PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 31, 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, October 31, 2002.

Closed Session
3:00 p.m. Litigation

Work Session
4:00 p.m. Council questions/comments
4:30 p.m. Legislative Update - Representative David Ure
4:40 p.m. Fox 13 skateboard story video
4:50 p.m. Olympic Legacy task force recommendations
5:10 p.m. Meeting questions/comments
5:40 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 MEETINGS OF SEPTEMBER 19, 2002 AND SEPTEMBER 26, 2002

V CONSENT AGENDA PUBLIC HEARING

1. Continuation of public hearing on Ordinance amending the Sign Code, Title 12, of the Municipal Code of Park City, Utah

2. An Ordinance approving a final record of survey plat, known as the April Mountain Condominiums Record of Survey Plat, located east and west of Mellow Mountain Road in the Northwest Quarter of Section 15 and the Northeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah.

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VI PUBLIC HEARINGS

1. An ordinance amending Title 4, Chapters 2 and 15 of the Municipal Code, regulating fees and licensing of for-hire vehicles.

2. A 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.

3. A 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.

VII NEW BUSINESS

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3. A 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

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 31, 2002

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

Tom Bakaly, Acting City Manager; Mark Harrington, City Attorney; Craig Sanchez, Golf Course Manager; Ken Fisher, Recreation Manager; Myles Rademan, Public Affairs Director; Maria Barndt, Landscape Gardener

Bill Malone, Park City Chamber Bureau

1. Council questions/comments.

Kay Calvert reported she attended the Old Town Improvement Study (OTIS) meeting, complimented Colin Hilton on the meeting results and that putting real numbers to the improvement plans was helpful.

Fred Jones referred to the report concerning the White Pine Touring cross-country operation and use of a yurt; inquired if the pro-shop will be used by the cross-country operation. Craig Sanchez responded pro-shop space has been offered to Jans and White Pine for lease and the City is in negotiation with them; reported the City planned the yurt to be used primarily for waxing and ski rental operations, and the pro-shop used for customer check-in and sales, with a portion of the space used as a year-round golf section. Councilmember Jones stated he understands taking the waxing and repair operations out of the pro-shop space, however, emphasized cross-country skiing is an important element to our winter business and the space should be a multi-use space and used on a year round basis.

Peg Bodell reported she is involved with a group working for the designation of an area encompassing Sundance resort to Summit and Wasatch counties, including Big and Little Cottonwood Canyons, and the Uinta Mountains as well as Flaming Gorge and up to Fort Bridger in Wyoming called the Mountain Spirit Heritage Area. She explained heritage areas are places designated by the Utah Division of State History where travelers can experience how "yesterday meets today". The Mountain Spirit Heritage Area will be the sixth designated heritage area in Utah. The Mountain Spirit Heritage Area group is working to make it a federally designated area and eligible for federal funding and grants. The Utah heritage areas are being carried through congress by Bob Bennett. An event at Soldier Hollow is being planned that will bring people from the area to one location.

Councilmember Bodell reported she along with Councilmember Hier met with Mountainlands Housing concerning affordable housing. She also reported she met with Administrative Director Bob Stephens and they are looking at updating the resolution for affordable housing resolution in the next few months.

Councilmember Bodel reported she also attended the OTIS meeting, thanked Colin Hilton and the professional people for a great job, the presentation was very well done, noted the architect agreed to include the City logo on future presentations along with the Chamber's logo.

She reported the Council met with in an inter-agency meeting last week; there was some discussion about the RAP grant and restrooms on the north side of the park, Council reiterated to all of the groups, the Planning Commission and also the School District, that it was very important to us to work with them as partners, there was frustration in the timeline, and we thought what we were asking for was significant.

She stated she will forward a copy of the Historic Society Strategic Plan to Director Rick Ryan and Planner Derek Satchel for review and comment back to the Society, and announced the Dungeon Party is tomorrow evening at the museum, starting at 5:30 p.m., and invited everyone to attend the fun fundraiser.

Mayor Williams reported the Park City Education Foundation has requested a proclamation for Park City Education Foundation Week, November 11th through 15th in conjunction with their fundraiser events.

Mayor Williams noted he met the film maker of Dog Town and Z Boys last weekend at the skateboard park who commented he thought the park was great.

