PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 12, 2002

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, December 12, 2002.

Closed Session

2:00 p.m. Property and litigation

Work Session

3:00 p.m. Council questions/comments
3:30 p.m. BFI update
3:50 p.m. Art policy
4:10 p.m. Dog sledding - Round Valley
4:30 p.m. YAC recommendations
4:40 p.m. Army Corps of Engineers - cost sharing water projects
4:50 p.m. Presentation - POST certificate - Rick Ryan
5:00 p.m. Review of regular meeting
Plat amendment
Lease
301 Main Street - display of public art
Other meeting questions/comments
5:50 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 7 AND NOVEMBER 14, 2002

V CONSENT AGENDA PUBLIC HEARING

1. Ordinance amending Chapter 11 of the Sign Code, Title 12 of the Municipal Code of Park City, Utah **(motion to continue to December 19, 2002)**

2. Ordinance approving the Third Amended Record of Survey for Marsac Mill Manor and the Silver Mill House

3. Application for display of public art on Second Street right-of-way - 301 Main Street

4. Abandonment of the Park City Old Town Business Improvement District by way of resolution and ordinance

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4. Resolution abandoning the establishment of the Park City Old Town Business Improvement District

5. Ordinance amending Title 4, Chapter 2 of the Municipal Code, Business Licensing in General (Old Town Business Improvement District)

VIII ADJOURNMENT

PARK CITY COUNCIL SPECIAL WORK SESSION
DECEMBER 10, 2002

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Posted: 12/09/02
Revised: 12/10/02
see: parkcity.org

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I ROLL CALL

Mayor Pro Tem Fred Jones called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 12, 2002. Members in attendance were Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Mayor Williams was present for closed session and work session and excused for the regular meeting. Staff present were Tom Bakaly, Acting City Manager; Tim Twardowski, Assistant City Attorney; Brooks Robinson, Planner; Derek Satchel, Preservation Planner; and Mark Christensen, Grants and Budget Manager.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on any matter of City business not on the agenda. Hearing no comments, the public input session was closed.

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Call-up of Historic District Commission denial of the cauldron location - Jim Hier, "I would like to call-up the decision of the Historic District Commission denying the cauldron. In the denial, the conclusions referenced Criteria No.1 of Section 15-4-15, we don't have a criteria No. 1, but Criteria Nos. (a) through (i), none of which reference the findings as displayed on the denial. . . I move that we call-up the findings on the cauldron at the transit center". Candace Erickson seconded. Peg Bodell requested information from staff on how these decisions are related to the Land Management Code. Motion carried unanimously. Tim Twardowski advised that the Council has discretion to identify the standard of review to either include holding a public hearing or not holding a public hearing by way of an error of law standard review. Jim Hier stated that ultimately he would recommend that it be remanded to the HDC as opposed to either reviewing it under an error of law or de novo process. Mr. Twardowski explained that the direction to the HDC can be provided by either standard of review, but the action to remand would occur at the call-up proceeding. Jim Hier suggested that the review be error of law and that public hearing not be solicited. Jim Hier amended his motion to include that the call-up review is error of law and the Council will not be taking public input". Council concurred. Candace Erickson seconded the addition. Motion carried unanimously. In response to a comment from Fred Jones, Council members shared his interest in staff exploring locating the cauldron in the round-about, recognizing that this is a UDOT issue as well.

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Peg Bodell, "I move approval of the Minutes of the Meetings of November 7 and November 14, 2002". Kay Calvert seconded. Motion unanimously carried.

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Kay Calvert, "I move to approve the Consent Agenda, Items 1 through 5". Jim Hier seconded. Motion carried unanimously.

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4. Resolution abandoning the establishment of the Park City Old Town Business Improvement District - See staff report and public hearing.

5. Ordinance amending Title 4, Chapter 2 of the Municipal Code, Business Licensing in General (Old Town Business Improvement District) - See staff report and public hearing.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 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, Acting City Manager; and Tim Twardowski, Assistant City Attorney. Jim Hier, "I move to close the meeting to discuss property and litigation". Peg Bodell seconded. Motion carried unanimously. The meeting opened at approximately 3 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

Janet M. Scott, City Recorder

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 12, 2002

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

Tom Bakaly, Acting City Manager; Tim Twardowski, Assistant City Attorney; Myles Rademan, Public Affairs Director; Jerry Gibbs, Public Works Director; Michelle Barrus, Special Events and Facilities Coordinator; Matt Twombly, Project Manager; Denise Payne, Administrative Assistant; Mark Christensen, Budget and Grants Manager

Kevin Callahan, Summit County Public Works Director; Gordon Raymond and Dan Mills, BFI; Elizabeth Swank, Toni Breiter, and Peter Roberts, Diane Gordon, Arts Council; Rob Valli, Wild Dog Mushing Company; Chris Beer, Youth Advisory Committee member; "Sid" Sidgrow and Bob Morris, Police Officer Standard Training Division

