PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 23, 2010

Present: **Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Linda Tillson, Library Director; Jasmina Jusic, Adult Services Librarian; Pat Ball, Library Board Chair; Chris Youngblood, Library IT Analyst,

1. Council questions/comments. Candace Erickson commented on the progress of the Holiday Ranch Road project which is going very well. Alex Butwinski attended the HPCA and the Planning Commission meetings. The Park City Heights MPD was reviewed and he believed a lot of progress was made. Joe Kernan commented on business discussed at the interagency meeting which was held during the week. He distributed a written request for information on the pay plan which is scheduled for discussion on October 14.

Cindy Matsumoto suggested holding a briefing on the Bonanza Drive reconstruction to discuss things learned from the project which can be considered for future construction projects. Mayor Williams commented on the City Council responding to requests from the district on phasing, so rather than completing the project in one year, it was a two year inconvenience. He congratulated the IHC Hospital on its first anniversary.

2. Library Annual Report and Facility Needs Committee Report. Linda Tillson introduced staff and board members in attendance. Chairman Pat Ball relayed statistics detailed in the Annual Report dealing with increased use, collection growth, and distribution of Summit County student cards. Yasmina Jusic, Adult Services, described the popularity of exhibits displayed during the year. Four basic computer classes were offered and although turnout was not great, she felt attendees benefitted from learning these basic skills. Ms. Jusic suggested offering classes at different times of the day to encourage better attendance and discussed survey feedback from the public.

Chris Youngblood described a *real time inventory* approach which can be applied when the Library is open. The inventory project began in February and is close to being completed. The Library quarterly newsletter is new and the first issue was introduced on-line in June. Linda Tillson described some Youth Programs conducted by Heather Reynolds who is out of town this week. Liza Simpson suggested that the Library newsletter be added to the e-notify feature on our website. Ms. Matsumoto asked the purpose of the inventory and Ms. Youngblood relayed that it appears this was the first inventory ever conducted. Often missing items are found. Alex Butwinski felt the statistics page in the report is well done and helpful.

Ms. Matsumoto asked if other cities identified in the comparison are part of library systems. Ms. Tillson relayed that Aspen is in a county system and Steamboat and

Telluride are in library districts serving a larger population. The library most like us is Vail because it is a city library. Park City's low number for books checked-out per capita by comparison was discussed. Joe Kernan pointed out that Park City Library's statistics are more important to him than comparisons and a cost per user would be helpful for him. Liza Simpson suggested that the report be refined so that comparison information is *apples to apples*, especially since this information may well apply to future discussions on service levels.

Ms. Tillson stated that an expansion to the Library was done in 2004 which was expected to meet the public's needs for seven to nine years. In 2008, the Library Board formed a subcommittee to analyze the issue and to survey the community. The survey revealed that the community likes the current location and 82% of the public wants hard copy books. A staff committee was also formed who worked on actual statistics of library use, physical measurement of the collection, etc. She described the method for measuring the library collection to estimate growth.

A Library expansion into the second floor space, depicted on the concept drawing, would likely meet needs until 2020 based on current projections. She addressed suggested changes to the first floor including moving the public meeting room to provide better access to the public, freeing up the children's area for more books and relocating the cataloging and processing function to the second floor, providing needed storage space. She referred to a concept for the use of the second floor and a redesign to maximize space and accommodate more uses. The outdoor reading plaza is a wish list element and not incorporated in this plan. The Mayor asked about the availability of the Museum storage area and she indicated that the Historical Society has a lot stored there.

Alex Butwinski commented that that is very valuable storage space. He suggested delaying expansion for one year because of other competing priorities and waiting one year would not be impactful in his opinion. Prioritizing staff time and service levels should be addressed first. He felt that as a practical matter, the money is probably not available to design the project so why invest the time now. Liza Simpson agreed with waiting a year but for slightly different reasons. She felt a broader analysis should be conducted of what the building should ultimately be. Reciprocal borrowing should continue to be explored as well as regional systems. Ms. Simpson stated that she is supportive of expanding the Library and using all of the building, but would like to look at this from a long-term perspective. She agreed with Mr. Butwinski that staffing and service level discussions should be completed before considering the Library expansion.

