PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 7, 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 7, 2002.

Closed Session
3:45 p.m. Litigation

Work Session
4:00 p.m. Council questions/comments
4:30 p.m. Review of regular meeting:
Old Town business improvement district
Sundance Film Festival 2003
Second Street Stairs
5:40 p.m. Break

Regular Meeting
6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV CONSENT AGENDA PUBLIC HEARING

First Amendment and Addendum to City Services Agreement between Park City and the Sundance Institute

V CONSENT AGENDA

1. First Amendment and Addendum to City Services Agreement between Park City and the Sundance Institute

2. Resolution declaring November 10 - 16, 2002 as Park City Education Foundation Week in Park City, Utah

3. Award of construction contract to Thiede Construction Corp. In the amount of $24,951 for 2nd Street stairs retread

VI PUBLIC HEARING

Continuation of hearing on Park City Old Town Business Improvement District

VII OLD BUSINESS

1. Resolution creating the Park City Old Town Business Improvement District to promote business activity and economic development in the old town area, by assessing business within the district a tax based on a base fee, business size, and use

2. Resolution declaring the intention of the Park City Council to enter into a contract with the Historic Main Street Business Alliance for the administration of the Old Town Business Improvement District for fiscal year 2003-2004

VIII ADJOURNMENT

Posted: 11/04/02
Revised: 11/06/02
see: parkcity.org

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 7, 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; Tim Twardowski, Assistant City Attorney; and Alison Butz, Special Events and Facilities Manager

1. **Council questions/comments.** Council member Calvert expressed that she was uncomfortable in the way questions were asked by KPCW Director Blair Feulner at last Monday's candidate debate in the Council Chambers. In some instances, the debate took on an air of hostility. She asked how much control Council has in what events are scheduled in the room. Mark Harrington explained that there is a general room usage policy describing types of activities that are appropriate. However, it isn't very specific and the room is made available for public uses which the City doesn't regulate. Ms. Calvert acknowledged that the City has no control over how the debates are conducted, nor should it, however perhaps it's better to schedule it somewhere else so it is not associated with Park City government. There are people from Kamas and Oakley at the debate who may associate the debate with the City Council Chambers, which she reiterated, makes her very uncomfortable. Peg Bodell noted that she appreciates Ms. Calvert's comments, but the facility should be used for these types of functions. Ms. Calvert suggested that the debate be conducted by the League of Women Voters, who conduct these debates everywhere, and may be more objective. The use policies for the Santy Auditorium were discussed. Jim Hier added that the Chambers was too crowded Monday night, and a larger facility would have been more appropriate and he stated that he is personally reluctant to get involved with censorship. Kay Calvert agreed that is not the City's role and Mark Harrington clarified that the service agreement with KPCW precludes the City from censoring programming content. Mayor Williams also believed there was a feeling of "official-ness" because it was held in the Chambers but it is KPCW's event; the League of Women's Voters could be used in the future. Ms. Calvert emphasized that no one has the right to tell KPCW how to conduct its debate, however, she questioned whether it is appropriate to have them here in the City Council Chambers.

Ms. Calvert continued that the Jump-In program held last night was very successful. Jim Hier thanked Sally Elliott and her associates who worked very hard on publicizing the open space bond. The Mayor indicated that this was the largest approval of an open space bond in the country. He referred to an informative article in the *Park Record* on OTIS and congratulated Bob Richer and Ken Woolstenhulme on winning the Summit County Commission seats.

2. **Review of regular meeting:**

Old Town Business Improvement District. Mark Christensen stated that a second public hearing will be held on this proposal. The previously adopted resolution of intent started a 35 day public hearing process and last week there was a lot of public input both for and against the creation of the District. Included in the staff report is a list of people in opposition totaling about 49. The list of supporters, generated by the HMBA, was not included but totals about 92, and there are about 70 to 80 business who have not voiced an opinion. Every business was noticed by delivery of information on September 26 about the public hearing date and the process. There were also published legal notices and this application has received a lot of media attention.