1. **Council questions/comments.** Kay Calvert reported that she attended an economic development meeting and another is scheduled on December 18. She thanked Chief Lloyd Evans for organizing the Citizen Alliance Committee. He explained that this is a newly formed committee, which is a subcommittee of the PSTO and Diane Walker is the Chair. CAC was formed to bring people together to talk about common issues facing their neighborhoods and Chief Evans was pleased with the excellent dialog between all interested parties. The entire community has been invited to participate. Mayor Williams stated that he appreciated that CAC is an independent board, only inviting the City for its advice and input. Chief Evans stated that he wants to be the resource to help citizens reach decisions and implement programs that will benefit the community. Council member Calvert congratulated Ron Ivie on his recent prestigious national ICBO award.

Fred Jones referred to potential legislation changing the sales tax distribution to where it is delivered, rater than point of sale. Tom Bakaly explained that when someone buys art in Park City, which is shipped to California, there is no sales tax currently collected and this is legal. The broader issue is simplifying sales tax across the country to address Internet sales, etc. Park City would rather have the state legislation deal only with hard goods and not services and staff will remain involved. There was discussion on tracking where products are delivered through zip codes and he explained that many towns will be hurt, like ones depending on shopping malls and businesses like car dealerships. Mr. Bakaly reiterated that simplifying sales tax will be a broad sweeping change across the country. The resort cities sales tax was discussed and the prudence in conducting a sales tax audit. The Acting City Manager emphasized that this is an issue that the City needs to closely watch because of our special revenue sources.

Peg Bodell thanked staff for producing Christmas in the Park and enjoyed the partnership with KPCW for the event. The Mayor agreed and thanked Ron Ivie for his involvement in getting volunteers to restore the Savage residence. He discussed the citizen guide and miscellaneous correspondence and reported that 122 applications have been received for the City Manager position. Candace Erickson reported on the Board of Health, Library Board, and the NLC conference. Myles Rademan distributed a packet of approximately twenty applications submitted by citizens wishing to serve on the City's three at large positions on COSAC. Peg Bodell urged Mr. Rademan to work with the Mayor on this project and it was decided that the Mayor and Jim Hier will serve on a subcommittee to recommend a process for COSAC appointments. Jim Hier also thanked staff for Christmas in the Park.

2. **BFI update.** Kevin Callahan explained that the Summit County Commission reviewed policies and rates for the operational program of BFI. The Commission adopted new rates which results in an approximate 22% drop in the cost to the average business on Main Street, because of the compactor system. The relationship between BFI and Main Street customers has significantly improved. Summit County looked at an amendment to the contract to clarify how BFI would handle overdue billings in collective situations like Main Street. There is a process that will be reviewed in January by the County Commission whereby BFI notifies the County when there is an overdue bill which will be extended for 90 days before it is turned over to collections. In the meantime, the County would try to mediate the dispute. The budget committee has recommended to move forward with a substantial extended recycling program. He discussed the pilot program in Park Meadows of about 1,000 households and the intent to subscribe 1,000 more in Old Town, Prospector and Thaynes Canyon. This would not be provided by BFI but a new consortium of private recycling businesses; the expanded BFI program would be conducted in Park Meadows and communities in the east side of the County for a total of about 4,000 households. Funding to support this increased volume represents the County's commitment to the environment. A public relations effort will be underway to increase awareness as it is estimated that only about 2% to 4% of waste is being recycled. It is felt there can be substantial improvement. Peg Bodell asked about commercial operations. Mr. Callahan explained that the large commercial players, like the resorts, have been accommodated on the Recycle Board. However, the residential base is its first priority at this point. Main Street recycling was discussed, specifically the challenges with small generators. Jerry Gibbs added that the HMBA sat on the committee and recommended a compactor for cardboard. This has been ordered and will be installed by January. The glass bins in Swede Alley proved to be too cumbersome because of contamination by other materials. It was pointed out that BFI drivers report overflowing condominium dumpsters to the office so that the association can be contacted for increased service.

3. **Art policy.** Michelle Barrus explained that Council identified support of the arts as a goal and the Arts Council would like to expand its role with the City. She

discussed levels of support outlined in the staff report. The City currently grants about $15,000 annually to the Arts Council and for that service, the Arts Council re-grants about $30,000 to other arts organizations for a total of $45,000 for the arts. She continued that the Arts Council is proposing to be named the City's art panel to jury, select, and recommend projects for public art. For this additional service, it is requesting a line item in the budget of approximately $30,000 to employ a full-time staff member. As a compromise, there is an option for a one-time grant of $10,000 from the General Fund to jury art for locations for public art programs. Option No. 4 is to add a 1% to 2% art component to all public capital building projects and she referred to the model policy in Grand Junction. The highest level of support would be to explore public/private partnerships, including LMC incentives, fee waivers, project requirements for MPDs, annexations and open space alternatives.

