PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
OCTOBER 4, 2012

Present: **Mayor Dana Williams; Council members: Cindy Matsumoto; Andy Beerman; Alex Butwinski; Dick Peek; and Liza Simpson**

Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Matt Twombly, Project Manager; Jennifer Danowski, Performance Measurement and Budget Analyst; Myles Rademan, Leadership and Public Affairs

1. **Council questions and comments.** Ms. Simpson reported that during this past week she attended the Fire Board meeting, the Summit County Health Board meeting and with Jonathan Weidenhamer, Economic Development Manager, met with the Film Series Board in the same fashion council has been meeting with the other staple tenants in the building, meeting went well. Ms. Simpson also made a site visit to the Swede Alley sidewalk construction project and commented that it was looking great.

Andy Beerman relayed that he and Heinrich Deters, Trails Manager, took a group out riding from the Land Trust Rally a conference for Land Trust Administrators that was held in Salt Lake City this year. This was a great opportunity with 30 participants; our guys did a great job of guiding and were able to point out from ridge points all of the lands we've preserved. Mr. Beerman also attended the Summit Lands breakfast yesterday where Rand Wentworth, President of the Land Trust Alliance, spoke and thought it was a great event.

Dick Peek stated that he attended the Park City Chambers' Visitor's Information Center open house last night; he mentioned that the facility is beautiful with great views. The Chamber hopes to get various kiosks in there in the future.

Ms. Matsumoto thanked the street crew for the work on Main Street and wanted to know if there was a way to update and inform the Main Street businesses of work done by the street crew. Ms. Foster mentioned that an update would be possible. Ms. Matsumoto attended the Summit Lands breakfast and mentioned it was well attended and felt its guest speaker, Rand Wentworth was very interesting. She also attended the Chamber Visitor Open House and feels it's going to be a wonderful facility and looks forward to the addition of the kiosks.

Alex Butwinski attended the open house for All Resort Group which encompasses: PC Transportation, Lewis Stages, Sapphire, Premiere and Dial–a-Ride at its new location in the old ski team building 1500 Kearns Blvd. All Resort Group was able to present Friends of the Animals with a gift of $3,000 which represented $5 for each guest at the open house (600 guests). Mr. Butwinski also attended the Chambers' Visitor's Information Center open house and commented that the views were awe inspiring.

Mayor Williams reported that he also attended the Land Trust Alliance that was in Salt Lake City and appreciated getting an update. There are now 1,700 Land Trusts in the United States that they governed by the Land Trust Alliance. The Alliance was very complimentary of Park City; the Mayor was very appreciative of our group taking them touring of the area. The host of the conference was Summit Lands Conservancy with an opening dinner at the Salt Palace with as many as 700 guests. The Mayor commented on how encouraging it's been to see over the last twenty-five years how the Conservancy is used as a viable option not only for Open Space Preservation but also its use as a tool in preserving framing and agricultural ground.

The Mayor also introduced Clint Dayley as the new Liaison for the Mosquito Abatement Board. He mentioned that eight years ago one of the goals of the board was to progress to a point where the county was using an integrated pest control management philosophy. That philosophy has now morphed to a point where this current year is one hundred percent biological control with no phosphate poisons used at all; that this is a first in the twenty-five years in mosquito abatement in the county.

Mayor Williams stated that he had a conversation with Ralph Becker, Mayor of Salt Lake City about transportation plans. Mayor Becker would like to have a lunch meeting with Interim City Manager Ms. Foster, the City's Transportation Liaison Andy Beerman and Mayor Williams next Tuesday. Ms. Foster mentioned she would not be available at that time however Jonathan Weidenhamer will be the acting City Manager in her absence. The Mayor extended the invitation to Mr. Weidenhamer to join Mr. Beerman and himself.

The Wasatch Front is looking at its 20-30 year transportation plans, part of that includes Park City, Ski Link, ski resorts and Guardsman Pass. They have not heard from Park City on the same issue and this would be a good opportunity.

