PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UT
OCTOBER 1, 2009

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Shelley Hatch, Analyst II; Wade Carpenter, Chief of Police; Heinrich Deters, Trails Coordinator; Jonathan Weidenhamer, Economic Development Manager; and Matt Cassel, City Engineer

Donnie Novelle, PC Transportation; Rob O'Brien, 649-TAXI; Kyle Jesson, Comstock Drive resident, Shirin Spangenberg, Prospector resident; and Mark Olson, Comstock Drive resident

Absent: **Council member Liza Simpson**

1. Council questions/comments. Jim Hier discussed promotions and business presented at the HMBA meeting, and a Chamber reception planned at Little America on October 20 for the state legislature. Roger Harlan spoke about the trend of promoting bicycling in communities and pledged to use alternative transportation once a month to Council meetings rather than driving. He felt it important for members to lead by example and proposed encouraging high school students to use the free bus rather than driving to school. Joe Kernan thanked Diane Foster and others for their participation in the successful Save Our Snow event last night. The Mayor agreed and commented on meetings on Gambel Oak, EPA, and the Air Force held in Washington DC last week and added that he was honored to speak to the National Academy of Science on sustainable communities while there.

2. For-hire vehicles licensing. Shelly Hatch explained that on March 27, 2009 the Council received an email from a provider describing problems during peak times, specifically the high number of for-hire vehicles operating in town. In May, staff met with business owners to address their concerns and some approaches discussed included separating black tie service from taxi service, restricting the number of provider vehicles, banning payola, requiring stickers for drop-off, setting up a central phone system, increasing enforcement, franchising the taxi industry and prohibiting idling. She emphasized, however, that there was no consensus as to which to pursue. In June 2009, another meting was held to survey businesses to identify the preferred approach but staff was unable to garner clear direction. She proposed conducting a transportation study to reveal the needs of Park City and a way to cap the number of cabs at the appropriate level.

Ms. Hatch summarized the topics discussed at the meetings including (1) a separate black shuttle service from taxi service (enacted in 2002); (2) conduct a market study and limit the number of cabs within Park City; (3) ban payola (difficult to enforce); (4) change the Municipal Code to require stickers for drop-offs (prohibited by interstate commerce law); (5) require providers to have an office in Park City (prohibited by interstate commerce law); (6) implement central phone system (only industry can do); (7) set up staging areas (not favored by operators); (8) increase enforcement; (9) franchise the industry (limited to a few companies); (10) prohibit idling; (11) do nothing; and (12) conduct a transportation study.

She reported that the estimated cost of a study is $32,000, acknowledging the need to explore funding options and possibly requesting a budget adjustment for the study in the spring.

Candace Erickson suggested making applicants wait 90 days before receiving a license to avoid attracting renegade taxis during peak times like Sundance and it was pointed out that the Code has a ten day turn-around period once an application is complete. Mark Harrington interjected that the problem is that Sundance is in the winter but the idea can be explored. She felt the goals of the study outlined in the staff report fall under the role of the transportation companies not the City and she did not support enforcing stronger ordinances. Roger Harlan stated that he shares Ms. Erickson's reservations and discussion ensued on the sticker program and level of enforcement. Chief Wade Carpenter spoke about monitoring taxies and not confronting taxi drivers about violations until the passenger is dropped off. Unfortunately, business license information is not in a database officers can access on-site. Ms. Hatch explained the significant effort on behalf of the City to get all vehicles licensed as a matter of equity.

Donnie Novelle, Park City Transportation, emphasized that they have been in business for 30 years, 365 days of the year. As of 2003, there were 20 for-hire companies and six years later, there are 84 in Park City. She spoke about not requiring businesses to operate from an office and companies not contributing to Park City in the way of property taxes. The high number of licensed vehicles contributes to congested traffic conditions and pollution in town for the small price of a business license and the public would be better served with fewer vehicles operated by several companies. Ms. Novelle stated that she is very supportive of the study and feels the cost could be covered by increasing the business license fee for the 84 or more 2010 for-hire taxi companies.

Rob O'Brien. 649-TAXI, relayed that the City can't show favoritism toward businesses with offices in town but 84 companies seem like over-kill and he acknowledged that the issues have been on-going problems for 15 years. He admitted that he was surprised by the $32,000 price for the study and wasn't sure if it is worth it. The City can continue to license businesses or the service can be franchised. He continues to be interested in learning about the criteria to qualify for a franchise.

