PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUTY, UTAH
AUGUST 23, 2012

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Director; Nate Rockwood, Capital Budget, Debt and Grants Manager; Tyler Poulsen, Environmental Sustainability Manager; Bret Howser, Strategic Initiatives Manager

Mayor Dana Williams announced that Council questions/comments and the 2030 Long Term Strategic Plan would be discussed during the regular meeting at 6:00 p.m.

Tricia Lake, new Assistant City Attorney, was introduced to the City Council. Ms. Lake came to Park City from Wasatch County, where she served as the Chief Prosecutor for seven years. Ms. Lake provided a brief background of her professional experience.

1. Resort Communities Sales Tax ballot language. Nate Rockwood, Capital Budget, Debt and Grants Manager, explained that on June 28, 2012 Council passed a resolution for the Resort Community Sales and Use Tax of one-half of a percent and authorized Staff to take the necessary steps to place it on the November 2012 ballot. Staff had reviewed the timeline and ballot language with the County Clerk and now sought final direction from City Council on the ballot language. He noted the report indicated it would be a "yes" or "no" question; however, the Staff was leaning towards a "for" and "against" ballot question. The proposed language reads: *"Shall Park City, Utah be authorized to levy an additional resort community and sales use tax in the amount of .5%, one-half of a percent, for the general purpose of funding capital improvements projects and open space acquisition."*

Council Member Andy Beerman questioned whether the term "general" was appropriate because the money was dedicated to capital and open space, as opposed to operations. City Attorney, Mark Harrington believed the word "general" provided increased flexibility and recommended that it remain in the language. He recalled that Council agreed that the tax would be generally used for the purposes of capital improvements and open space; and that intent was very clear. If the Council preferred otherwise, he would need to research it further to understand future ramifications.

Council Member Liza Simpson thought it was important to keep the question as simple and straightforward as possible. As an example, using the word "general" in the bond language would give them flexibility to use the money for a conservation easement rather than open space acquisition.

Council Member Alex Butwinski believed the phrase in the second paragraph of the Staff report, "…used for, but not limited to, the following capital projects…" could be

interpreted in several ways. He asked if it was not limited to the capital projects listed, or not limited to capital projects. He understood that the Council wanted to present a positive case as a reason to support the .5% increase. Council Member Simpson pointed out that language in the same sentence states, "…and other capital improvements projects as determined appropriate." Council Member Butwinski agreed that it addressed capital improvements; however, he was not convinced that it conveyed the confidence they were looking for. Mr. Butwinski was not opposed to the language as written, but he thought Council Member Beerman had raised a good point.

Council Member Beerman was concerned that the term "general purpose" conveyed that the general purpose would not be capital projects. City Attorney Harrington suggested revising the language to, "*primarily for the purpose*." Council Member Butwinski felt that was a better description of the intent. Council Member Beerman preferred to strike the language completely, but he was comfortable with the revised language.

The language was revised to read, "…for the primary purpose of funding capital improvement projects and open space acquisition."

Council Member Matsumoto asked about the "con" statement referenced in the Staff report. Mr. Rockwood explained that per the Code, if a member of the public notifies the City before the election that they would like to submit a con statement, that notification must be submitted in writing 50 days prior to the election, which is then forwarded to the County Clerk. If multiple statements are received, the Code specifies the order and process for how statements are selected.

City Attorney Harrington stated that it was good public policy to have a balanced approach and encouraged the City to actively solicit someone to write a con statement. Mr. Rockwood noted that a Friends Group was writing a pro statement.

2. Mid-year Environmental Update. Tyler Poulsen, Environmental Sustainability Manager, noted this update provided an opportunity to review and discuss some of the projects in the environmental realm.

Mr. Poulsen provided an update on the Low Carbon Diet community program launched in 2011. The program targets households and the primary activities that make up a household's carbon footprint. Park City's program is extensive and offers a broad spectrum of action items which allows participation by diverse audiences. He noted the ParkCityGreen.org website was the primary source for communicating the program, although they presented the program to over 1,000 individuals through 56 community events. Thirty-three households have reported a total reduction of approximately 320,000 lbs. of CO2, the equivalent of removing 320 vehicles from the roads. Staff felt

the program was working in terms of its ability to induce change. At the suggestion of Mayor Williams, Mr. Poulsen agreed to work with the Building Department to obtain listings of homeowners association in the community. In response to Council Member Dick Peek, he was unsure what dollar amount of savings could be attributed to the reduction of consumption.

