PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, UTAH 84060

June 9, 2016

The Council of Park City, Summit County, Utah, met in open meeting on June 9, 2016, at 1:00 p.m. in the City Council Chambers.

Council Member Beerman moved to close the meeting to discuss property and litigation at 1:00 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

CLOSED SESSION

Council Member Henney moved to adjourn from Closed Meeting. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

WORK SESSION

Discuss 2016 Budget Policy - General Contingency Policy and Reserves:
Jed Briggs, Budget Department, presented this item. He stated the City spent $50,000 of the projected $100,000 in the General Contingency Fund and would spend the other $50,000 after the 2016 budget closed. Uses for the funds included the City videos, effective meeting trainings, etc. Council Member Matsumoto asked about the effective meetings training and inquired if that would be part of the regular budget in future years. Foster stated this program was now called Gold Medal Meetings and was done in house so there would be no additional cost. Council Member Matsumoto asked about the Courchevel expense. Rockwood indicated this was for the student exchange program with Courchevel.

Council Member Beerman asked what the process was for drawing from the funds. Briggs explained the requests came from managers for unexpected items throughout the year. Council Member Beerman requested that an official policy be written on how to access those funds. Council Member Matsumoto stated there was a danger in earmarking those funds as extra money for the Council to spend at the end of the budget year. Mayor Thomas felt this contingency fund was needed by the entire City for unexpected expenses. Council Member Beerman requested a Council contingency fund for its small requests throughout the year. Council Member Henney asked if each department had contingency funds. Briggs noted the funds had contingencies and there was a contingency fund set aside for snow removal. Council Member Henney asked if a Council contingency fund could be taken from the sales tax revenue surplus. Rockwood stated contingency funds were budgeted and were not used with reserves. Council Member Beerman asked how the City replacement funds worked. Rockwood stated inventory was evaluated and equipment was put on a replacement schedule, and funds were set aside to fund those replacements. That was true for asset management as well, where buildings, roofs, etc. were on a replacement schedule. The State Code allowed for those replacements through the capital budget.

Council Member Gerber asked if a Council contingency fund could be funded from the sales tax surplus. Briggs stated the contingency fund would be an ongoing expense. If it was dependent on surplus, there might not be any contingency for the years that had no surplus. Council Member Worel was in favor of having a Council contingency fund as well. Council Member Beerman stated the assumption that Council would spend the entire contingency fund was false, because this Council had acted very responsibly with spending City funds. Briggs confirmed that Council would have a contingency fund and asked what dollar amount the Council would like. The Council agreed to $50,000 for that fund.

Staffing Update – Pursuing Net Zero Goals through Support of the Georgetown University Energy Prize Competition:
Council Member Henney recused himself because of his personal relationship with a member of Summit Community Power Works (SCPW). Foster stated she recommended focusing on the Georgetown Energy Prize by supporting SCPW. She explained her reasoning for recommending a $7,500 allocation to SCPW. She also indicated that SCPW focused entirely on energy. It was clarified that a non-profit was needed to head up the Georgetown Energy Prize and SCPW was created for that purpose.

Council Member Worel asked if only non-profits could vie for special service contracts. Rockwood stated the State Code required that if donations were made to entities, the benefits of having that service needed to be defined, and there was a cap of 1% of the budget that could be awarded. He noted there were multiple ways of contracting with the City.

Council Member Beerman was in favor of funding SCPW as a direct contract in the future and supporting this now in the hope of achieving the prize. Council Member Gerber asked why funds were needed for next year if the goal was to win the prize this year. Foster stated it was her understanding that this would be a permanent non-profit. Council Member Matsumoto favored having SCPW go through the contract process, and do away with the special service contract it received. She wanted to fund the $30,000 that was requested in order to give support to the efforts of attaining the prize. Council Member Beerman clarified that the request was for $45,000. It was indicated that the $15,000 from the special service contract fund and $30,000 from the Environmental Sustainability Department would be used to fill this need. Council

Members Gerber and Worel supported this funding option. Mayor Thomas, and Council Members Matsumoto and Beerman favored using $45,000 from the absence of personnel in the Environmental Sustainability Department for the contract, and leaving the $15,000 in the Special Service Contract Fund that was originally awarded to SCPW. The majority agreed to the $45,000 contract, using funds from the Environmental Sustainability Department.

Mary Christa Smith, SCPW, thanked Council for their support.

Recreation Advisory Board Interviews:
The Council interviewed Cabot Woolley, Howard Silverman and Meisha Ross to fill the two vacancies on the Recreation Advisory Board. Mayor Thomas indicated a decision would be made in the next few days.

Review Lower Park Avenue Housing Request for Proposals (RFP) Scope – 1364 Woodside Avenue:
Jonathan Weidenhamer, Economic Development Manager, presented this item. He indicated there was a Request for Proposals (RFP) to construct housing on the fire station parcel. Now that the City had purchased 1364 Woodside Avenue next to the fire station parcel, he sought direction on looking at the Woodside parcel separately with regard to housing or to consider both parcels together. He noted the RFP would need to be issued again if the parcels were combined. Council Member Henney was not favorable to reopening the whole process and delaying the timeline. Council Member Worel stated it was important to have a coordinated effort, so she felt it would be worth the time to figure out the Master Plan for the whole area. Weidenhamer stated that a Master Plan of the area could be done without delaying the timeframe. Council Member Gerber indicated she was not in favor of delaying the process. Harrington stated there was a process to add to a project at a later date, but he did not recommend increasing the scope at this point. Council Member Beerman favored master planning the entire project, but did not want to design the 1364 Woodside parcel at this point. Council Member Matsumoto agreed. It was decided to proceed with the current RFP.

Review Main Street and Downtown Parking Management Study Results:
Phil Olmstead, Nelson and Nygaard, and Brian Andersen, Parking, and Blake Fonnesbeck, Transportation Department, presented this item. Fonnesbeck reviewed the process of brainstorming ways to alleviate the weekend parking problem in the City. He stated the driving force for this study was to have sufficient parking for employees and customers.

Olmstead stated there was a great deal of work needed in the next six to nine months to implement this parking management plan. He noted the parking demand in downtown was not uniform – evenings and weekends were busier, as well as events that come to the City. He recommended that off streets become "pay to park" during busy times, and that Main Street parking fees increase during peak times as well as during certain times of the year. He also felt the City should lower parking fees during non-peak times.

With regard to employee parking for downtown businesses, he recommended creating the "Access Park City" travel program. This would be a shuttle program during peak times, and it would run late enough to accommodate the late shift workers. Parking revenue could be used to incentivize the employees to use transit services. Discounting parking passes was another recommendation, which would allow the employees to pay for parking only on the days they work. Olmstead recommended visible signage to parking locations, variable message signs, having regulatory signage, online education, and parking apps.

Fonnesbeck indicated that this program was flexible to allow changes as the City grows and changes. He stated there was $1 million reserved for these capital projects. Council Member Matsumoto asked how the user would know when parking was free and when there was a charge. Olmstead stated communication was key in making this program a success. There was no one way the communication would reach everyone, so many different avenues would be needed, including apps, websites, signs, etc.

Council Member Beerman stated this was a great report, and this program made sense. He asked if statistics could be gathered on what percentage of parking was used by employees. Olmstead indicated there would be monitoring so this information could be collected. Council Member Worel liked the multifaceted plan. In looking at the timeline and the operating costs, she asked if this was built into the budget. Fonnesbeck stated the operating costs were not included in the next year's budget, but the infrastructure was included in the Capital Improvement Projects Fund. Foster stated the Budget Department was aware of the project and operating costs could be figured out mid-year, especially because this was a revenue based program.

Mayor Thomas indicated he liked the flexibility of the system as well as the holistic approach. Council Member Beerman asked how long it would take to implement. Olmstead stated to do it right, it would be six to nine months. A formal policy should be adopted, and then the City should begin to determine resources needed internally because a lot more manpower would be needed for this program. An education piece would also be critical for this program to succeed. He noted that signage and infrastructure could be put in place and the employees should have the travel options in place before pricing was rolled out.

Fonnesbeck requested that he give Council a monthly update so the community could stay informed on the progress of this program.