2. **Swede Alley Update.** Matt Twombly gave an update on the Swede Alley crosswalk project; it's been a few weeks since the project began; there have however been a few delays. There were 1-2 days of rain last week and a delay in getting the bricks that had been specified for the project delivered. Mr. Twombly mentioned storm drains and storm drain piping were added to the project up near Cisero's where a spring had appeared this past summer and could cause ice issues this winter if not repaired. The brick crews are on site now; the project has moved into the middle of the street by the Transit Center. The Mayor asked if traffic flow was down to one lane, Mr. Twombly replied that they were maintaining two lanes of traffic and wanted to continue this primarily for the busses by the Transit Center. Once they begin work at the intersection of Heber and Swede Alley, traffic will become tight especially for the busses. An alternate driving route for those in vehicles would be to use Main Street or Marsac during this timeframe. The contractor is on schedule and hoping to be out of the street with work complete by November 1, 2012.

3. Purchasing Policy – local preference. Jennifer Danowski stated that Budget was asked to look at the local preference stipulation in our purchasing policy. As part of their analysis they looked at the recommendations put into the policy; these would be changes made in the fiscal year 2012 budget cycle. They reviewed the past research to answer the reasoning behind the policy. They compared our policy to other local governments in and around this area; Midway, Heber City, St. George and other larger cities throughout the United States. The Budget Team spoke with different PCMC Managers to get their feedback on their experience in utilizing the local preference and how it was going. They looked at different alternatives and pros and cons to possibly looking at the alternatives further. After they completed the analysis staff felt strongly to keep the policy as it is. Managers like the policy; it provides the opportunity for them to make the best decisions when receiving different bids or quotes for proposals. Jennifer asked the Council if they have any questions.

The Mayor opened the discussion to questions from Council. Ms. Simpson commented that Jennifer's presentation was very thorough and very clear. Ms. Simpson's question was to City Attorney Mark Harrington regarding the verbiage in the policy: is there a reason why the policy states that the Manager *may* award as opposed to the Manager *will* award? Mr. Harrington mentioned that that was under the Service Provider section, a non-low bid - formal bid scenario. He mentioned no single criteria are often the sole manner that an RFP is awarded and they are more driven by expertise of need than place or locality or impact. The *may* leaves the door open to the manager to establish that as part of their selection criteria because it's relevant to the contract; there may be some where it's just not relevant, no perceived benefit. Ms. Simpson also stated that she was looking forward to seeing the *best practices* section; Ms. Danowski mentioned that it was currently in Legal being reviewed, that Budget did not want to send out a copy that was not fully approved; Ms. Danowski went on to state that that section is essentially a *how to* for those not familiar with the process. Alex Butwinski had a question regarding endorsing the *best practices* section and would like to review the section prior to endorsing.

Andy Beerman stated that he was a big fan of the process and felt that the City should walk the talk and lead the way in terms of supporting local businesses and would be willing to try Option C for a year. He further stated that there was some concern that it may scare people away or may cause pricing to come down. He thought this may be something the City may use in its economic development to attract businesses to town; give preference to businesses based in Park City.

Mayor Williams suggested that after Council Members had a chance to review the *best practices* packet they could have further discussion on it. Mr. Harrington stated that the City would want to do substantial fact finding in terms of record as well; the City cannot favor local preference just because they are local. There must be findings of economic and other benefits to give them a separate classification. Ms. Simpson added that since this policy has just recently been implemented she would not mind leaving it in place for the year; the Council can plan on reviewing again this next fall and get a better understanding of how and who's using it. Andy Beerman feels that being local should be a criteria; Ms. Foster interjected that every bid process she has been a part of being local there has been a criteria. Mr. Butwinski asked a question of Mr. Harrington regarding clarification of the *local preference factor.* Mr. Harrington stated that justification is needed in terms of the local economic benefit, the more you're giving that favor, the heightened criteria, the more you have to justify not going with something that's going to be perceived as a barrier to entry into your market or other constitutional challenges.