Mr. Poulsen stated the Municipal Carbon Footprint has been tracked since 2007. In 2009 Council set a goal to be 12% below the business as usual trajectory based on projects that were anticipated to be completed before year-end 2012. The footprint covers energy used in buildings, water operations, vehicle fleet and buses, waste generated from municipal facilities and parks and the employee commute. He reported that building energy had remained steady; there had been a slight decline in water infrastructure due to efficiency gains and a small decrease in overall consumption. Since 2008 the only significant upward trend was with vehicle fleet and transit buses. Major facilities that came on line in late 2011 and early 2012 would have a significant impact on the downward trajectory. Staff proposed completion of an updated professional assessment of all facilities, utilizing funds remaining from the Johnson Controls project budget**.** Council members were comfortable with the Staff proposal to use the remaining funds to conduct a professional assessment and directed Mr. Poulsen to move forward with the assessment.

Solar Energy Installations have been placed atop City Hall, the Ice Arena, Creekside Park restrooms and the Snow Creek Affordable Housing project. Installation at Police and Public Works will be completed in 2012. He explained the City was part of a Coalition of Local Governments and Organizations in Northern Utah looking to advance solar energy, access to solar, and reducing the soft costs of solar power. Targeted areas include: building permitting and inspections; planning and zoning; financing options; and interconnection with the grid and relationship with Rocky Mountain Power. He noted that Park City had been a leader with building permit fee waivers for renewable energy projects and Staff sought direction from Council on whether to extend the fee waivers, which are set to expire at the end of 2012, through year-end 2013. Council members directed Mr. Poulsen to move forward with a resolution adopting the extension.

Mr. Poulsen explained that Green Building Certification was raised during a recent City Council meeting. Council's current policy is to allow for up to 4% of a total project cost premium on City projects that can go towards green and sustainable measures. The City references LEED standards when building City facilities, but does not obtain program certification. LEED standards typically save energy and result in improved occupant comfort; however, the upfront cost is the primary barrier for doing a LEED certified building. Mr. Poulson explained that the Energy Star rating was an alternative to LEED and there are no costs to apply or certify buildings with the Energy Star rating.

Licensed engineers or architects were required to sign off on the evaluations. Ratings are based on building performance taken from data collected over a twelve-month period and ratings can be applied retroactively to facilities that perform in the top 25%. Staff recommended moving forward with Energy Star assessments of major facilities and to not pursue LEED at this time. The City could continue to maintain the current policy of following LEED standards and assess pursuit of LEED certification for new construction on a project by project basis.

Council Member Simpson referred to the wide range on the hard costs for LEED projects and asked if they would be able to dial in the number when considering upcoming capital projects. She believed a more accurate number would help them make decisions on the direction of each of these projects in the future. Mr. Poulsen replied that the hard costs number could be dialed in on a project by project basis.

Council Member Peek asked about the hard and soft costs for Energy Star. Mr. Poulsen stated that with Energy Star, no one involved in the actual construction of the project needs to be Energy Star certified, and there is no preliminary criterion to get on the Energy Star track. The reason for sign off by a professional architect or engineer is to certify that the 12 months of utility data was accurately collected.

Council Member Beerman remarked that if projects such as the MARC were built to LEED standards, they would have avoided the soft costs by not pursuing the LEED certification, but they would still have incurred some of the hard cost within the 4% premium allowed under City policy. To what extent and how much would be a good analysis to look at.

City Council directed Staff to move ahead with the Energy Star assessment.

Mr. Poulsen noted that Carpool and High Efficiency Parking was brought to the City Council in May 2012 in conjunction with signs that were added at the MARC for carpools and high efficiency parking. Council inquired as to why these signs did not exist on other City facilities and Staff has returned with a proposal to install carpool and high efficiency signs at City Hall, the Ice Arena, and the Library. The Staff recommended a combined sign for both carpool and/or high efficiency vehicles. He explained that signs rely on the honor system. Council directed Staff to move forward with recommended signage for carpool and high efficiency parking.

Mr. Poulsen stated the Environmental Heroes Award was launched in 2010. Andy Beerman and Thea Leonard, Treasure Mountain Inn, were the original and only recipients to date. Staff recently received nominations for two new local Environmental Heroes and would like direction from the City Council on whether to award another Environmental Heroes Award in 2012. In terms of elected officials, Mayor Williams and

Council Member Matsumoto were the representatives on the first selection committee and the Staff asked if the Council wanted to keep those two involved or have other elected officials on the committee. Council directed Staff to move forward with the Environmental Heroes Award for 2012. Mayor Williams and Council member Matsumoto would remain on the selection committee.