Council Member Henney was supportive of the program and felt this met a lot of the concerns from the employees and office people in town. Council Member Matsumoto agreed and thought it needed to be done correctly, which might take a little longer.

Fonnesbeck thought having a committee to help with implementation would expedite the process.

Council Member Gerber asserted she was excited to see the implementation and was impressed that this program was so comprehensive. She liked the consistency of an employee shuttle. She knew this would be a big change for the community and liked the opportunity for some continued free parking. Andersen expressed his appreciation to the Transportation Advisory Committee for all their work.

Discuss Vail Resort's Pending Trademark Application for "Park City":
Mayor Thomas stated that this item was important to the community. Who we are is important to the community. We have evolved over time, from mining to skiing. He knew that the ski industry was important and as a community, we are co-dependent with the resorts. But we can't forget who we are. We have tremendous benefits from this relationship: the schools, parks, playgrounds, the arts and culture and history of the community. He indicated Vail was a new member of the community and initially the relationship was a little rocky, with a lawsuit that resulted with Vail's initiation into this community. He remembered the fear this community had during that legal process, and the worry that was felt when one of the resorts wondered if it wouldn't open one year. Mayor Thomas thought things had now changed, and referred to this past ski year. It was a record year in business, things are going well and to some extent he thought the community should be celebrating. Now there is a need to work through the trademark issue between the resort and the community. He also noted that no decision would be made tonight, but the purpose of this meeting was to hear public input.

Mark Harrington, City Attorney, referred to his staff report in the online packet, and stated this process evolved from the combination of the two ski areas – the Canyons and Park City Mountain Resort- last summer. As Vail unrolled its new "Park City" signage for the combined resort, some questions arose from the Council. There were some stakeholder meetings with representatives from the Chamber of Commerce to talk to Vail about the "Park City" branding and "There Is Only One" tagline. He noted that the Council watched the issue, but there was no time to do anything about it because the pending trademark application was filed in 2014 by the previous owner. The application was denied in November, 2015. Vail then amended the application this spring, and a 30 day opposition period began May 9th and would conclude tonight at 9:59 p.m. Mountain Standard Time to file an opposition to that application. Harrington indicated the amended trademark application was much narrower in scope than the original. The amended application would provide Vail a trademark for ski facilities including skiing and snowboarding and including classes in skiing and snowboarding.

He stated geographic references generally cannot be trademarked unless there is a distinction in the meaning of the name. This type of trademark (for which Vail applied) was a weaker trademark and would allow others to continue to use the name as well. He stated the Council felt that the community needed to be aware of this application, therefore the word went out that this trademark application was pending. The City cannot say the trademark would or would not affect businesses, but it can say that it is unlikely to affect your business in certain circumstances. Harrington noted that Vail had indicated its intent was to protect itself within the ski industry. The Council needed to consider what role the City should take with regard to this matter. He stated that cities cannot trademark city names and then divvy out use to certain entities. He further entailed the technicalities of trademarks. He indicated Vail had been cooperative in trying to mitigate the concerns of the community. Mayor Thomas stated the Council had worked on this issue since November and progress had been made. He also noted that Vail had reached out to the community as well to resolve concerns.

Bill Rock, Chief Operating Officer, Park City Mountain Resort, stated he respected the community and the passion of its citizens. He stated Vail's intent was not to impact anyone's business here in Park City, but was to protect its ski area. Right now the "Park City" trademark was open for anyone to take. He noted the destination travellers say they are coming to ski in Park City. Vail wanted to make sure that nobody else could represent themselves as Park City the ski area, including setting up a website saying they were Park City Mountain Resort. Rock stated over 40 businesses use Park City in their name. He referred to Park City Brewery as a business that uses Park City as a stand alone name for its product, having a trademark to protect itself against anybody wanting to make a Park City beer. He asserted he had no intention of impacting anybody's business here. Vail had drafted a memorandum of understanding (MOU) and noted there was a process which they were working through. He also indicated other resorts such as Sun Valley had their names trademarked so this process was not uncommon. He concluded by saying that he was open to talk to anyone who wanted to discuss this further.

Kristin Williams, Vail Attorney, stated that locally there was concern on how to refer to the ski area in a way that wasn't confusing it with the City. She indicated Vail listened to that concern and was willing to work to distinguish the name locally by referring to the entire name of the resort, Park City Mountain Resort.

Mayor Thomas opened the meeting for public input.

Angela Moschetta with Sarah Berry, Future Park City, read the following prepared statement: *Thank you, Councilors and Honorable Mayor, not only for bringing this matter to the attention of our community but also for giving us the opportunity to offer actionable recommendations here today. Without your efforts on our behalf, this issue may have been decided long ago before the community had been made aware of its potential impact and been given the opportunity to raise a collective voice.*

My name is Angela Moschetta, and I have been a resident, both full and part time in Park City for over 9 years. I stand before you today representing myself, my co-founder Sarah Berry, a 12 year resident and local businesses owner, and the 278 members of

Future Park City, a civic engagement initiative we began exactly one week ago today in order to facilitate communication and collaboration among civic leaders, community agencies, local businesses and organizations, and residents.

We, as a community, recognize that Vail, as one of the largest employers in town and stewards of a ski mountain that brings tremendous value to all of us - as citizens, employees, business owners and skiers – has a job to do, a business to operate, a brand to enforce and shareholders and employees to protect, many of whom are our friends, family and neighbors. Their role in the future of this town is a huge one, and one of our goals as Future Park City is to embrace Vail and bridge the divide that many perceive to exist between their interests and those of our community.

The idea of trademarking the town name is simply anathema to many people. For emotional, historical and philosophical reasons, the thought of the town name being "owned" by a big, corporate entity immediately raised everyone's defenses. But, as we have sought to bring light to this issue through our Future Park City meetings and the advice and counsel of experts in the field, the realities of trademark law are different and nuanced, and our knee jerk emotional objections in some case may have to be tempered with the protections and interests that our local business community can also achieve by navigating this process fairly and equitably with Vail as a willing partner, and not a perceived enemy of the town.

Pursuant to a phone call I had yesterday with Kristin Williams of Vail Resorts and a meeting Future Park City held last night with concerned citizens and business owners, many of whom have filed for extension to oppose the trademark, I am confident that with your strong and clear advocacy on behalf of our Park City community and with the commitments that Vail has offered to put in writing and make legally binding, swift and satisfactory resolution of all current issues that have arisen between Vail and our town is assured.
To be sure, Vail has already started the commendable process of public fence mending by promising in very clear terms that they will enter into memorandums of understanding with Park City Municipal as well as local businesses owners for the purposes of eliminating confusion and protecting local businesses.

With respect to local businesses, Vail states: "We have offered to Park City Municipal to enter into agreements with any local business who uses Park City in their name and who is concerned that our trademark application may negatively impact their business."
With respect to Vail's general trademark application, they state: "We would also be willing to work out a memorandum of understanding with the City to clarify any part of our trademark application and how it would be applied."

And with respect to widely held community concern about confusion between Park City, the geographic definer of our community, and Park City, the land mass and resort facilities maintained by Vail Resorts, Kristin Williams expressly stated that Vail has *started to address this and will continue to by adding the word "mountain" back into signage, radio spots, advertisements and other marketing materials as they appear locally.*

In the spirit of bridging the gap between our community values and the rights and obligations of Vail as a resort operator, and also balancing the needs and wants of our small businesses community, we have engaged this discussion and wish to put forth what we think is the logical compromise – one that truly and completely addresses the legal and business issues at stake and ensures harmony going forward.

First to the matter of the trademark application: The federal government rejected Powder Corp's initial filing on the basis of geography and broad scope, indicating that an amended application present a considerably more refined scope. Vail responded by seeking to trademark Park City specific to: "Providing facilities for skiing and snowboarding, and conducting classes and instruction in skiing and snowboarding." It is the word "facilities" specifically that continues to cause confusion within our community, this only compounded by Vail spokespersons Bill Rock and Kristin Williams as recently as today on KPCW repeatedly referring to the scope of their trademark application as "ski area operations." For the purpose of the memorandum of understanding in which Vail has offered to clarify any part of their trademark application and how it will be applied, we ask that they further define this scope, what specifically it encompasses and what it includes.

