PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 21, 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, November 21, 2002.

Closed Session

3:00 p.m. Property

Work Session

3:45 p.m. Council questions/comments
4:15 p.m. Chamber/Bureau update
4:30 p.m. Arts Council grant recommendations
4:45 p.m. MFL banners
5:00 p.m. OTIS update
5:30 p.m. Review of regular meeting:
Parameters resolution
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 OCTOBER 17, 2002 AND OCTOBER 31, 2002

V CONSENT AGENDA PUBLIC HEARING

1. Master Festival License for USSA Chevy Truck Snowboard Grand Prix at Park City Mountain Resort on December 19 - 21, 2002

2. Ordinance amending the Park City Survey, incorporating a portion of Lot 14 of Block 22 of the Park City Survey, into property located at 350 ½ Main Street, Park City, Utah

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 21, 2002

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

Tom Bakaly, Acting City Manager; Mark Harrington, City Attorney; Mark Christensen, Grants and Budget Manager; Ray Milliner, Planner; and Colin Hilton, Project Manager

Bill Malone and Cathy Miller, Chamber/Bureau; Elizabeth Swank, Park City/Summit County Arts Council; Ron Holmes, Wilbur Smith & Associates; Burke Cartwright, EDA Architects, and Gary Tassainer, Tesco Engineering

1. **Council questions/comments.** Fred Jones reported that he attended the interagency meeting and the HMBA visioning session. As liaison to the Parks and Recreation Board, Candace Erickson stated that the youth advisory committee grant recommendations will be coming to Council on December 12. There was discussion on the white water rafting park and setting track for cross-country skiing in Round Valley. Tom Bakaly clarified that this is not a City proposal; there was a RAP Tax application for cross-country trails in Round Valley. Mark Harrington added that the use would have to be approved by the Council. Ms. Erickson thanked Linda Cook for her work on trails. Kay Calvert discussed a request from Salt Lake taxi companies to pick up fares in Park City which is an opportunity not extended to local companies dropping passengers off in Salt Lake. Mayor Williams shared a thank-you note on the Leadership Program from participant Patrick Lauden. He stated that he received a call from another dog sledding provider interested in using Round Valley trails and a call from a resident in opposition of this type of commercial use there.

The Mayor recognized the many contributions of employee Linda Cook who will be leaving the City December 6, and presented her with an a gift.

2. **Chamber/Bureau update.** Executive Director Bill Malone discussed an independent survey of summer visitors conducted recently; the last study was done in 1997. He discussed the demographics of the out-of-state summer visitor who tends to be 35 years old or plus, and affluent. Four out of five considered the visit to be a vacation and spent an average of 5.02 nights. Forty percent of the out-of-state day visitor indicated that the Olympics influenced their decision to visit Park City. The areas of greatest satisfaction of day and overnight visitors was weather, scenery, and people. With regard to the areas of greatest dissatisfaction, one-half of out-of-state visitors said nothing. Minor issues

3. MFL banners. See staff report. Ray Milliner clarified that Council directed staff to research commercial sponsorship appearing on banners on Main Street and on Empire Avenue to PCMR. He reviewed criteria which included that only MFL holders are allowed to have banners. Sponsor names are allowed to appear on the banner provided that it occupies less than 20% of the banner area. Identifying multiple sponsors is also permitted, but only one name per banner. If a corporate sponsor is part of the festival name, its appearance as the name of the event would be counted toward the allowable percentage. Mr. Milliner added that priority will be based on a first-come, first-serve basis. If applications are received simultaneously, the Special Events Manager is empowered to make a decision based on criteria. He requested direction on additional banner locations, i.e., Kearns Boulevard or Park Avenue and allowing Deer Valley and PCMR to place event banners on the existing Olympic standards at the resorts. There was discussion about limiting the size of the corporate logo, not the event logo.