3. Old Town Height Discussion – Kimball Arts Center. Mayor Dana Williams explained the discussion would focus on whether the Kimball Arts Center project should be looked at as a Master Planned Development when a formal application is submitted. Other Master Planned Developments in Old Town include the David Belz project and the Sky Lodge. The current Land Management Code states that only properties that cross two zoning areas can be considered for an MPD. The City Council would take public comment this evening but there would be future opportunities for public input and dialogue. Mayor Williams emphasized that there was a desire for dialogue and an interest in the process based on what he had heard from the community; primarily because this would be a major change in terms of the character of downtown.

Planning Director Thomas Eddington explained that without a Master Planned Development process the application would be reviewed as a Conditional Use Permit; however, there would be no discussion about mass and scale due to strict parameters on heights and it would not be presented to the Planning Commission. Alternative processes included seeking a variance from the Board of Adjustment, or requesting a rezone or change to the Land Management code with regard to the zoning district.

Mayor Williams understood that under the current Code, an application of this type would be denied without question. City Attorney Harrington pointed out that the assumption of denial was based on preliminary assessment. He clarified that without an actual application before them, they could not say it would be denied.

Director Eddington introduced representatives of the Kimball Arts Center who would make a presentation following his outline of the staff report and process. He explained that Main Street and the primary commercial historic districts are zoned Historic Recreation Commercial and Historic Commercial Business and the Kimball Arts Center is located in the HRC zone. The thirty commercially zoned acres in the historic core generate approximately $105 million in total sales annually, second only to Deer Valley.

Mr. Eddington explained the Kimball Arts Center is a 13,000+ square foot building with one story above ground and one story below with 7,584 SF footprint located on approximately .42 acres. The current building was built in 1929 and the interior was renovated in 1976 to be used as an art center. It is a local historic landmark site on the Historic Sites Inventory. The proposed addition has a footprint of 5,600 square feet and would add 22,800 additional square feet of floor area. Open circulation areas that

provide opportunities to hang art would add another 7800 square feet of space within the volume of the building. In total, it could be argued that the building is approximately 33,000 square feet. The height of the proposed building is 80 to 85 feet tall, depending on the view from Main Street or Heber.

Director Eddington stated that an "Arts Center" is not an allowed use in the HRC zone; therefore, it would be classified as a public or quasi-public institution and reviewed as a conditional use. Specific criteria are considered for conditional uses and the Kimball Arts Center would be held to strict parameters regarding height, setbacks and floor area ratio. He talked about the Heber Avenue subzone, which incorporates the area north of Heber for a distance of 150'. It is a unique zone and consists of the Kimball property, the Sky Lodge property and the property to the east of Sky Lodge. The Heber Avenue subzone eliminates the Floor Area Ratio and allows an applicant the opportunity to build a larger building.

Director Eddington explained that Master Planned Developments were first utilized in the City in 1984 for all the zoning districts except HR-2, HRL, and Single Family and ROS zones. Currently MPDs are permitted in all zones; however, they are only permitted in the HR1, HR2 and the HRC and the HCB zones if the property crosses over a zone line. There has been consideration for removing that requirement for the commercial zones to allow the Staff to conduct a more thorough review on larger projects. He added that under an MPD the zone did not dictate a height limit. The Planning Commission reviews a number of criteria to mitigate any proposed changes in height.

Director Eddington went on to explain that open space requirements for MPDs were 60%; however, a redevelopment MPD required 30% open space and it would be impossible for the Kimball Arts Center to meet 30% open space in its current location. He asked Council to consider whether gardens and terraces would be acceptable to meet the open space requirements. He pointed out that Sky Lodge was a project that had met the 30% open space requirements.

Mayor Williams stated that years ago the City went through open space requirements in the business districts and it was eliminated. He also noted that they were trying to better define open space in the new General Plan and the LMC.

Director Eddington reiterated earlier comments that the Kimball Arts Center proposal could not be heard by the Planning Commission because it would not meet the height and setback requirements of the HRC zone. The alternatives would be to request a zone change, look at changes to the LMC with regard to the Heber Avenue subzone or HRC zone, or consider applying for a variance. He again clarified that the Planning Department had not received a formal application for the Kimball Arts Center.

Director Eddington outlined questions from Staff for the Council to consider; 1) whether pursuing a collaborative approach was a good idea; 2) whether the Staff should continue to pursue changes to the MPDs as they look at changes to the LMC; 3) if the Staff should look at specific heights for Master Planned Developments; 4) Whether roof top gardens and terraces should count toward MPD open space requirements in infill redevelopment areas; 4) would the City Council prefer that the Kimball Arts Center pursue a different application that could be reviewed by the Planning Commission and the City Council.

City Attorney Harrington stressed that the questions should be considered in the context of whether the Staff should initiate the process with the Planning Commission with recommendations on each item, and with certain parameters or guidance from the Council as preliminary direction. Mr. Harrington stated that the City had done this in the past when they knew a larger project would benefit from taking advantage of the MPD with respect to underground parking and setbacks. He recommended that the City Council discuss the questions on a general level rather than trying to define the specifics.