With respect to the protection of local businesses, we ask that Vail's memorandum of understanding with Park City Municipal affirm it will not pursue any kind of trademark action against any present or future business using the geographically distinctive words "Park City" in its name, regardless of goods or services overlap, with the sole exception being any entity that attempts to operate a SKI RESORT in direct competition with Vail and the Park City Mountain operation; specifically limiting this definition to ONLY a competing business attempting to sell access to lift-serviced regions of skiable terrain in which said business is operating and using the words "Park City" in its branding and identity. Perhaps this is how the application scope can be clarified…

As a result of conversations with local business owners in recent days, we ask for a notable exception to the local protection and that is that any currently operational businesses registered outside of this region that funnels money directly into our community and/or local businesses, also benefit from the same protections Vail will offer to local businesses.

To underscore and further ensure its promises, we ask that Vail initiate action and establish a clear and easily discoverable process for the purposes of inviting all community businesses and any affiliates defined by them to enter into individual memorandums of understanding with each of them in order that every potentially *impacted business have the security of its own mutually agreeable and legally binding document.*

All this said, we respect and support Vail's right to pursue action against any individual or business, now or in the future, attempting to use the words Park City in connection with the operation of a ski resort. And we understand that enforcement of Vail's trademark in this manner, should the trademark be upheld, will benefit our community.

Finally, to the matter of brand confusion…. Vail ski resort began operations in 1962. The town was incorporated in 1966. It is no wonder that the resort and town brands are one and the same. Park City the town was founded in 1869. Our first ski resort came along in 1963 and it was called Treasure Mountain.

Per Wikipedia…"Treasure Mountain's name was changed to the Park City Ski Area for its fourth season of 1966-67, and in 1996, became known as Park City Mountain Resort." The entry goes on to refer to Park City Mountain Resort and PCMR, but never simply Park City. And herein lies the rub.
Bill Malone may have told Ms. Williams that he refers to the two resorts in Park City as Deer Valley and simply Park City, which has implied for Vail that people recognize the ski operation as simply Park City. But there is context in these situations. There is the foundation of a conversation that has already established a geographic marker, so that when specifics turn to ski resorts, abbreviated names such as Park City or even DV make sense. It is the same kind of context provided by a beer bottle when one sees Park City on a label. Everyone knows it's a beer and not a state map.

But what happens when people approaching on 224 miss the "Welcome to Park City" sign and then see one somewhere on Empire Ave or on Lowell? Is that large sign adjacent a huge land mass complete with buildings, parking lots, street signs, buses and people identifying a resort OR a community? And that is the bleed our people fear.

This community is made of magic. We are outdoorsy, we are neighborly, we are savvy, we are conscious citizens, we are certainly silly and quirky, and most of all, we are proud. We are the home of the US Ski Team. We have hosted Olympic & World Cup events celebrated the world over. Ski legends call this town home. Whether we are from a multi generation Park City family or brand new in town, WE define our community. WE are Park City, our actions, our events, our hospitality, our leadership, our people…

Vail knows this and more importantly, understands the financial viability of others continuing to visit, delight in and celebrate this. And so do other businesses that set up shop here, some putting our name in their name… There's strength in our brand. There's pride in our brand. And it is for these reasons that the community feels slighted over Vail's OWN branding and marketing choices and is fearful that after 15 or 20 more years of people like Bill or Kristin representing town and our ski resort as one and the *same, that our brand and the resort brand will become as inextricably linked, and essentially muddled, as the one originating from Vail, Colorado.*

There are MANY different types of Park City businesses including Deer Valley, Chimayo, Old Town Cellars, Twice the Dough Donuts and then Park City Pizza, Park City Brewery, Park City Lodging, Park City Sports and Park City the ski resort. And the one true Park City that they ALL identify with and attach themselves to, whether their name is geographically descriptive or not, is the living, breathing community before you here today. Again, WE are Park City.

We appreciate wholeheartedly the actions Vail has undertaken to address confusion locally, which includes and will include, as verbally confirmed by Ms. Williams, adding the word "mountain" back into radio spots, signage and other marketing materials. But this is not enough.

Maintaining our community brand and its legacy is of tremendous importance to the citizens, businesses and repeat visitors that make us who we are. For this reason, we ask that Vail enter into a memorandum of understanding with Park City Municipal and agree to refer to its ski resort in Park City as Park City Mountain Resort or Park City Mountain or Park City Resort in ALL of its external communications and materials. We ask that it abandon its tagline, "there is only one" and that is also immediately cease usage of the hashtag #oneparkcity. As part of this understanding, we ask that the Council and Vail continue to work towards mutually agreeable branding, advertising and corporate communications guidelines that respect Vail's commercial rights to market the resort – which benefits all of us in many ways – and at the same time preserve the historic legacy and identity by which our town of Park City is also known by the non-skiing and snowboarding community worldwide.

For all memorandums of understanding entered into between Vail Resorts and Park City Municipal, we ask that they identify Park City's residents and businesses as third party beneficiaries. Additionally, we ask that all agreements between Vail and Park City Municipal and Vail and individual businesses continue in perpetuity.

We ask that City Council consider our recommendations as speaking for the fair and legitimate concerns of members of our business community and residents of the town, as have been documented and agreed upon in consensus by several such members who met under the Future Park City umbrella to discuss these issues.

Lastly, we ask that the Vail executives in attendance here today, state for the record that this proposal, in its general and specific requests, fairly and accurately represents the intentions of Vail – as they have both publicly and privately stated to this community and in the media - to limit the scope of their trademark application to protect only against competitors to their core business of operating the ski resort itself, and their desire to protect the local community and not, over time, subsume and threaten the *interests of our community that have made this town such a special place to live. Thank for your time.*

Dana Williams, former Park City Mayor, stated he was one of 100 who had filed opposition to the trademark application. He stated the City talked about trademarking "Park City" in 2003-2004. He researched famous trademark cases, and used the band Chicago as an example of others trying to use other cities' brands. He didn't think this was about the protection of ski resorts, but had to do with distinctiveness. Williams asserted this City was distinctive 100 years before becoming a ski town. He reflected on a meeting he had with Vail where it was discussed that Vail was now part of the "Park City" brand, and emphasized that Park City was the City's brand. He thought our name was part of the priorities of the City. He felt the City's name should be protected, and requested that the Council say no to an MOU and defend the City's name in Washington during the hearings.

Paul Kerwin, business owner since 1985, stated he had concern with the MOU. City councils, CEOs, senior management all come and go but trademarks stay the same. No matter how narrow that would be, he was concerned about the small businesses. Over time, things change, and it could be possible to have cease and desist orders on local businesses, and small businesses wouldn't have the funds to properly defend themselves against a corporate entity like Vail. A trademark gives a company so much leverage. He thought the City Council needed to protect the community and its businesses. He didn't think an MOU could adequately protect businesses.

Chip Prettner, 43 year resident, requested the Council to just say no.

Ed Parigian stated the new signage was put up to deceive people because there is no mention of ski areas. People now ask him where old town is because they follow the signs and end up at the resort. He stated Vail wanted to be good neighbors but that takes time. He cautioned the Council to be on guard because things change.

Bill Malone, Chamber of Commerce, stated when the Chamber members first became aware of this, the concern was for local businesses here now, and for businesses that might want to come here in the future. After conversations with the City and resort, the Chamber felt confident that the MOU can work. He offered to help be part of the solution, and would help businesses maintain their monikers of Park City. He indicated the Chamber had marketed the community for 35 years, and there was no confusion around the world on where Park City was located. He said there was confusion on the local level and Vail would work to correct local signage. With regard to the rest of the world, the Chamber referred the ski areas as Park City and Deer Valley in their marketing efforts.

Sharon Christiansen indicated Vail was a publicly traded company so their first obligation was to their stockholders, not to Park City. Things change over time and she didn't want future stockholders to come in with different expectations then what was presented tonight.

Mayor Thomas stated public comments could continue during the Public Input portion of the regular meeting.