He continued that after the public hearing is held, the Council has the option to vote to create the Old Town BID. The City would charge the tax and distribute revenues directly to the HMBA, resulting in a self-funding mechanism to promote the Main Street area. Over the past several years, the City has granted money to the HMBA to develop plans and programs and asked it to come back with a specific plan on how to fund itself and this is the response. The tax would be a $46 base tax with an additional assessment based on usage and square footage, which would in essence, double the cost of business licenses. This would not affect liquor license fees. The second option is denying the creation of the District and the third, is to continue the item, however, renewal invoices will be mailed soon. If the District is approved, invoices will be prepared but not distributed until the 15 day period has lapsed to determine if there is enough support to abandon the BID. If the creation of the District is supported, immediately after that period, business license renewals would be distributed. If Council decides to continue the item, staff will distribute business license invoices and prepare a separate billing to assess the tax, if approved. He discussed expressed pros and cons and recognized that this is not going to be an easy decision for Council. Staff determined that the fiscal impact of administering the District is $4,000 for the first year which would decline to $2,000 annually in subsequent years. He explained that many concerns can be addressed in the contract with the HMBA and there is an annual review by way of the budget process. The HMBA has proposed a three year survey conducted by an independent firm followed with a public hearing. He believes that many concerns can be mitigated and if the proposal is approved, an amendment to the business license ordinance with regard to enforcement will be forthcoming.

In response to a question from Fred Jones about the timing of distributing funds, Mark Christensen explained that business license fees are due December 31 and funds would be available sometime in January, but funds would be appropriated according to the contract. The HMBA would anticipate receiving those funds as soon as possible. Fred Jones interjected that the Council could award the contract at any time. With regard to inspections of square footage, Mr. Christensen explained that the City's auditor has strongly recommended that businesses be audited and those costs are included in the first year expenses. Fred Jones felt that cost recovery should be covered in the resolution of intent. Attorney Tim Twardowski explained that state code provides the municipality expressed control of the District and cost recovery doesn't need to appear in the resolution of intent. Fred Jones acknowledged that the Council needs to give staff direction.

Mr. Christensen continued that to the best of staff's knowledge, there are 246 active business licenses for 2002 but some may be out of business but have the ability to weigh in on the issue. He believed that number to be between 30 to 50. In response to a question about disbanding the District, he explained that the Council could do this at any time by resolution. Mark Harrington explained that reimbursement of fees doesn't have to be in the main resolution, because if the Council doesn't contract with someone else, the City disburses those fees directly and the state statute allows the City to withhold those administrative fees. Mayor Williams discussed his concern that without a contract, businesses will not be able to effectively comment during the 15 day opposition period. Mr. Christensen asked for Council direction on elements of the contract. Mayor Williams emphasized that the timing of the business license renewals *should not be driving this train*, as this is an important decision. Jim Hier discussed the importance of placing conditions on the HMBA like producing budget documents, marketing plans, etc. which should be approved by a majority of the membership to ratify, and failing that, would be an indication to consider disbanding the District. Mark Harrington advised that the contract should be designed with performance standards not a condition of approval. Councilman Hier again discussed the importance of the membership of the HMBA endorsing its own budget and plan than having the City outline its roles. Mark Christensen explained that the HMBA desires to have a resolution of intent and anticipated that there will be points of contention with the contract; both parties need to provide clear parameters and criteria. The group representing Main Street businesses may change over the years and Council always has the discretion to disband the District.

If the resolution to form the District is approved tonight, Tom Bakaly proposed coming back to Council with a contract on November 21 prior to the December 1 deadline. Mark Christensen believed that pertinent elements of a contract will be identified during the15 day protest period. Kay Calvert understood Jim Hier's comments to mean that the strategic plan of the HMBA, for instance, would be approved by a majority of members. Peg Bodell felt that proceeding without a contract is a *red flag* and the HMBA has funds to pay the Director until March at a point when the City would be prepared to release money. There needs to be a strategic plan to formulate a contract, not the other way around. Jim Hier emphasized that he does not want to approve the strategic or marketing plan, but rather that it have support from the membership. He would like to put a mechanism in place for the organization requiring confirmation of agreement of the majority of membership on business. There should be budget and performance criteria outlined in the contract, but the City should not dictate the work plan. He disagreed with Ms. Bodell that formulating a strategic plan would take as long as March. She countered that a plan for Main Street is much more than just marketing and believes that there needs to be a professional consultant on board whose recommendation could take a minimum of six months. Mark Christensen explained that this is why the HMBA asked for the resolution of intent as it is concerned about a district being formed with no commitment from the City. Philosophically, the Council should consider whether or not it supports the creation of the BID, and if so, the second question is whether Council feels comfortable with entering into a contract. The details of the contract can not be answered this evening and there is a lot to be worked out with Council direction. Mr. Christensen believed that the HMBA would oppose the creation of the District without a resolution of intent. Jim Hier added that non-performance would result in termination of the contract.