Mayor Williams disclosed that he works with many of the representatives from the Kimball Arts Center, although not in an employment capacity. He also disclosed that his father was on the original Board.

Robin Marrouche, the Executive Director for the Kimball Arts Center, stated that before the Council had a policy debate regarding height they needed to understand the underlying reasons for the Kimball Center Arts proposal. The Board had been considering this issue for seven years because they have outgrown their building and they can do much more for the community with an enhanced facility. The Board's vision is to enrich the lives of the citizens and to substantially raise the visitor experience of the Kimball Arts Center. They were fortunate to have five world-renowned architects participate in the design competition. The Kimball Arts Center staff was excited to receive a unanimous jury decision, 100% Board support, and support from the community for the vision moving forward.

Matt Mullin, Chairman of the Kimball Arts Center, presented the general concept of their proposal. They believe a presence on Main Street will help the Kimball Arts Center sustain its art offerings for years to come. The new addition would focus primarily on exhibition spaces, allowing the Kimball to dramatically expand its educational space. He described their process in determining the right configuration, shape and size of the expansion. The vertical solution allows room for tall exhibition spaces, protects the integrity of the historic structure and locates a new entry on the corner of Heber and Main. The roof top decks and viewing areas offer a new perspective to town by opening unprecedented views up Main Street and Heber Avenue from the upper gallery. The

rooftops total more than a quarter acre of open space. They believe the vertical structures will complement, not distract from, the surroundings.

Ms. Marrouche stated that the intent is to build a building that inspires, motivates and celebrates the arts. She asked the City Council to keep in mind that these height considerations are tantamount to raising their profile in the arts and creating a beacon for the community. In her opinion, the issue was less about height and more about enriching lives. They have heard from the community and from their Board, and were interested in hearing from City Council.

Mayor Williams opened the meeting to accept public input.

Mike Sweeney stated that as someone who has worked diligently on lower Main Street for the past 30 years to improve Park City and skiing in Old Town, he strongly supports the Kimball project. Mr. Sweeney remarked that the MPD process is important and gives the public the opportunity to provide input. He felt the design would help remove the barrier so Main Street becomes one street as opposed to upper Main and lower Main.

Jim Tedford, a Park City resident, strongly opposed the present design. He thought everyone would agree that the Kimball Arts Center has done wonderful things and he enjoys going there himself. He was concerned about height as well as the ultra-modern concept. He read excerpts from the Land Management Code to demonstrate why the proposed building would not fit on Main Street.

Michele Aldridge noted that several children were present to speak on behalf of the Kimball Arts Center. She is a parent and a teacher in Park City and she spoke in support of all the programs and the great things the Kimball Arts Center does.

Sadie stated that she has been going to the Kimball Arts Center since she was a little munchkin and she really enjoys it. Making the building bigger would be better for the kids to see all the art and to learn how to make it. Sadie's mom stated their family supports the Kimball Arts Center and their kids have benefitted greatly from the programs. She understood that everyone was debating the size and design, but she felt they all agreed that the Kimball Arts Center is important. She would like to see it continue to grow and continue to be a valuable resource.

Tobiana Aldridge stated that she loves the Kimball Art Center.

Lisa Yoder felt the design was extraordinary and beautiful. In contrast to a previous speaker, she believes it utilizes the materials of old structures in town and it fits in with other structures. It is different and yet so similar to the old vertical structures.

Sara Pearce, with the Sundance Film Festival, stated that the Kimball Arts Center is an incredibly important venue for the Sundance Film Festival. They consider Main Street the heart of the festival and the gathering point. She understood that size was a concern but noted event space with higher ceilings is greatly needed in Park City. She was excited about the project and hoped they could find a win/win solution.

Carl Hendrick was visiting from Sweden and this was his first time to Park City. When he first came to Park City he could not identify the city center because everything is so spread out. When he went to the Kimball Arts Center he was very impressed and understands that their work is very important. When he saw the winning design concept he assumed it would be controversial. Mr. Hendrick remarked that each era sets its perspective in design and architecture. He did not believe that building a new building on this site while trying to copy and paste the older building into the new one would create an outstanding landmark. He loves Park City and would definitely come back. He was interested to see how the City develops and what decision they make.

Mike Ruzak quoted Frank Lloyd Wright, "The mother of art is architecture. Without architecture of our own we have no soul of our own civilization." He stated that this iconic reconstructed design of the Kimball Arts Center would serve as a symbol to their dedication to the arts and symbolized the soul that they have in this town. He felt it was a beautiful building but understood the issues involved with master planned design.

