fee.

C. Whether the event is youth-oriented;
Irish music for the public.

D. The duration of the event;
The event will be held on Monday, March 17, 2003, from 3:00pm until 8:00pm on the Town Lift Plaza.

E. Whether and to what extent the City is likely to receive positive tax benefits by virtue of the event;
The City will receive sales tax from the food and beer concessions. The event should aid in the long-term goal of exposure of Lower Main Street.

F. The degree of City services involved and whether City costs are likely to be recovered by other revenue opportunities arising from the event;
The St. Patrick's Day Celebration will require minimal City services.

G. The season of occurrence; and
The event will take place during the late Winter season.

H. Demonstration of hardship by the Applicant.
The applicant has already paid numerous fees to permit outdoor dining its deck at the Town Lift Plaza. The applicant is only applying for permission to have live amplified music on its deck. The applicant's alternative is to have the five piece Irish band play just inside the Cafe which limits the number of persons who will be able to enjoy the music.

Due to the Applicant's response to the fee waiver criteria, staff does not recommend a few waiver.

ALTERNATIVES

A. Approve the Master Festival License, as conditioned by staff, allowing the St. Patrick's Day Celebration on March 17, 2003.

B. Modify the parameters of the event, or approve the fee waiver and approve the Master Festival License, allowing the St. Patrick's Day Celebration on March 17, 2003.

C. Deny the Master Festival License, thereby preventing the St. Patrick's Day Celebration on March 17, 2003.

D. The City Council may continue the hearing for more information and discussion.

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing and approve a Master Festival for the St. Patrick's Day Celebration on March 17, 2003 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. St. Patrick's Day Celebration will be held on the Town Lift Plaza on Monday, March 17, 2003 The events will include live music and food and beer concessions. The event will run from 3:00pm and will conclude at 8:00pm.
2. Parking for the anticipated crowd size throughout the duration of the event can be accommodated within the Main Street area. The conduct of St. Patrick's Day

Celebrations will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.

3. The event is oriented towards families. The events associated with St. Patrick's Day Celebrations will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held entirely on the Town Lift Plaza which ensure that the concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival License has been approved for March 17, 2003. St. Patrick's Day Celebrations will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
6. The organizer is providing adequate insurance for the event.
7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The St. Patrick's Day Celebrations is consistent with the City Council's Goal #5 which is to continue to promote and market Main Street with events.

<u>Conclusions of Law</u>:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

<u>Conditions of Approval</u>:

1. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
2. All music and activities shall be end by 8:00 pm.
3. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

ATTACHMENT A- Approval Letter

Attachment A

PARK CITY
1884

MASTER FESTIVAL/SPECIAL EVENT LICENSE

Type of License: ____ Special Event X Master Festival

Event Name: St. Patrick's Day Celebration

Event Date(s): March 17, 2003

Event Location: Town Lift Plaza

Licensee: Sweeney Bros' Town Lift Cafe

Contact Person: Ed Sweeney

Approved By: ___ Special Events Manager X City Council of Park City

Approval Date: March 13, 2003

The City Council has approved the Master Festival License for the St. Patrick's Day Celebrations to be held on March 17, 2003. This Master Festival License has been issued under the authority described within the Park City Municipal Code Section 4-8-4(B) based on the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. St. Patrick's Day Celebration will be held on the Town Lift Plaza on Monday, March 17, 2003 The events will include live music and food and beer concessions. The event will run from 3:00pm and will conclude at 8:00pm.
2. Parking for the anticipated crowd size throughout the duration of the event can be accommodated within the Main Street area. The conduct of St. Patrick's Day Celebrations will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its Venue.
3. The event is oriented towards families. The events associated with St. Patrick's Day Celebrations will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held entirely on the Town Lift Plaza which ensure that the concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. No other Master Festival License has been approved for March 17, 2003. St. Patrick's Day Celebrations will not substantially interfere with any other Special Event or Master Festival for which a license has already been granted or with the provision of City services in support of other such events or governmental functions.
6. The organizer is providing adequate insurance for the event.

7. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
8. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.
9. The St. Patrick's Day Celebration is consistent with the City Council's Goal #5 which is to continue to promote and market Main Street with events.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The applicant shall comply with all Summit County Health Department requirements for sanitation and food vendors.
2. All music and activities shall be end by 8:00 pm.
3. The Applicant will work with Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the Applicant.
4. The Applicant shall provide to the Special Events Manager proof of liability insurance as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as an additional insured if necessary.

PASSED AND APPROVED this 13th day of March, 2003.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Dana Williams

Attest:

____

Janet M. Scott, City Recorder

Approved as to form:

____

Mark D. Harrington, City Attorney

DATE: March 13, 2003
DEPARTMENT: Facilities and Special Events
AUTHOR: Alison Butz
TITLE: Historical Society Lease
TYPE OF ITEM: Administrative - Lease Authorization

SUMMARY RECOMMENDATIONS: Approve the lease, for space within the Old City Hall Building located at 528 Main Street, to the Park City Historical Society.

A. TOPIC
Review the draft lease for the rental of space within the Old City Hall Building to the Park City Historical Society.

B. BACKGROUND
The current lease of space to the Historical Society expired and they have been operating under a month to month lease, as allowed within the expired lease. In the Fall, the City recieved a request from the Historical Society to negotiate a new lease with the City, as outlined in the current agreement.

C. ANALYSIS
The attached lease outlines the term of ten (10) years beginning January 1, 2003, through December 31, 2012. Since the Historical Society provides the community with services the rent due each year is one dollar ($1.00). A subsidy of approximately $17,700 is given to the Historical Society, by the City, in Rent Contributions.

The Historical Society has stated concern regarding the short duration of the lease and requests the City Council amend the document and allow for a ninety-nine (99) year lease of the location. Staff does not recommend a lease with a greater duration than ten (10) years. A ten (10) year lease allows for the lease terms to be modified due and revised to address and issues that arise.

The Historical Society also has asked for a "first right of refusal" to be added to the document. Staff has taken this language out of all current leases. The reason being is that the language does not hold the lessee to the same terms, it only allows them to match a rent or other agreement the City strikes with a third party. The Council has stated the value the Historical Society is to the community and Staff will continue, at the time the lease expires, to work with the Historical Society to maintain that space.

The renewal of the lease would meeting Council's goal of economic development as well as maintaining an enhanced vitality on Main Street.

ALTERNATIVES
A. Recommend the draft lease which authorizes the lease between the Historical

Society and City for space in the Old City Hall Building located at 528 Main Street.

B. Deny the request for a lease between the Historical Society and the City for space in the Old City Hall Building located at 528 Main Street.

C. Modify the length of the term in the draft and recommend the draft lease which authorizes the lease between the Historical Society and City for space in the Old City Hall Building located at 528 Main Street

D. The City Council may continue the discussion in order to receive additional information.

RECOMMENDATION:
Staff recommends that the Council approve the lease between the Historical Society and City for space in the Old City Hall Building located at 528 Main Street.

EXHIBITS:
Exhibit A - Draft of Lease

2003 Park City Historical Society Lease
Park City Municipal Corporation

THIS AGREEMENT is made by and between Park City Municipal Corporation (hereinafter referred to as "Landlord") and the Park City Historical Society (hereinafter referred to as "Tenant") to set forth the terms and conditions under which Park City will lease space at 528 Main Street. The parties agree as follows:

1. Property. The property leased is located in the Old City Hall Building having a street address of 528 Main Street, Park City, Utah. The leased premises consists of the basement, first floor, and one office area on the upper floor. An additional area is leased in the Library and Education Center having a street address of 1255 Park Avenue, Park City, Utah. The lease premises consists of Room 220 in the Library.

2. Term. The Lease term shall be for 10 years beginning January 1, 2003, and continuing until December 31, 2012 unless sooner terminated under the provisions of this Agreement or by joint agreement of the parties.

