PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 30, 1995

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, November 30, 1995.

AGENDA

Work Session

4:30 p.m. Council comments
4:50 p.m. Review of regular meeting
    Plat amendments questions/comments
    Other meeting questions/comments
5:35 p.m. Update on Main Street liquor store

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III MINUTES OF MEETING OF NOVEMBER 9, 1995

IV PUBLIC HEARINGS

1. Ordinance approving the amendment to the amended Park City Survey, Lots 15 and 16, Block 13, located at 160 Park Avenue, Park City, Utah

2. Ordinance approving the amendment to the Aspen Springs Subdivision Phase II plat, for Ranch Lot 4, Located at 2680 Aspen Springs Drive, Park City, Utah

3. Ordinance approving the amendment to the amended Park City Survey, Lots 7 and 8, Block 23, located at 430 Main Street, Park City, Utah

4. Ordinance vacating and replatting that portion of 7th Street east of extended Main Street, Park City, Utah

5. Ordinance amending Chapters 1, 2, 7 and 8 of the Land Management Code relating to provisions of the Historic Residential (HR-1) and Historic Residential Low-Density (HRL) Districts in Park City, Utah - **(Motion to continue to December 7, 1995 with clarification**

that the Council intends that complete Historic District Review applications, submitted on or before November 30, 1995, will be processed under the current regulations of the Land Management Code, while the remainder will be processed under the new standards.)

V CONSENT AGENDA

1. Ordinance approving the amendment to the amended Park City Survey, Lots 15 and 16, Block 13, located at 160 Park Avenue, Park City, Utah

2. Ordinance approving the amendment to the Aspen Springs Subdivision Phase II plat, for Ranch Lot 4, Located at 2680 Aspen Springs Drive, Park City, Utah

3. Ordinance approving the amendment to the amended Park City Survey, Lots 7 and 8, Block 23, located at 430 Main Street, Park City, Utah

4. Ordinance approving the final subdivision plat at Block 27, Park City Survey, located at 605-655 Woodside Avenue, Park City, Utah

5. Ordinance vacating and replatting that portion of 7th Street east of extended Main Street, Park City, Utah

6. Authorization to staff to file a civil complaint against the owner of property located at 2197 Little Bessie Avenue for failure to comply with Chapter 15 of the Park City Municipal Code, Park City Landscaping and Maintenance of Soil Cover

7. Authorization to participate in a Grand County appeal of a State Tax Commission ruling on the taxability of certain Municipal Building Authority revenues

VI COMMUNICATIONS FROM COUNCIL AND STAFF

VII ADJOURNMENT

Posted: 11/22/95

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 30, 1995

I ROLL CALL

Mayor Pro Tem Miller called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, November 30, 1995. Members in attendance were Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller. Brad Olch was excused. Staff present were Toby Ross, City Manager; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

Main Street Liquor Store - See comments in November 30, 1995 work session notes.

III MINUTES OF MEETING OF NOVEMBER 9, 1995

Ruth Gezelius, "I move approval as presented". Shauna Kerr. Motion carried unanimously.

IV PUBLIC HEARINGS

Leslie Miller, "I move that we continue Items 3 and 5 to December 7, 1995". Roger Harlan seconded. Motion carried unanimously. See attached staff reports. Kirsten Whetstone, Planner, asked if there were questions of Council and the public regarding these items; there were none.

1. Ordinance approving the amendment to the amended Park City Survey, Lots 15 and 16, Block 13, located at 160 Park Avenue, Park City, Utah - With no comments or questions, the public hearing was closed.

2. Ordinance approving the amendment to the Aspen Springs Subdivision Phase II plat, for Ranch Lot 4, Located at 2680 Aspen Springs Drive, Park City, Utah - With no questions or comments from the Council or the public, the hearing was closed.

3. Ordinance approving the amendment to the amended Park City Survey, Lots 7 and 8, Block 23, located at 430 Main Street, Park City, Utah - This item was continued to December 7, 1995.

4. Ordinance vacating and replatting that portion of 7th Street east of extended Main Street, Park City, Utah - With no questions or comments, the public hearing was closed.