Mark Maziarz, a Park City resident for 23 years, stated that he has been a photographer of this beautiful town for 22 years and has taught photography classes at the Kimball Arts Center for the last three or four years. He believes it is important to support a place that generates emotion and relationships. If they can find a way to foster that it would be a great addition to the town.

Ginger Tolman stated that as a resident of Old Town for 22 years this was one of the most beautiful iterations she has seen proposed for Main Street, and for Park City in general. To have something like this so close to their neighborhood would be fabulous for visitors, families, and tourists. Ms. Tolman offered her support and she would be thrilled to have it in her neighborhood.

Scott Vultaggio stated that this would be a phenomenal icon for the town. They have the ability to make a huge statement and he hoped the Council would carefully consider everything. He added that children are a higher priority than economic benefit.

There were no additional public comments.

Council Member Butwinski asked, when looking at square footage and a large volume of space, if it was customary to anticipate that there are floors where there is open

space. For example, when he built his house, atrium space was counted twice. Director Eddington replied that based on the Code, it is customary to consider interior open space as building volume and include it in the square footage calculation. Council Member Simpson read from page 26 of the Staff report, "An increase in building height does not result in increased square footage or building volume. She believed that was consistent with Director Eddington's answer.

Council Member Matsumoto applauded the Kimball Arts Center for wanting to extend their programs to bring more education to the children and create more opportunities for the citizens and the City. She felt that a Master Planned Development might be the best venue to review the process, and she agreed that additional height would not result in additional square footage. Therefore, if they allow the MPD, she would like an explanation for how this particular design could fit in. Council Member Matsumoto believed there were many positives with the proposal; however, she has heard a lot of negative feedback regarding the mass and scale of the building and many citizens are very concerned.

Tina Lewis, a representative for the Kimball Arts Center, stated that a benefit of the design is the respect that it pays to the Kimball Arts Center. It was not restored in 1976 when Bill Kimball purchased the building. The siding was only taken off recently to reveal what the building actually looks like. Ms. Lewis commented on the unique features of the building that would be emphasized by the proposed restoration. It would be a beautiful example of restoration for a landmark building.

Council Member Simpson echoed Ms. Matsumoto. She was unsure why, but many people who have voiced serious concerns were not present to make their comments. Council Member Simpson could not imagine another situation where she would favor more discussion and public input on a project. If the MPD process is the way to achieve that discussion and input, it might be beneficial to pursue it.

Council Member Beerman thought it made sense to review the project as an MPD primarily because of the process. He recalled that Director Eddington had mentioned a zone change as another alternative and asked which process that would trigger. Director Eddington explained that if a zone change was initiated by the City, they could look at this particular intersection, or they could consider it as part of the General Plan. If it were not initiated by the City, an applicant could apply for a zone change or changes to the LMC. Council Member Beerman asked about the process if an applicant applied for a zone change. Director Eddington replied that it would go to the Planning Commission for review and a recommendation to the City Council for final decision. He clarified that a zone change is a different process than the MPD. With a zone change they first look at the existing context and fabric of the area and begin to identify what might be an appropriate zone, and define the zoning parameters including height,

setbacks, allowed uses, conditional uses, etc. Director Eddington remarked that the process for creating a new zone was very complicated. In his opinion, an MPD with review criteria to mitigate negative impacts was a better approach.

Council Member Peek fully supported the success of the Kimball Arts Center. He noted that the site was across the street from Zooms, one of the true icons; and the Kimball Arts Center is a true icon in town. He believed square footage was less of an issue than compatibility, mass, scale and an addition that meets the Historic District Design Guidelines. He believed the MPD was a viable way to address the limits of the zone and the Heber Subzone, but cautioned against taking too big of a bite out of Main Street until they thoroughly vet the impacts.

Council Member Butwinski expressed concern about the effect it would have on other properties and asked about the impacts of eliminating the requirement for crossing two lots. Director Eddington replied that if they eliminated the requirement, they would be allowing for MPDs in the HRC and the HCB zones up and down Main Street for buildings that would qualify. Mr. Butwinski was concerned about setting precedence if they allow it in the subzone. Director Eddington stated that the subzone is a unique area and he did not believe it would create precedence.

Council Member Simpson felt that looking at allowing MPDs in the Heber Subzone was a good way to have dialogue about this project and that specific location. It would also minimize the risk of unintended consequences by doing it for the entirety of the two historic Main Street zones.

Council Member Matsumoto requested that the Staff come back with an exploration of how the different criteria for a master planned developments could be met in this particular situation, specifically regarding open space. Director Eddington suggested that if they move forward with the MPD process for the area, the open space requirement may need to be reduced because it is difficult to provide 30% of open space in an urban dense corridor area.