3. Rent. The rent for the space shall be one dollar ($1.00) per year for the spaces, together with the observance of the other covenants and conditions of the lease and the annual grant agreement between the two parties.
   (a) Payments. The entire rent of Ten Dollars ($10.00) for the ten year lease shall be paid in entirety upon execution of this lease.
   (b) Community Services In Kind. The rent for the facility has been subsidized by the City in return for the services the Historical Society provides to the Park City community.

4. Tenant Improvements. The Tenant agrees to install, at its own expense, all specialized equipment and displays needed for the operation of its museum and future exhibitions, offices and other facilities it may require. This includes any additional partitioning, specialized or additional electrical and mechanical equipment, air conditioning, internal heating, and any other tenant improvements that are necessary for the Tenant's intended use of the space. Any tenant improvement items that can be removed at the end of the lease without causing substantial damage to the remaining walls, ceilings, or other finishes may be removed by the Tenant at the termination or expiration of the lease. All work done by the Tenant must comply with the applicable building codes, and more particularly with the Historic District Guidelines for this structure.

5. Utility Service. Landlord shall be responsible for natural gas, electricity, sewer, refuse collection and water for the leased space. Tenant will be responsible for any other utilities such as telephone and cable television and shall establish an account with each of these utilities in its own name.

6. Janitorial Services. The Landlord will provide janitorial service for the space occupied by the Tenant Office on the upper level and for the Museum areas. The Tenant shall be

responsible for cleaning and maintaining the exhibits and exhibit areas.

7. Insurance. The Landlord will carry insurance on the structure for casualty loss, and public liability that provide insurance against claims of persons injured in or about the building in amounts in excess of those required by state law. The Landlord policies will only extend to contents of Tenant's space which is owned by the Tenant and/or the museum and not to "loaned" exhibits of property, unless prior specific approval in writing is obtained from the Landlord and the property is itemized on the Landlord's policies. The Tenant shall require fully executed Release of Liability and Waivers or written acknowledgments by the owners that the Landlord and the museum do not insure the loaned property prior to including any borrowed or loaned property in the museum displays. In the event that it is determined by the museum and the Landlord that a display is of such value to the citizens of Park City that the loaned display should be insured by the Landlord's content policy, then the museum must obtain an accurate appraisal of the property value prior to the Landlord obtaining any coverage. The Tenant will not store or keep any product or equipment within the space that will, because of its nature, increase the risk of casualty losses to the overall building, or that will require additional premiums or specialty coverage. Landlord's insurance coverage on the contents of Tenant's space owned by Tenant and/or the museum is based on the most recent appraisal provided to the City by Tenant. Tenant is responsible to provide updated content appraisals to the City as necessary, and is solely liable for any loss and/or damage to contents beyond the limits of the City's insurance coverage of said contents.

8. Contribution. In making this lease, the Landlord is recognizing services the Historical Society provides to Park City. This lease is a form of grant in aid to Tenant, in lieu of cash donations from the Landlord. The parties acknowledge and agree that the City has made a contribution to the Historical Society of leased space in this current year. It is the desire of the Council to continue to support the Historical Society with such contributions of space, utilities, and insurance.

9. Covenant of Quiet Possession. Landlord covenants with Tenant that Landlord owns or controls the Premises and that Tenant's possession will not be disturbed by acts or omissions of the Landlord so long as Tenant faithfully performs the obligations of this Lease.

10. Maintenance. The Landlord shall be responsible for all structural maintenance of the Premises, including the roof, foundation, structural members, and exterior wall surfaces. Landlord shall be responsible for mechanical systems which serve space as reasonably necessary to maintain the structure and to service common utility facilities. Exterior maintenance of the site and snow removal shall be Landlord's responsibility.

11. Assignment/Sublease. Tenant has no right to sublet or assign all or any portion of the leased space for any purpose whatsoever, including subleases or assignments to other non-profit organizations, or assignments for the benefit of creditors. Any attempt to sublet or assign shall cause this lease to immediately terminate. As used herein, the terms

sublease and assign shall mean any license or transfer of use of rights for any duration exceeding one (1) day.