Fred Jones expressed that he is generally opposed to increasing commercial advertising, but there may be ways to make it work. Twenty percent is too much and there should be clear language regulating corporate speech, i.e., the size of letters, logos, etc. He suggested that more time be spent on this so that the legislation is effective. Ray Milliner explained that 20% was used during the Olympics for the Coke banners. Alison Butz relayed that Cadillac is a corporate sponsor included in the name of the Park City Arts Festival while the *Sundance Institute* is not a for-profit corporation and would not be restricted. With regard to locations, Jim Hier suggested the round-about, Kearns, and Park Avenue. He understood that the banner standards at the ski area have already been discussed, but didn't recall mention of changing out banners for events. Ray Milliner referred to the LMC where the associated provision referred only to Olympic legacy themes. Jim Hier added that as an example, he believes a correlation between the World Cup and the Olympics can be made, but there needs to some defined language. Mr. Milliner added that any banner on those poles would have to be approved by the City Council and perhaps at that time Council could determine if the content is associated with the Olympics. Council member Hier agreed but insisted that criteria needs to be better defined in the Code. Peg Bodell expressed that having a time limit for banners should be specified. Fred Jones stated that when Council reviews these applications, it is important to have criteria and believed the value to the sponsor should be considered. Mark Harrington cautioned that this is a Sign Code regulation, and authority is limited to general health, safety and welfare concerns as authorized by the state. Considerations primarily focus on visual clutter, street-scape, distractions for motorists, etc. He warned not to cross the line to a more involved process and in response to a concern expressed by Mr. Jones, explained that whenever commercial speech is increased within rights-of-way, the Sign Code is loosened. His department has consistently opposed this kind of enlargement of commercial speech, but felt comfortable with narrowly tailoring some restrictions without sacrificing the sign regulation scheme in place. Peg Bodell discussed the value of banners to event-holders in selling sponsorships. Fred Jones reiterated that he is reluctant to commercialize banners; the only reason he is entertaining this amendment is to support pros, Mr. Hilton pointed out the reliability of the system will be greatly improved as will aesthetics. Most of the streets have single phase power and the cost of relocating those are less than three phase power. There is the possibility of some cost-sharing with telecommunications companies and CATV. There is some existing underground conduit in Old Town under Main Street and Woodside.

As an example, Mr. Hilton explained that the price to relocate utilities as a part of a street reconstruction project in the Ontario/Rossi Hill area is estimated at $406,000. The potential to obtain funding from utilities is roughly in the neighborhood of $120,000. Property owners bearing 25% of the project costs represents $101,000 but the Park Avenue residents have insisted that the only cost that should be borne by residents is to pay for the service connections from the junction box to their homes. This cost is estimated to be $750 per household. The City can contribute anywhere from $34,000 to $365,000 in varying levels of financial participation. An average cost to property owners in an area with 54 households, would range from $3,400 to $6,800 for a one-time payment. If this were tied into a special improvement district at a 6% interest rate over 15 years, it would yield an annual payment of $351 to about $700 per household. The best case scenario for residents would be paying a one-time fee of $750 with the City contributing the $365,000. Upper Park Avenue is estimated at $1.2 million with utility contributions of about $250,000. City support could range from $106,000 for staff and engineering fees, to 25% of the project which is about $300,000.

Gary Tassainer explained that Sandy City passed an ordinance that prohibited overhead utilities on new construction. Pacificorp approached the state legislature with concerns. The state legislature then mandated that municipalities must cover the differential costs of burying from what the new overhead construction would cost. He strongly suggested that Council adopt an ordinance because it provides the City with more leverage in negotiations. After four years, Sandy City finally reached a reasonable estimate with Pacificorp which illustrates the importance of bargaining power. Mr. Tassainer encouraged equalizing costs and assessments throughout the Old Town area, acknowledging that it is a tough political decision. Historical preservation is another challenge which plays into the cost. Peg Bodell indicated that there is an opinion that the historical character of Old Town attracts visitors and improvements should be borne by the whole community. She asked Mr. Tassainer if other communities share that philosophy. He stated no, and stated it is difficult to put a number on the value of that *attraction*. There is no question that under-grounding utilities enhances property values. He strongly urged Council to avoid approaching burying utilities as stand-alone projects and assessing residents on a street by street basis. Tom Bakaly suggested contacting Telluride for information about its experience in under-grounding.

Colin Hilton explained that parking was reviewed from a supply standpoint from the boundaries of Main Street, Park Avenue, Hillside and Marsac Avenues. Wilbur Smith conducted the study in 1996 and many of the formulas could be used to update reached by Council members on how projects are to be prioritized and Mr. Hilton agreed. Mr. Jones felt that staff should take some time right now to look into under-grounding with a task force, but did not consider this an *either or* in terms of dealing with parking. There are needs on both issues that should be addressed. Jim Hier stated that he was also very impressed with the quality of the report and because there is so much data, is reluctant to render any recommendations at this time. He suggested that a special work session be held with Council and the public so that Council is more informed to provide better direction to staff. In response to a question from Kay Calvert, Mr. Hilton explained that strategies for funding have not been developed pending Council direction on projects. Tom Bakaly continued that once Council answers some philosophical questions and determines parameters, staff can respond with options.

6. Review of regular meeting. In response to a question from Peg Bodell about the bonds, Mark Christensen explained that the proposal is to refinance about $3 million in existing debt at a lower interest rate. The bonds are intended to produce $6 million in new money for water projects scheduled in an 18 to 24 month time span. Tom Bakaly added that the money is required to be spent in a three year period.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
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NOVEMBER 21, 2002

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6:15 p.m. at the Marsac Municipal Building on Thursday, November 21, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, Acting City Manager; Mark Harrington, City Attorney; Alison Butz, Special Events and Facilities Manager; Ray Milliner, Planner; and Patrick Putt, Planning and Zoning Administrator.