Fred Jones disclosed that his wife sits on the Arts Council board and Assistant City Attorney Tim Twardowski didn't feel he needed to abstain from discussion. Peg Bodell added that she is also on the Board and has worked with staff on these issues. Jim Hier asked for a definition of *to jury*. Ms. Barrus explained that the arts panel would formulate criteria and once a piece becomes available, they would jury or evaluate the work with guidelines. Ms. Swank detailed the different tasks of selecting, jurying and recommending. Mr. Jones asked how the jurying works in a situation where an artist or group offers a piece to display. Ms. Barrus explained the current process where applications first go to the Planning Department for code compliance and then to the City Council for approval if located on public property. In the proposed process recommended by staff, the arts panel would review it last, but would prefer to be the first step in the process. Staff recommends, however, that code compliance be established before the piece is juried. Mr. Jones again expressed his confusion over the involvement of the Arts Council in jurying applications. Would the application for 301 Main Street later on the agenda for example, go to the arts panel? Ms. Barrus responded that the application would be reviewed by the arts panel for artistic quality, not just staff for code requirements. It was clarified for Kay Calvert that in most instances, the location of the art work would be clear at the onset. Ms. Swank discussed Grand Junction's art exhibit program. Ms. Calvert asked for clarification on the 1% art fee and Ms. Barrus explained that the state does not provide for an art impact fee and this only relates to City capital projects. Council member Erickson expressed her confusion of recommending a full-time position when there aren't any pending building projects. There may be locations for public art but why would the City be paying for this position and on a full-time basis. Ms. Swank answered that there is a lot that the Arts Council can do for the community.

Peg Bodell interjected that this is not just about public art and explained that there are two processes for jurying art; one is for City projects and the other for private. She felt the Arts Council is asking Council if it wants it to be an advisory board to Council and the Planning Department on these issues when is it appropriate. Toni Breiter added the Arts Council will also be involved in cultural tourism and Elizabeth Swank pointed out that it performs a number of services. Peter Roberts of the Arts Council expressed that the small increase in funding will have a huge effect on Park City's future with cultural tourism. Kay Calvert agreed that this component can contribute to economic development efforts. Board member Diane Gordon explained that the Arts Council acts as a facilitator for the City and the bridge to public art and cultural tourism. Ms. Bodell complimented Ms. Gordon on her success in bringing back the gallery tours.

Jim Hier stated that he is not clear on the 1% proposal. Tom Bakaly advised Council to comment on the general policy and staff can return with information on budgetary impacts. Council controls capital projects and could mandate that 1% or 2% of the total cost go toward public art. This is what occurred at the transit center, which produced $100,000 for public art. However, this was provided for by the federal government and implementing this provision will increase the City's capital budget by 1% to 2%. Ms. Calvert stated that the state of Utah has had a mandatory art component for public buildings for about ten years. Mr. Bakaly continued that there could be a limit of $50,000 or could identify which projects are appropriate. There was again discussion about the application process where the Council would still have to approve the location. Ms. Swank spoke about entertaining other works of art for the same location consideration. Ms. Erickson stated her concern in the event someone donates a piece of art which would then have to be juried and compete with other pieces that would have to be purchased. Ms. Swank felt there could be a simplified process where jurors can still make comments. Mayor Williams didn't feel comfortable with all of the layers of process and pointed out the many funding requests faced by Council. He is uncomfortable with making budget commitments by adding line items at this time and disagreed with the open space suggestion. Michelle Barrus explained that an art donation is proposed as an in lieu fee to providing or paying for open space.

Peg Bodell believed that the staff report lumps money requests, which is confusing because the Arts Council is not requesting additional funding. For the same amount of money, but listed as a line item, the Arts Council will be performing services which haven't been defined in the past in a contract. Michelle Barrus clarified that it is different money and represents an additional $30,000. Ms. Bodell felt there should be a service contract amount and then Council can address re-granting. Ms. Swank stated that the $14,500 is awarded to run the office and $14,500 is earmarked for re-granting. Ms. Erickson expressed her confusion and Ms. Swank explained that the Arts Council's ideal is to start with $44,500 which is a big jump from $14,500. The optional levels of support graduate from $14,500 to $44,500 and with each increment, services are added. Peg Bodell suggested that she and Council member Erickson work with staff and the Arts Council to come back to Council with another proposal which separates the issues of granting and public art.