12. Force Majeure. This lease agreement shall automatically terminate upon any holding, interpretation, or determination by a Court, legislative, or administrative body, that bonds issued by Park City Corporation or the Municipal Building Authority will not qualify as tax exempt if the property is leased to a private entity or monies are received for so leasing, or that the MBA may not lease to a private entity, either under existing state and federal law regulation or future state and federal law regulation. In the event of termination pursuant to this paragraph, Tenant shall have six (6) months to vacate the premises, and the Landlord may, at its option, either eliminate or reduce rent from the date of termination until the date of vacation of the premises so as to not endanger its tax exempt status.

13. Tax Exempt Status. Tenant is a non-profit corporation under the Internal Revenue Code, and the subsidy by the Landlord is made only as long as the non-profit, tax exempt status remains. In the event Tenant loses it tax-exempt status, the Landlord shall have the option of terminating the lease, or increasing the rental to the fair market value of the space occupied by Tenant on the date that the tax exemption was revoked. Tenant will provide its annual report and audit to the Landlord each year.

14. Increased Insurance Risk. Tenant will not permit said premises to be used for any purpose which would render the fire insurance on the building or the premises void or cause cancellation thereof or increase the insurance risk or increase the insurance premium in effect at the time of the terms of this Lease. Tenant will not keep, use or sell, or allow to be kept, used or sold in or about the Premises any article or materials which are prohibited by law or by standard fire insurance policies of the kind customarily in force with respect to the Premises of the same general type as those covered by this Agreement.

15. Care and Repair of Premises by Tenant. Tenant will inspect and accept the Premises for the purposes of this agreement prior to taking occupancy. Tenant will not commit any waste on Premises nor shall it use or permit the use of the Premises in violation of any state law or county or municipal ordinance or regulation applicable thereto. Tenant may, with the prior written consent of the Landlord, but at its own cost and expense, in a good workmanlike manner, make such alterations and repairs to the leased space as Tenant may require for the conduct of its business without, however, materially altering the basic character fo the building or improvements or weakening the structure on the leased premises. Any permanent alterations or improvements to the Premises shall become the property of the Landlord upon expiration or termination of this Lease unless specifically exempted in writing prior to commencing work.

16. Damage or Destruction. If the Premises or any part thereof shall be damaged or destroyed by fire or other casualty, Landlord shall promptly repair all such damage and restore the premises without expense to the Tenant subject to delays due to adjustment in insurance

claims, strikes and other causes beyond the Landlord's control. If such damage or destruction shall render the Premises uninhabitable in whole or in part, the rent shall be abated wholly or proportionately until the damage shall be repaired and the premises restored. If the damage or destruction shall be of which may require removal of Tenant's operations from the Premises, either Landlord or Tenant may elect to terminate this lease by written notice to the other within thirty (30) days after the occurrence of such damage or destruction.

17. Surrender of Premise. Tenant agrees to surrender the Premises at the expiration or sooner termination of this Agreement or any extension thereof in the same condition or as altered pursuant to the provisions of this Agreement. Ordinary wear, tear and damage by the elements or other acts of God excepted.

18. Indemnity. Tenant covenants and agrees to indemnify and hold Landlord harmless from all claims, loss damage, injury or liability (hereafter "liability") resulting from Tenant's use and occupancy of the leased premises to the full extent provided in the Utah Governmental Immunity Act, including reasonable attorney's fees, but excluding any liability resulting from acts or omissions of Landlord, its officers, employees or agents. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. § 63-30-1, et seq.). The obligations hereunder shall be determined under principles of tort law including, but not limited to, the Governmental Immunity Act.

Landlord will indemnify and hold Tenant and its employees harmless to the full extent provided in the Utah Governmental Immunity Act, and limited by Paragraph 15 of this lease, from claims, loss, damage, injury, or liability resulting from Landlord's use and occupancy of the leased premises or from the conduct of City's operations; including, but not limited to, Landlord's negligence or intentional acts. Nothing herein shall be construed as a waiver of any of the rights or defenses under the Utah Governmental Immunity Act (Utah Code Ann. § 63-30-1, et seq.).

