

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JUNE 10, 2010**

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

Tom Bakaly, City Manager, Mark Harrington, City Attorney; Sharon Bauman, Deputy City Recorder; and Brooke Moss, Human Resources Analyst

Kathy Hunter, Public Art Advisory Board Executive Director

Absent: Candace Erickson, City Council member

1. Council questions/comments. Cindy Matsumoto reported on the Habitat for Humanity ground-breaking dedication and Library Board business. Alex Butwinski complimented Ron Ivie for his presentation to the Planning Commission on EPA issues and Liza Simpson agreed. She thanked Rory Murphy for naming a building in the Silver Star project after Mr. Ivie. Joe Kernan spoke about emergency management training requirements. The Mayor reported that he, Liza Simpson, Tom Bakaly, Diane Foster and Mark Harrington met with the EPA in Denver this week. The liaison committee met with the Sweeneys again this week and on July 6 and 8, the first community open houses will be held on options for the Treasure Project. He noted that all of the water agencies in the County have been meeting recently which has been productive. The Mayor spoke about the donation of public land for the Habitat project and Ron Ivie's retirement. The Park Silly Sunday Market will start this Sunday for the season. He also spoke about Father Bussen leaving Park City.

2. Public Art Board Strategic Plan. Sharon Bauman introduced Art Board members in attendance. She explained that over the past couple of years, members have been disappointed in the quantity and quality of some of the responses for requests for proposals and concerned about board processes. Boise, Idaho's program is regarded as a model for public art and members agreed that formulating a strategic plan would focus efforts on specific goals and supplement the Public Art Policy and Public Art Master Plan, initially created in 2004.

She cited top priorities to (1) improve the quality, creativity and purpose of public art; (2) improve the public art processes; and (3) identify and prioritize future public art projects and sites and set a timeline for the completion of new and pending projects. High priorities include to (4) develop a plan for future funding of public art projects. Ms. Bauman explained that some CIP projects are required to provide 1% for art. Other goals include (5) develop comprehensive plan to communicate information about the public art program and projects; (6) update public art inventory; (7) update signage for all public art projects; and (8) develop City policy for public art maintenance. Sharon Bauman discussed a number of strategies to achieve the goals and referred to a

community brain-storming meeting hosted in April where a lot of good feedback was received. The Art Board has already identified subcommittees to work on strategies, policies and processes and invites Council direction. The strategic plan will provide members with additional tools to attain targeted goals.

Ms. Simpson remarked on the success of the community meeting held in April, commended formulating a strategic plan and felt updates to Council would be helpful. Cindy Matsumoto asked about the status of the public art budget and Ms. Bauman explained that the board was given \$200,000 in seed money in 2003 and received 1% from the police facility and the Marsac seismic upgrade. The proposed Recreation Center building will also have a public art component and the inclusion of the shell space in the China Bridge Parking Structure was discussed. Ms. Simpson felt that street and water projects could be considered as is done in Boise. Joe Kernan supported the plan. Alex Butwinski, Council liaison, commented on the promotion of Park City as an arts and cultural destination. Kathy Hunter thanked Council for its support over the years and explained that the 1% does not have to be used for the generating project, but can be used in areas lacking art and an associated capital project.

3. Personnel Policies and Procedures Manual. Brooke Moss explained that amendments to the policy occur annually and pointed out one small oversight in the draft document. She referred to implementing a new time keeping system (time clock) which doesn't consider changes in pay during a pay period. The second change deals with the federal Family Medical Leave Act and clarifies *serious medical condition*.

In response to a question from Joe Kernan regarding budgeting for personnel costs, Ms. Moss referred to the last sentence in Section 6.1, *All Pay Plan recommendations and individual employee salary increases or lump merit eligibility are subject to budget constraints and revenue availability and may be altered or rescinded by the City Manager, at any time.* The policy allows for adjustments and other budget policies in place like the recession plan address revenue shortfalls as well.

Alex Butwinski brought up the time involved with semi-annual reviews and questioned if it is necessary for longer-term employees. Joe Kernan agreed that some employees could be exempted. Mr. Bakaly stated that this has been studied to see if there are ways to streamline the review process. He spoke about the value of the review process to communicate performance which is not always done on a regular basis by managers. He understood that there should be a balance and the six month review could be more cursory while maintaining a comprehensive annual review. Liza Simpson believed there is a *middle road* approach. The Mayor felt that meeting every six months is a good practice and the City Manager acknowledged there could be more efficiency.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JUNE 10, 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, June 10, 2010. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Candace Erickson was excused. Staff present was Tom Bakaly, City Manager; Matt Cassel, City Engineer; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

Remembering Kevin King – Mayor Williams addressed the loss of Kevin King this past week and the good relationship they enjoyed through the years.

Don Bloxom, designer, spoke about the closeness of members in the design community, acknowledging that some individuals can be adversarial. He spoke about Kevin's passion and steadfastness and he urged people to remember to always place principles before personalities. He will be missed and he indicated his admiration of Kevin for the time he devoted to attempting to affect design and planning especially in Old Town.