Fred Jones understood Mr. Hier's comments to mean Council could enter into the resolution of intent subject to meeting criteria and it is the responsibility of the HMBA to determine the time frame needed to formulate a strategic plan and budget. However, the City will not disburse funds until all criteria are met. He agrees that it is up to the HMBA to determine how it wants to spend the money and how to reach consensus among members; micro-management by the City is not appropriate. Council member Hier felt that after public input is obtained this evening, there may be additional points that could be incorporated into the resolution of intent, which could be continued for action next week. Peg Bodell indicated that she has always felt uncomfortable with including Grant Avenue and Sandridge Avenue in the District boundaries and there was discussion on providing flexibility to businesses for paying increased business license fees.

Sundance Film Festival 2003. Ms. Butz explained that the street closure is proposed for January 17 and the stage at the Kimball Art Center, where Sundance will have an office. People will be directed with electronic signs to park at PCMR or Deer Valley and regular transit service will accommodate patrons to and from the lots. In response to a question from Kay Calvert, Ms. Butz indicated that there are no substantive changes to the contract.

See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 7, 2002

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, November 7, 2002. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Toby Ross, City Manager; Mark Harrington, City Attorney; Alison Butz, Special Events and Facilities Manager; Mark Christensen, Grants and Budget Manager; and Tim Twardowski, Assistant City Attorney.

II PUBLIC INPUT

The Mayor invited the public to comment on any matter of City business not scheduled on the agenda. Hearing none, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Peg Bodell suggested that the next interagency breakfast, which will be hosted by the City, be catered at the Utah Olympic Park.

IV CONSENT AGENDA PUBLIC HEARING

<u>First Amendment and Addendum to City Services Agreement between Park City and the Sundance Institute</u> - Alison Butz explained that this amendment will close lower Main Street to accommodate a celebration on January 17; Heber Avenue will remain open. There was discussion about contacting all merchants to make sure there is access to their stores for patrons and deliveries. The Mayor invited questions and comments from the Council and the audience.

Michael Kaplan, owner of Mother Urban's, asked if Sundance will have liquor or food concessions. Ms. Butz indicated that only hot chocolate will be offered. Hearing no further comments, the public hearing was closed.

V CONSENT AGENDA

Peg Bodell announced that on November 11, the Education Foundation is featuring Jamie Bolmer who will speak on involving the community on education. She encouraged the public to attend. Fred Jones, "<u>I move to approve Consent Agenda Items 1 through 3</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

1. <u>First Amendment and Addendum to City Services Agreement between Park City and the Sundance Institute</u> - See staff report, work session comments, and public hearing.

2. Resolution declaring November 10 - 16, 2002 as Park City Education Foundation Week in Park City, Utah - Staff recommends approval.

3. Award of construction contract to Thiede Construction Corp. In the amount of $24,951 for 2nd Street stairs retread - See staff report and work session comments.

VI PUBLIC HEARING

Continuation of hearing on Park City Old Town Business Improvement District - Mark Christensen explained that Council was approached by the HMBA to consider creating a business improvement district which would be supported by a tax. This tax would essentially double license fees with a $46 base and an additional business license calculation. Revenues can only be used within the boundaries of the District. The Mayor invited those who spoke last week to address new information and encouraged the public not to comment on paid parking which will be addressed at a different meeting.

Barb Clark, Director of HMBA, read a letter in response to citizen concerns. She relayed that the City Council appointed the Downtown Action Task Force in 1998 and a plan was adopted which called for an organization representing business with a board of directors and a staff person. The formation of the HMBA was in response to a Council directive and the City helped to *seed* the organization with direction to create its own funding mechanism. Through research, the BID was modeled after several others from around the country and HMBA members were polled in April and provided input. The purpose of the BID is to empower businesses through self-governance and providing an equitable funding source. That money would then be used to achieve the primary goals of maintaining a viable Old Town business community. This is also the principle goal of the Downtown Action Plan and Council's newly adopted goals. The HMBA will seek a marketing committee comprised of members of the Old Town business area. This committee will look at the overall strategic plan and create an action plan. Through this work plan, a budget will be created and any interested business can contribute to the process. Ms. Clark explained that the HMBA is also requesting that the City enter into a special service contract naming the HMBA as the administrator of the BID funds. This contract would be reviewed annually as a part of the City's budget process and a tri-annual independent audit will be conducted to determine the organization's effectiveness. She recognized the strong opposition to this proposal and it is important that these voices be heard. As a result of the opposition, several modifications have been added to the proposal. If the opposition kills this proposal, the problems facing Old Town will still exist. She discussed unsuccessful volunteer attempts for marketing and lobbying on behalf of Main Street businesses. Ms. Clark acknowledged that the marketing plan is vague which is intentional until there is a process for input from members and it is intended to hire consultants. She addressed empowering merchants with making decisions about promoting Main Street rather than the Chamber or the City. The Chamber can no longer make Main Street its focus. The proponents believe that the funds generated through the