II PUBLIC INPUT

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

1. Arts Council - Elizabeth Swank, President of Park City Arts Council, thanked the Council for granting money to community organizations.

2. HMBA - BID - Barb Clark, Director of HMBA, reported that a visioning session was held last and a lot of input rendered on the formation of the business improvement district. She relayed that it was an emotional meeting, but productive in terms of getting the group involved. She distributed information on the meeting including general goals and newly formed committees and felt that some misconceptions about the business improvement district were clarified.

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

III COMMUNICATIONS FROM COUNCIL AND STAFF

The Mayor welcomed and swore in Officer Jeffrey Mckay.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 17, 2002 AND OCTOBER 31, 2002

Kay Calvert, "I move that we approve the minutes of the meetings of October 17 and 31, 2002". Peg Bodell seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARING

1. Master Festival License for USSA Chevy Truck Snowboard Grand Prix at Park City Mountain Resort on December 19 - 21, 2002 - Alison Butz explained the schedule for the competition and the evening events, which will be ticketed. The Red Hot Chili Peppers will be performing Friday night at 5 p.m. at PCMR and the attendance of the

VII NEW BUSINESS

Call-up of Planning Commission denial of a conditional use permit for an Olympic Legacy Tower to be located at 1455 Snow Creek Drive aka Olympic Welcome Plaza - Fred Jones, "I move to conduct the hearing de novo". Jim Hier seconded. Motion carried unanimously. The City Attorney explained for the benefit of the public that a de novo call-up will *re-decide* the issue rather than an error of law review, which is more narrow. This means conducting a public hearing soliciting testimony; in other words, the Council will not be upholding or denying an appeal.

Patrick Putt explained that the call-up relates to the Planning Commission denial of a conditional use permit on November 13 for an Olympic legacy tower to be located at 1455 Snow Creek Drive a.k.a. Olympic Welcome Plaza. The Commission held a work session on the application on October 23 to relocate one of the 60 ½ foot SLOC towers in the center of the plaza. With the criteria prepared by staff for the October 23 meeting, the Planning Commission was most concerned about No. 14, dealing with the structure's compatibility in mass, bulk, scale and use as it relates to the adjacent land uses and buildings. At the conclusion of the meeting, the Commission directed staff to return to the November 13 meeting with specific findings for denial based on the determination that the proposal did not meet Criteria No. 14. Mr. Putt added that the staff report also contains a response to the November 13 denial, provided by the applicant. There are four specific considerations the applicant would like considered by Council. (1) The tower complies with Criteria No. 14 since the location of the tower is within a one acre plaza adjacent to two state highways and maintains significant setbacks from adjacent buildings. (2) The 50 foot Yarrow Hotel tower is located across SR248 within the frontage protection zone and creates an existing context for towers. (3) By its nature, a way-finding tower is typically taller than existing structures; and (4) Allowing the tower will not create a precedent because the LMC allows this specific structure at a height of 60 ½ feet. The staff report also includes a revised draft of findings of fact, conclusions, and conditions of approval. Mayor Williams invited the public to comment.

Monty Coates, HMBA, encouraged the City Council to facilitate the placement of the tower. It is important to have this way-finding tower installed as the *halo* of the Olympics is only three years. Visitors expect to see Olympic displays, which was also a goal of the Downtown Action Plan Task Force.

Bill Malone, Chamber/Bureau, agreed that our guests expect to see something from the Olympics. Although the tower may not have been originally planned as the focus of the plaza, he urged Council to act favorably on this application. There are always options at a later date, and there is an opportunity now with the donation and installation of the tower covered by SLOC.

Olympic tower in the Olympic Plaza according to the findings of fact, conclusions of law, and conditions of approval, as presented in the staff report, Pages 71 and 72, with the addition of language to the effect that this will be reviewed on an annual basis for appropriateness". Mark Harrington suggested verbiage, "with an annual review by City Council and a preliminary recommendation by the Community Development Department staff regarding on-going compliance with Land Manage Code requirements for a conditional use permit". Mr. Jones accepted the additional language to his motion. Jim Hier seconded. Motion carried.

Peg Bodell	Nay
Kay Calvert	Aye
Candace Erickson	Aye
Jim Hier	Aye
Fred Jones	Aye

Peg Bodell pointed out the importance the Planning Commission places on the FPZ. We don't allow anyone else to build there and putting the Olympic tower there is a disservice to our citizens.

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 3 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; Mark Harrington, City Attorney, and Alison Butz, Special Events and Facility Manager. Jim Hier, "I move to close the meeting to discuss property". Candace Erickson seconded. Motion carried unanimously.

The meeting opened at approximately 4 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

PARK CITY SUMMIT COUNTY UTAH CORPORATE MARCH 1, 1884

Janet M. Scott

Janet M. Scott, City Recorder