Mayor Williams announced he received an email from the Chamber Bureau thanking and commending Alison Butz for her work with the softball tournament, and the Chamber could not have been more pleased with her professionalism; Mayor Williams thanked her. Mayor Williams reported he attended a meeting concerning the trail head in Iron Canyon, the group identified improvements to work on some of which may be accomplished by the end of this year depending on the weather.

Mayor Williams thanked Leisure Services staff for the pool construction updates and pictures.

2. Racquet Club Tennis Program Award; Fox 13 Skateboard Story Video.

Warren Pretorious announced the Racquet Club Tennis program received the 2003 Excellence in Programming Award last week at the National Recreation and Parks Association (NRPA) convention in Tampa. Council congratulated and commended staff for the accomplishment.

Ken Fisher presented a skate park summer update touching on the success of the local skateboard competitions and clinics. Ken reported the only complaint received concerned the music which was taken care of. The competitions included approximately 20 to 40 competitors, including a bus load of kids from Logan. The series of instructional skate clinics were sold out and attended by approximately 150 kids and a dozen adults. Ken presented an entertaining video of the Fox 13 news clip spotlighting the Park City adult skate park clinic.

3. Olympic Legacy Task Force Recommendations.

Myles Rademan presented the Olympic Legacy Task Force report outlining the ideas and recommendations for legacy projects that include: 1) the Olympic Legacy Tower, 2) banners, flags and Olympic symbols, 3) Olympic signs and lights on bridges and other prominent locations, 4) winter celebrations, 5) display of Olympic rings and pictograms, 7) Olympic walking tour, and 8) Citizens Olympic photo display. Myles noted completion of projects is time-sensitive. Maria Barndt estimated the cost to implement the proposed projects for banners, lights, insignias, rings, pictographs etc. approximately $30,000. Myles stated staff will work with the County, Utah Olympic Park, resorts and the same graphics company to design a consistent and coordinated look. Bill Malone of the Chamber Bureau stated the Chamber will work with Park City and Salt Lake City to coordinate Olympic anniversary celebrations. Councilmembers Bodell, Erickson and Calvert outlined their support of the projects. Councilmember Hier commented although he understood the Planning Commission's findings concerning the Olympic Legacy Tower, he recommends going ahead and erecting the tower, if it was found to be inappropriate for the site it could be taken down. Councilmember Bodell suggested the cost of improving public access to the Olympic Welcome Plaza be looked into at a future date; Candy noted directional signs for plaza parking should also be improved.

Council unanimously concurred to direct staff to go forward with proposed projects including purchase and placement of quality banners, lights, insignias, rings, pictographs etc., coordination of graphics and design, additional banners for placement along Park Avenue, international flags for another area i.e. the round-about, approve $33,000 for costs. Council also concurred to review the other ideas and recommendations in the report and discuss what is most important and should be done.

4. Meeting Questions/Comments. None.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 31, 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, October 31, 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; Gary Hill, Analyst; Ray Milliner, Planner; Kirsten Whetstone, Senior Planner.

II PUBLIC INPUT

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

Analyst Gary Hill introduced Representative David Ure visiting tonight's meeting to talk about a task force he was on recently at the legislature concerning water development funding.

Representative Ure reported alternative funding for water is probably one of the hottest items right now on the capital hill. It originated out of the last legislative session in which the Governor wanted to take the 20 million dollars from ongoing revenue used for water development and transfer it back into the general fund. The legislators thought hard about that proposal and an agreement was made with the Governor to form a task force composed of four legislators and three of the governor's staff with voting rights and the task force would choose several experts in the State of Utah that could advise and tell the task force exactly how the program works or how it didn't work. They will be meeting for the fifth meeting, and will present a report and recommendations to the legislature on November 15th with recommendations.

As background, there is roughly 18 to 20 million dollars a year coming from sales tax for the state's water development program, of which only 4 million goes to water development. The remainder is broken into 4 million mandated by the federal government to go towards dam safety, 5 million goes toward endangered species mitigation, and another 4 million is used for matching monies by counties, cities or special service districts, to draw federal money to help with their water projects.

He believed the task force will issue approximately five recommendations. One recommendation will be for sales tax on water, another for a surcharge on water, another for replacement of the current property tax for water projects with a sales tax. All of those recommendations have major complications within our present system. All of them would in his opinion destroy what has been in place for many generations for developing water in the State of Utah. The task force asked the question what was needed in the State of Utah to help develop water throughout the entire state, and a group put together an estimate of 5 billion dollars worth of needs in the State of Utah in the next 20 years, and to put the water development money in the general fund in their opinion was not a very good idea. The task force's main recommendation to the legislature and Governor will be to do nothing, leave the water money as it is and if possible, add to it, because of the needs and problems that are being resolved.