Cindy Matsumoto believed that the current tenants can find other space and storage, and is concerned about Sundance, especially now that the Racquet Club is not an option. For this reason, it may be a good idea to wait a year or perhaps Sundance could be programmed into the new design. Joe Kernan expressed that he would like to learn about the capacity of areas and levels of capacity for each of the areas. He agreed that it is important to consider County resources in any discussion and the *whole building* discussion is a good one. He is also interested in what types of uses and services might be displaced and the technology available to maximize space while accommodate growing collections. He felt the size of the collection should relate to the number of check-outs or some other variable and information on patron satisfaction should be considered. Mr. Kernan stated that he is comfortable delaying the project for a year as service levels need to be examined first.

Candace Erickson expressed her support of the Library occupying the whole building with the auditorium remaining available for events. At some point, all of the space will be needed as hard copy books remain to be in demand. She felt it will be necessary to expand the computer area. Unfortunately, there are no discretionary funds available this year but Ms. Erickson felt that shelving should be purchased if it is feasible to accommodate more of our collection in the current space. Ms. Tillson pointed out that the pillars and ADA requirements limit space but shelving may be able to be installed in the display area. Ms. Tillson relayed that construction is roughly estimated at $628,000 and architectural services at $62,000. Ms. Simpson reiterated her desire to look at the whole building.

In response to a comment from Cindy Matsumoto, Linda Tillson indicated that she spoke with Sara Pearce of Sundance recently about the potential of using the relocated meeting room by the main entry which could be blocked off during the Festival for exclusive use. The third floor is most convenient and of most interest to Sundance. Ms. Matsumoto asked that plans for Sundance be worked on and to be conscious of the timing of the construction.

Alex Butwinski emphasized that valuable and useful space for the Library is being used for storage by the Historical Society. There was a huge addition to the Museum and it seems reasonable to ask them to find other storage space. Linda Tillson advised that the storage lease expires after 2012, but is not sure of the exact year and Ms. Matsumoto understood that they are currently looking for storage space. In consideration of the project delay, Tom Bakaly suggested short term extensions on existing leases to 2013 if the tenants are willing. He indicated that funding for this project is not identified in the upcoming budget and the work session is intended to introduce members to this potential project.

<u>Planning Commission interviews</u> – Members interviewed applicants Charles Neal, Elizabeth Shaffer, Mark Walker, Roger Armstrong, Mick Savage and Julia Petit.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 23, 2010

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, September 23, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Dave Gustafsen, Project Manager; Matt Twombly, Project Manager; Max Paap, Special Events Manager; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Expanded Transit Center Project – subcontractor payment issue - Dave Gustafsen, Project Manager, reported that the City has filed a notice of claim to the bond company and Jacobsen in regard to outstanding payment due some subcontractors because of contractor Matt Stevens not meeting his obligations and leaving the job.

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

Protecting Old Town - Mary Wintzer, 320 McHenry Avenue, referred to the significance of the Rossie Hill subdivision and rezone which occurred last week. She noted that people value Old Town and she spoke about the history of the application restricting properties from being subdivided. Last week, four properties on Rossie Hill were down-zoned by allowing only one house per lot and restricting size. The residents felt that quality of life is why they live here and they desired to exert their power to protect the neighborhood. In her opinion *less is more* and open space and gardens make their land just as valuable as density. Maximization is a practice that must stop if Old Town is to survive. Last week was a victory for Old Town and a score for Park City's sustainability. The neighborhood is hoping that other citizens will follow.

IV SPECIAL MEETING NOTES OF JOINT MEETING WITH THE HISTORIC PRESERVATION BOARD ON JUNE 15, 2010

Liza Simpson, "I move we approve the minutes from the special joint meeting with the HPB". Candace Erickson seconded. Motion unanimously approved.