Ms. Novelle again expressed her support for a study and having it done now, not waiting until the spring. Tom Bakaly interjected that action is not requested on the study tonight but pointed out the longevity of the issues. The amount is an estimate and the

City would solicit requests for proposals and if a study is greater than $20,000, Council approval is required. He believes some expertise is needed that would allow the City to use its current system and perhaps benefit local companies more. Mr. Bakaly felt that proceeding with a RFP would be helpful. There was discussion about the goals of the study outlined in the staff report. Jim Hier didn't feel these issues are of interest to the general public. The problems are from the industry, of the industry and the City has tried to arrive at solutions in a void and for these reasons, it may be wise to hire a qualified consultant to provide options. Mr. Hier did not feel comfortable legislating an answer and collecting more data is probably prudent. He personally does not use the service and has not heard complaints about taxis from his constituency. The Mayor agreed. Joe Kernan expressed interest in regulating unreasonable fares and would like more information on problems the Council can solve.

The Mayor summarized that all members are supportive of proceeding with a RFP. In response to a question from Joe Kernan, the City Manager stated that if the study provides solutions, it will save a significant amount of staff time spent on these issues. It was pointed out that fares must be posted inside the cab. Jim Hier suggested that a task force be formed to analyze and recommend options from the study

3. Comstock Drive sidewalk project. Heinrich Deters explained that Comstock is bordered by residential and commercial zones and provides an important pedestrian corridor for the nearby schools. For the past several years, the neighborhood has been working with staff to find a balance with traffic calming and walkability measures and the culmination of these efforts lead to the passage of the walkability bond in November 2007. On February 21, 2008, members of WALC held a Prospector neighborhood meeting to better gauge needs and at WALC's meeting of February 25, public input was taken and possible walkability measures were presented. WALC recommended $400,000 for traffic calming features and $540,000 to recrown the roadway, narrow travel lanes and install a sidewalk. Mr. Deters stated that at Council's May 22, 2008 meeting, WALC presented its recommendations and members deferred the $540,000 sidewalk project on the east side of Comstock Drive in favor of an incremental approach. Council directed staff to return in a year to evaluate the success of the five foot at-grade pedestrian lane adjacent to the bike lane.

He continued to explain that in February 2009, the City entered into a contract with Fehr & Peers to perform an evaluation of traffic calming measures associated with WALC recommendations and specifically evaluate the five foot at-grade pedestrian zone. He indicated that a lot of data was collected and based on technical information, Fehr & Peers recommended a sidewalk being installed on the east side of Comstock. On April 21, an open house was held by the consultants to assess public opinion of the different recommendations and on June 18, the consultants addressed Council seeking direction on traffic calming measures, including the sidewalk on the east side of Comstock, and members provided direction to proceed with the improvements.

Mr. Deters emphasized that the sidewalk would fit within the existing pavement section of the at-grade pedestrian zone, not affecting residents' landscaping. Parking was removed on the east side of Comstock to accommodate the at-grade pedestrian lane and no additional parking measures are anticipated. Currently $7.7 million has been released for walkability projects. The City will be providing services to maintain the sidewalk and the sidewalk meets the overall goals of walkability including efficiency, connectivity and safety, specifically for school children. The Mayor invited the audience to comment, noting that he met with Kyle Jesson about the sidewalk proposal.

Kyle Jesson, Comstock Drive resident, stated that he is representing the neighborhood where many families have lived there for years. He referred to a letter distributed last night intended to give the residents a heads-up on the issues and urging residents to contact Council members. City Council and staff have attempted on three separate occasions over a period of seven or eight years to make significant changes to Comstock without notifying residents or asking for input or agreement. Affected residents do not agree with the recommendations. He again complained about not being notified about the June meeting where WALC recommendations were approved by members, specifically the *end-to-end* sidewalk which has the potential of being located in the City's right-of-way or in landscaped yards.

Mr. Jesson suggested that the Kearns and Comstock intersection be widened. Originally Comstock was intended for two lanes of traffic and parking on both sides, but now Comstock is being asked to accommodate one lane of parking, two four foot bike lanes, one six foot pedestrian lane, two lanes of vehicular traffic and a right turn lane heading toward US40. He emphasized that this will not work because there simply is not enough road. Residents of Prospector suggest that rather than spending nearly $600,000 on an end-to-end sidewalk on Comstock that the City widens the intersection at an estimated cost of less than $50,000. This option will have minimal disturbance on the street and will work until Kearns Boulevard is finally improved. He pointed out that the use lanes significantly narrow as they approach Kearns creating problems, and again discussed widening the intersection. The road was designed for two parking lanes and two traffic lanes and it now has three vehicle lanes, including the right-hand turn lane, two four feet bike lanes and one six foot pedestrian lane. It is not wide enough. He reiterated that widening the intersection only affects state and city land and the cost is minimal. Residents would also like a nice bus stop with a bench as the current one is a mud hole. Comstock has already given up 50% of its parking which is significant. There has never been an incident involving a pedestrian and a vehicle on Comstock and there have not been any complaints about the temporary pedestrian lane. The neighborhood is generally happy with the recommendations, except for the full sidewalk, which was approved without the input of the neighborhood. The driver feed-back signs work and the other proposed improvements will slow or reduce vehicular traffic on Comstock. He urged members to consider widening the intersection and to monitor its effectiveness.