There are many mandates being handed down from the feds, for example storm water run off. Park City will be required because of its size, to build these obligations, and it appears very little if any money would be coming down from the feds. The City will be facing this in the next five years which gives more pressure to leave the water development fund as it is right now. The seven non-voting experts that assisted the task force have probably met as many times individually as we have as a committee and they have hundreds of hours invested in this, they have done an excellent job.

Councilmember Hier commented he is assuming the 5 billion dollar requirement is based on population growth projection and inquired if there was any correlating analysis that there would be total availability of water should the state have the 5 billion to pay for it. Representative Ure responded that the projection based on growth is correct. There is currently no analysis about the water availability, however, the idea is always being thrown out to pull water out of the Colorado River for St. George, Cedar City and those areas, which would be a lawsuit between the upper basin and lower basin of the Colorado River. That must be addressed in the next 5 to 10 years because the water will be needed. Water conservation was strongly recommended by the task force, however, economics professors from BYU, Utah State and Colorado agreed in order to achieve water conservation of 10% you must increase your water fees 100%. In this last drought it was found the best way was to simply ask people to conserve and systems using drip and secondary are recommended. Councilmember Calvert inquired if the entire 4 million was being spent every year for dams. Representative Ure affirmed that it was and it is estimated another 10 years of dam reconstruction needs to take place with that program, the 4 million is spent every year on restructuring dams so they will not fail, maintenance and upkeep is paid for by the current water owners. Mayor and Council thanked Representative Ure for the information.

Sue Follett commended the Park Record, KPCW, Park City TV and the Summit County Bee for keeping citizens informed of election issues. Noted the importance of going to the polls and voting. Sue stated the primary was confusing in the Park City and Deer Valley area, there was some redistricting, that has not changed, people would go to the same polls, recommended people refer to the Park Record and what KPCW has available for polling locations. Ms. Follett stated if you are still very, very confused, the following numbers could be referred to, if you are in the south end of the county dial 783-4356, ext 3203, from Park City area 615-3203, and the north summit area 336-3203. The Mayor thanked Ms. Follett.

Hearing no other comments, the Mayor closed the public input session.

III COMMUNICATIONS FROM COUNCIL AND STAFF

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF SEPTEMBER 19, 2002 AND SEPTEMBER 26, 2002

Peg Bodell requested an addition to the September 26, 2002 Work Session Notes concerning landscaping on Park Avenue behind 577 Main, specifically to add that she suggested appreciation for Bill White and Tammy Ringwood be made. The Mayor requested a motion.

Motion by Councilmember Bodell to approve the minutes of September 19, 2002 and September 26, 2002 as amended, Councilmember Hier seconded. Motion carried unanimously.

V CONSENT AGENDA PUBLIC HEARINGS

1. **Continuation of public hearing on Ordinance amending the Sign Code, Title 12, of the Municipal Code of Park City, Utah.** (Also refer to staff report)

Planner Ray Milliner presented the staff report and proposed ordinance amending various parts of the Sign Code including reduction of the size of temporary signs as directed by Council at the prior hearing; requested Council discussion of the proposed amendments to Title 12, Signs, of the Municipal Code, conduct a public hearing and adopt the proposed ordinance.

Mayor Williams opened the public hearing to receive public input concerning the fore mentioned issue. With no further questions or comments from Council or the public, the public hearing was closed.

Mayor Williams commented Council has been discussing the Sign ordinance in regard to banners and would like that placed on the agenda for discussion. Planner Milliner responded staff will schedule the issue, conduct the research and bring it to Council in approximately two weeks.

2. **An Ordinance approving a final record of survey plat, known as the April Mountain Condominiums Record of Survey Plat, located east and wet of Mellow Mountain Road in the Northwest Quarter of Section 15 and the Northeast Quarter of**

Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Summit County, Utah. Applicant: April Mountain LLC. (Also refer to staff report)

Senior Planner Kirsten Whetstone presented the staff report and recommendation to hold a public hearing, consider any input, and consider approving the Record of Survey Plan for the April Mountain Condominiums.

Mayor Williams opened the public hearing to receive public input concerning the fore mentioned issue. With no further questions or comments from Council or the public, the public hearing was closed.