BID will achieve the goals of maintaining a viable Old Town business climate and the best group to manage those funds is an organization composed of the merchants themselves. There is a lot of 11th hour opposition, but as the recent *Park Record* editorial stated, *merchants and Council should take a leap of faith.* She hoped that the City Council will demonstrate its leadership and vote in favor of the District or offer a solution to help fund the organization.

Ms. Clark continued that forming the District without a service contract is of great concern to most supporters. However, she personally is very interested in looking at performance standards which will have to be approved by the entire organization. The HMBA will be soliciting feedback from merchants on how the money should be spent and how to achieve goals. From that process, a budget will be formulated. She discussed exploring flexibility in paying increased fees. Mayor Williams asked if the HMBA pursued grants, and Ms. Clark explained that it applied for restaurant sales tax, Chamber, City, and Summit Institute awards. Revenues from the District could be used to leverage and partner with other agencies in obtaining grants.

Joy Barrett, owner of Expanding Heart, stated that she is in favor of forming the District. She explained that her marketing budget is very small and if her portion of the tax is added to a larger pot, she is going to get more for her dollar. Business has been in a steady of decline due to a variety of reasons and she alone can not bring Main Street back as the heart of Park City. She supports a unified effort but individual business owners must do their best to make their businesses alluring to visitors. Doubling her license fee is a small price to pay for an organized campaign to improve the heart of our city, our Main Street, and ourselves. It is important to have a salaried person whose sole commitment is to meet the needs of Main Street businesses. She urged Council to vote positively.

Mike Lindbloom, Main Street Deli, stated that the tax assessments don't appear to be equitable. He added that he doesn't have anything against Barb Clark but perhaps a professional firm should administer the District, eliminating overhead costs. Ms. Clark has alluded to hiring consultants which would diminish the District's budget to the point where it is ineffective. Waiting a couple of months won't hurt. Make it fair and equitable and explore other marketing options.

Michael Kaplan, marketing professor, owner of Mother Urban's, and 2001 economic development council candidate, recommended that there be a two-year trial period. ~~He is usually against taxes~~ but at the same time something, ~~this needs to be done~~ to market Main Street. The key to this is follow-up research so that quantifiable values and successes are measured.

Bonnie Deffenbach, Main Street merchant, felt that historical and cultural elements are missing from the proposal. She acknowledged that she was angry last week when she testified and discussed her and her husband's efforts in saving seven historical buildings. At the time, the City wanted them torn down but after some time decided to award grants to save historical buildings. If Main Street is to survive, merchants need to wake up and make their first priority year-round visitors. She discussed in detail the success of an artists group in Alexandria who produce their work in an abandoned torpedo factory where visitors can watch demonstrations. Ms. Deffenbach encouraged people to think of creative ways to have an arts festival atmosphere on Main Street every day.

Andy Beerman, seven year resident, stated that he has managed three businesses on Main Street including retail, restaurant and hotel. He acknowledged the hard work of the HMBA, whose intentions are good but he is opposed to the BID because there is no firm marketing plan. He objects to paying first and performing later and secondly, he is strongly against forced membership. The HMBA has only been able to bring about 25% of the potential businesses that will be forced to participate to sign up for membership. That doesn't represent a majority and there are reasons why more businesses don't want to be members. The amount of funding projected is not significant enough to make a marketing push. There are other things that can be accomplished with that funding, but we need to think bigger and work with organizations like the Chamber to leverage marketing dollars. Main Street is not going to die if the BID is not formed, but it is important that everyone can make a living there. He challenged the City Council and HMBA to come up with a better and more creative solution.