5. Ordinance amending Chapters 1, 2, 7 and 8 of the Land Management Code relating to provisions of the Historic Residential (HR-1) and Historic Residential Low-Density (HRL) Districts in Park City, Utah - **(Motion to continue to December 7, 1995 with clarification that the Council intends that complete Historic District Review applications, submitted on or before November 30, 1995, will be processed under the current regulations of the Land Management Code, while the remainder will be processed under the new standards.)** - This item was continued to December 7, 1995.

V CONSENT AGENDA

Ruth Gezelius, "I move to remove Item 3 from the Consent Agenda and to approve the remainder of the Consent Agenda". Shauna Kerr seconded. Motion carried unanimously.

1. Ordinance approving the amendment to the amended Park City Survey, Lots 15 and 16, Block 13, located at 160 Park Avenue, Park City, Utah - See attached staff report.

2. Ordinance approving the amendment to the Aspen Springs Subdivision Phase II plat, for Ranch Lot 4, Located at 2680 Aspen Springs Drive, Park City, Utah - See attached staff report.

3. Ordinance approving the amendment to the amended Park City Survey, Lots 7 and 8, Block 23, located at 430 Main Street, Park City, Utah - This item was continued to December 7, 1995.

4. Ordinance approving the final subdivision plat at Block 27, Park City Survey, located at 605-655 Woodside Avenue, Park City, Utah - See attached staff report.

5. Ordinance vacating and replatting that portion of 7th Street east of extended Main Street, Park City, Utah - See attached staff report.

6. Authorization to staff to file a civil complaint against the owner of property located at 2197 Little Bessie Avenue for failure to comply with Chapter 15 of the Park City Municipal Code, Park City Landscaping and Maintenance of Soil Cover - See attached staff report.

7. Authorization to participate in a Grand County appeal of a State Tax Commission ruling on the taxability of certain Municipal Building Authority revenues - See attached staff report.

VI COMMUNICATIONS FROM COUNCIL AND STAFF

Utah Growth Summit - The City Manager reported that this is scheduled for next Wednesday, Thursday and Friday and a press conference was held today where the positions from the Republican, Democratic and local government working groups were presented. Copies of the various reports will be distributed to Council. Toby Ross stated that he will be serving on a panel next week and will not be in attendance for the regularly scheduled City Council meeting on December 7, 1995.

Liquor Store negotiations - Roger Harlan expressed his disenchantment with the negotiations with the DABC. He indicated that he is almost inclined to close the Main Street store as he had hoped that the state was more amenable to a fairer response.

VII ADJOURNMENT

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

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

Prepared by Janet M. Scott

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1884

Janet M. Scott

Janet M. Scott, Deputy City Recorder

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 30, 1995

Present: Council members Ruth Gezelius, Roger Harlan, Lou Hudson, Shauna Kerr, and Leslie Miller

Tom Bakaly, Finance Manager; Hope Bleecker, Transportation Director; Rick Lewis, Community Development Director; Kirsten Whetstone, Planner

Absent: Mayor Brad Olch

Council comments/questions - Roger Harlan referred to the financial report in the Manager's Report and asked for clarification of the City's policy for investments. Tom Bakaly responded that all City securities are approved by the Utah Money Management System and because there are pending maturity dates, Council will be reviewing the City's portfolio in the near future. The Finance Manager added that the investment industry is waiting to see what the federal government will do with regard to interest rates after the first of the year.

Mr. Harlan stated that he received a number of calls regarding insufficient lighting at the new Dan's supermarket; it was clarified that this is temporary lighting.

In a response to a question by Ms. Kerr regarding expanded bus service in Thaynes Canyon, Hope Bleecker reported that residents in Thaynes Canyon, Iron Canyon and Aspen Springs were surveyed regarding weekend service up Payday Drive onto Thaynes Canyon Drive and there was a 50% response rate. Fifty percent of the responses were in favor of the service, about 31% are not in favor of any kind of service; there is an additional 10% supporting seven-day-a-week service, and there are some additional opinions. After staff has had an opportunity to evaluate, Council will review these options on December 14. Ms. Kerr pointed out the difficulty in the left-hand turn on SR224. She continued that it is her understanding that the Park Meadows Golf Course will be hosting sleigh rides this winter and pointed out the lack of bus service for tourists, and that the proposed service in Thaynes Canyon will not be convenient for patrons of the White Pine Touring Center on the Park City Municipal Golf Course. Ms. Kerr suggested an express service for these activities. Discussion ensued regarding the location of the swearing-in ceremony and the mailer sent to residents from the Summit County Commissioners regarding their efforts to address growth. In response to a question from Council member Kerr, Tom Bakaly explained the nature of the City's investment with R. C. Reynolds.