Mayor Williams remarked that the Sky Lodge provided open space with their MPD. His concern with rooftop open space versus traditional open space is how the open space is accessed. He understood that the Kimball Arts Center is an open building and people would be allowed on the roof, but it would be a stretch to call it open space. In rewriting the General Plan, they have been looking at urban open space as areas where the public is allowed to hang out. That issue related to some of the comments he has heard from the public.

Mayor Williams noted that an MPD would require a definition specific to the Kimball Arts Center, since it does not fit with any of the current open space definitions. Many times

people make the case that they want to make their project special and want different standards than everyone else. He stated that Council has worked hard to create consistency in the way they plan our community.

Mayor Williams favored looking at the limits of the MPD as a way to avoid future projects that try to usurp what planning and zoning has tried to protect for 40 years. He remarked that open space was the most difficult issue because they have never defined roof space as open space. He was not opposed to looking at it, but it would be very different from the consistent definition of open space; regardless of whether it was rural or urban open space.

Council Member Simpson requested minutes from the Sky Lodge City Council meetings, as well as minutes from Planning Commission meetings where the open space was specifically discussed for Sky Lodge. She was also interested in hearing the direction the Planning Staff was going in the General Plan with the discussion of urban open space.

Tom Bakaly, City Manager, summarized that the City Council was interested in looking at revising the Land Management Code to allow for an MPD in the Heber Subzone. He noted that the process would start with the Planning Commission and that would be a way for the Council to receive the information they requested this evening. Those items would be highlighted and updates would be provided.

Mayor Williams asked if it would be appropriate to have a joint meeting with the Planning Commission to define some of the parameters. Mr. Bakaly thought a joint meeting would be beneficial either at the beginning or after the Planning Commission process has started. Mayor Williams asked Director Eddington to find out what would be best for the Planning Commission.

Council Member Matsumoto encouraged the public who supported or disagreed with the Kimball Arts Center proposal to stay involved with the process to ensure they get a project the community wants. She understood that the Kimball Arts Center did an open process and received public input; however, there has been a lot of community input regarding the Historic District Guidelines and the LMC, as well. Community input is highly valued and truly affects the project.

Prepared by Mary May, Secretarial Services
Reviewed and edited by Sharon Bauman, Senior Recorder/Elections

PARK CITY COUNCIL MEETING
SUMMIT COUNTY UTAH
AUGUST 23, 2012

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at 6:00 p.m. at the Marsac Municipal Building on Thursday, August 23, 2012. Members in attendance were Mayor Dana Williams, Alex Butwinski, Liza Simpson, Dick Peek, Cindy Matsumoto, and Andy Beerman. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tyler Poulsen, Environmental Sustainability Manager; Thomas Eddington, Planning Director; Max Paap, Special Events Coordinator; Brooke Moss, Human Resources Manager; Bret Howser, Strategic Initiatives Manager; Dave Gustafson, Project Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Member Liza Simpson thanked Tom Bakaly for his years of hard work and his family's contributions to the community.

Council Member Dick Peek recalled a time when he sat on the Historic District Commission and Tom Bakaly was over Capital Improvements and Projects. He found it interesting to see how Tom's expertise had evolved.

Council Member Alex Butwinski complimented the Staff and the town for a great job on the Tour of Utah. It was a great event and showed the world that Park City knows how to throw a party. Mr. Butwinski had attended a Public Art Advisory Board meeting and they are working on a website page for public art. Mr. Butwinski reported that the Planning Commission elected Nann Worel as Chairwoman and Jack Thomas as Vice-Chair.

Council Member Andy Beerman had attended the final Mountain Transportation meeting and discussions were wrapped up on how to move people in the future through the Cottonwood Canyons and potentially into Park City. The next step in the process would probably be an environmental assessment. He thought it was evident to attendees from the Wasatch Back was that the connections cannot be justified without including Park City in the discussion. Mr. Beerman concurred that the Tour of Utah was a fantastic event and showcased everything great about Park City.

Council Member Beerman stated that he would miss Tom Bakaly, and would like to have had the opportunity to work with him longer. He recounted that ten years ago he came to Mr. Bakaly with a conundrum about his business, and Tom and other staff members had provide valuable assistance. He felt that he owed his career in Park City in part to Tom Bakaly.

Council Member Cindy Matsumoto stated that she experienced the Tour of Utah from in front of her business on Bonanza. She heard good things from members of the community and it was nice to have it back.

Council Member Liza Simpson thanked Human Resources staff for putting on a fabulous employee picnic and party.