Ms. Matsumoto asked Ms. Danowski for clarification on the two types of contracts, the sealed bids and the professional services in terms of the scoring criteria and what is that process for selection? Ms. Danowski mentioned that the City does not have a set score card in terms of selecting the proposals because projects are so different from one another. The managers will select on the basis of importance and what will make a project successful, so the managers are given the leeway to score accordingly. Mr. Peek wanted to know if bids were a public process; Mr. Harrington said that it was.

Ms. Danowski mentioned that the staff recommendation would be that when looking at a professional services contract they need to be looking at *local preference* and how to appropriately account for it. Managers are very aware of the local preference issue and when they receive a local proposal they will focus in on it. Council would like to have a work session in the next few months after it has had a chance to review the local preference packet and discuss in detail what the City Attorney was explaining.

3. Myles Rademan PowerPoint presentation of City Tour 2012. Myles Rademan gave a PowerPoint presentation of the City Tour to Las Vegas and Brian Head. Mr. Rademan reminded Council and staff that the reason behind doing these trips has remained constant 1) look for innovative, best practices from other communities that are implementing interesting things 2) compare our on growth and development and amenities with the places that are visited 3) network with the individuals that are visited 4) share collective imaginations about what was learned and how to use it 5) strengthen our own sense of community; Myles Rademan stressed how important it is to get everyone to think outside the box 6) to have great fun. There were approximately 70 individuals participating in the tour this year.

He thanked our sponsors Lewis Brothers Stages and All Resorts Express that have helped us with transportation over many years. Mr. Rademan proceeded with the slide show with comments from council and staff. Las Vegas was an interesting model for the city to look at; they like Park City also base their lifestyle on resort economy. He discussed what Las Vegas has done to revitalize sections of their city. Our group had many opportunities to meet with their city employees, mayor, and managers. The City Manager and the Economic Development Director discussed the differences between the city and the county and how they felt they missed opportunities to work with each other. Las Vegas bases their economy on tourism and gambling although they feel that the city needs to diversify: Zappos has moved into the old city hall and will be investing

$350 million in addition to what they need to renovate the building, support startups, supporting restaurants and bar; numerous lots were identified as redevelopment, Smith Center for Performing Arts which was a $450 million investment. These are the things the city of Las Vegas felt they needed to do to attract the creative class. Myles Rademan mentioned the visit to Hoover Dam and how very interesting the tour was.

Brian Head was the next stop on the tour. Brian Head is having a tough time with so few people living there; they have great hiking and mountain biking; the views are beautiful. The City Tour group met at Brian Head and created a debrief report. The report was given out to Council Members and staff and is available to anyone interested in reading the group's comments and observations. A few of the things mentioned in the report is that Park City and the county may want to look at: youth and excitement, developing entrepreneurial culture, businesses working more with the private sector, the group talked about a sense of urgency that we're all very comfortable these days and do we need to look at the next steps, promote more things happening here, are we doing enough in the Historic Area, water conservation, better relationships between city and county.

Myles Rademan continued with more items mentioned in the debrief report. He also presented this PowerPoint to the Park City Chamber Bureau and will be presenting to the two Rotary Clubs. The Mayor mentioned that there is the younger group with advanced degrees coming back to make a living here. Also, ten years ago the community was looking at Park City as being only in the resort business and that is changing. He commented that the senior market is another area the City needs to look at; more senior groups are coming out during the summer season and staying longer.