She felt that support to expand the City's investment in art and cultural tourism has already been answered by Council, except for defining the amount. The matrix is a good start and she would like to see the Arts Council as an advisory board for a number of associated issues. Fred Jones agreed that it is appropriate that Council receive this information in advance, but it should be part of the budget discussion. He is reluctant to make any financial commitments tonight. In response to a question from Mr. Jones about the response from the County Commission for increased funding, Ms. Swank explained that no meeting has been scheduled. The request is for a full-time staff person and office expenses dedicated to Summit County, separate from Park City. Fred Jones added that the Council is currently reviewing its advisory boards and processes in an attempt at becoming more efficient and adding another board is something that needs serious consideration. Peg Bodell interjected that it would be on a per project basis. In response to a question regarding privately donated public art, Ms. Bodell stated that the Art Council would volunteer its assistance, expertise and resources. Candace Erickson felt that the percent should be mandatory and is more inclined to support the model where projects go to the Planning Department first and then the arts panel is involved appropriately. She pointed out that the percentage set aside in the budget for grants is under scrutiny and may be in excess of state mandates. This has to be examined in this budget cycle and by adding more funding to the Arts Council may be eliminating funding for other requests. Mayor Williams referred to the philosophy of seed money to help programs get underway and he is confused by the inconsistency in criteria for reviewing requests; i.e., paying or not paying salaries. Peg Bodell suggested that she and Ms. Erickson work on the grant philosophy.

Michelle Barrus understood Council direction to be to return during the budget review. Peg Bodell discussed meeting with Candace Erickson as the grant subcommittee and reviewing the newly requested financial information. Jim Hier stated that he supports some type of an appeal process. Toni Breiter explained the process for appointing Board of Directors which consists of 23 members. Fred Jones felt it would be helpful to have a list of appropriate locations for public art.

4. **Dog sledding - Round Valley.** Matt Twombly explained that Council was informed about this on November 14 and the proposal has been reviewed by the Parks and Recreation Board. There was a lengthy discussion about potential conflicts but the Board ultimately supported sled dogs in Round Valley. Staff feels there could be an non-exclusive revocable license for this activity. The southern exposure and steep slopes may also prompt challenges on the National Ability side. Mr. Hier discussed access from a jeep road on the Gillmor property which would require acquiring an easement. The Mayor interjected that he received calls from individuals vehemently opposed to this because they walk their dogs there and he is also somewhat concerned with the possibility of more than one operator. Candace Erickson agreed as it appears that everyone would have to use the same loop because of land area constraints which lead to a discussion on an RFP process. Tom Bakaly advised that Council would have more control in a lease arrangement than with a revocable license. Fred Jones felt it important to limit dog sledding to one operator, at least for the first year. Tom Bakaly explained that going

through an RFP process would move back the operation until middle to late January before a contract could be signed.

It was clarified for Rob Valli, Wild Dog Mushing Company, that the cross-country ski trails in Round Valley are set but are not exclusive to skiers. Jim Hier requested that Council be informed of any maintenance and improvements to Round Valley. Mr. Valli pointed out that he has an agreement with the NAC that other mushers may not. In order to obtain a Summit County business license, he must obtain letters of approval from the NAC and the City. It is practically impossible to have two teams running at the same time. Mr. Hier stated that he has a problem with snow mobiles setting the track as it is a non-motorized area. Tim Twardowski advised that using motorized vehicles for necessary City maintenance is probably okay under the bond language where opening up the property to recreational snow mobile users is clearly prohibited. Fred Jones felt it reasonable to groom the track, and it may be more important to define the number of tracks and users. He is not about to open up Round Valley for anyone to set a track. Staff was directed to formulate an RFP and return to Council with long-term policy recommendations.

5. **YAC Recommendations.** Fred Jones recused himself from the discussion as his wife is a grant recipient. Mayor Williams expressed concern about supporting a separate program for Hispanic youth rather than the same program for all kids. Additionally, the applicant is The Holy Cross Ministries, and there may be a separation of church and state issue. Tim Twardowski advised that he doesn't see a problem, but urged Council members to disclose any potential conflicts. Mayor Williams stated that his daughter serves as a member of the committee and will recuse himself. Peg Bodell stated that he serves on the Board of the Summit County Park City Arts Council, who is sponsoring but not applying for funding. Chris Beer, YAC member, explained that The Holy Cross program is geared to get Hispanic kids to a skill level to feel comfortable enough to then participate in other community programs. This is an after-school program focused to narrow language and skill barriers and there are a captive group of kids already at St. Mary's. Mayor Williams insisted that this is segregating our kids. Jim Hier stated that he didn't feel that The Holy Cross Ministries is not doing anything to further segregation; this program is designed to help integration by culturing confidence and skill levels. This will be more of a help than an hindrance. Denise Payne explained that recreation flyers are in Spanish and the Mayor added that *Play Magazine* needs to be translated. He reiterated that he is very concerned with the *them and us* issue. In response to comments made by various Council members, Chris Beer explained that there will be a report at the conclusion of the program. Candace Erickson explained that there are now reporting requirements for service contract holders and a portion of funds is held until there is full compliance and performance. She added that the St. Mary's program is beyond sports, it's about mentoring. In response to comments made by Peg Bodell, there was discussion about the Children's Justice Center and the diversity camp for high school kids. She wasn't particularly supportive of the boxing program and asked if the committee was

