PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 30, 2008

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ken Fisher, Recreation Manager; Matt Twombly, Project Manager; Jon Weidenhamer, Economic Development Manager; and Max Paap, Special Events Manager

Recreation Advisory Board Members Kathy Kahn, Rob Lea, John Halsey, Craig Moise, Matt Brown, and Moe Hickey

Park Silly Sunday Market organizers Kimberly Kuehn and Jewels Harrison; HMBA Director Sandy Geldorf and Chairman Jeff Ward; business owners Mike Sweeney, Jolie McTavish, and Tim Helty

1. Council questions/comments. Roger Harlan reported on the School District meeting, specifically the award to teacher Melissa Botts. He discussed the Friends of the Library luncheon and business conducted by the Mountailnlands Housing Trust. He expressed concerns about not having convenient green waste and/or wood recycling programs in place for residents. Joe Kernan hoped that in the future, a public works facility in the Basin will include mulch processing and Candace Erickson pointed out the pilot program available for commercial entities. Mr. Kernan pointed out the importance of having a facility near Park City and discussed the trend of winter guests scheduling shorter trips. Liza Simpson noted that she also attended the library luncheon. Jim Hier commented on business discussed at the HMBA and inter-agency meetings and the fund-raiser held by the Summit Land Conservancy last Friday.

He relayed that the Chamber reported a 30% to 40% drop in telephone volume from last year and reported on the tourism symposium. It is believed that the downturn in the travel industry will last at least nine months. There is added competition to mountain resorts because seven new ships have been introduced in the cruise industry, representing about 21,000 berths. The cruise ships sail full and are willing to discount trips to make sure the ships are filled.

Mayor Williams stated that he, Liza Simpson, and Diane Foster attended the fifth International Congress of Nano Technology in San Francisco where there was a forum for mayors on climate change and a variety of educational sessions.

2. Recreation Advisory Board Visioning. Ken Fisher referred to his staff report in the meeting packet where staff is seeking direction on the work plans for the next year developed by the subcommittees for parks, Racquet Club, and community outreach. He pointed the dedicated funding source for park projects where there is a balance of about $70,000. Developing a City Park master plan specifically for the north and south areas of the park is recommended with an estimated cost of about $15,000. Any improvements to the south will be coordinated with the Sullivan Road work slated for 2012. Mayor Williams pointed out the large area accommodating the catch basin at the north end and suggested that other uses be explored. Ken Fisher spoke about a suggestion to realign the road to capture more field space. John Halsey added that if the water can be diverted somewhere else, the basin area could be used for BMX biking and the Mayor felt that the drain would work there with improvements.

Mr. Fisher addressed the request for extended use of the skate park by covering it for year-round use or lighting it. An electronic petition is being circulated with a goal of obtaining 1,000 signatures, currently 567 people have signed. Mayor Williams expressed that he is not inclined to support the lighting but would like to explore covering the skate park. A design competition could be held. He acknowledged that the design would have to be sensitive to fit in the neighborhood but the skate park has been them most popular facility built in the past 25 years. Roger Harlan agreed and asked if there are other enclosed skate parks or estimates on increased use; a permanent structure would be costly. Rob Lea added that supporters have been asked to explore ideas from other areas which will be shared with RAB next week.

Candace Erickson pointed out that one of the best features of the skate park is being able to observe the skaters which will be lost with an enclosure and cost is a major consideration. Rob Lea discussed a concept where the side walls could be rolled up and down, even in the summer in bad weather. Liza Simpson hoped that users understand the needs of the entire community; skate park improvements would have to be prioritized with other projects. Mr. Lea assured Ms. Simpson that patrons are aware that there is a process and if anything is done, it will be done right. In response to a question from the City Manager, most Council members agreed that extending the hours by installing lighting is not as important as providing shade and winter use. Jim Hier believed that use would increase if it were covered and that lighting would not significantly change the numbers. Joe Kernan felt confident that a good design could be produced. He is interested in obtaining information on the cost per user currently and the cost per user with improvements and is not opposed to installing lights so people could skate until at least 8 p.m.