Mayor Williams felt that the City Tour was a phenomenal trip, with the water conservation discussions being one of the most interesting. Ms. Matsumoto made comments in regard to the debrief; that the leadership class mentioned a few times that the City needed to do more re-development etc. She felt that they weren't aware of what the City has done and currently doing; that there should be a way to inform them. Myles Rademan mentioned that in the past the Leadership Park City 101 class would schedule a day where the class was toured around town with County and City planners pointing out what City/County projects had been completed and what was presently being worked on; many felt that wasn't the best use of time. Myles Rademan would like to do more, although he didn't know if there would be an audience for this. Mayor Williams and council agreed that this would be very interesting to explore, could we do more? Ideas were discussed as to how to move forward on this. Ms. Foster mentioned that staff could come back with several options as to how to move forward on this. Ms. Simpson thought a mechanism to get the information out to the Leadership participants would be something to work on. Mr. Beerman was very appreciative of Myles Rademan and was amazed at the access he has to the hosts of the different places they visited; very much enjoyed getting to know many of the class members, additionally believes that Park City is on the right track, could pull ideas from other cities but that Park City has created a great infrastructure. Myles Rademan mentioned that a new Leadership class had been selected and that the new class will be announced next week. Mayor Williams thanked Mr. Rademan and adjourned the work session.

Prepared by Jody Morrison, Assistant City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 4, 2012

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 4, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present were Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Roger McClain, Water Engineer; Sayre Brennan, Engineering; and Mathew Evans, Senior Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no comments.

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

Mayor Williams invited public input.

1. Requested investigation - Jeff Love, a resident of Park City residing at 615 Woodside Ave, and the property owner of 811 Norfolk came forward to give input. Mr. Love stated that his plat amendment approval had taken place the previous week; he also stated that he had requested twice to have his application process be independently reviewed by City Council, however this has not happened as yet. Mr. Love mentioned a letter that Mayor Williams had previously read to Mr. Love stating that the City Council was going to decline investigation because Mr. Love failed his burden of proof. Mr. Love mentioned that he did not understand how he could have failed when he had not been given the opportunity.

Mayor Williams indicated an e-mail had been sent to Mr. Love's attorney that referenced this matter; Mr. Love stated he had not checked his e-mails and had not heard from his attorney due to it being the end of the day. Mr. Love mentioned that he had been involved with this matter since June of 2010; since that time he had spoken with both Mayor Williams and Ms. Simpson often up until the lawsuit; he further stated that from the beginning he mentioned he felt what was going on was political corruption or discrimination or both.

Mr. Love would still like to have the investigation take place; he mentioned he would be in town next week and requested that he have the opportunity to speak with and convey his issues to City Council to have this matter independently investigated. He would like to resolve this issue in house. Mayor Williams responded that his preference would be to discuss this tomorrow; that Mr. Love and his attorney had been notified earlier today and the two of them needed to look at that.

Mr. Love felt as though he had been kept in the dark. Ms. Foster interjected that because a complaint had been filed the City is required to follow the law, that his attorney had been communicated with and the City will handle things appropriately.
Mr. Love mentioned how disappointing it was that his previous two requests had been denied and that he would like to have this handled in house.

Ms. Foster mentioned that Council and the City take this very seriously; part of his perceived lack of response by the City is because the City is being very careful to honor the process and because he had filed a complaint. Ms. Foster stated that this is simply a reflection of the process and the statute. Mr. Love expressed that he would still like to meet with Council.

2. Proposed Land Management Code amendments - Jim Tedford, representing Preserve Historic Main Street, relayed that he has concerns about the process in regard to changing the requirements for Master Planned Developments (MPD) and how it applies to the Kimball Art Center proposal. The group feels it's a bit confusing that some people seem to think the Land Management Code (LMC) should be altered to accommodate the Kimball Art Center. He referenced some of the proposed language changes in the staff reports, they realize these changes have not taken place that his group is just trying keep their eye on things. He referenced some of the proposed changes in the LMC: quasi-public institutions; eliminating two or more zones, open space specifically roof top gardens and changes in fee or fee in lieu of open space.

Mr. Tedford referenced the staff report of August 23, 2012, the vision statements and the General Plan specifically. Mayor Williams asked for clarification as to what staff report, one given to the Planning Commission or one received from the planning staff? Mr. Tedford responded that it was a staff report from the planning staff to Council. He felt that a few statements in the report were not true. One pertaining to the Historic District Design Guidelines, and one regarding the vision statement in the 2030 plan. He questioned the clarity of the vision statement and where it was intended to be going.