REGULAR MEETING

I. Roll Call

II. **Attendee Name**	**Title**	**Status**
Jack Thomas	Mayor	Present
Andy Beerman	Council Member	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Cindy Matsumoto	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	City Recorder	Present

II. Communications and Disclosures from Council and Staff

Council Member Beerman stated for the last several months a number of people had been working to bring an employer to town and announced that the Ski Industries Alliance (SIA) would be moving here and would be employing about 25 people.

III. Public Input *(Any Matter of City Business Not Scheduled on the Agenda)*

Mayor Thomas stated those who wished to comment with regard to the Park City trademark or any other item which was not on the agenda could do so at this time.

Andre Shumetov, marketing for Park City Brewery, stated this issue had sent them talking to lawyers and trying to understand the issue. He felt there was atrocious communication on this issue. He related what he had learned from talking to attorneys: The likelihood of the trademark going through was very good and there was nothing the City could do about it; you don't have to have a trademark registration to defend your trademark so Park City Lodging for example, could defend its name against Vail if Vail decided to pursue that against them; and you have to be in operation for five years before you can register the name. He agreed that the scope of the application needed to be further narrowed. He recommended that Vail open up the communication with local businesses.

Matt Lawyer, patent lawyer, stated the MOU was weak and requested that Vail consider contracting with the City government to license the trademark. The license would be limited in scope and gives the City the sole rights to enforce the Trademark against local businesses so that Vail could just come to the City if there is a problem.

Sebastian Ziesler spoke about the Storm Water fee. He indicated he had received the flyer explaining this new fee and felt it was another tax. He thought there were many residents on fixed incomes and this equated to a 30% tax increase for some. He also asserted that some services provided with this utility fee were not considered utilities in his opinion, such as mowing the parks and police protection. He did not think collecting a mandatory fee was the right approach for the City.

Michael Kaplan stated he taught international marketing in the United States and overseas, and wanted to reiterate the value of the City's brand. He thought Vail was riding on the coattails of the City for name recognition. He felt the resolution to this was to have Vail use the entire name of the resort in their marketing.

Tom Carlson called into the City and his statement was read into the record by Kellogg, indicating his suggestion that Vail apply to have the trademark "On Mountain" Resort and specifically exclude the City's name. This would support the commercial interests in the City.

Kevin Valaika, Lisa Williams, Sanota Janid, and Ethel Preston added their names to the list of other speakers in support of not trademarking the City's name.

Mayor Thomas closed the public input portion of the meeting.

Council Comments and Questions:
Council Member Gerber indicated she attended the Off Leash Dog Task Force meeting, where they discussed what would be presented at next week's City Council meeting. She also attended the Planning Commission meeting at Santy Auditorium where a discussion took place with regard to Treasure Mountain, and she stated more meetings on this topic would be held through December.

Council Member Worel stated she attended the Board of Health meeting, where a water concurrency ordinance was passed. Park City had specifically requested to be exempt but was denied because they felt it was clear that all municipalities were exempt. She also attended the Park City Advocacy meeting, where the group began to divide up into different task forces that would each address a specific issue. She attended the Joint Transit Advisory Board (JTAB) meeting, and stated a short term transportation plan would be presented in July. It was also announced that new buses had been ordered and would come online in the winter.

Council Member Henney stated he spent day with Foster at the Transportation Task Force meeting, narrowing the project list and discussing funding options, and then at the JTAB meeting, where the parking proposal was discussed. He also attended the Weber Water District meeting.

Council Member Matsumoto indicated she attended the Recreation Advisory Board (RAB) meeting where the Dog Task Force and the Rec Facilities Master Plan were discussed.

Council Member Beerman stated he attended a Mountain Accord meeting. He watched the Treasure Hill discussion at the Planning Commission meeting and then went to the Future Park City meeting. He commented that the bike racks were being distributed around the community, and he wanted someone to evaluate that they were being placed in the best locations. He also noticed construction everywhere and some places seemed unsafe, and he felt this was too much for residents. Heinrich Deters stated Park Avenue construction was for gas lines, water lines, and the walkability project. He hoped to do it in the off-season and as of today the project was done.

Mayor Thomas indicated he attended the Transportation Task Force meeting and the Fire Board meeting. He asked for a backup in the event that he couldn't attend a Promise Partnership Regional Council meeting.

Council Member Gerber stated she heard about the change for the bikes on the buses. A mother with four children stated she couldn't get all four kids on the bus with bikes if two other bikers were already onboard. She also was asked if money could be raised to add additional bike racks to the backs of the buses. Fonnesbeck stated Deer Valley trails weren't ready so there was some concern with having too many people on bikes up there. He stated this was a pilot program and issues would be evaluated.

Foster stated that having SIA in Park City, which Council Member Beerman announced, had been accomplished in large part from his efforts.

IV. Consideration of Minutes

Consideration of a Request to Approve the City Council Meeting Minutes from May 19, 2016:

Council Member Gerber indicated on Page 62 of the packet, the spelling of the app should be Vutility. Also, on Page 68, she had recommended the $7 million placeholder but had concerns that the project couldn't be completed for that amount.

Council Member Beerman moved to approve the City Council Meeting minutes from May 19, 2016 with the above mentioned amendments. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Matsumoto and Worel
ABSTAIN: Council Member Henney

V. New Business

1. Public Hearing to Receive Comment with Regard to the Fiscal Year 2016-2017 Tentative Budget:
Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

2. Consideration of Approval of Street Dining on Main Lease for Tupelo at 508 Main Street in a Form Approved by the City Attorney:
Ashley Scarff, Planning Department, stated Tupelo requested to have a dining deck at 508 Main Street. Planning recommended issuing the permit.

Council Member Matsumoto stated the previous owner applied for on-street dining and there was a concern. Scarff stated the concern was with regard to pedestrians crossing 5th Street at that intersection, but it was resolved because the deck was shortened. Council Member Matsumoto asked Planning to observe that location for possible concerns. Council Member Beerman asked if there was a deadline for these applications. Scarff stated there was a rolling application period for the duration of the contract period. Council Member Beerman stated he would prefer to have Council do a walk through before approving the lease. It was decided to have a group walk through next Thursday before Council meeting.

Council Member Matsumoto moved to continue the approval of the Street Dining on Main Lease for Tupelo at 508 Main Street in a form approved by the City Attorney until after the walk through. Council Member Worel seconded the motion.

RESULT: CONTINUED **Next: 6/16/2016**
AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

3. Consideration of a Request to Continue a Public Hearing on an Ordinance for the 220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Subdivision, Located at 220 King Road, Park City, Utah:
Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Worel moved to continue a public hearing on an ordinance for the 220 King Road, Second Amended Lot 2, Phase 1 Treasure Hill Subdivision, located at 220

King Road, Park City, Utah, to June 30, 2016. Council Member Beerman seconded the motion.

RESULT: CONTINUED	**Next: 6/30/2016**
AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel	

4. Consideration of an Ordinance Approving a Third Extension of the August 9, 2012, Approval of the Ontario Mine Bench Subdivision Located at 7700 Marsac Avenue, Park City, Utah Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney. (A) Public Hearing (B) Action:
Kirsten Whetstone, Planning Department, stated there were no changes to the proposed plat, but there was a condition that the subdivision must be recorded by October 30, 2016 or the extension would expire.

Council Member Gerber asked about the water usage letter included in the packet. Whetstone explained there were leaks, irrigation that was not turned off and other issues yet to be resolved.

David Smith, United Mine, stated the water was pumped up to the site. There were two significant leaks that had been fixed, but there was still significant usage and they hadn't found the source.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to approve Ordinance 2016-27, an ordinance approving a third extension of the August 9, 2012, approval of the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue, Park City, Utah, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

5. Consideration of an Ordinance Approving a Third Extension of the August 9, 2012, Approval of the Ontario Mine Bench Condominium Plat Located at 7700 Marsac Avenue, Park City, Utah Pursuant to the Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney. (A) Public Hearing (B) Action:

Whetstone stated this plat was related to the subdivision plat, but this was a condominium plat. The same condition of approval was required of recording the plat before October 30, 2016, or the extension would expire.

Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Beerman moved to approve Ordinance 2016-28, an ordinance approving a third extension of the August 9, 2012, approval of the Ontario Mine Bench Condominium Plat located at 7700 Marsac Avenue, Park City, Utah, pursuant to the findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

6. Consideration of a Request to Continue a Public Hearing on Land Management Code Amendments:
Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas closed the public hearing.

Council Member Matsumoto moved to continue a public hearing on Land Management Code Amendments. Council Member Henney seconded the motion.

RESULT: CONTINUED
AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

Council Member Beerman moved to close the meeting to discuss property and litigation at 7:05 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

CLOSED SESSION

Council Member Beerman moved to adjourn from Closed Meeting. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto and Worel.

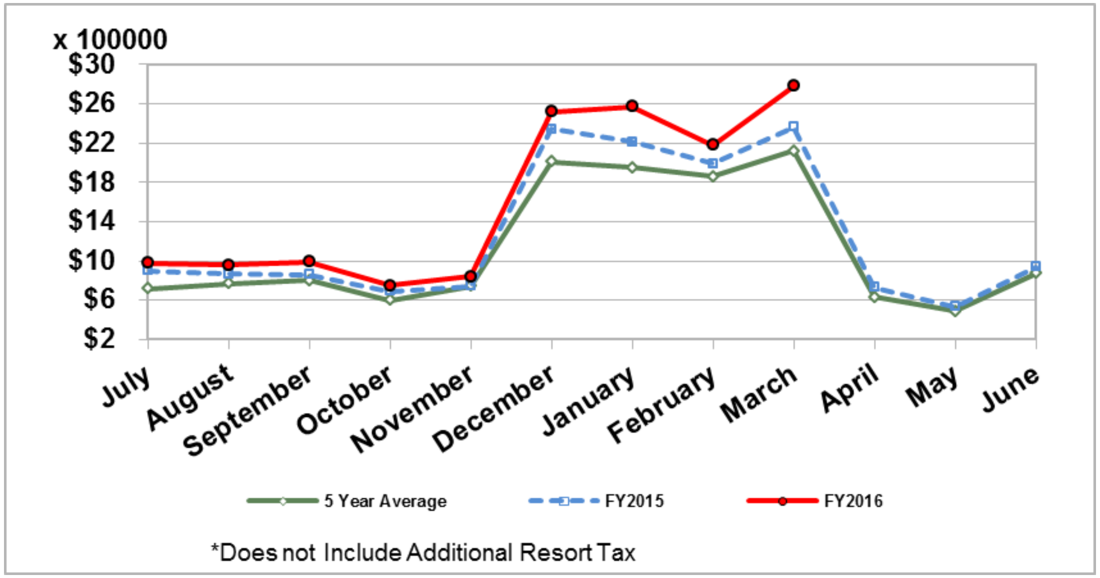
VII. Adjournment
With no further business, the meeting was adjourned.

____
Michelle Kellogg, Park City Recorder

CITY MANAGER'S RECOMMENDED BUDGET

JUNE 9, 2016

Sales Tax



YTD Fund Distribution March FY 2016									
	General Fund			Transit Fund			Capital Fund		
Sales Tax	Adjusted Budget	YTD	% YTD of Budget	Adjusted Budget	YTD	% YTD of Budget	Adjusted Budget	YTD	% YTD of Budget
Local Option	$ 5,086,972	$ 4,421,093	87%						
Resort	$ 2,329,860	$ 2,014,504	86%	$ 2,300,000	$ 2,024,674	88%	$ 4,695,007	$ 4,059,518	86%
Mass Transit				$ 2,550,000	$ 2,231,179	87%			
Additional Resort							$ 4,050,000	$ 3,673,453	91%
TOTAL	**$ 7,416,832**	**$ 6,435,597**	**87%**	**$ 4,850,000**	**$ 4,255,853**	**88%**	**$ 8,745,007**	**$ 7,732,971**	**88%**

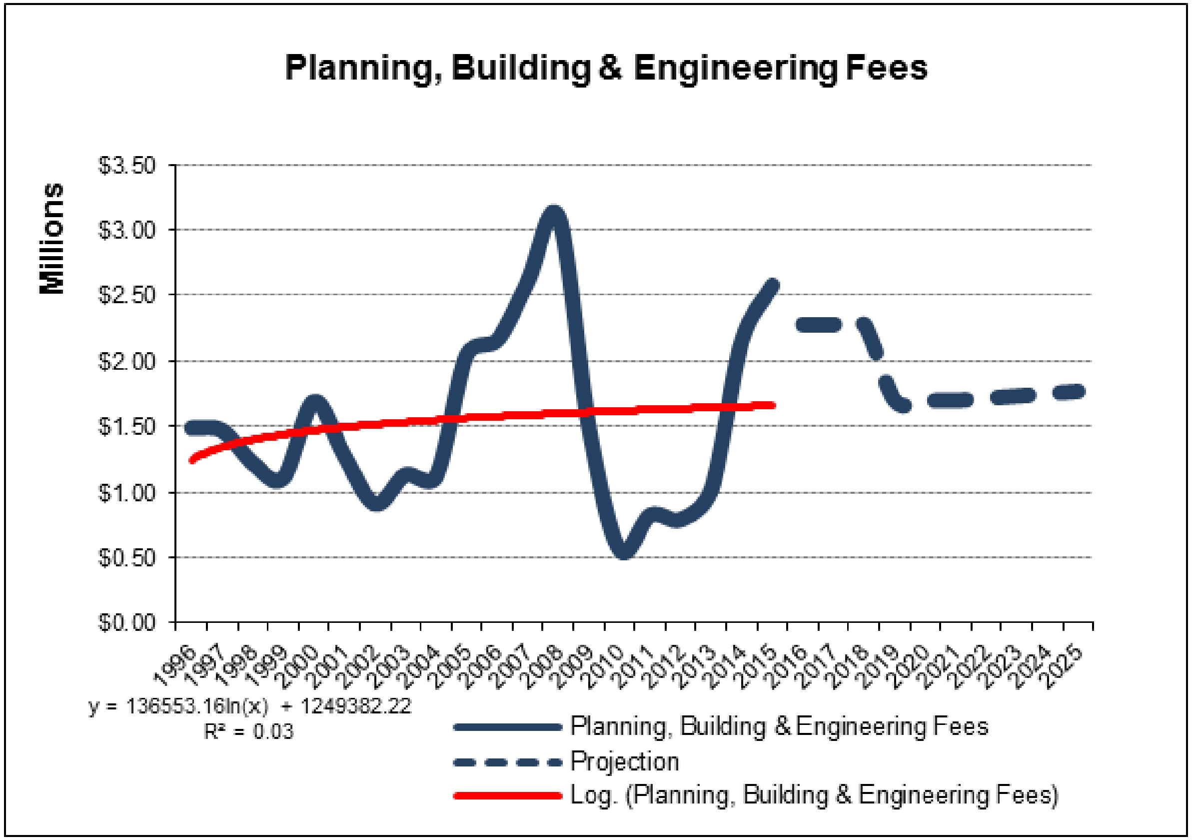
- Combined General Fund and Capital Fund Transfer
  - Adjusted Budget - $12.11 Million
  - YTD - $10.5 Million