Laura Alleman, Images of Nature, stated that she spoke last week and is still in support of forming the District. Some of the objectors bring up excellent points, and there are diverse interests on Main Street, but as a whole our diversity can be marketed better. She emphasized that she doesn't expect BID to increase her sales, that's her job, but get more people on the street at a time when they are needed. We have to start somewhere.

Karleen Reilly, stated that she has been opposed to this proposal and has been distributing a petition. She added that she has obtained 57 names against the BID; which only represents and hour and a half of work. There are many people who don't even know about the BID or the process. We need to step back and take a look at this and others feel the same way. Marketing is nice but there are bigger problems. She is not opposed to paying, but she doesn't think its going to be effective. There are 18 real estate businesses and 20 vacant spaces on Main Street; there needs to be something that attracts visitors.

Thea Leonard, stated that she is opposed to the BID. The HMBA should provide a plan that is executable and will yield results.

Barb Clark explained that she received letters and asked if it is appropriate to read them into the record. The Mayor responded that he has received several as well today, and all correspondence will be copied and distributed to Council.

Bryan Markkanen, Cybercafe, expressed his opposition and agreed with Mr. Beerman's comments. He asked if Old Town residents could vote for or against, and there was an explanation on the process of submitting written testimony in opposition. He suggested allocating funding that may be going to frivolous projects. The Mayor explained that there is no frivolous spending. The HMBA has been funded in the past by the City and was asked to come up with another mechanism to fund itself. Mr. Markkanen clarified that he felt that the citizens at large should fund this effort as Main Street is the heart of the City and everyone benefits from it. Ms. Erickson pointed out that all commercial areas of the City would then expect the same treatment and support. Peg Bodell mentioned that there are many budget items dedicated to Main Street and offered to review those with him at his convenience. Mr. Markkanen concluded that merchants are already burdened with high rents and doubling business license fees will be a deterrent to locate on Main Street.

David Uhlendorf, Silver Junction Mercantile, stated that he was strongly opposed to the BID as the approach is coercive because it is tied to business licensing and there has never been an independent poll conducted by a third party. He continued that he changed his mind after speaking with the principals. Although he still has concerns, he is not totally opposed because it is *cheap money to spend* if it is effective. It is important to audit the association to assess its effectiveness and to have a vote taken by the members to determine if it should be continued. He is somewhat in the middle until he sees an indicator of performance.

Monty Coates stated that he is definitely in support. If Park City is to become a four-season resort, the Old Town businesses need to become financially responsible partners in marketing the area. He received comments about forming a new organization and emphasized that a lot of work has been devoted to creating the HMBA, with representation of different interests on the board. The HMBA should move forward and speak for the street and perhaps a new election of officers should be considered. We can step forward tonight or go backwards.

With no further comments or questions from the Council or the public, the Mayor closed the public hearing.

VII OLD BUSINESS

1. Resolution creating the Park City Old Town Business Improvement District to promote business activity and economic development in the old town area, by assessing business within the district a tax based on a base fee, business size, and use - and

2. Resolution declaring the intention of the Park City Council to enter into a contract with the Historic Main Street Business Alliance for the administration of the Old Town Business Improvement District for fiscal year 2003-2004 - Mayor Williams expressed his appreciation of the number of people who have come forward to express their thoughts

and recognized that this is a contentious issue. This BID was initiated by the HMBA not the City. Supporting Main Street is a Council vision and there may be a difference of opinion with regard to how to accomplish that. He explained that there is a resolution to create the District and a letter of intent to enter into a contract with the HMBA. Once the District is created, all merchants within the boundaries become members and have a say in how the contract is developed. The City does not desire to micro-manage the HMBA.

Kay Calvert pointed out that many people in opposition suggested that criteria be included in the contract addressing goals and objectives and meeting those will be evaluated by the membership. She believed that there is a lot of agreement in the room; it is just a matter of executing. Fred Jones agreed and added that almost everyone believes there is a need to come together and to formulate a plan for Main Street. It is the *chicken and the egg* situation, but it appears that the count is in favor of forming the BID. The contract with the HMBA is critical and he will not award a contract until the business group has a chance to produce objectives, a plan, and a budget to be presented to the Council. This needs to be approved by the membership and if there isn't agreement, the District should not proceed. He recommended a review of the BID a year from now, prior to license renewals, focusing on the upcoming year's plan and budget. There was discussion that state statute requires using the number of current business licenses, even if some are not in business to date.