Mayor Williams reported that the Director of Mosquito Abatement retired after being there since 1983. Mayor Williams noted that Pace Erickson had resigned from the Board and there was a vacant seat. If they were not able to find someone with a pest control background, it would be opened to others. He reported on a request for a new liaison position for Swaner Eco Center and noted that Andy Beerman had expressed an interest. The Council members supported Mr. Beerman as the liaison.

Mayor Williams commented on the fire the previous weekend and the response from the greater community, and Park City in particular. Everyone involved did a phenomenal job and he was very proud of them.

Mayor Williams stated that he and Tom Bakaly had spent thousands of hours together over the past ten years, and to see how the town has matured and how they both have matured was an amazing feat and a great accomplishment. Mr. Bakaly has been directly responsible for so many things. Particularly important to note was that the City's credit rating has increased 5 points since Mr. Bakaly became City Manager. He should also be credited for Park City's role in development and uses in Quinn's Junction. Tom Bakaly was also instrumental in the City's involvement and relationship with the State. Mayor Williams remarked that Mayor and City Manager can be conflicted positions. In the last six years he and Mr. Bakaly have understood their positions, but the trust they created was truly remarkable and he would never forget it. He personally learned a lot from Tom and he wished him all the best.

III PUBLIC INPUT

Jeff Love, a resident at 615 Woodside, and the property owner at 811 Norfolk, stated that over the course of the last 27 months he has been involved in a land use dispute with the City which was resolved in District Court last month. He had been awarded court costs and had not yet received payment from the respondents. Therefore, he was coming before Council with his request for payment. He discussed the Judge's rulings and stated the City's appeal process was not in compliance.

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")

Dick Peek, "I move that we continue Consent Agenda Item No. 5 to a date uncertain" and approve Consent Agenda items 1-4 and Item No. 6. Liza Simpson seconded the motion. Motion unanimously carried.

1. Consideration of a Resolution designating September as National Preparedness Month in Park City, Utah

2. Consideration of a contract for China Bridge Repairs with Commercial Restoration Services in an amount not to exceed $86,246.00, in a form approved by the City

3. Consideration of an agreement with the Bureau of Land Management for the renewals/amendment of Right-of-Way UTU-45920, in a form approved by the City Attorney

4. Consideration of a Professional Services Agreement with Horrocks Engineers for the Water Conveyance – 2013 Pipelines Project, Segment A and a Professional Agreement with Bowen Collins & Associates for the Water Conveyance – 2014 Pipelines Project, Segment B in a form approved by the City Attorney

5. Consideration of the rescission of Park City Heights Assessment Ordinance and a Resolution Rescinding Assessment Ordinance 15-12 in a form approved by the City Attorney *Continued to a date uncertain*

6. Consideration of a Resolution appointing representatives to the Park City Redevelopment Agency Tax Entity Committee

V NEW BUSINESS

1. Consideration of an Ordinance approving a plat amendment for 429 Avenue, Park City Utah.

Cindy Matsumoto, "I move that we continue the plat amendment for 429 Woodside to September 13, 2012." Alex Butwinski seconded the motion. Motion carried unanimously.

2. Consideration of a Master Festival License for Quinn's Junction Family Funktion to be held September 15, 2012. Max Paap, Special Events Coordinator, explained the Quinn's Junction Family Funktion would include participants from Quinn's Sports Complex, NAC, IHC, People's Health Clinic, USAA, and Park City Clinic and approximately 500 people are expected to attend throughout the day. The event is free and family-oriented.

The application was being reviewed as a Master Festival License due to the request for use of City property and a possible concentration of a large crowd.

Council Member Beerman supported the event, but pointed out that once again the request did not meet the 90 day requirement. Mr. Paap explained that the 90 day requirement is difficult to meet with some events and that issue would be addressed in the events overhaul. Mr. Beerman noted that the Council is charged with following their own rules and they keep making exceptions for these events. Mayor Williams opened the public hearing. There were no comments.

Liza Simpson, "I move we approve the Master Festival license for Quinn's Junction Family Funktion to be held September 15, 2012." Alex Butwinski seconded the motion. Motion carried unanimously.

3. Consideration of a Parking License Agreement for Community Car Sharing Services with U-Haul Car Share in a form approved by the City Attorney. Tyler Poulsen, Environmental Sustainability Manager, noted that Council directed Staff in May 2012 to pursue proposals for car sharing services. Staff released a Request for Proposals in June and U-Haul Car Share was the only respondent. A detailed list of the scope of services was included as an exhibit. Staff recommends that the City enter into a parking license agreement. There is no cost or revenue sharing associated with the program. The agreement is to lease, at no cost, City-owned parking spaces in China Bridge to U-Haul, and also for the City Staff to participate in a joint marketing effort of the program given its contribution towards City transportation goals.