Ken Fisher explained that the dog park opened in September with the understanding that once the City installed the fence, signs, and infrastructure that the user group would step forward and pay for future improvements. There have been some complaints about the muddy conditions at the storm retention basin which could be remedied by filling in the basin and installing a catch basin at a cost of about $5,000. Mr. Fisher described the project. Matt Twombly clarified that this would tie into another detention basin on the other side of the dog park. Ms. Simpson noted that she also received a few emails and responded with information about funding future improvements. Mr.

Fisher addressed the high cost of shade features proposed for the Racquet Club and Prospector Park. Mayor Williams suggested planting mature trees. Mr. Fisher noted that the playground equipment in Prospector Park gets pretty hot in summer, there is no shade and stated that staff will continue to explore options. Initially, Prospector Park contemplated a shade pavilion.

Mr. Fisher commented on the Racquet Club subcommittee working with VCBO Architecture on a weekly basis to develop conceptual designs and plan public meetings. It is contemplated to change the name of the Racquet Club when it reopens as a remodeled facility since the name leads people to believe that it is a private club. There was discussion about creating a process for naming the building, but Council agreed that it should simply be called the Park City Recreation Center. He felt that the outreach programs have been very successful and the City is now an active partner with various agencies, including United Way. Programs are conducted on-site at Aspen Villas and Holiday Village Apartments and have been well received but providing transportation for these kids continues to be a challenge. Council members thanked the Recreation Advisory Committee for their hard work and Candace Erickson specifically acknowledged Moe Hickey's contributions, who is moving on because of his Board of Education election.

3. Park Silly Sunday Market 2008 review. Jon Weidenhamer explained that an application for the 2009 market was submitted on October 20, 2008. In March, Council requested that staff return in October so that 2008 operations could be discussed before reviewing a license for 2009. Members also requested that an economic analysis for the 2009 market be conducted by the HMBA. The 2009 application is identical to 2008 with some minor operational changes and action is not requested tonight. Mr. Weidenhamer stated that staff believes the 2008 festival was a success based on a variety of changes the organizers introduced with regard to parking, signs, etc. He found the event to be consistent with economic development goals and strategies and felt there are indirect and intangible benefits to the street and our town as a whole. The applicants are seeking an approval as soon as possible so that vendor contracts and marketing plans can proceed. The HMBA is generally supportive but would like an economic analysis to better understand negative financial impacts. Staff is recommending that an economic analysis be conducted before taking action which could be available by early January, providing sufficient time in the event of operational changes. Mr. Weidenhamer referred to public input received from Steve Lund and Jolie McTavish who are not supportive of the market.

Dana Williams emphasized that the HMBA agreed to conduct the study last year and is confused why the City is paying for the study. Jeff Ward, President of the HMBA, explained that he understood that a study would cost about $10,000 and the organization had no funding available. The Mayor expressed concerns that the HMBA agreed it and the City did not hear anything from the HMBA until last month when it was contemplated to be available by the end of October. Mr. Ward understood the process was to be a partnership. The Mayor added that there seems to be no participation from the street with the total cost falling to the City. Mr. Ward explained preparing a spreadsheet on businesses after the market closed for the season. Tom Bakaly explained that it was felt that the City could conduct a more objective study where the data would not be debated. The information is difficult to quantify and may not be the *silver bullet* everyone is looking for but is information that is important for Council to consider. Staff looked at the spreadsheet but felt that it would be a good expenditure to conduct an objective analysis. Jim Hier felt that if the data needs to be substantiated, it needs to be collected by a third party and he is not opposed to the City paying for it, but felt it important to identify what elements would be changed as a result of the data. As an option, an MFL could be approved subject to the possibility of modifications based on the study. Not identifying elements of interest until the economic study is produced would be a mistake. Extended hours of operation were discussed. Candace Erickson explained that Jolie McTavish's issue deals with parking. She felt there was an effort to get patrons to walk, bike or take the bus at the beginning but more people seemed to drive by the end of the season. Kimberly Kuehn explained that they provided 14 new signs up Deer Valley Drive directing motorists to the China Bridge Parking Structure and upper Main Street. She is willing to look at new options for 2009 and PSSM will remain committed to sustainable practices. Ms. Erickson asked if vendors at the market have business licenses. Jewels Harrison explained that vendors are licensed through the MFL and are required to pay sales tax.