Paul deGroot, architect, relayed his respect for Kevin King; he will be missed.

Allegation of wrongful arrest - Bob Vaeth spoke about moving here in October 2009 and buying two homes in Deer Mountain and Bear Hollow and commented at length about getting in shape and enjoying the community. He described the Journey of Hope event to which he and his wife Joy donated \$540,000 last year and he detailed this year's schedule. Mr. Vaeth stated that he met friends at Flanagan's on March 25, 2010 and they were served their first drinks at 7:30 p.m. and paid the check at 8:15 p.m. He had two beers with dinner. He stated that he headed down Swede Alley to Heber Avenue but rolled through the stop sign but it seemed like a pretty complete stop because he knows the reputation of the police here. He did the same thing as he turned right to go up to SR224, the roundabout. As he headed north, he changed his mind about passing a truck and switched lanes and at this point, he was pursued by the police. They pulled into the Frontier Bank apron and in his opinion, he did his calisthenics perfectly but the police felt he was under the influence, had more than two beers, was possibly on drugs and asked him to take a breathalyzer. Mr. Vaeth stated that he was cuffed and placed in the cruiser and left there for about an hour. He did three tests and the officer said he

wasn't blowing hard enough which is the same as refusing to take the test, and he was taken to jail. The officers asked that he sign a form with a list of his belongings but he wanted to make a statement instead, which he wasn't allowed to do, and spent the rest of the night in jail. Mr. Vaeth stated that he was released the next morning and the experience was humiliating. He relayed that his case was subsequently dismissed and then discussed the driver's license hearing where his attorney revealed that the breathalyzer tests were done perfectly and his results were .03. However, the officer did not document the test properly. Mr. Vaeth detailed his field tests but the police officers insisted he couldn't stand up properly. However, his case was dismissed but Prosecutor Kerry Gaines recommended that he take an alcohol rehabilitation class but he refused. The fine was dropped from \$1,500 to \$182 for going through two stop signs but Mr. Vaeth indicated that nobody was stopping unless another car was coming up. He spent \$4,000 to defend himself and he wants his money back. His attorney advised him to go through small claims but that would hurt the taxpayer. This money could have gone to the Journey of Hope. The Mayor asked that Mr. Vaeth summarize. He then asked the City Council to donate \$4,000 to the Journey of Hope pointing out all of the money going to the Police Department. This is wasteful spending and irresponsible government. Council can turn it around and bring the tourists back here. Why do we harass them? He was thrown in jail for a .03 when he did everything perfectly. People are not coming back. Mr. Vaeth again asked for his \$4,000; he doesn't want to file suit. He asked the City Council to get its priorities straight and fund the right things. The number of police cruisers and fire trucks is silliness.

The Mayor referred to a prior phone call with Mr. Vaeth where he encouraged him to use the Police Appeals Review Board. The Mayor added that the City Council has held to its commitment to a number of non-profits in these tough economic times and to ask for \$4,000 at this point in time in the budget process is not realistic. The Mayor explained that the Police Appeals Review Board was established for these types of cases. Mr. Vaeth stated that the \$4,000 is fairly insignificant; instead cut the police force in half. We don't need it all.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MAY 27, 2010

Joe Kernan, "I move approval of the work session notes and minutes of the meeting of May 27, 2010". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

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

1. Consideration of a Utah Department of Transportation Construction Agreement with Granite Construction for the construction of Phase 2 of Bonanza Drive in an amount not to exceed \$4,169,311 and in a form approved by the City Attorney – Matt Cassel explained that this contract is for the second phase of construction on Bonanza Drive. The bidding process and contractual agreements are through UDOT because of the federal funding involved. UDOT has officially awarded the contract to Granite Construction who was the low bidder and also the contractor for Phase 1. The bid is below the engineer's estimate and work is anticipated to commence the beginning of July. In response to a question from the Mayor, Mr. Cassel indicated that Iron Horse can not be shut down completely and will be addressed in partial segments. The Iron Horse and Bonanza Drive intersection will remain open.

Liza Simpson, "I move we approve the Utah Department of Transportation Construction Agreement with Granite Construction for the construction of Phase 2 of Bonanza Drive in an amount not to exceed \$4,169,311". Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

2. Consideration of a Resolution adopting the revised Personnel Policies and Procedures Manual, effective July 1, 2010, for Park City Municipal Corporation – The Mayor explained Mr. Butwinski's request to continue this for a week so he has more time to review the manual. Liza Simpson, "I move we continue this until next week". Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

3. Consideration of a Resolution adopting a final budget for fiscal year 2011 for Park City Municipal Corporation and its related agencies – The Mayor opened the public hearing. There were no comments from the audience. Joe Kernan, "I move we continue New Business Item 3 to June 17, 2010". Liza Simpson seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye

Liza Simpson

Aye

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 3:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Candace Erickson was excused. Staff present was Tom Bakaly, City Manager; Jason Christensen, Legal Intern; Tom Daley, Deputy City Attorney; Michael Kovacs, Assistant City Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss litigation and property". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 4:45 p.m. Liza Simpson, "I move to open the meeting". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

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