19. Default/Termination. If the Landlord determines that Tenant is in default of the observance of any of the covenants of this Agreement, it shall give Tenant notice of the alleged default, and a reasonable period of time, not less than thirty (30) days nor more than sixty (60) days, in which to cure the default. If Tenant fails to cure the default, this lease shall terminate. Tenant will immediately become a Tenant at will of the Landlord, and the Landlord may demand possession of the space upon ten (10) days written notice, or, at the Landlord's option, the Landlord may increase the rental to the fair market value of the space until Tenant has vacated it, and state a date certain by which the space must be vacated.

20. Landlord Liable only for Negligence. Except where caused by Landlord's negligence, Landlord shall not be liable for any failure of water supply, natural gas supply or electrical supply; or for any injury or damage to persons or property caused by gasoline,

oil, steam, gas or electricity; or hurricane, tornado, flood, wind or similar storms or disturbances; or water, rain or snow which may leak or flow from the street, sewer, gas mains or any subsurface area or from any part of the building or buildings or for an interference with light.

21. Nondiscrimination. Tenant agrees not to discriminate against anyone on the basis of race, color, national origin, age, sex or handicap in its hiring practices, services or operation of its business hereunder.

22. Waiver of Covenants. It is agreed that the waiver of any of the covenants of this Lease Agreement by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenant or any provisions herein.

23. Notice Provision. In recognition of the time it takes to move the museum and exhibits, the Landlord will give the six (6) months notice of its intention to renew or not renew the lease at the expiration of its term. There is no option for renewal created by this lease, but as soon as the Landlord is reasonably able to determine that the Tenant space is no longer surplus to Landlord needs, it will give notice to Tenant that no future extension will be granted or offered, or that the terms of any future agreement will be substantially changed.

24. Entire Agreement. This agreement constitutes the entire and only agreement between parties and it cannot be altered or amended except by written instrument, signed by both parties.

DATED this ____ day of March, 2003.

PARK CITY MUNICIPAL CORPORATION

____
Tom Bakaly, City Manager

Attest:

____
City Recorder

Approved as to Form:

____
City Attorney's Office

PARK CITY HISTORICAL SOCIETY
PO Box 555

Park City, Utah 84060

____
Sandra Morrison, Director

Corporate Acknowledgment

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ___ day of March, 2003, personally appeared before me ____________________________, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he/she is the ________________________ (*title or office*) of ____________________ Corporation by Authority of its Bylaws/Resolution of the Board of Directors, and said _________________________ acknowledged to me that said Corporation executed the same.

____
Notary Public

Council Agenda Report

Date: March 13th 2003
Department: Leisure Services
Author: Bob Johnston
Title: **Reconstitution of Parks, Recreation and Beautification Board**
Type of Item: Legislative

Summary recommendation: Council should review the report and the attached ordinance and adopt the ordinance as drafted or direct staff to explore other alternatives.

Description:

A. Topic: Reconstitution of the Parks, Recreation and Beautification Board

B. Background: In recent months, the Council has been identifying opportunities within the city and developing a work program for how best to further City Council goals. A component of this work involves the Parks, Recreation and Beautification Board (PR&BB). The City Council, at this time, wishes to reconstitute its advisory board on recreation matters with new terms and responsibilities to better facilitate Council communication, goals and priorities. The specific language with respect to how the new board will be constituted is included in the attached ordinance.

In evaluating this proposal, the Council and staff do not wish to undermine the recognition of the hard work, public service and achievements of the existing board members. Park City is a better place because of their efforts. However, the Council is committed to trying new ideas and new ways of conducting business. It was thought that a true new beginning and new challenges would best be undertaken with a redefined board, both in membership and duties. All current members are encouraged to re-apply.

C. Analysis: The adoption of the proposed ordinance will cause the dissolution of the existing PR&BB and the terms of all current members will be terminated. The agenda for the board has been light during the past months, so no pressing issues currently exist. The parks sub-committee has been actively involved in plan review for the modifications to City Park. That project is moving forward and consideration should be given to that as an assignment for the new board.