Ms. Erickson noted that she witnessed many cash transactions at the market and is concerned about the City losing sales tax dollars and market vendors competing with year-round licensed businesses. Ms. Kuehn stated that they are committed to ensuring benefits to the entire street in the long term as PSSM is in its beginning stages. She was pleased to meet consultant Karen Wikstrom who would have been helpful last spring to begin formulating an approach to produce an economic analysis. Ms. Kuehn stated that she will always put forth her best effort toward the vitality of the street and has personally visited with merchants who have expressed concerns about PSSM; she keeps in contact with them. Her background is in retail and she is happy to work with businesses on solutions; she is listening to people and good relationships have been established. Jewels Harrison relayed that Council asked them to build relationships and create a partnership with the HMBA which she feels they are doing. The Mayor invited public input.

Sandy Geldorf, HMBA, felt that consultant Karen Wikstrom could objectively identify trends on a regional basis which is something that the HMBA could not produce. With regard to changes to the application, impacts to types of businesses, like restaurants or galleries could be identified through a study. She felt that conducting a street study is helpful to identify the type of patron attracted to the market. Jon Weidenhamer added that staff is supportive of expanding the study rather than cramming it into a timeframe. A broader study may be beneficial in the long term.

Brad Olch, PSSM board member, referred to Ms. Erickson's comments on cash transactions. He felt that staff could perform the analysis internally or perform the study in the spring.

Jolie McTavish, Silver Queen Gallery, believes that the PSSM brings vitality to Main Street but her Sunday business is down 80% during the summer which is attributable to the market. One of her main concerns is that her customers can not find a place to park close to the gallery. People who come to the market do not buy anything at the Silver Queen Gallery. She favors doing an economic study. Mayor Williams acknowledged that the customers may be different but there are 750 free parking places downtown every day of the week. He didn't believe that PSSM patrons deter gallery customers from shopping on Sundays. In response to a question from Liza Simpson, Ms. McTavish stated that the gallery has been there for two years. She agreed that demographic groups are divided and some customers have stopped coming to the gallery on Sundays because there is no convenient parking. Jewels Harrison felt that the demographics in Park City is diverse which is a good thing Several artists this season sold high priced items, like paintings and metal artwork, and one of their goals is to provide something for everyone in the community.

Tim Helty, co-owner of Silver Queen Gallery, stated that his business was not down for the year and clarified that there is foot traffic on Sundays during the market but people are not interested in buying high end art. The concerns of businesses paying rent all year long should be considered. He requested that PSSM not operate on the Sunday of the Mustang Show which closes the street on Saturday. The market hurts their summer business on Sundays. He asked that the 15 minute loading zone beside the gallery be monitored during market days. Mr. Helty acknowledged that there is parking in the area but his clients like to park close to the gallery.

Joe Kernan asked the organizers if they have a plan to reach out to other demographic groups. Jewels Harrison explained that the Kimball Art Center has provided information to them on applicants who applied for participation in the Arts Festival as possible vendors. Kimberly Kuehn added that this represents a small percentage and the majority of artists involved with PSSM are from Summit County. One of the attributes of the market was creating a local community forum. Ms. Harrison discussed the importance of business owners communicating concerns and/or problems to them because they are committed to arriving at solutions.

Jim Hier stated that he appreciated Mr. Olch's comments but clarified that daily sales tax data is not available from the state so this information would have to be obtained through the business owner. This is the one of the reasons for considering hiring an independent consultant. In an effort to proceed, he suggested structuring some sort of an approval that would allow for modification of hours and perhaps vendor mix that would allow PSSM to begin working on 2009 plans. He felt that the study should be conducted now for the past two years and again next year, which would reveal information about extended hours. Parking should be addressed

Joe Kernan asked if the organizers could experiment on hours next year. Kim Kuehn explained that one of the reasons they submitted a 2009 application in October was to have the ability to process applications, sponsorships and contracts. Many vendors will not commit until they know the hours. She added that when the change in hours of 10 a.m. to 4 p.m. was proposed last year, the HMBA spoke about programming the rest of the street to provide pocket entertainment up Main Street. Mountain Town Stages was set up on only one of the 15 Sundays.