unanimous. Ms. Beer explained that they arrived at a consensus to fund the program because it would reach certain kids who wouldn't be reached in any other format. There was discussion about equipment reverting to the City in the event the program fails. Tom Bakaly understood the consensus of Council to release 80% of what is recommended and would look to follow up with certain public service contracts like The Holy Cross Ministries and inclusion of an equipment provision for Summit Boxing.

6. **Presentation - POST certificate Rick Ryan.** Chief Lloyd Evans introduced representatives from the Utah State Peace Officers Standards Training Department. He explained the command college was formed by Director Sidgrow to develop individuals in the department to become command personnel. Director Sidgrow commented on the program and congratulated Rick Ryan on his graduation. Deputy Director Bob Morris explained that this is the pinnacle of management and leadership training offered in Utah to law enforcement administrators and Ryan's curriculum.

7. **Army Corps of Engineers - cost sharing water projects.** Mark Christensen explained that some of the money in the Water Fund can be leveraged with the Corps for the design of the Spiro and Judge water treatment facilities. Staff received a consensus from Council to proceed.

8. **Review of regular meeting.** There were no questions or comments. See regular meeting minutes.

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1. Ordinance approving the Third Amended Record of Survey for Marsac Mill Manor and the Silver Mill House - See staff report and public hearing.

2. Application for display of public art on Second Street right-of-way - 301 Main Street - See staff report and public hearing.

3. Lease with the Park City Presbyterian Church for use of space within the Park City Library and Education Center - See staff report.

4. Resolution abandoning the establishment of the Park City Old Town Business Improvement District - See staff report and public hearing.

5. Ordinance amending Title 4, Chapter 2 of the Municipal Code, Business Licensing in General (Old Town Business Improvement District) - See staff report and public hearing.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 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, Acting City Manager; and Tim Twardowski, Assistant City Attorney. Jim Hier, "I move to close the meeting to discuss property and litigation". Peg Bodell seconded. Motion carried unanimously. The meeting opened at approximately 3 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

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 12, 2002

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

Tom Bakaly, Acting City Manager; Tim Twardowski, Assistant City Attorney; Myles Rademan, Public Affairs Director; Jerry Gibbs, Public Works Director; Michelle Barrus, Special Events and Facilities Coordinator; Matt Twombly, Project Manager; Denise Payne, Administrative Assistant; Mark Christensen, Budget and Grants Manager

Kevin Callahan, Summit County Public Works Director; Gordon Raymond and Dan Mills, BFI; Elizabeth Swank, Toni Breiter, and Peter Roberts, Diane Gordon, Arts Council; Rob Valli, Wild Dog Mushing Company; Chris Beer, Youth Advisory Committee member; "Sid" Sidgrow and Bob Morris, Police Officer Standard Training Division

1. **Council questions/comments.** Kay Calvert reported that she attended an economic development meeting and another is scheduled on December 18. She thanked Chief Lloyd Evans for organizing the Citizen Alliance Committee. He explained that this is a newly formed committee, which is a subcommittee of the PSTO and Diane Walker is the Chair. CAC was formed to bring people together to talk about common issues facing their neighborhoods and Chief Evans was pleased with the excellent dialog between all interested parties. The entire community has been invited to participate. Mayor Williams stated that he appreciated that CAC is an independent board, only inviting the City for its advice and input. Chief Evans stated that he wants to be the resource to help citizens reach decisions and implement programs that will benefit the community. Council member Calvert congratulated Ron Ivie on his recent prestigious national ICBO award.

Fred Jones referred to potential legislation changing the sales tax distribution to where it is delivered, rater than point of sale. Tom Bakaly explained that when someone buys art in Park City, which is shipped to California, there is no sales tax currently collected and this is legal. The broader issue is simplifying sales tax across the country to address Internet sales, etc. Park City would rather have the state legislation deal only with hard goods and not services and staff will remain involved. There was discussion on tracking where products are delivered through zip codes and he explained that many towns will be hurt, like ones depending on shopping malls and businesses like car dealerships. Mr. Bakaly reiterated that simplifying sales tax will be a broad sweeping change across the country. The resort cities sales tax was discussed and the prudence in conducting a sales tax audit. The Acting City Manager emphasized that this is an issue that the City needs to closely watch because of our special revenue sources.