VI CONSENT AGENDA

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<u>Motion by Councilmember Jones to approve Consent Agenda items 1 and 2. Motion seconded by Councilmember Calvert. Motion carried unanimously</u>.

VII PUBLIC HEARINGS

1. **An ordinance amending Title 4, Chapters 2 and 15 of the Municipal Code, regulating fees and licensing of for-hire vehicles.**

Acting City Manager Bakaly presented the staff report and recommendations that Council hold a public hearing, consider public input, and adopt the ordinance amending the City's Business License Code as it pertains to For-Hire Vehicles (taxis, limousines, and shuttles) and the For-Hire Vehicle licensing fee schedule.

The Mayor invited the public to comment. Hearing none, the public hearing was closed.

2. **A 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.**

3. **A resolution declaring the intention of 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.**

Acting City Manager Bakaly presented the staff report and recommendations for Public Hearings 2 and 3, that 1) Council hold the public hearings, consider public input, and either adopt a resolution establishing the Old Town Business Improvement District (BID), reject the request to create the district and abandon the process of creating a Business Improvement District, or continue the item to November 7, 2003, and 2) adopt, reject, or modify the resolution of intent to enter into a contract with the HMBA for the administration of the Old Town BID for FY 2003-2004.

The Mayor clarified that this issue has not been initiated by the City, it was initiated by the Business District coming to the City and asking the City to do it. The City was required by state law to consider the petition within a certain time which is the reason this is being considered by Council tonight. He apologized to those unable to attend the meeting due to Halloween, however, believed it is Council's intention to continue these hearings for another week to allow additional input.

Barbara Clark, Executive Director, Main Street Business Alliance, presented a power point presentation outlining the proposed Old Town Business Improvement District, addressed concerns, and presented concepts of what is proposed.

The Mayor opened the hearings for public comment and requested the speakers sign the sign-in sheet designating support or opposition.

Rick Anderson, President Main Street Business Alliance, spoke in support of the proposed Business Improvement District.

Sally Elliott spoke in support of the proposed Business Improvement District.

Karleen Reilly, owner Uptown Fare, spoke in opposition to the proposed Business Improvement District.

Laura Alleman, owner Images of Nature, spoke in support of the proposed Business Improvement District.

Jana Potter, 20 year Main Street business owner, spoke neither in opposition to or support of the proposed Business Improvement District.

Monty Coates, 16 year Main Street business person, spoke in support of the proposed Business Improvement District.

Tyler Geurts, 3 year Main Street furniture store owner, spoke in support of the proposed Business Improvement District.

Joe ( )ski, private club owner, spoke neither in support of or opposition to the proposed Business Improvement District.

Harry Reed, spoke in support of the proposed Business Improvement District.

Tim Mertens, Main Street business owner since 1992, spoke in support of the proposed Business Improvement District.

Bonnie Deffenbach, owner Queen of Arts, spoke in opposition to the proposed Business Improvement District.

Michael Lindbloom, spoke in opposition to the proposed Business Improvement District.

Joseph Jafarian, 4 year Chenez owner, spoke in opposition to the proposed Business Improvement District.

Denise Walls, owner Midnight Sun Jewelry Creations at the Gateway, spoke neither in support of or opposed to the proposed Business Improvement District.

Ken Davis, new Main Street business owner, spoke in support of the proposed Business Improvement District.

Carol Rixey, 27 year owner of Star Hotel and Alaskan House, spoke in opposition to the proposed Business Improvement District.

Michael Sweeney, spoke in support of the proposed Business Improvement District.

Lori Wikert, 4 year Main Street owner, spoke in support of the proposed Business Improvement District.

Jesse Shetler, owner No Name Saloon, spoke in support of the proposed Business Improvement District.

Jason Sanford, owner Morning Ray, spoke in opposition to the proposed Business Improvement District.

The Mayor thanked those who have spoken and closed the public hearing.

Motion by Councilmember Calvert to continue the public hearing to November 7, 2002. Motion seconded by Councilmember Erickson. Motion carried unanimously.

VIII NEW BUSINESS

1. **An ordinance amending Title 4, Chapters 2 and 15 of the Municipal Code, regulating fees and licensing of for-hire vehicle.**

Councilmember Bodell inquired why only liquor and prostitution were specified in Section 4-14-19 as unlawful to be sold from for-hire vehicles and not all other items. Manager Bakaly responded that section was not changed and was carried over by the prior ordinance, there are other ordinances prohibiting the sale of other items from for-hire vehicles. City Attorney Harrington explained provisions such as this are usually included to enable easier enforcement, there has historically never been a problem with sale of other items.

