PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 27, 2013

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at the 6:00 p.m. at the Marsac Municipal Building on Thursday, June 30, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Li za Simpson. Staff present was Diane Foster, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Economic Development Manager; Matt Twombly, Project Manager; Sherry Snyder, Building Permits Coordinator;

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Councilman Alex Butwinski stated the Quality Growth Commission members had been asked to reach out to respective State Legislators regarding funding for the Commission.

Phyllis Robinson, Public Affairs and Communications Manager, announced that the bi-annual Citizens Survey has been mailed and w ould be ar riving in randomly selected Park City mailboxes shortly.

III PUBLIC INPUT

On behalf of Council, Mayor Williams thanked Tom Daley, Deputy City Attorney for his outstanding work on the Western Summit County Water Project.

IV MINUTES OF MEETING OF MAY 30, 2013

Liza Simpson, "I move to approve the minutes of May 30, 2013 as corrected". Alex Butwinski seconded. Motion unanimously carried.

V CONSENT AGENDA

Dick Peek, "I move to remove the items from Consent Agenda for discussion". Andy Beerman seconded. Motion unanimously carried.

1. Consideration of an Amended Lease with the Park City Co-op for space located at the Library and Education Building, 1255 Park Avenue, Park City, Utah, in a form approved by the City Attorney

2. Consideration of an Amended Lease with the Park City Film Series for space located at Miners Hospital, 1354 Park Avenue, Park City, Utah, in a form approved by the City Attorney

Jonathan Weidenhamer advised Council that construction sequencing for the Library had changed after publication of the packet. They had intended to build out the entire third floor this summer and the leases in the packet reflected that. Changes to the construction schedule will defer that construction to next summer and he pr ovided them with updated leases for review and approval.

He explained we are going to work on just the Co-op space on the third floor this summer and they will remain in the current space through Spring Break, 2014 when construction begins for the entire first and second floors. The Film Series will remain in their current space and will move out next summer. In terms of the leases, that means the Co-0p is going to remain in their current space, with no rent mitigation, through February 2014 when the real construction starts for the whole first and second floors. The Film Series will remain in their current space through next summer. At this time, Council is being asked to approve an extension of their lease.

Liza Simpson, "I move to approve Amended Leases with the Park City Co-op for space located at the Library and Education Building, 1255 Park Avenue and the Park City Film Series for space located at Miners Hospital, 1354 Park Avenue, Park City, Utah, in a form approved by the City Attorney subject to amendments discussed". Andy Beerman seconded. Motion unanimously carried.

VI RESIGNATIONS AND APPOINTMENTS

1. Consideration of appointing Bobbie Pyron and Faye Malnar to the Library Board for terms expiring July 2016. Cindy Matsumoto, "I move to appoint Bobbie Pyron and Faye Malnar to the Library board for terms expiring July 2016 ". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of resignation of Janet M. Scott as City Recorder Liza Simpson, "I move to accept the resignation of Janet M. Scott as City Recorder". Dick Peek seconded. Motion unanimously carried.

VII NEW BUSINESS

1. Consideration of Addendum #2 to the Construction Manager at Risk Contract for Miller Paving for Main Street Improvements and authorize the City Manager to enter into an agreement in a form approved by the City Attorney Matt Twombly, Senior Project Manager, stated that Miller Paving was wrapping up the Phase One Main Street Improvements ahead of schedule. Work covered in Addendum 2 will include the section between Fifth Street and the Claimjumper Hotel. This addendum does not include Terigo Plaza and Seventh Street and Staff will return to Council in late summer for an addendum to the contract for those two projects. He stated Staff recommends Council authorize the City Manager to enter into an addendum No. 2 with Miller Paving for the Construction Manager at Risk Contract in a form approved by the City Attorney's office for the guaranteed maximum price of $413,504.

Andy Beerman thanked the team (Matt Twombly, Dave Gustafson and Craig Sanchez) for working with the street and bending over backwards to coordinate schedules. He suggested that as Council receives addendums for lengthy projects that Staff includes an itemization of each phase so Council can have a comprehensive look at the project budget. Mr. Twombly commented that with the Construction Manager at Risk format there will be a final guaranteed maximum price and Council will see all the costs together. Alex Butwinski agreed it would be helpful to compare costs, both estimates and actuals, as well as the percentage of completion for these projects.

Mayor Williams requested public input. Hearing none, he requested a motion. .

Alex Butwinski, "I move to approve Addendum #2 to the Construction Manager at Risk Contract for Miller Paving for Main Street Improvements and authorize the City Manager to enter into an agreement in a form approved by the City Attorney". Liza Simpson seconded. Motion unanimously carried.

2. Consideration of an Ordinance amending Title 4, Licensing, Chapter 2, Sections 4, 8 and 10 regarding inspections and creating a process for pre-inspections. Sherry Snyder, Building Department, explained this new process of requiring pre-inspections was designed to make the business license process quicker and eas ier for all business owners. She was aware of Council's concerns about discussing this with property management companies in the City and asked Council to discuss any other concerns they may have about the proposed changes.

Liza Simpson added the Lodging Association was aware of the proposed changes, but would like to discuss it with staff and possibly exam ideas of changing renewal dates for night lodging licenses to mid-year and t he City is not swamped with the new year, and S undance. She requested Sherry present an overview of the proposal.