Changes to the Municipal Code include the following:

1. **New Name**: Recreation Advisory Board ("Board")
2. **New Membership**: reduced to seven members (old was 8-12)
3. **Term Limits**: caps service at two terms, including initial partial term
4. **Fixes Term Expiration:** members serve until successor appointed

5. Clarifies the Board is "public body" subject to open meetings act: some members in the past questioned whether the Board was subject to open meeting requirements since it is advisory and does not expend public money. The code amendment clarifies that the Board is in fact subject to the requirements the same as the Council and other boards and commissions.
6. Increases role of the Council is establishing Sub-Committees: give Council input in deciding role of committees and streamlines process so it is clear that the committee can give Council direct recommendations. Clarifies Council may still form additional committees on recreation matters as it determines necessary.
7. Clarifies Duties and Purpose: the Council wants more communication between the Board and Council on specific project review and advice. Changes specify that the Council will refer specific matters to the Board and the two bodies should work jointly in the pursuit of Council's goals and priorities. The Board should still act as a facilitator for public input and new ideas regarding recreation matters, but the Council will be more directly involved in setting the work agenda for the Board.
8. Maintains Board jurisdiction over PRBB contract and legal matters: specifies that any matter previously referred to the PRBB now goes to the new Recreation Advisory Board. (Bond expenditures, letters of intent, etc.)

D. Review: This report and attached proposed ordinance were reviewed by the City Manager and the City Attorney.

Alternatives:

After review of this report, Council should consider the following alternatives;

1) Adopt the Ordinance as drafted.

2) Leave existing PRBB intact and modify the purpose and duties to better achieve Council goals and objectives.

3) Abandon the concept of a board all together and appoint a variety of task forces to address specific recreation issues.

4) Direct staff to come back to council with additional alternatives.

Significant Impacts:

Upon adoption of the Ordinance, staff will commence the recruitment and advertising for the new Recreation Advisory Board. The Mayor and Council will appoint seven members to staggered terms of one (2 each), two (2 each) and three (3 each) years.

The multiple task force option would likely require additional staff resources to facilitate meetings, prepare agendas and file reports.

ORDINANCE 03-___

AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 17 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, UTAH TO DISSOLVE THE PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RE-WRITE SECTION 17 IN ITS ENTIRETY TO CREATE A NEW RECREATION ADVISORY BOARD WITH NEW TERMS, MEMBERSHIP, PURPOSE, DUTIES, PROCEDURES AND SUB-COMMITTEE RESPONSIBILITIES

WHEREAS, Utah Code Annotated ("UCA") § 11-2-1 gives the City the power to designate and acquire property for playgrounds and recreational facilities and UCA § 11-2-2 gives cities the authority to organize and play sports and other recreation activities ; and

WHEREAS, UCA § 10-8-84 allows the City to pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Chapter 8 of UCA Title 10 which are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and its inhabitants; and

WHEREAS, the City Council wishes to reconstitute its advisory board on recreation matters with new terms and responsibilities to facilitate Council communication, goals and priorities; and

WHEREAS, this board is not intended to be a supervisory and maintenance Recreation Board as defined by UCA § 11-2-3, but the board is intended to provide policy input and public communication opportunities in support of recreation programs and facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, AS FOLLOWS:

SECTION 1. FINDINGS. The recitals above are incorporated herein as findings by the City Council, the legislative body of Park City.

SECTION 2. AMENDMENT. Title 2, Chapter 4, Section 17 of the Municipal Code of the City of Park City, Utah is hereby amended to read as follows:

2-4-17. ~~PARKS,~~ RECREATION ~~AND BEAUTIFICATION~~ ADVISORY BOARD CREATED.