Peg Bodell thanked staff for producing Christmas in the Park and enjoyed the partnership with KPCW for the event. The Mayor agreed and thanked Ron Ivie for his involvement in getting volunteers to restore the Savage residence. He discussed the citizen guide and miscellaneous correspondence and reported that 122 applications have been received for the City Manager position. Candace Erickson reported on the Board of Health, Library Board, and the NLC conference. Myles Rademan distributed a packet of approximately twenty applications submitted by citizens wishing to serve on the City's three at large positions on COSAC. Peg Bodell urged Mr. Rademan to work with the Mayor on this project and it was decided that the Mayor and Jim Hier will serve on a subcommittee to recommend a process for COSAC appointments. Jim Hier also thanked staff for Christmas in the Park.

2. **BFI update.** Kevin Callahan explained that the Summit County Commission reviewed policies and rates for the operational program of BFI. The Commission adopted new rates which results in an approximate 22% drop in the cost to the average business on Main Street, because of the compactor system. The relationship between BFI and Main Street customers has significantly improved. Summit County looked at an amendment to the contract to clarify how BFI would handle overdue billings in collective situations like Main Street. There is a process that will be reviewed in January by the County Commission whereby BFI notifies the County when there is an overdue bill which will be extended for 90 days before it is turned over to collections. In the meantime, the County would try to mediate the dispute. The budget committee has recommended to move forward with a substantial extended recycling program. He discussed the pilot program in Park Meadows of about 1,000 households and the intent to subscribe 1,000 more in Old Town, Prospector and Thaynes Canyon. This would not be provided by BFI but a new consortium of private recycling businesses; the expanded BFI program would be conducted in Park Meadows and communities in the east side of the County for a total of about 4,000 households. Funding to support this increased volume represents the County's commitment to the environment. A public relations effort will be underway to increase awareness as it is estimated that only about 2% to 4% of waste is being recycled. It is felt there can be substantial improvement. Peg Bodell asked about commercial operations. Mr. Callahan explained that the large commercial players, like the resorts, have been accommodated on the Recycle Board. However, the residential base is its first priority at this point. Main Street recycling was discussed, specifically the challenges with small generators. Jerry Gibbs added that the HMBA sat on the committee and recommended a compactor for cardboard. This has been ordered and will be installed by January. The glass bins in Swede Alley proved to be too cumbersome because of contamination by other materials. It was pointed out that BFI drivers report overflowing condominium dumpsters to the office so that the association can be contacted for increased service.

3. **Art policy.** Michelle Barrus explained that Council identified support of the arts as a goal and the Arts Council would like to expand its role with the City. She

discussed levels of support outlined in the staff report. The City currently grants about $15,000 annually to the Arts Council and for that service, the Arts Council re-grants about $30,000 to other arts organizations for a total of $45,000 for the arts. She continued that the Arts Council is proposing to be named the City's art panel to jury, select, and recommend projects for public art. For this additional service, it is requesting a line item in the budget of approximately $30,000 to employ a full-time staff member. As a compromise, there is an option for a one-time grant of $10,000 from the General Fund to jury art for locations for public art programs. Option No. 4 is to add a 1% to 2% art component to all public capital building projects and she referred to the model policy in Grand Junction. The highest level of support would be to explore public/private partnerships, including LMC incentives, fee waivers, project requirements for MPDs, annexations and open space alternatives.

Fred Jones disclosed that his wife sits on the Arts Council board and Assistant City Attorney Tim Twardowski didn't feel he needed to abstain from discussion. Peg Bodell added that she is also on the Board and has worked with staff on these issues. Jim Hier asked for a definition of *to jury*. Ms. Barrus explained that the arts panel would formulate criteria and once a piece becomes available, they would jury or evaluate the work with guidelines. Ms. Swank detailed the different tasks of selecting, jurying and recommending. Mr. Jones asked how the jurying works in a situation where an artist or group offers a piece to display. Ms. Barrus explained the current process where applications first go to the Planning Department for code compliance and then to the City Council for approval if located on public property. In the proposed process recommended by staff, the arts panel would review it last, but would prefer to be the first step in the process. Staff recommends, however, that code compliance be established before the piece is juried. Mr. Jones again expressed his confusion over the involvement of the Arts Council in jurying applications. Would the application for 301 Main Street later on the agenda for example, go to the arts panel? Ms. Barrus responded that the application would be reviewed by the arts panel for artistic quality, not just staff for code requirements. It was clarified for Kay Calvert that in most instances, the location of the art work would be clear at the onset. Ms. Swank discussed Grand Junction's art exhibit program. Ms. Calvert asked for clarification on the 1% art fee and Ms. Barrus explained that the state does not provide for an art impact fee and this only relates to City capital projects. Council member Erickson expressed her confusion of recommending a full-time position when there aren't any pending building projects. There may be locations for public art but why would the City be paying for this position and on a full-time basis. Ms. Swank answered that there is a lot that the Arts Council can do for the community.