Mayor Williams state they would open the hearing tonight and make a motion to continue.

Sherry Snyder explained the business license process currently begins with the submission of a business license application to the Finance Department. Once the application has been submitted, owners are able to do business at their own risk, but are required to have a building inspection where the inspectors check for health, safety issues. It currently takes an average of fifty (50) days to complete an inspection and get the licenses approved. The changes would place the responsibility on owners to have their inspection done first and once the inspection is approved it would only take two to five days to approve and issue a business license.

Ms. Snyder stated the pre-inspection would begin with the Building Department and owners would be allowed two inspections: the initial inspection and to check corrections if needed. If it requires more than two inspections, the Building Department will assess a $75.00 re-inspection fee, but she has prepared extensive paperwork to prepare business owners for inspections.

Mayor Williams opened the public hearing.

Mike Sweeney, local businessman, stated he had not had an opportunity to review the proposal, and cautioned about unintended consequences. He supports Chad Root and the Building Department for the progressive changes they are making. He explained that obtaining a business permits required coordination between various entities and adding an additional step can create an untenable situation. He would like to review the various permutations that he has seen happen with businesses that he has helped obtain permits over the past fifteen years.

Hearing no further input, Mayor Williams closed the public hearing.

Dick Peek supported the policy of reaching out to constituents who are affected by changes. Alex Butwinski suggested placing an agenda item for public input and a motion to continue to the next meeting date so it would be noticed a week before Council was going to take action. City Manager Diane Foster relayed a Management Team discussion about creating a system of internal checks to make sure we check in with all interested parties. Jonathan Weidenhamer stated a stakeholder meeting has been scheduled for August 2nd. Andy Beerman stressed the importance of allowing sufficient time as many groups only meet once a month.

Liza Simpson, "I move to continue the consideration of an ordinance amending Title 4, Licensing, Chapter 2, Sections 4, 8 and 10 regarding inspections and creating a process for pre-inspections to a date uncertain". Andy Beerman seconded. Motion unanimously carried.

3. Consideration of approval of the City/County Cooperative Agreement with the Utah Department of Transportation associated with the Highway 40 Underpass Project in the amount of $250,000, in a form approved by the City Attorney Heinrich Deters, Trails and Open Space Project Manager, introduce Ritchie Taylor from the Utah Department of Transportation.

Mr. Deters noted new information had come to light since the report was written. He described the location of the Highway 40 Underpass Project and noted it was a partnership between UDOT, Basin Recreation, and the City. Heinrich, Ritchie Taylor and Derek Radke have discussed utilizing existing RAP tax funds to help fund the project. They learned that UDOT is willing to delay the construction until spring, which allows the County and City to apply for RAP Tax funds. If they were able to receive that additional funding, it would lower funding needed from the City and County. Heinrich noted the Trails Master Plan budget has funds that will be utilized to provide the initial funding. Due to the possibility of receiving RAP Tax funds, Mr. Deters recommended that Council continue discussion of the cooperative agreement to a date uncertain.

Ritchie Taylor appreciated the Council's consideration of this project. He stressed it was a joint project involving four entities. The underpass will provide a regional trail connection of adequate height and width and wildlife proponents believe it is likely that large ungulates will utilize the tunnel.

Dick Peek asked if bikers would be restricted from using that trail connection. Mr. Taylor clarified that the trail would be used by bicyclists, pedestrians, horseback riders, and wildlife, but it would be prohibited from ever becoming a road.

Liza Simpson stated this was an important wildlife corridor and she also appreciated being able to hold off in order to make a sound budgetary decision.

Andy Beerman, "I move to continue consideration of approval of the City/County Cooperative Agreement with the Utah Department of Transportation associated with the Highway 40 Underpass Project in the amount of $250,000, to a date uncertain". Liza Simpson seconded. Motion unanimously carried.

4. Consideration of approval of the amended supplemental plan that includes the removal of the expanded Farmers Market in the Swede Alley Surface Lot during the Park Silly Sunday Market, in a form approved by the City Attorney. Tommy Youngblood, Special Events Coordinator, explained that Park Silly Market would like to amend the supplemental plan amendment that extended their farmers market into the Swede Alley Surface Parking lot. They found that the traffic and pedestrian management on Swede Alley was difficult at best and dangerous at worst. They would like to revert to the terms of the original plan and take the idea of expanding the market back to their working group for some input.

Liza Simpson, "I move to approve the Amended Supplemental Plan that includes the removal of the expanded Farmers Market in the Swede Alley Surface Lot during the Park Silly Sunday Market, in a form approved by the City Attorney". Alex Butwinski seconded. Motion unanimously carried.

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VIII ADJOURNMENT

With no further business, the meeting adjourned at approximately 7:00 p.m. Council members announced they would be gathering at The Blind Dog and no official business would be conducted.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 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, City Manager; Jonathan Weidenhamer, Economic Development Manager; Tom Daley, Deputy City Attorney, Clint McAffee, Water Manager, and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss personnel, property and litigation". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 3:20 p.m. Alex Butwinski, "I move to open the meeting". Cindy Matsumoto seconded. Motion unanimously carried.

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

Prepared by Sharon Bauman, Senior Recorder/Elections Official.