Mike Sweeney, HMBA member, board member of PSSM, and business owner, stated that the signs directing people to the China Bridge Parking Structure worked very well. This is evident by the significant drop in the number of parked cars in his parking lot in the market area from 2007 compared to 2008. He recommended that the study also look at other commercial areas on PSSM days, including Deer Valley, Park City Mountain Resort, and NOMA.

Alex Butwinski, resident, stated that there is confusion about why the City is paying for the economic study when it involves two other parties. He felt that expanding the analysis, as suggested by Mr. Sweeney, will increase the $10,000 cost dramatically. He questioned if this is a good investment.

Roger Harlan agreed that the study is not a *silver bullet* and felt that continued communications between the street and the organizers is more essential. He questioned the benefit of the study because everyone believes their concerns are legitimate and not everyone will be happy with the outcome. He stated that he supports a conditional approval as suggested by Council member Hier. The City Manager suggested that staff return with an operational plan addressing potential issues identified in the study which will likely relate to times, location and product mix. There may be something that the organizers are willing to do this year to address those concerns. If this can not be arrived at by November 20, then the license could be conditioned according to information in the study. Mr. Bakaly felt that the information will be general and it may be beneficial to address these issues now in an operations plan. In response to a question from the Mayor, the City Manager believed the study will likely determine whether the PSSM hurt or helped particular types of businesses, businesses in certain locations, and/or product purchases at certain times of day. The information could then be applied to develop a compromise. Mr. Hier agreed and added that he would look to the study to determine if PSSM is an overall positive, negative or positive with areas that could be addressed. He pointed out that collecting the data may take some time and the City Manager interjected that is why the MFL could be conditioned on the study.

Jewels Harrison understood that Karen Wikstrom would provide a snapshot of direct financial impacts and the study would not provide an overall picture. Kim Kuehn believed that anything beyond the scope of a snapshot would take much longer and not meet the January date. Max Paap pointed out that the 2009 PSSM application is the same as 2008 with hours from 10 a.m. to 4 p.m. and he felt the hours of operation will be an issue. The HMBA is likely to suggest different times and he didn't believe that the collected data will specify time of day for sales. Because of the meeting schedule, the Mayor suggested continuing discussion to a future date. He expressed confusion over what the study would tell us. Tom Bakaly explained that it would be a tool to help mediate conflicts and identify trends and in the meantime, the HMBA and PSSM could meet to discuss these areas of mutual concern and come up with solutions.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 30, 2008

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, October 30, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; Jeff Davis, Planner; Tamara Lindsay, Water Analyst; Kathy Lundborg, Water Manager; and Jackie Mauer, Planning Intern.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council disclosure - Joe Kernan disclosed that Talisker Corp is among his customers.

2. Steep slope criteria - Mark Harrington advised that last Wednesday the Planning Commission considered the steep slope criteria in historic zones; the ordinance is pending and would apply to applications received after last Wednesday. Pending ordinance doctrine does not stop accepting new applications; it just means that they are processed by the more restrictive of the two provisions at the time of application.

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

Recycling corrugated cardboard - Insa Riepen, Executive Director of Recycle Utah, explained the already voted-in ban of corrugated cardboard going to the landfill. She urged Council to think broader than regulating just commercial entities and consider residences because there are great alternatives.

Karin Tritt Ross, Park City Board of Realtors member, read a letter to the City Council from the Board which was also presented to the Summit County Commission to ban corrugated cardboard being dumped in its landfill. Tom Bakaly noted that the joint study conducted with the County contemplated the ban of cardboard for commercial businesses and Summit County has implemented this measure. Park City can only support the plan adopted by ordinance by Summit County and not enforce it. Ms. Riepen agreed but clarified that they would like the ban expanded to residences. The City Manager advised that Summit County would enforce the ordinance, but staff will return with other options for Council to support the effort.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 16, 2008

Roger Harlan excused himself from voting as he was not in attendance. Joe Kernan, "I move we approve the minutes of the meeting of October 16, 2008". Candace Erickson seconded. Motion carried.