Peg Bodell interjected that this is not just about public art and explained that there are two processes for jurying art; one is for City projects and the other for private. She felt the Arts Council is asking Council if it wants it to be an advisory board to Council and the Planning Department on these issues when is it appropriate. Toni Breiter added the Arts Council will also be involved in cultural tourism and Elizabeth Swank pointed out that it performs a number of services. Peter Roberts of the Arts Council expressed that the small increase in funding will have a huge effect on Park City's future with cultural tourism. Kay Calvert agreed that this component can contribute to economic development efforts. Board member Diane Gordon explained that the Arts Council acts as a facilitator for the City and the bridge to public art and cultural tourism. Ms. Bodell complimented Ms. Gordon on her success in bringing back the gallery tours.

Jim Hier stated that he is not clear on the 1% proposal. Tom Bakaly advised Council to comment on the general policy and staff can return with information on budgetary impacts. Council controls capital projects and could mandate that 1% or 2% of the total cost go toward public art. This is what occurred at the transit center, which produced $100,000 for public art. However, this was provided for by the federal government and implementing this provision will increase the City's capital budget by 1% to 2%. Ms. Calvert stated that the state of Utah has had a mandatory art component for public buildings for about ten years. Mr. Bakaly continued that there could be a limit of $50,000 or could identify which projects are appropriate. There was again discussion about the application process where the Council would still have to approve the location. Ms. Swank spoke about entertaining other works of art for the same location consideration. Ms. Erickson stated her concern in the event someone donates a piece of art which would then have to be juried and compete with other pieces that would have to be purchased. Ms. Swank felt there could be a simplified process where jurors can still make comments. Mayor Williams didn't feel comfortable with all of the layers of process and pointed out the many funding requests faced by Council. He is uncomfortable with making budget commitments by adding line items at this time and disagreed with the open space suggestion. Michelle Barrus explained that an art donation is proposed as an in lieu fee to providing or paying for open space.

Peg Bodell believed that the staff report lumps money requests, which is confusing because the Arts Council is not requesting additional funding. For the same amount of money, but listed as a line item, the Arts Council will be performing services which haven't been defined in the past in a contract. Michelle Barrus clarified that it is different money and represents an additional $30,000. Ms. Bodell felt there should be a service contract amount and then Council can address re-granting. Ms. Swank stated that the $14,500 is awarded to run the office and $14,500 is earmarked for re-granting. Ms. Erickson expressed her confusion and Ms. Swank explained that the Arts Council's ideal is to start with $44,500 which is a big jump from $14,500. The optional levels of support graduate from $14,500 to $44,500 and with each increment, services are added. Peg Bodell suggested that she and Council member Erickson work with staff and the Arts Council to come back to Council with another proposal which separates the issues of granting and public art.

She felt that support to expand the City's investment in art and cultural tourism has already been answered by Council, except for defining the amount. The matrix is a good start and she would like to see the Arts Council as an advisory board for a number of associated issues. Fred Jones agreed that it is appropriate that Council receive this information in advance, but it should be part of the budget discussion. He is reluctant to make any financial commitments tonight. In response to a question from Mr. Jones about the response from the County Commission for increased funding, Ms. Swank explained that no meeting has been scheduled. The request is for a full-time staff person and office expenses dedicated to Summit County, separate from Park City. Fred Jones added that the Council is currently reviewing its advisory boards and processes in an attempt at becoming more efficient and adding another board is something that needs serious consideration. Peg Bodell interjected that it would be on a per project basis. In response to a question regarding privately donated public art, Ms. Bodell stated that the Art Council would volunteer its assistance, expertise and resources. Candace Erickson felt that the percent should be mandatory and is more inclined to support the model where projects go to the Planning Department first and then the arts panel is involved appropriately. She pointed out that the percentage set aside in the budget for grants is under scrutiny and may be in excess of state mandates. This has to be examined in this budget cycle and by adding more funding to the Arts Council may be eliminating funding for other requests. Mayor Williams referred to the philosophy of seed money to help programs get underway and he is confused by the inconsistency in criteria for reviewing requests; i.e., paying or not paying salaries. Peg Bodell suggested that she and Ms. Erickson work on the grant philosophy.

Michelle Barrus understood Council direction to be to return during the budget review. Peg Bodell discussed meeting with Candace Erickson as the grant subcommittee and reviewing the newly requested financial information. Jim Hier stated that he supports some type of an appeal process. Toni Breiter explained the process for appointing Board of Directors which consists of 23 members. Fred Jones felt it would be helpful to have a list of appropriate locations for public art.