V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of a construction contract with Alpine Trails, Inc. in the amount of $42,800, in a form approved by the City Attorney – Matt Twombly explained that the proposed Armstrong Trail is approximately four miles long connecting Silver Spur development through the Armstrong Parcel up to the Mid-Mountain Trail. The trail will

help alleviate some of the heavy use on the Spiro Trail, adding a second connection. He pointed out that this is part of a greater connection to Porcupine Ridge at a future date. He clarified the location and degree of difficulty of the trail. The Mayor invited public input; there was none. The project is contemplated to begin this fall. Alex Butwinski, "I move we proceed with the Armstsrong Trail Project and authorize the City Manager to enter into a construction contract, in a form approved by the City Attorney, with Alpine Trails in the amount of $42,800". Cindy Matsumoto seconded. Motion unanimously carried.

2. Consideration of a Master Festival License for the Viper Owners Invitational "11" to be held on Main Street on October 1 – 2, 2010 – Max Paap referred to his staff report and explained that the application is for a car show of roughly 125 to 150 Vipers on Main Street on Friday and Saturday. There is more interest in Vipers this year as this is the last year of production and National Geographic will be covering the event. He discussed a cooperative Main Street gift card program for participants. This is being reviewed as a master festival license because of the request for amplified music, attraction of large crowds, partial street closures, and use of City property. The Mayor disclosed that his band is performing at the event. Organizer Rob Walsh added that every participant will receive a booklet detailing all of the restaurants on Main Street.

Andy Beerman, HPCA, stated that the membership feels this is a good event because it is an off-season attraction and because the organizer is providing pre-purchased gift cards for Main Street businesses.

Liza Simpson felt the duration of the event seems appropriate. Max Paap commented that the display will be south of 5th Street so there is parking and circulation on the rest of Main Street. Mr. Beerman indicated that he has not heard any negative feed-back from businesses. The Mayor opened the public hearing; there was none and the hearing was closed. Candace Erickson, "I move we approve the Master Festival License for the Viper Owners Invitational "11" to be held October 1 and 2". Joe Kernan seconded. Motion unanimously carried.

3. Consideration of a modification of the contract with Summit Land Conservancy to provide a Letter of Credit to the Summit Land Conservancy in an amount of $40,000, in a form approved by the City Attorney – Tom Bakaly pointed out that SLC is the steward of the City's conservation easements and included with its obligations is maintenance and monitoring. The stewardship requires a legal defense fund. The City currently pays $48,000 annually for the first part of the monitoring and the baseline work. SLC is working on obtaining its accreditation from the Land Trust Alliance and a requirement is that a legal defense fund for easements that are held is established. He relayed that staff struggled with the potential of the fund being used to sue the City and the Legal and Finance Departments are recommending denial. Accounting practices with regard to letters of credit varies in the private and public sectors as the City is required to encumber the funds. Mr. Bakaly believed the accreditation of SLC may increase its ability to raise funds for conservation easements. Funding for a legal defense fund will

come from open space monies. The letter of credit would only be used if the City was sued and if there is Council's support, ratification will occur next week.

Mark Harrington stated that no one is disputing the need for a legal defense fund and it is in everyone's best interest to secure the public's trust by protecting these lands. His angst is twofold. The Council should be very aware of what it is doing and he illustrated his point by reading an excerpt from the Clissold conservation easement agreement *the cost of such corrections, including Grantee's (SLC) expenses, court costs, attorneys fees shall be paid by the Grantor (City). In the event Grantor is found not in violation of this agreement, then Grantor's attorney's fees shall be paid by Grantee.* He emphasized that payment of legal fees is coming from the same source, the taxpayers. He stated that all open space is not equal and conservation values are not the same in every easement. There may be disagreements over the degree of use by SLC or other groups. The concept is pure, in terms of SLC's enforcement ability, but it is complicated.

Liza Simpson suggested that when the City purchases open space, funding be set aside for monitoring costs. Cheryl Fox, Executive Director, pointed out that the accreditation requires that monitoring costs and the legal fund be separated out. Renewal of the letter of credit was discussed and the option of giving SLC cash. Mark Harrington added that stewardship is a service Council has requested and paid for and members should be conscious of changing the cost to facilitate a third party demand for accreditation.