There is hereby created a ~~Parks,~~ Recreation ~~and Beautification~~ Advisory Board. The Board shall consist of ~~between eight (8) and twelve (12)~~ seven (7) members, and ~~including~~

one additional representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

(A) TERM OF SERVICE, REMOVAL AND VACANCIES. Members of the ~~Parks,~~ Recreation ~~and Beautification~~ Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council. Each board member shall ~~and~~ serve a term~~s~~ of three years, but shall serve until their successor is appointed. ~~The terms shall be staggered so that three (3) or four (4) members shall be appointed each year.~~ Initially, two appointments each shall be made for one and two year terms, and three appointments shall be made for three year terms. Annually thereafter, appointments shall be for three year terms. Board members shall serve not more than two full terms in succession, including initial terms. The Council shall appoint one of its members to serve as the non-voting member for a term not to exceed~~consistent with~~ the member's City Council term of office. The Council may rotate its appointed member at any time. The terms shall begin on January 15 and end on January 14 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or City staff. Ex-officio members serve at the invitation of the Council~~Board~~ and have no vote.

(B) OFFICERS AND THEIR DUTIES. At its ~~annual July~~ first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meetings shall be prepared by the Recreation Manager~~Leisure Services Director~~ and the Chairman.

(C) PURPOSE AND DUTIES OF THE BOARD. The purpose and duties of the Park City ~~Parks,~~ Recreation ~~and Beautification~~ Board are as follows:

(1) To advise ~~the Parks and Recreation staff and~~ the City Council and staff on parks and recreation policy as requested by the City Council.

(2) To advise ~~the parks planning staff~~the City Council and staff on parks, recreation and beautification projects as requested by the City Council.

(3) To support and promote the policies and programs of the ~~Parks~~Library and Recreation Department~~s and parks planning department~~.

(4) To ~~work with~~advise and support staff ~~to~~on staff recommended~~ and support~~ budget priorities concerning parks, recreation and beautification projects and programs.

(5) To serve as liaison between the community and public agencies on parks, recreation and beautification issues within Park City.

~~(6) To initiate and promote parks, recreation and beautification planning and programs.~~

(~~7~~6) To stimulate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

(D) <u>MEETINGS AND PROCEDURES</u>. The Board ~~shall~~ may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. ~~The Board shall meet a minimum of four times per year with the Board establishing a meeting time and place.~~ Special meetings may be called at the request of the Recreation Manager ~~Leisure Services Director~~ or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C.A. 52-4-5, as amended.

(E) <u>COMMITTEES</u>. Special committees for the study of particular problems may be appointed by the Chairman, with the advice and consent of the Mayor and City Council, to serve until they have completed the work for which they were appointed. Each committee shall ~~develop its own~~meet goals and objectives, as delineate by the Chairman, with the advice and consent of the Mayor and City Council~~ needed~~. ~~These shall be reviewed by the full Board.~~ Recommendations of committees may be given directly to the City Council. The Chairman of the ~~Parks,~~ Recreation ~~and~~ Beautification advisory Board shall appoint a chairman for each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may or may not include Recreation Advisory Board members, to advise the Council on recreation matters.
(Ord. 03-__; Ord. 99-50)

<u>SECTION 3. DISSOLUTION OF THE EXISTING PARKS, RECREATION AND BEAUTIFICATION ADVISORY BOARD AND RELATION TO OTHER LETTERS OF INTENT, CONTRACTS, RESOLUTIONS, OR ORDINANCES</u>. The current Parks, Recreation and Beautification Advisory Board is hereby dissolved and the terms of all current members is hereby terminated. Any and all legal references to or requirements of the Parks, Recreation and Beautification Advisory Board in any contract, letter of intent, resolution, ordinance or other document shall be assumed and under the jurisdiction of the Recreation Advisory Board.

<u>SECTION 4. EFFECTIVE DATE</u>. This ordinance shall become effective upon publication.

PASSED AND ADOPTED this ____ day of ____________, 2003.

Park City Municipal Corporation

____
Dana Williams, Mayor

Attestation by:

____
Janet M. Scott, City Recorder

Approved as to Form:

____
Mark D. Harrington, City Attorney

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DATE:	March 7, 2003
DEPARTMENT:	CDD
AUTHOR:	Patrick Putt, Planning Director
TITLE:	Amendment to Title 15, Chapters 11 and 12 and misc. sections of the LMC to eliminate the Historic District Commission ("HDC") and consolidate HDC responsibilities with the Planning Commission and Planning Department; Create a new Historic Preservation Commission for grant administration.
TYPE OF ITEM:	Legislative

SUMMARY RECOMMENDATIONS:

Review the proposal, consider public input and refer the matter to the Planning Commission to begin formal discussion and public hearings.