GENERAL FUND AND CAPITAL TRANSFER PROJECTIONS

General Fund and Capital Fund Transfer Projections FY 2016								
General Fund Revenue Type	FY 2014	FY 2015	YTD FY 2016	FY 2016 Original Budget	FY 2016 Adjusted Budget	FY 2016 Projection	% Adj. Bud. Compared to Projection FY 2016	% Adj. Bud. Compared to Projection FY 2018
Sales Tax	$ 10,103,580	$ 11,010,763	$ 11,476,364	$ 11,734,936	$ 12,111,839	$ 12,376,658	2.2%	264,819
Property Taxes	$ 9,279,024	$ 9,840,209	$ 10,372,539	$ 10,464,000	$ 10,464,000	$ 10,514,590	0.5%	50,590
Franchise Tax	$ 3,158,716	$ 3,061,207	$ 2,686,797	$ 3,414,000	$ 3,144,000	$ 3,162,600	0.6%	18,600
Planning Building & Engineering Fees	$ 2,154,168	$ 2,578,017	$ 1,758,950	$ 1,545,000	$ 2,277,000	$ 2,023,330	-11.1%	(253,670)
Recreation	$ 1,605,530	$ 1,710,968	$ 1,831,339	$ 1,875,000	$ 1,998,000	$ 2,068,194	3.5%	70,194
Ice Revenue	$ 810,830	$ 813,134	$ 671,952	$ 722,500	$ 775,000	$ 724,612	-6.5%	(50,388)
Licenses	$ 422,747	$ 412,605	$ 434,182	$ 449,000	$ 504,000	$ 456,273	-9.5%	(47,727)
Intergovernmental	$ 138,853	$ 110,775	$ 109,730	$ 132,000	$ 144,000	$ 134,985	-6.3%	(9,015)
Court Fees	$ 86,364	$ 99,640	$ 76,230	$ 91,000	$ 91,000	$ 92,366	1.5%	1,366
Fees/Other	$ 477,852	$ 315,041	$ 369,030	$ 538,000	$ 522,000	$ 474,197	-9.2%	(47,803)
Interfund Transfers	$ 1,346,991	$ 2,166,356	$ 2,256,360	$ 2,256,360	$ 2,256,360	$ 2,256,360	0.0%	-
Total	**$ 29,584,656**	**$ 32,118,715**	**$ 32,043,473**	**$ 33,221,796**	**$ 34,287,199**	**$ 34,284,165**	**-0.01%**	**(3,034)**

PARK CITY 1884

Planning, Building & Engineering Fees



TEN- YEAR FINANCIAL IMPACT FORECAST

Ten-year Financial Impact Forecast

	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Revenue	**$34,420**	**$35,560**	**$35,967**	**$36,415**	**$37,224**	**$38,104**	**$39,385**	**$40,273**	**$41,118**	**$41,973**
Op. Expenses (Base)	$28,639	$28,639	$28,639	$28,639	$28,639	$28,639	$28,639	$28,639	$28,639	$28,639
Inflationary Growth	$0	$924	$1,879	$2,866	$3,885	$4,938	$6,026	$7,150	$8,311	$9,511
Operating LOS Growth	$0	$383	$772	$1,166	$1,566	$1,972	$2,384	$2,803	$3,227	$3,657
CIP Expenses	$4,347	$4,138	$3,337	$3,180	$2,830	$2,880	$2,930	$2,980	$3,030	$3,080
Debt Service	$183	$179	$178	$181	$182	$0	$0	$0	$0	$0
Total Expenses	**$33,170**	**$34,264**	**$34,806**	**$36,032**	**$37,102**	**$38,430**	**$39,980**	**$41,572**	**$43,207**	**$44,888**
Rev/Exp	**$1,250**	**$1,296**	**$1,161**	**$383**	**$122**	**-$326**	**-$594**	**-$1,299**	**-$2,089**	**-$2,915**

**In Thousands (x1,000)*

Aggregate Surplus/(Shortfall) Over Ten-Years (2016 to 2025) **-$3,011,333**

PARK CITY 1884


Downtown Parking Management Plan
City Council Study Session
June 9, 2016
PARK CITY
1884
NELSON
NYGAARD
In association with:
Fehr and Peers I Carl Walker Inc.


WHY DO YOU HAVE TO BE
SMARTER ABOUT PARKING?


Parking is closely linked to…
• Economic vitality
• Local business health
• Development potential
• Pedestrian activity
• Traffic congestion
• Urban design and aesthetics
• Signage and wayfinding


Flickr – Chris Dodson

Growth is Coming

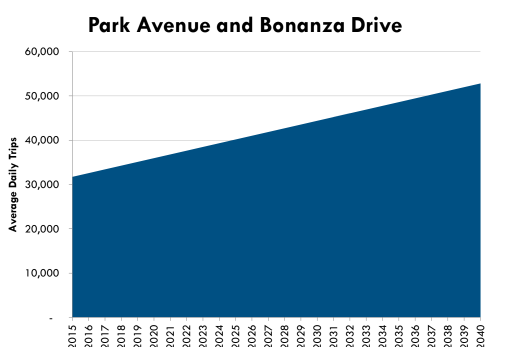
Recent Growth in Households

Location	2000	2013	% Increase
Park City	7,400	7,950	8%
Salt Lake County	898,400	1,079,700	20%
Summit County	29,750	38,500	29%
Wasatch County	15,200	26,450	74%

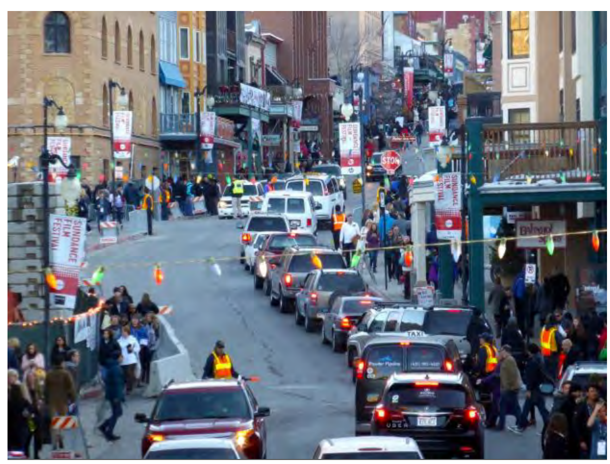
Projected Growth in Households

Location	2015	2040	% Increase
Park City	7,900	10,000	27%
Salt Lake County	1.08M	1.51M	42%
Summit County	38,000	71,000	87%
Wasatch County	26,000	59,000	127%

Vehicle Trips in 2040 with "Status Quo"



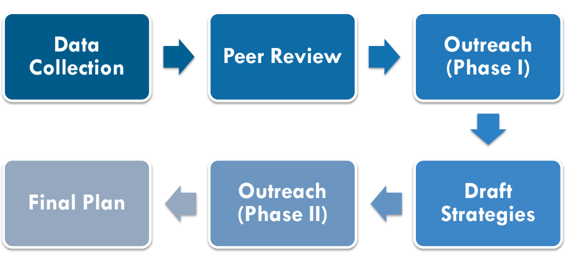
Source: Mountain Accord Travel Demand Model



Project Approach

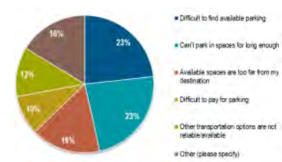
- **Data, data, data**
- **Be <u>comprehensive</u>**
- **Develop strategies that:**
  - Help downtown manage change and growth
  - Maximize use of <u>existing</u> parking system
  - Balance user needs
  - Make it easy to park
- **Create a management plan, allowing city to adapt**
- **Implement!**

Process Overview

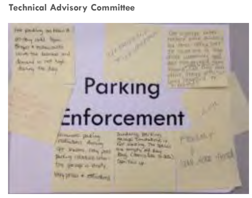


Community Outreach

Technical Advisory Committee



Parking Survey



Community Workshops

Peer Review

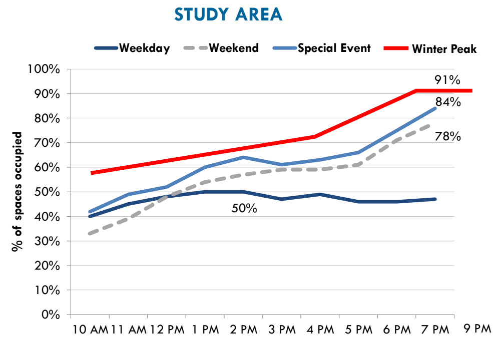
Newport Beach, CA

Manitou Springs, CO

Breckenridge, CO

Nantucket, MA

Parking Utilization – Peak vs. Off-peak



“Peak” Demand

- Close to 90% on all Main Street blocks
- Very heavy demand in most off-street
- Remote lots still have availability