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

V OLD BUSINESS *(Continued public hearings)*

Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR248 and US40 interchange in the Quinn's Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and approving a Water Agreement, and amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT) – The Mayor opened the public hearing and with no comments rendered, closed the hearing. He requested a motion to continue to November 13, 2008. Roger Harlan, "I so move". Liza Simpson seconded. Motion unanimously carried.

VI NEW BUSNINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance approving a subdivision plat at 2300 Meadows Drive, Park City, Utah – Planner Brooks Robinson explained that the Planning Commission is still reviewing the application and he requested a motion to continue to December 18, 2008. The Mayor opened the public hearing and with no comments from the audience, closed the hearing. The Mayor requested a motion to continue to December 18, 2008. Jim Hier, "I so move". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of a Meter Vault Repair Project Construction Agreement with Landmark Excavating, Inc., in the amount of $77,964, in a form approved by the City Attorney – Tamara Lindsey, Water Analyst, explained that the scope of work identified including 12 meter vaults and 28 residential meters that need to be replaced. Only one bidder responded, Landmark Excavating, but the City has used this vendor before and has been satisfied with its work. Ms. Simpson asked how damaged meters are read for residences. Ms. Lindsay explained that they are billed at the base rate which is another reason they need to be repaired so consumption is accurately reported. Discussion ensured about billing the property at an averaged usage rate. Water Manager Kathy Lundborg explained that in the past, customers were not back-billed because the City is

responsible for the maintenance of the meters. Customers will be notified of associated meter repairs. The Mayor invited public input; there was none. Candace Erickson, "I move we authorize the City Manager to execute a construction agreement in the amount of $77,964 in a form approved by the City Attorney to Landmark Excavating for the meter vault repair project". Joe Kernan seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving The Zaller Subdivision Plat amendment, located at 830 Empire Avenue, Park City, Utah – Planner Jeff Davis explained that on August 15, 2008, the City received a complete application for the subdivision where the applicant wishes to combine portions of Lot 14, 15 and a portion of the vacated Empire Avenue right-of-way into one lot of record to facilitate an addition to the historic home. The Planning Commission reviewed this matter on October 8, 2008 and forwards a positive recommendation; no public input was rendered. The Historic District design review and a conditional use permit application are currently under consideration. Liza Simpson understood that the Planning Commission added a condition regarding a construction mitigation plan. Mr. Davis clarified that the mitigation plan is actually associated with the conditional use permit which will be heard at the next Planning Commission meeting. The Mayor opened the public hearing; there was no input. Jim Hier, "I move we approve the Zaller Subdivision plat amendment based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance". Liza Simpson seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving the Elliot Grove Condominium Record of Survey Plat located at 544 Deer Valley Loop Road, Park City, Utah – Brooks Robinson introduced Jackie Mauer, an intern in the Planning Department since June. Ms. Mauer stated that on July 23, 2008, the City received a complete application on this project located in the RM zone. The applicant requests to convert the existing triplex into three separate condominiums and the Planning Commission forwarded a positive recommendation on October 8, 2008. There was no public input.

The Mayor opened the public hearing; there were no comments from the audience. In response to a question from Candace Erickson about building *partially* complying with the requirements of the RM zone, Ms. Mauer explained that in 1990 it was not built according to the plans, resulting in incompliant setbacks, but the conversion doses not increase the level of non-conformance. Liza Simpson, "I move we approve the Elliott Grove Condominium Record of Survey based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance". Roger Harlan seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None

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 2 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Environmental Manager; Kent Cashel, Deputy Public Works Director; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Liza Simpson "I move to close the meeting to discuss property and personnel ". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 3 p.m. Joe Kernan, "I move to open the meeting". Jim Hier seconded. Motion unanimously carried.

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, City Recorder

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