Council Member Simpson was pleased to see that the issue of hauling numerous dogs and other pets had been addressed. She asked about parking during the Sundance Film Festival. Mr. Poulsen explained the team would decide if the current parking location was suitable, or whether they should seek alternative locations. The cars would be available during Sundance.

Council Member Andy Beerman stated that if they intend to enter into an exclusive agreement, they should include a mechanism to add more cars if needed. Tyler Poulsen stated that U-Haul's approach is to start with a small number of vehicles. If the service is successful, they would look for additional parking for more cars. Mr. Beerman referred to a clause in the agreement stating that U-Haul can tow cars out of their space. Because the parking is on City property, he suggested towing would need to be done through the Police Department. Mr. Poulsen would discuss that issue with the Legal Department.

Mayor Williams opened the public hearing. There were no comments and he closed the hearing.

Liza Simpson, "I move we approve a parking license agreement for Community Car Sharing Services with U-Haul Car Share in a form approved by the City Attorney." Andy Beerman seconded the motion. Motion carried unanimously.

4. Consideration of amendments to the Municipal Code- Parking. Mayor Williams noted Staff had requested a continuation.

Andy Beerman, "I move we continue the New Business Item 4 to a date uncertain." Liza Simpson seconded the motion. Motion carried unanimously.

5. Consideration of an amendment to the Sundance Film Festival Supplemental Plan for the 2013 Festival/Lease Extension for Miner's Hospital. – Dave Gustafson, Project Manager, sought approval from the City Council to extend the period of the lease on Miner's Hospital to Sundance for the 2013 Sundance Film Festival. Last year Sundance utilized the building from November to February. Sundance decided to move the ticketing office to Miner's Hospital. Ticketing begins earlier than other functions, and they requested to begin use of the building on September 10, 2012. Miner's would be used for supplemental and pre-sales support. There were no conflicts with special events in Miner's.

Council Member Cindy Matsumoto stated that Park City was appreciative of Sundance, she was glad they could make an under-utilized City building available for their use.

Mayor Williams opened the public hearing. There were no comments and he closed the hearing.

Liza Simpson, "I move we approve an amendment to the Sundance Film Festival Supplemental Plan for the 2013 Festival lease/extension for Miner's Hospital". Dick Peek seconded the motion. Motion carried unanimously.

6. Consideration of an Agreement with Peckham & McKenney for City Manager recruitment services in a form approved by the City Attorney - Human Resource Manager Brooke Moss noted the item had been previously discussed.

Andy Beerman, "I move we enter into an agreement with Peckham & McKeeney for City Manager recruitment services in a form approved by the City Attorney". Cindy Matsumoto seconded the motion. Motion carried unanimously.

Council Members returned to Work Session item that had been delayed due to time constraints.

2030 Long Term Strategic Plan - Bret Howser, Strategic Initiatives Manager, noted that bullet points on the first page identified recent changes to the document. He also included

recommendations on additional items. Council had discussed whether to use "excellent" responses or "good and excellent" responses as key indicators and he recommended using both. He requested that Council provide direction and any additional edits to the document prior to bringing it back for adoption.

Liza Simpson was comfortable with all the recommendations. She asked how they determined the seven year number for the updates to the Community Vision. Mr. Howser explained Staff thought it should provide sufficient time to pursue a long-term vision before the vision is changed.

Dick Peek asked whether observations and appendices would be approved as part of the document. Mr. Howser explained the resolution would be specific as to what is being adopted in the plan. The document will be attached to the resolution, but the resolution will specify what Council is adopting.

Mr. Howser pointed out that "support local businesses" was a desired outcome; however, he suggested that "predominance of locally owned business" was a better desired outcome. Liza Simpson felt that raised the issue of Subway, which is a franchise but locally owned. Mr. Howser replied that predominance was not the same as exclusive. The Council agreed on "primarily locally owned businesses".

VI ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. Council announced they were planning to go to Butchers.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at 12:45 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Diane Foster, Deputy City Manager; Tom Daley, Deputy City Attorney; Hugh Daniels, Emergency Manager; Brooke Moss, Human Resources Manager; Bret Howser, Strategic Initiatives Manager. Liza Simpson, "I move to close the meeting to discuss personnel, property and litigation". Dick Peek seconded. Motion carried unanimously. The meeting opened at approximately 3:30. Andy Beerman, I move to open the meeting." Alex Butwinski seconded. Motion carried unanimously.

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

Prepared by Mary May, Secretarial Services
Reviewed and edited by Sharon Bauman, Senior Recorder/Elections