DESCRIPTION

A. Topic:

Historic Preservation.

B. Background:

In recent months, the Council has been identifying opportunities within the city and developing a work program for how best to further City Council goals. A component of this work program involves increasing the expertise of the Planning Commission on historic matters, streamlining design review approvals, and eliminating the HDC.

In evaluating this proposal, the Council and staff do not wish to undermine the recognition of the hard work, public service and achievements of the existing board members. The Historic District is the crown jewel and heart of Park City, and the HDC has assisted greatly in its preservation and success. In initiating consideration of this proposal, the Council is in no way diminishing the importance nor regulatory scrutiny of historic design approvals. Public checks and balances of staff approvals will still be maintained with the Planning Commission, the City's most experienced and independent body. The grants program remains fully intact under a new preservation commission charged with administering the funds. Under the revised program, Park City will remain a leader of historic preservation.

C. Analysis:

One of the challenges the HDC faced was its role with dual, competing responsibilities as both regulator (design approvals/certificate of appropriateness for demolition ("CAD") versus preservation advocate and protector (grant administration and policy advice). This proposal shifts the preservation advocate role to a new Historic Preservation Commission, which will administer the existing historic grant program, and consolidates regulatory approvals with the Planning Commission and Planning Department. Staff will likely recommend that CAD economic hardship evaluations be conducted by an independent hearing officer, used on a contract basis.

It is important to note that Planning staff currently approves most applications in the historic district. The HDC only sees applications on appeal from a staff decision or where the staff was unable to make a determination of compliance based upon the submitted information. The disbanding of the HDC will require a strategy to address situations where previously approved Historic District Design Review permits, Conditional Use Permits, and/or development-related agreements require subsequent HDC approval. Staff recommends that any such condition be reviewed and approved by the Planning, Building, and Engineering Departments. Appeals of staff decisions will be to the Planning Commission. This procedure is consistent with the design review process set forth in Land Management Code. Staff anticipates only a limited number of such situations.

Staff proposes to draft an ordinance for Planning Commission review with the following elements:

1. Eliminate the HDC.
2. Establish the right to appeal and call-up staff action on historic design review and determinations of significance to the Planning Commission.
3. Amend Chapter 12 so that all other appeals of staff decisions go directly to the Board of Adjustment (example: Aerie height)
4. Create a three member Historic Preservation Commission to administer the grant program and make recommendations regarding General Plan elements as they relate to historic preservation.
5. Amend economic hardship process to establish hearing before independent hearing officer.
6. Jurisdictional transfer of existing references to HDC review in conditions of approval, or other documents, to the Planning, Building, and Engineering Departments.
7. Create the position of Historic Advisor on Planning Commission, a non-voting ex-officio member with historic expertise, effective until the next round of appointments in February 2004.
8. Replace one membership position on the Planning Commission with the position of Historic Advisor, a voting member with historic expertise, beginning February 2004. This would be a citizen from the Park City community as opposed to a planning staff member.

D. Department Review:

This matter has been reviewed by the City Manager and City Attorney.

ALTERNATIVES

A. Direct staff to initiate an amendment to the LMC to eliminate the HDC : This is the recommended action.

B. Direct staff to work with the HDC on LMC changes and/or new process, but leave the HDC intact.

C. No change. Direct staff to continue work on new guidelines and building survey.

SIGNIFICANT IMPACTS:

The proposal enhances the historic expertise of the Planning Commission by consolidation the HDC. Approvals for larger projects are streamlined as the Planning Commission can address design components during the MPD or CUP approval process, while smaller project review is largely unaffected since staff will still issue the bulk of approvals with appeals still being available to the Planning Commission.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The existing review process will remain unchanged.

RECOMMENDATION:

Direct staff to initiate an amendment to the LMC to consolidate the HDC with the Planning Commission and Department.