Jim Hier stated that this is a very difficult decision for him personally as the thought of government getting involved in private business does not seem prudent. However, since this is a resort community, we're all in business together and it is a Council goal to support promoting Park City and Main Street. He reiterated the importance of establishing criteria with the HMBA, specifically a detailed marketing plan and budget which should be approved by its members by vote at a meeting consistent with bylaws. There also should be defined criteria to measure success. He believes these three objectives need to be accomplished prior to releasing funding to the HMBA. Most of the comments he received in opposition were not that this is a bad idea, but it is not well enough defined and if the City is involved, those definitions need to be clear and included in the contract.

Council member Erickson shared Mr. Hier's concerns about involving government in private enterprise. This issue is reminiscent of paid parking. Main Street merchants approached the City Council to find a solution to the problem of employees taking up parking spaces on the street. Once the City responded with the parking meter program, it has been *taking the heat* ever since, but on the other hand, Ms. Erickson expressed her support of a unified voice. She added that cultural tourism should also be part of marketing the street and there may be grants available to help subsidize this marketing effort. She preferred that the City not get involved, that merchants voluntarily join the HMBA, and agreed with Mr. Hier that there needs to be a quantifiable measure of performance.

Peg Bodell believed there is a real difference in the City managing the program and developing a partnership; there have been many examples of cities partnering with downtown areas to make them more viable. Our HMBA has come a long way in the last ten years and this process has been very positive. Peg Bodell, "I move that we approve Resolution No. 1, creating the Park City Business Improvement District to promote business activity and economic development in the Old Town area, by assessing businesses within the District on a tax based on a base fee, business size, and use and that we table Item 2 until a time when we feel more comfortable with constructing that contract with the group". Kay Calvert seconded. There was discussion on separating the motions. Jim Hier recommended an addition to the motion, to continue Item 2 with direction to the staff to meet with the HMBA and come up with language which allows us to draft a contract with performance criteria included. This may not be done by next meeting, but at least we'll have language in a resolution which identifies our direction in working with the HMBA. Peg Bodell accepted Mr. Hier's amendment. Jim Hier continued that cost recovery has not been addressed and suggested that administration fees should be absorbed by the City and not passed on to the group. Kay Calvert agreed. Ms. Bodell stated that she accepts the amendments to the motion. Kay Calvert seconded the amended motion.

Fred Jones felt very uncomfortable leaving the letter of intent with the HMBA open and unclear with the merchants. The City Attorney advised that support of the motion on the floor will result in creating the District but the resolution of the letter of intent is tabled, with specific direction to staff. He understood that Mr. Jones would like to proceed with the second resolution, with incorporated direction to staff in addressing issues. The resolution of intent could be approved with direction to staff with certain parameters. Jim Hier clarified that he would like the resolution to address the budget and marketing plan. Tim Twardowski felt that it is clear that Council supports the resolution creating the BID. The second resolution was prompted by Executive Director Barb Clark and other members of the HMBA. Their concern was once the District was created, the City may spend the money, or contract with another body. The resolution of intent to enter into a contract with the HMBA was drafted to alleviate their fears. Whether or not the performance criteria are included in the resolution of intent to create a contract or the actual contract itself, makes no difference. He suggested that the second resolution be skipped as long as comments are on the record of Council's intent to enter into a contract with the HMBA subject to the criteria Mr. Hier developed. Staff can return to Council with a public service contract that will incorporate criteria and performance standards. The funds would then be distributed to the HMBA. Mr. Hier explained that his motion was to return with a resolution addressing the contract and prefers to have a resolution at some point.

The Mayor believes the City is making a good faith effort by forming the District and the HMBA needs to have faith in the City. He emphasized that merchants will become members and it is incumbent upon each member to participate in the process. Fred Jones and Peg Bodell agreed that the cost recovery element should not be amended without further discussion. Mark Harrington restated the motion to mean, approve Item No. 1 under New Business and table Item 2 until next week, subject to amendments which specifically address a budget, detailed plan, performance measurements, and a discussion on the removal of the administrative fee. The Mayor requested a vote. Motion unanimously carried.

VIII ADJOURNMENT

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

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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 SUMMIT COUNTY UTAH
CORPORATE Seal
MARCH 1, 1884