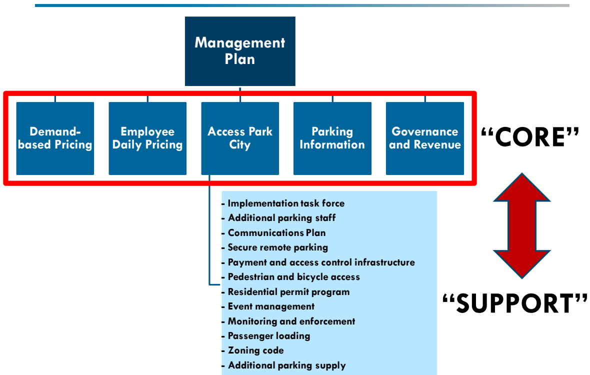
Parking Demand in Downtown Varies By…

Time of Year “Off-peak” seasons vs. “Peak” seasons	**Day of Week** Monday – Thursday vs. Friday - Sunday
Time of Day Before 5 p.m. vs. After 5 p.m.	**By Location** Main Street + adjacent vs. Downtown “periphery”

Recommendations

Important to remember…

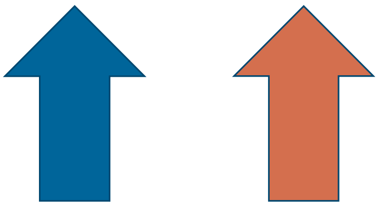
Parking Recommendations Framework



#1. Adopt demand-based management program

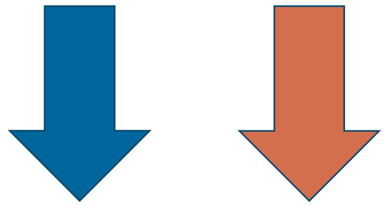
- **Summary:**
  Adjust pricing/regulations based on demand so that spaces are <u>consistently available</u>.
- **Benefits:**
  - Make it easier to find parking.
  - Reduce cruising and traffic.
  - Reduce citations and violations.
  - Improve decision-making and transparency.
  - Maintain or increase revenues **<u>to be reinvested into parking and access improvements.</u>**

What is demand-based management?



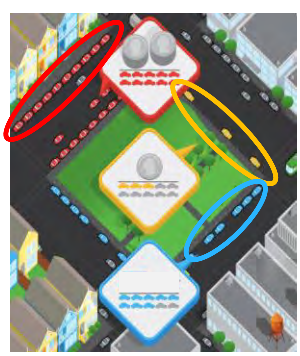
Demand **$$$**

What is demand-based management?



Demand **$**

What is demand-based management?



Target occupancy:

85-90%

(1-2 open spaces)

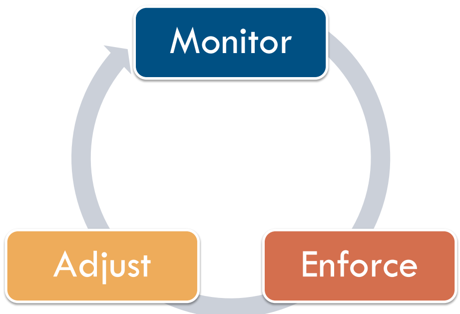
If block/lot is too full, ***increase the price*.**

If block/lot is too empty, ***lower the price*.**

If block/lot is just right, ***keep the price the same*.**

Targets and Actions

You Won't Get Prices Right the First Time!



Vary by Location

- **Premium:**
  Main Street
  Adjacent lots/garages
- **Value:**
  All other on-street
  Park Avenue
  Brew Pub
  North Marsac/City Hall/China Bridge (top)
- **Remote:**
  Sandridge
  Existing/future Park-n-Rides

Time of Year

TIER 1	Non-peak Weekdays
TIER 2	Non-peak Weekends Peak Weekdays
TIER 3	Peak Weekends Minor Events
TIER 4	Major Events

TIER 1 (Non-peak Weekdays)

	PREMIUM	VALUE	REMOTE
On-street	0-2 hours: $1.00/hr. 2-6 hours: $1.50/hr. 6 hour limit	0-4 hours: $.50/hr.* 4 hour limit*	N/A
Off-street	Free No time limit	Free No time limit	Free

DRAFT – INITIAL RATES

* No charge or time limit for residential permit holders

TIER 2 (Non-peak Weekends/Peak Weekdays)

	PREMIUM	VALUE	REMOTE
On-street	0-2 hours: $1.50/hr. 2-6 hours: $2.50/hr. 6 hour limit	0-4 hours: $1.00/hr.* 4 hour limit*	N/A
Off-street	0-2 hours: $.50/hr. 2-6 hours: $1.50/hr. No time limit	0-2 hours: Free 2+ hours: $1.00/hr. No time limit	Free

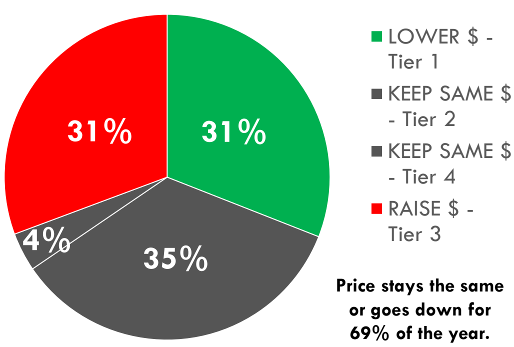
* No charge or time limit for residential permit holders

TIER 3 (Peak Weekends/Minor Events)

	PREMIUM	VALUE	REMOTE
On-street	0-2 hours: $2.50/hr. 2-6 hours: $3.50/hr. 6 hour limit	0-2 hours: $1.50/hr.* 2-4 hours: $2.50/hr. 4 hour limit*	N/A
Off-street	0-2 hours: $1.00/hr. 2+ hours: $2.50/hr. 10 hour limit	0-2 hours: $.50/hr. 2+ hours: $1.50/hr. 10 hour limit	Free or "pay-not-to-drive" reward

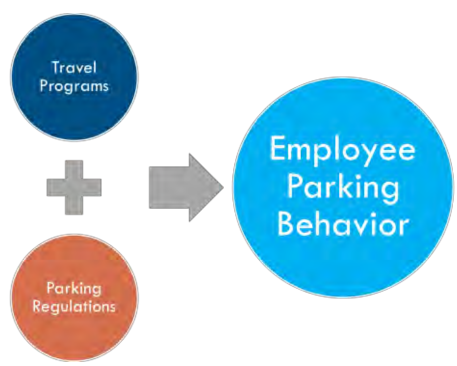
* No charge or time limit for residential permit holders

Pricing on Main Street

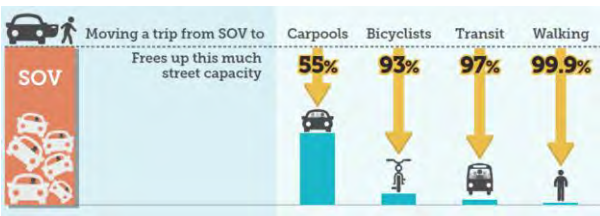


Price stays the same or goes down for 69% of the year.