Ruth Gezelius brought up her concerns with construction vehicles parking on the sidewalk of Deer Valley Drive and felt it dangerous for pedestrians to walk in the street with speeding traffic. Shauna Kerr suggested limiting the number of trucks on site. Roger Harlan expressed his concerns about the four lanes a bus must cross from the Radisson to provide Thaynes Canyon service. Leslie Miller felt it inappropriate that Mike Hale Chevrolet parks its cars on an adjacent public parking lot. Toby Ross responded that the City is in the processing of notifying them. In a response to a question from Leslie Miller regarding a decline in revenues in the Recreation Fund, Mr. Ross noted that most revenues come from programs. In this instance, revenues are off about 15% a quarter and if this continues on a downward trend, staff will investigate.

Leslie Miller relayed that she received complaints regarding the lack of service during the lunch hour at the court. City Attorney Jodi Hoffman explained that there are 1.5 FTE in the court clerk's office; one is a City employee and the .5 time is a state employee. There is an effort to have both employees full-time City employees with complete reimbursement from the state. Ms. Hoffman explained that the full-time employee used to work 8 a.m. to 4 p.m., working through lunch, which violates the Fair Standard Labor Law. Ms. Hoffman changed her hours to 8 a.m. to 5 p.m. so that she would have a lunch hour. The .5 employee covers about four noon hours, with floating staff covering the fifth day. The transition has not been perfect and staff will continue to negotiate with the state. Leslie Miller suggested that if hours continue to be inconsistent, that the public be given notice of the adjustment in service. Jodi Hoffman pointed out the benefits of having a municipal court. Ms. Kerr discussed her negotiations with the state when she was Assistant City Attorney, and noted that complaints about under-staffing really need to be directed to the State Administrator's Office.

For the benefit of Leslie Miller regarding customer service in the Community Development Department, Rick Lewis explained that agendas for the Planning Commission are being tailored to fit within a reasonable time frame, resulting in more productive meetings. He discussed that there are now pre-application conferences with the applicants with written follow-up. There have been checklists added to application forms. A retreat has been held with the planning staff with a focus on short and long term goals and a similar retreat will be held with the Building Department. After that occurs, Council will be advised of recommendations regarding staffing and relocation of departments in the Marsac Building. He stressed the success of the new application form, resulting in complete applications and eliminating further requests for information and follow-up work.

2. Review of regular meeting. See attached staff reports and regular meeting minutes. Staff reviewed the plat amendments and subdivision scheduled on the agenda for action. There was discussion regarding the lot combination at 160 Park Avenue behind the Grappa Restaurant. The nuisances impacting the adjacent residential area created by the operation of the Grappa Restaurant were discussed. These included parking and deliveries on Park Avenue, which are accommodated by way of these adjacent lots. It was clarified that the property under consideration was sold by Grappa and the application has been submitted by the new owners; Grappa will be submitting a lot combination request for its property so it is in legal compliance. Staff encouraged Council to bring up concerns about nuisances at the time of action on the Grappa request. Shauna Kerr suggested that when lot combinations and subdivisions in Old Town are considered, that specific names be indicated on the new plat, so that there are not duplicated lot number descriptions in the historic original subdivisions like the Park City Survey and Snyder's Addition and the newly created subdivision.

Discussion ensued regarding the amendment to the Land Management Code relating to provisions of the HR-1 and HRL zones and the deadline for vested applications. Staff has determined that complete Historic District Review applications, submitted on or before November 30, 1995, will be processed under the current regulations of the LMC, while the remainder will be processed under the new standards. It was further explained that this is more lenient than the terms under the LMC or vesting upon acquiring building permits, which was previously discussed by Council. The City Manager explained that the time frame has been changed from the first step to the last step of an application. Mark Harrington added that the Council may change the date, if it so desires, when the enabling ordinance is considered. Council agreed that setting a date certain is fair and puts the public on notice and that the pending amendments are important for the future of the Historic District.

The City Attorney explained the recommended action to participate in the Grant County appeal of a State Tax Commission ruling on the taxability of certain MBA revenues. Council was felt that this was a worthwhile endeavor.