Shirin Spangenberg, Prospector resident, expressed her support of the sidewalk and added that she collected 62 signatures in one day and there was overwhelming support from every household she visited. She also has letters of support from Mo Hickey, Shannon O'Neal, Carolyn Frankenberg, and Liza Pickering and stated that she could have collected even more signatures but felt the petition was adequate. The sidewalk will benefit the greater Park City area; it is a huge connector to areas which was a goal of WALC, and the tunnels will make a big difference. Personally, the sidewalk adds another layer of safety for her children. With regard to Mr. Jesson's comment about no incidences on Comstock, she stated that she is not willing to take the risk of having one of her children be the first incident.

Heinrich Deters clarified that the recommendation does not call for four foot bike lanes, but sharrows which is a shared use approach.

Mark Olson, 2214 Comstock Drive, stated that he raised his children during his 19 years at this address and has never witnessed an incident. Problems are created by speeding. There are only 33 households on Comstock and people who actually live on the street should have more say. He felt the City could save a lot of money by manning the intersection with a police officer in the morning to ensure the safety of kids going to school. A sidewalk will make the area look like a commercial neighborhood and it is a waste of money.

Candace Erickson pointed out that most residential areas have sidewalks. She felt a raised sidewalk provides more safety and would like more information why some people are opposed to it, other than financially. She is pleased that the feed-back signs are working and appreciated the input about the condition of the bus stop which should be addressed.

Jim Hier felt that the real issue sounds as if it is speeding and not the sidewalk. He requested more information on the cost of widening the intersection before the contract proceeds and how both the street and sidewalk will be kept clear of snow. He really doesn't want to spend $500,000 if it is unnecessary but ensuring safety for the kids walking to school is his priority. Roger Harlan added that Comstock is a major pedestrian corridor and emphasized that the City has no intention of disturbing landscaping with the installation of the sidewalk. He explained that the $540,000 includes more than just the sidewalk and the sidewalk being constructed on Little Kate will serve a lot less kids than the Comstock area. Installing a sidewalk on Comstock is a consistent approach. Joe Kernan felt that the sidewalk will create a better area for the bus stop. A sidewalk is a long-term commitment to walkability and he supports the work of WALC in stressing the importance of the spine system where Comstock is key. In response to a question from Jim Hier, Mr. Deters explained that the $540,000 includes recrowning the road and other improvements that have to be made before a sidewalk can be properly installed.

Jonathan Weidenhamer stated that the consultant can look at the concept of widening the intersection and at some point, Comstock would have to be recrowned anyway. Dana Williams relayed that sidewalks can create a perception of safety and often speeds increase when a sidewalk is installed. He stated that the project is not contemplated until next summer and suggested that this be discussed again in the spring. Tom Bakaly noted that there are timing issues with regard to bidding the project and it was decided to revisit this in November. Jim Hier invited input on the sidewalk, excluding the cost argument, and emphasized the high number of children that can be served. Candace Erickson pointed out that the neighborhood has changed in 20 years, traffic has increased, and she hoped that the kids will actually use a sidewalk. She also would also like to hear the reasons people are opposed to the sidewalk, other than the cost of the project. Jon Weidenhamer spoke about surveying the area and discussion ensued on knowing exactly where the sidewalk is located and if there is an issue with the intersection. Matt Cassel assured members that there are no issues relating to the Comstock/Kearns intersection and indicated that UDOT is anxious to construct the tunnel. The only issue with regard to property boundaries relate to the school. The at-grade crossing will be eliminated to encourage people to use the tunnel. It was decided to again discuss this in a couple of weeks.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 1, 2009

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, October 1, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; Jacquelyn Mauer, Planner; Francisco Astorga, Planner; Marin Decker, Intern; and Bret Howser, Budget Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF SEPTEMBER 17, 2009

Roger Harlan, "I move approval of work session notes and minutes of the meeting of September 17, 2009". Candace Erickson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance approving a plat for Gigaplat, located at 1897 Prospector Avenue, Park City, Utah – The Mayor opened the public hearing; there were no comments from the audience, and asked for a motion to continue to a date uncertain. Roger Harlan, "I so move". Joe Kernan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

2. Consideration of an Ordinance approving the 593 Park Avenue plat amendment, located at 593 Park Avenue, Park City, Utah – Planner Francisco Astorga stated that the Planning