#2. Give Employees Options



Small Changes Have Big Impacts

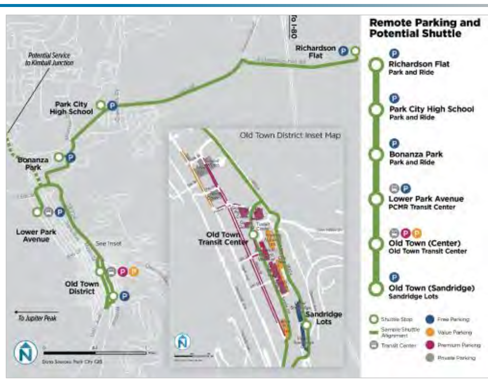


Source: Fehr & Peers

#2. Create *Access Park City* Travel Program

- **Summary:**
  - *Access Park City* would be a new program making it easier to not drive downtown.
  - Utilize a portion of parking revenue to fund programs.
  - Financial incentives, park-n-ride, car sharing, bike sharing
- **Benefits:**
  - Reduced employee demand for downtown parking, freeing up spaces for visitors.
  - Employees will still drive, but some employees will change behavior for some trips.
  - More travel flexibility for employees.
  - Employee "perk" - financial savings

#2. *Access Park City* – Parking Shuttle



#3. *Access Park City* – Financial Incentives

- Direct payment for parking in "remote" lots and/or taking transit, biking, or walking
- Credit to employee smart card "account"
- Small incentive is likely enough to "move the needle" - **$.50-$1 per day**
- Subsidize portion of **Uber/Lyft/taxi** employee rides
- Cap payments/subsidies up to certain $ amount

#3. Shift to Daily Discounted Employee Parking

- **Summary:**
  - Transition from annual employee permits to daily parking payment
  - Allow employee parking in any public facility
  - Offer discounted employee rates (public off-street only)
  - Employees use a prepaid "travel/parking" smart card
- **Benefits:**
  - Eliminates "sunk" cost of annual permit
  - More flexibility in parking location
  - Allows employees who drive less often to save money
  - Incentivizes use of other modes
  - Shifts employee parking away from "Premium" spaces

Discounted Employee Rates

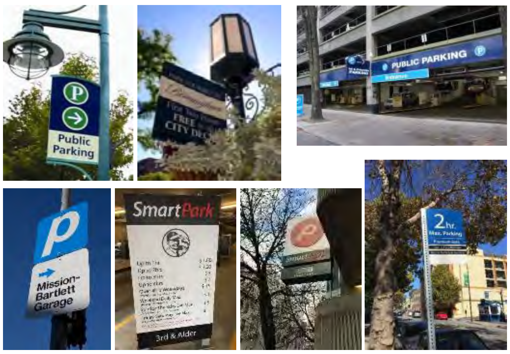
TIER	OFF-STREET PARKING		
	PREMIUM	VALUE	REMOTE
1	FREE	FREE	FREE
2	0-3 hours: $0.20/hr. 3+ hours: $0.40/hr. **[8 hours: $2.60]**	0-3 hours: Free 3+ hours: $0.20/hr. **[8 hours: $1.00]**	Free or "pay-not-to-drive" reward
3	$0.75/hr. **[8 hours: $6.00]**	$0.30/hr. **[8 hours: $2.40]**	Free or "pay-not-to-drive" reward

#4. Upgrade Parking Information

- **Summary:**
  - Update parking brand to create a readily identifiable signage system
  - Menu of tools: wayfinding/signage, brochures/maps, website
  - Signage includes: direction, static, informational, arrival/entry, dynamic variable message
  - Integrate into private parking facilities
- **Benefits:**
  - Communicate pricing and regulations to motorists
  - Easier to find parking, especially remote parking
  - Reduced confusion → less tickets
  - Improved aesthetics

Poorly Coordinated Signage

#4. Brand and Identity



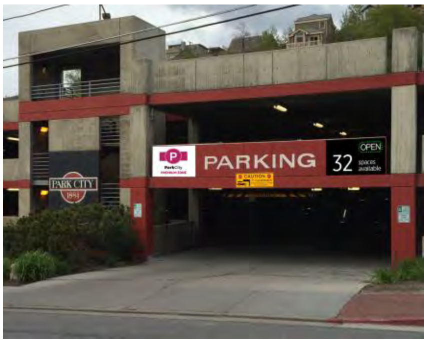
#4. Brand and Identity

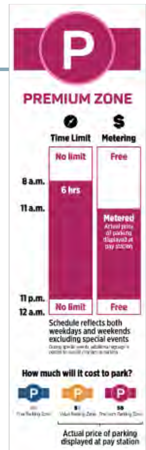
ParkCity

#4. Variable Message Signs

#4. Variable Message Signs

#4. Regulatory Signage



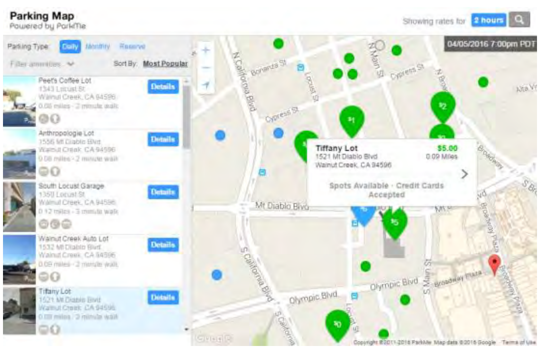


#4. Maps

#4. Online Services

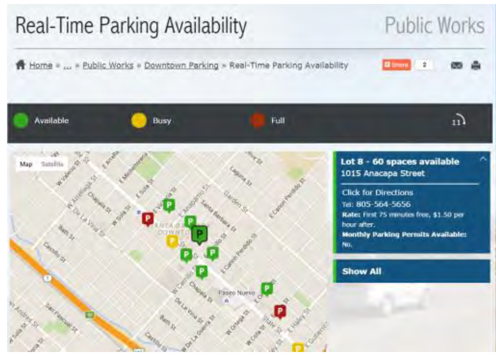
#4. Social Media

#4. Real-time Parking Info



Walnut Creek, CA

#4. Real-time Parking Info



Santa Barbara, CA

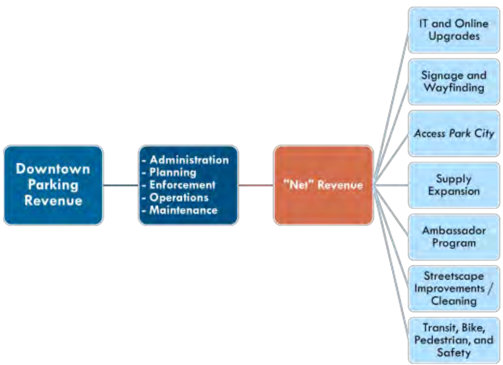
#4. Smartphone Apps

#5. Governance and Revenue

- **Summary:**
  - Formalize Downtown Parking and Access Advisory Committee
  - Integrate downtown into emerging citywide Transportation Management Association (TMA)
  - Create a formal Downtown Parking Benefit District (PBD)
- **Benefits:**
  - Formal venue for stakeholder input on parking/access
  - Proactive vs. Reactive
  - Leverage collective resources
  - **Reinvest parking revenue to fund key parking/mobility programs**

Walnut Creek, CA

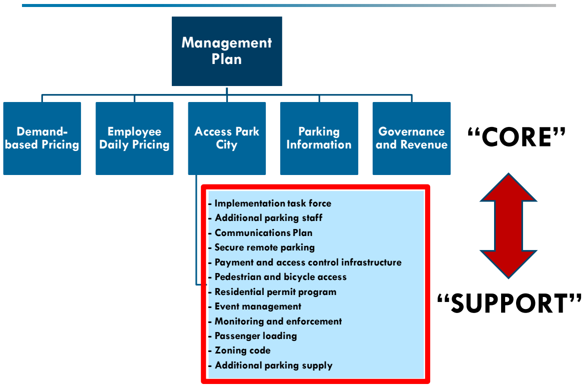
Reinvest Parking Revenue



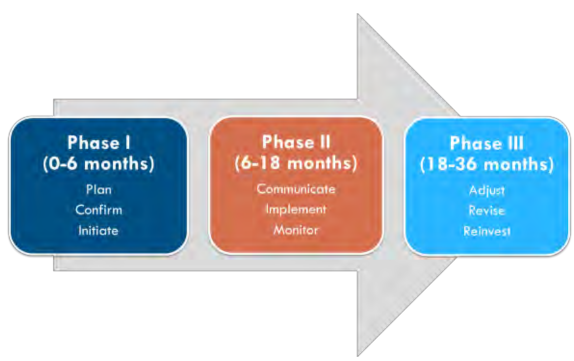
Financial Summary

Item	$ Amount
Pay Station Revenue	$2,045,100
Citation Revenue	$190,900
Gross Annual Revenue	$2,236,100
Annual Operating Costs	($1,602,000)
Net Annual Revenue	$634,100
Capital Expenses	$3,023,000

Parking Recommendations Framework



Implementation



Tonight, we want…

- Approval and direction for staff to move forward with implementation of the Downtown Parking Management Plan
- Specific input on:
  - Demand-based management
  - Employee parking and travel programs
  - Signage and wayfinding
  - Governance and revenue
- Other questions or discussion