Rob, Ace Cab Company, commented frequently people ask him to purchase, pickup and deliver liquor and he always uses this part of the ordinance to say "no we can't".

Assistant City Attorney Twardowski reported he distributed to Council a copy of a letter that was faxed to the legal department this afternoon from Donald Winder, an attorney from Salt Lake representing two of the Salt Lake City cab companies. He reported he had a discussion with Mr. Winder this afternoon who has two concerns in respect to the proposed changes to the taxi ordinances. One concerns continuing service. Mr. Winder proposes the definition of a continuing service be one which originates outside of Park City with an agreement that the same driver will return to that location the same day or several days later to return the people back to Salt Lake airport. Mr. Winder is asking that type of activity be exempt from the licensing requirement. Attorney Twardowski noted that activity is not exempt as the Code is currently written, and was one of the loopholes the Salt Lake area cab companies were using to claim a pickup is a return trip and they do not need a license. That put the City in a position where neither code enforcement or the police department were able to establish probable cause to stop this cab making a pickup without a license and having to take it at face value from the driver that yes indeed this is a return trip and leaving no mechanism whereby to verify that is the case. For that reason that loophole was eliminated from the current Code. Attorney Twardowski reported the second issue Mr. Winder raised was it was his understanding that there is a system in place to allow a cab company with, for example, 115 taxicabs, to obtain say 10 to 15 taxicab licenses and after that point all cabs owned by that company can come up and make pickups in Park City. He explained to Mr. Winder according to our ordinance as written and as amended, that is not the case, that if you have 115 cabs and you would like them all to be eligible to do business in Park City, they must all be licensed. If the company wants to only purchase ten licenses that's fine, however, that means only the ten cabs with licenses can do business in Park City. Attorney Twardowski commented it is unfortunate Mr.

Winder is only now responding to the proposed changes, that it was his understanding City staff began weeks ago when this whole process began to contact all of the licensed companies serving in Park City and invited them to a meeting to talk about the proposed changes to the ordinance, and the two taxi companies that Mr. Winder represents did not attend. His understanding is both companies were invited and for them now at the eleventh hour to claim this is being forced upon them and they did not know about it is unfortunate. Advised Council could pass the ordinance as written and then come back at a later date and entertain the two issues, however, it could be more expeditious to address the issues tonight.

Councilmember Calvert pointed out if the loopholes are not eliminated it is an opportunity to continue with the way it has been going making it impossible for appropriate enforcement especially during Sundance. Councilmember Hier concurred and inquired if the rates to and from Park City be worth it. Rob, representing Ace Taxi, commented he is unable to drop off someone at the airport then pickup another fare in Salt Lake City for the return to Park City because he would be breaking the franchise system rules for the three Salt Lake companies and their radius of service; believes everybody that wants to do business in Park City should have a license/sticker and supports closing the loopholes.

Motion by Councilmember Hier to adopt the ordinance amending Title 4, Chapters 2 and 15 of the Municipal Code, regulating fees and licensing of for-hire vehicle. Motion seconded by Councilmember Erickson. Motion carried unanimously.

2. **A 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.** Continued to November 7, 2002.

3. **A resolution declaring the intention of 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.** Continued to November 7, 2002.

IX ADJOURNMENT

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

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MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:00 p.m. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. City Attorney Mark Harrington was also in attendance. Motion by Councilmember Jones to close the meeting to discuss litigation. Motion seconded by Councilmember Erickson. Motion carried unanimously.

The meeting opened at approximately 4:15 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 Cindy LoPiccolo

Cindy LoPiccolo

Cindy LoPiccolo, Deputy City Recorder

STATE OF UTAH)
ss.
COUNTY OF SUMMIT)

CERTIFICATE OF CLOSED SESSION
CITY COUNCIL OF PARK CITY, UTAH

As presiding officer of the City Council of Park City, Utah, I hereby certify that the closed session meeting held by the City Council on October 31, 2002, was held pursuant to Section 52-4-5(1)(a)(I) to discuss litigation.

DATED this 21st day of November, 2002.

Dana Williams

Mayor Dana Williams

Subscribed and sworn before me this 21st day of November, 2002.

Lucinda J. LoPiccolo

Lucinda J. LoPiccolo, Notary Public