Commission forwarded a positive recommendation on the plat combination. For the benefit of Roger Harlan, he relayed that there are no outstanding issues. The Mayor opened the public hearing; there was no public input and the hearing was closed. Jim Hier, "I move we approve the Ordinance approving the 593 Park Avenue plat amendment according to the findings of fact, conclusions of law, and conditions of approval". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

3. Consideration of an Ordinance extending the approval of the Kentay Subdivision, a replat of a portion of Lots 7 and 8, Block 23 of the Park City Survey, and including an adjacent parcel, located at 430 Main Street, Park City, Utah – Brooks Robinson explained that this is a request for an extension to complete utility plans and record the final plat. Architect Steve Swanson, representing the owner, referred to Condition of Approval No. 10, *The applicant shall obtain written approval from adjacent property owners affected by relocation of existing utilities impacted by the easement vacation".* He explained that the neighbors were approached over a year ago and simply did nothing and will not provide a reason for not cooperating. The applicant has received preliminary planning approval and Mr. Swanson suggested rewording of No. 10, *Applicant shall work cooperatively with the neighbors affected by the utility relocation by the scheduled time change to minimize the disruption of service of work and provide written notice of same".*

Mark Harrington advised that the Council does not have the ability to consider the request to modify the condition of approval. This is an administrative process to simply grant an extension so there is adequate opportunity to fulfill conditions of approval originally adopted. Additionally this matter has not been property noticed for changing conditions of approval. Mr. Harrington stated that staff believes there is good cause to approve the Ordinance as written. The Mayor opened the public hearing; there was no input and the hearing was closed. Jim Hier, "I move we grant the extension for the approval of the Kentay Subdivision replat". He added that he would like to request some consideration for sending this back to the Planning Commission for rewording of Condition No. 10 in a manner that can help complete the project. Mark Harrington explained that the owner would have to apply for the consideration. Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

4. Consideration of an Ordinance approving the Sandstone Cove Plat Amendment, located at the Sandstone Cove Subdivision, Park City, Utah – Planner Jacquelyn Mauer explained that the application requests an amendment to the plat note regarding adjustments to the restrictive existing landscaping regulations. Jim Hier requested clarification with regard to the survey required to accurately assess water fees and Ms. Mauer explained that some owners have

landscaped outside of the approved area described on the plat and water user fees need to be assessed accordingly. This is not an adjustment to water impact fees. Steve Dority, HOA, indicated that the plat is quite old and some notes don't make a lot of sense. This matter arose from dealing with the Building Department on other Building Code and architectural issues implicated with the plat notes. He stated that they agree with all conditions, even the new one regarding lighting restrictions brought up in a public meeting and he stated that they met with the individual about her concern. The Mayor invited public input. Joe Kernan, "I move we approve the Ordinance amending the Sandstone Cove plat, as written in the staff report". Candace Erickson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

5. Consideration of an Ordinance amending Ordinance No. 07-57 increasing the Business Promotion Tax on all businesses within the boundaries of the Main Street Business Improvement District – Intern Marin Decker explained that an increase is needed to support expanded services. In May, Council directed staff to increase fees as part of the 2010 budget. The Business Improvement District was created in 2007 for the primary purpose of providing management and marketing for the street. Bret Howser discussed the timing of payments to the HMBA and Jim Hier suggested that the Ordinance be clarified in this regard as he has in the past. Roger Harlan pointed out the high level of support among the membership. The Mayor opened the public hearing, and with no comments from the audience requested a motion. Candace Erickson, "I move we approve the Ordinance increasing the Business Promotion Tax by $87 a year which will now make it $243 per year". Jim Hier seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

6. Consideration a four-year contract, in a form approved by the City Attorney, with Ampco System Parking for parking services in the annual amount of $244,970 – Brian Anderson discuss the process for selecting a contractor and Ampco was determined to be the best qualified bidder. He recommended entering into another four year contract; after two years, Ampco has the ability to negotiate a price increase based on the Consumer Price Index. Ms. Erickson noted that she is not aware of any recent complaints about the parking system from the public and Mr. Anderson indicated that most relate to problems with the meters. The Mayor invited the public to comment; there was no input. Mr. Anderson added that Ampco has a good Salt Lake support base for staffing special events. Roger Harlan, "I move approval of a four year contract in a form approved by the City Attorney with Ampco System Parking for an annual amount of $244,970". Joe Kernan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII 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, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Diane Foster, Sustainability Manager; Kathy Lundborg, Water Manager; Tom Eddington, Planning Manager; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property, litigation and personnel". Jim Hier seconded. Motion carried. The meeting opened at approximately 4:30 p.m. Jim Hier, "I move to open the meeting". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

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