The City Attorney added that there are also issues relating to the condemnation process and valuations. There is no value in the transaction between the City and SLC because the density was already gone but for instance, if the Air Force condemned an easement property to build a hotel, the value of the land should go to the citizens open space fund to reimburse the purchase but not also to SLC. He feared that there is not a meeting of the minds on this issue. Discussion ensued on best practices for SLC. Mr. Harrington stated that the bond language details uses and although the goals of the City and SLC may appear to be the same, the properties involve millions of dollars and an opportunity for a disconnect is very real.

In response to a question from Alex Butwinski about paying SLC in cash, Mark Harrington recommended a change order to the monitoring agreement or a separate agreement. Cheryl Fox interjected that the award could be conditioned for the legal defense of solely City-owned easements. She stated that the LTA has never seen a letter of credit as a funding mechanism for a legal defense fund and SLC is hoping it is acceptable.

Liza Simpson commented that if the City decided to pay cash at $3,000 per easement, the total would be lower than $40,000. Ms. Fox explained that the LTA has a minimum of $3,000 per easement if there are more than 15 easements in a pool. SLC has 19 easements and after the pool is established, the money can be used to defend any easement. The City has 10.5 easements. If SLC were seeking to fund this simply on a cash basis to meet the minimum requirements for 19 easements, it would need to demonstrate $57,000 in a legal defense fund, available for defense of any of the 19 easement. The LTA stipulates that if there are 15 easements or fewer, there needs to be a minimum of $50,000. Ms. Fox acknowledged the challenges in this accreditation effort but expressed the importance to be as professional and effective as possible. The legal fund has been the biggest hurdle in the process and she is hopeful that LTA will accept a letter of credit. Tom Bakaly clarified that if Council agrees to pay $40,000, the funding will relate only to the City's conservation easements.

Cindy Matsumoto felt that accreditation is valuable for SLC and it is reassuring to our citizens who want more open space. She is supportive of either the letter of credit or cash donation. Joe Kernan preferred cash because there is the benefit of interest but does not support approving the funding. He discussed the potential for disagreements over interpretation of use. Ms. Fox explained that LTA looks at everything, including the ethics of a group and ultimately SLC is bound by the terms of the conservation easement. This is a joint process negotiated between both parties. Mayor Williams felt it critically important that SLC has a legal defense fund and the whole reason for SLC is to provide checks in the system, acknowledging that it is a complicated matter. Tom Bakaly stated that if Council approves the funding, it could be contingent on accreditation.

Candace Erickson stated that she hates the context of the award, but agreed that it provides protection and a check and balance. All other land owners are required to do this and the City should not be treated differently. Ms. Simpson stated that the City is simply paying for the accreditation and nothing more. Mr. Kernan expressed that the City's intent is to protect the land is demonstrated by placing it in a conservation easement and he felt potential disagreements will be on degree of use. Ms. Matsumoto again discussed the benefits of accreditation and spoke about potential changes in leadership and the City's relationship with SLC in the future. Liza Simpson reiterated that the City will not receive extra protection or other services for City-owned conservation easements because of the additional funding.

Mark Harrington stated that it may be possible that an alternative funding mechanism is identified and acceptable to the LTA accreditation panel. Ms. Simpson suggested that this comment be included in the agreement and Ms. Fox pointed out the benefits of a letter of credit to the City.

Liza Simpson, "I move that we authorize the City Manager to issue a letter of credit to SLC in the amount of $40,000 and that in that agreement two stipulations be made: (1) that the letter of credit is not formalized unless accreditation is received, and (2) if a future funding mechanism is found that is acceptable to Land Trust Alliance, that the letter of credit will be withdrawn". Joe Kernan seconded. Cheryl Fox pointed out that the City could decide not to renew the letter of credit at a time of pending litigation and SLC would have no legal defense fund. Motion unanimously carried. The City Manager stated that an agreement will return to Council next week memorializing the action tonight and a letter will be sent to LTA on behalf of SLC tomorrow.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII 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 7:15 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Joan Card, Environmental Regulatory Affairs Manager; Tom Daley, Deputy City Attorney; Thomas Eddington, Planning Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss personnel, property and litigation". Candace Erickson seconded. Motion carried. The meeting adjourned at approximately 8 p.m.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder

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