Mayor Williams clarified that the vision statement, the 2030 plan, did not originate with the Council it was an acumination of a year of vision from the constituents in Park City as their vision. Mr. Tedford feels that the core elements were not correctly represented primarily the historic culture.

Mayor Williams then asked if there was any other Public Input, there was none.

IV CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

1. Consideration of a Professional Services Agreement, in a form approved by the City Attorney, with Hansen, Allen & Luce, Inc. for the Water Conveyance - 2013 Pipelines Project engineering services in the amount of $123,000 - and

2. Consideration of a construction agreement for the replacement of a water level control structure at the Park Meadows Golf Course Pond with Lyndon Jones Construction in a form approved by the City Attorney and in the amount of $38,120
Andy Beerman, "I move we approve the Consent Agenda". Alex Butwinski seconded the motion. Motion unanimously carried.

V OLD BUSINESS

1. Consideration of Real Estate Purchase Contract with Green Park Co-Housing LLC for the purchase of 1450 and 1460 Park Avenue in the amount of $400,000, in a form approved by the City Attorney – Dick Peek, "I move to continue to a date uncertain". Liza Simpson seconded. Motion unanimously carried.

2. Consideration of the Ridge Overlook Subdivision, located approximately at 200 Ridge Avenue, Park City, Utah – Planner Matt Evans wanted to convey to the Council that the applicant was not able to attend this City Council meeting. Mayor Williams questioned if the applicant was aware of his being on this agenda. Mr. Evans stated that the applicant had been informed of the agenda and had been forwarded the staff report although the applicant replied he had not received them because he was presently working out of state. Mr. Evans would like Council to move this item to a date uncertain. Mr. Peek wanted to know if this item was legally noticed, was the application about to expire or reaching a deadline. Mr. Evans stated that this items was legally noticed and was not going to expire although if the applicant does not take action the application will expire at some point.

Mr. Peek wanted to know if there was a set of LMC provisions he was trying to maintain by keeping the application active. Mr. Harrington, City Attorney, stated that the application is in the process and is subject to the current code and it's merely a continuance. Ms. Masumoto suggested that it should not be assumed an applicant has received correspondence if confirmation had not been made. Ms. Matsumoto would feel comfortable granting the continuance to a date uncertain. Ms. Simpson questioned Mr. Evans as to why the Council would move this item to a date uncertain when it appeared as though the applicant wanted to be heard in the next few weeks. She also mentioned that the staff report was complete and ready to go, why wouldn't we continue it in the next two weeks. Mr. Evans stated that he was not comfortable with a continuance in the next two weeks explaining that the applicant could not be certain as to when he was coming back to town. The Mayor asked Mr. Harrington if Council should request if there was any public input on this item. Mr. Harrington stated that typically from a due process perspective having everyone here so there is response back and forth would be preferable. The Mayor asked if there was any other discussion on this item or if there was a motion to continue to a date uncertain. Mayor Williams requested a motion to a date uncertain. Cindy Matsumoto, "I so move". Alex Butwinski seconded the motion. Motion unanimously carried.

VI ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting. Wireless internet service is available in the Marsac Building on Wednesdays and Thursdays from 4 p.m. to 9 p.m.

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3:30 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek and Liza Simpson. Staff present was Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Economic Development Manager; and Jason Glidden, Marketing Manager. Andy Beerman, "I move to close the meeting to discuss personnel, property and litigation ". Dick Peek, seconded. Motion carried. The meeting opened at approximately 4:20 p.m. Dick Peek, "I move to open the meeting". Alex Butwinski seconded. Motion unanimously carried.

Prepared by Jody Morrison, Assistant City Recorder

Jody L. Morrison, Assistant City Recorder