3. **Update on Liquor Store.** Mark Harrington distributed on "option sheet" for Council to review and pointed out that an agency store is not indicated as there was interest, but once individuals were made aware of the terms of the Department of Alcoholic Beverage Control, no one applied. A merchant with a stand-alone package agency store would receive base rent from the DABC plus a percentage of sales over a certain amount, but the DABC would not guarantee a license. For the benefit of Lou Hudson, Mark Harrington stated that if the liquor store remained in its current location, the City would have to apply for an exemption from ADA requirements, as an historic building. He continued to explain Option 1, which is basically status quo, with a lease with DABC until 2002. DABC is willing to enter into a renewal, but its real preference is to close the store as it is felt that Main Street patrons will go to the Prospector store, and that there will be no lost revenue. He also stressed that revenue is not even an issue, and having a second store in Park City is considered a "hassle".

Mr. Harrington explained Option 2 which would be relocation to the second level of the Main Street Mall. Mr. Russ Wong has made a generous offer to provide approximately 2,000 square feet of rent-free space, however, he is seeking reimbursement of his common maintenance area fees at $10,000 per year. Mr. Wong is willing to cover $2,000 of that if the City and the DABC will split the $8,000 remainder. The DABC was not very enthusiastic about paying $4,000 a year. Mr. Harrington pointed out that this is a less convenient location; parking is not as accessible. However, service access is improved and the facility meets ADA requirements. This would reduce the City's subsidy of $12,000 a year to $4,000, and an opportunity to collect rent on the Main Street space or provide a space for community non-profits.

The Assistant City Attorney discussed the third option which is to eliminate a Main Street service which may prompt some public back-lash. He also stressed that the state's budget is in place for the upcoming year, and in order to get reimbursed for the $4,000 a year allocation described under Option 2 would require a request to the state legislature to amend its budget. If Option 2 is desired by Council, a public hearing will be scheduled in December and will also appear on the DABC agenda. Ruth Gezelius stated that it is unfortunate to have expended these efforts and emphasized the importance of the tourism industry to the community. She thanked Mr. Wong for his generosity, but felt that the liquor store should be left where it is, as the Main Street Mall location would aggravate parking problems. She felt that the politics were a fact of life in Utah, and warned that we could lose this service.

This discussion occurred during public input at the regular meeting, but appears here for ease of reference. Russ Wong agreed with Ms. Gezelius' comments. He reiterated that the liquor store is important to tourism, the City should find a way to keep a service on Main Street, and his preference is to keep it at its current location. Short of that, Mr. Wong stated that he is willing to provide space at the Main Street Mall and at a cost less than his maintenance costs. The Liquor Commission initially proposed a five year lease, but Mr. Harrington indicated the recent preference for a seven year lease. Mr. Wong felt that parking is an issue that needs to be addressed at a later date but discussed some parking options. Mr. Wong encouraged the Council to support the retention of the liquor store on Main Street. Ms. Kerr suggested designated ten minute parking spaces and added that the Main Street Mall would be a better location and would project a better public image; the current location doesn't have ADA access and it's dingy. Roger Harlan asked Mr. Wong what his guess is for tourist-based patronage. Mr. Wong felt that it is probably 50%/50% and Mr. Harrington expressed that this is not based on a survey. The Assistant City Attorney pointed out the potential increase of tourist demand once the Summit Watch Project is fully occupied.

Leslie Miller felt that Option 2 is a great compromise, and that the Mall location may alleviate some of the congestion at the middle of Main Street. Mark Harrington asked if there would be support for timed parking on Main Street in front of the Mall; and Ms. Gezelius pointed out that Main Street is different than Swede Alley as there are delivery trucks double parked and a liquor store at the Mall may prompt cars to double park. In response to Roger Harlan, Mr. Wong indicated that the Mall tenants would probably support timed parking in front of the Mall.

Mark Harrington clarified that Council is directing him to pursue Option 2 at this point and if that doesn't work, maintain Option 1. He emphasized the importance of Council's attendance and support at the DABC meeting as the Commission does not comprehend Park City's need for a second store. Ms. Kerr suggested that the Chamber and Main Street Merchants also attend to demonstrate the broad interest of the community. This will also come back to Council as a public hearing.

Prepared by Janet M. Scott