4. **Dog sledding - Round Valley.** Matt Twombly explained that Council was informed about this on November 14 and the proposal has been reviewed by the Parks and Recreation Board. There was a lengthy discussion about potential conflicts but the Board ultimately supported sled dogs in Round Valley. Staff feels there could be an non-exclusive revocable license for this activity. The southern exposure and steep slopes may also prompt challenges on the National Ability side. Mr. Hier discussed access from a jeep road on the Gillmor property which would require acquiring an easement. The Mayor interjected that he received calls from individuals vehemently opposed to this because they walk their dogs there and he is also somewhat concerned with the possibility of more than one operator. Candace Erickson agreed as it appears that everyone would have to use the same loop because of land area constraints which lead to a discussion on an RFP process. Tom Bakaly advised that Council would have more control in a lease arrangement than with a revocable license. Fred Jones felt it important to limit dog sledding to one operator, at least for the first year. Tom Bakaly explained that going

through an RFP process would move back the operation until middle to late January before a contract could be signed.

It was clarified for Rob Valli, Wild Dog Mushing Company, that the cross-country ski trails in Round Valley are set but are not exclusive to skiers. Jim Hier requested that Council be informed of any maintenance and improvements to Round Valley. Mr. Valli pointed out that he has an agreement with the NAC that other mushers may not. In order to obtain a Summit County business license, he must obtain letters of approval from the NAC and the City. It is practically impossible to have two teams running at the same time. Mr. Hier stated that he has a problem with snow mobiles setting the track as it is a non-motorized area. Tim Twardowski advised that using motorized vehicles for necessary City maintenance is probably okay under the bond language where opening up the property to recreational snow mobile users is clearly prohibited. Fred Jones felt it reasonable to groom the track, and it may be more important to define the number of tracks and users. He is not about to open up Round Valley for anyone to set a track. Staff was directed to formulate an RFP and return to Council with long-term policy recommendations.

5. **YAC Recommendations.** Fred Jones recused himself from the discussion as his wife is a grant recipient. Mayor Williams expressed concern about supporting a separate program for Hispanic youth rather than the same program for all kids. Additionally, the applicant is The Holy Cross Ministries, and there may be a separation of church and state issue. Tim Twardowski advised that he doesn't see a problem, but urged Council members to disclose any potential conflicts. Mayor Williams stated that his daughter serves as a member of the committee and will recuse himself. Peg Bodell stated that he serves on the Board of the Summit County Park City Arts Council, who is sponsoring but not applying for funding. Chris Beer, YAC member, explained that The Holy Cross program is geared to get Hispanic kids to a skill level to feel comfortable enough to then participate in other community programs. This is an after-school program focused to narrow language and skill barriers and there are a captive group of kids already at St. Mary's. Mayor Williams insisted that this is segregating our kids. Jim Hier stated that he didn't feel that The Holy Cross Ministries is not doing anything to further segregation; this program is designed to help integration by culturing confidence and skill levels. This will be more of a help than an hindrance. Denise Payne explained that recreation flyers are in Spanish and the Mayor added that *Play Magazine* needs to be translated. He reiterated that he is very concerned with the *them and us* issue. In response to comments made by various Council members, Chris Beer ~~explained that there will be a report~~ at the conclusion of the program. Candace Erickson explained that there are now reporting requirements for service contract holders and a portion of funds is held until there is full compliance and performance. She added that the St. Mary's program is beyond sports, it's about mentoring. In response to comments made by Peg Bodell, there was discussion about the Children's Justice Center and the diversity camp for high school kids. She wasn't particularly supportive of the boxing program and asked if the committee was

unanimous. Ms. Beer explained that they arrived at a consensus to fund the program because it would reach certain kids who wouldn't be reached in any other format. There was discussion about equipment reverting to the City in the event the program fails. Tom Bakaly understood the consensus of Council to release 80% of what is recommended and would look to follow up with certain public service contracts like The Holy Cross Ministries and inclusion of an equipment provision for Summit Boxing.

6. Presentation - POST certificate Rick Ryan. Chief Lloyd Evans introduced representatives from the Utah State Peace Officers Standards Training Department. He explained the command college was formed by Director Sidgrow to develop individuals in the department to become command personnel. Director Sidgrow commented on the program and congratulated Rick Ryan on his graduation. Deputy Director Bob Morris explained that this is the pinnacle of management and leadership training offered in Utah to law enforcement administrators and Ryan's curriculum.

7. Army Corps of Engineers - cost sharing water projects. Mark Christensen explained that some of the money in the Water Fund can be leveraged with the Corps for the design of the Spiro and Judge water treatment facilities. Staff received a consensus from Council to proceed.

8. Review of regular meeting. There were no questions or comments. See regular meeting minutes.

Prepared by Janet M. Scott