PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 28, 2011

Present: **Mayor Dana Williams; Council members Alex Butwinski; Joe Kernan; Cindy Matsumoto; and Dick Peek**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Diane Foster, Sustainability Manager; Scott Robertson, IT Manager; Spencer Lace, IT Analyst; and Jon Weidenhamer, Economic Development Manager

Mark Clews, ICMA International Fellow; and Katie Snyder, Kimball Art Center

Absent: **Council Member Liza Simpson**

1. Oath of Office – Council Member Dick Peek. Mayor Dana Williams administered the Oath of Office to newly appointed Council Member Dick Peek.

2. Council questions/comments. Alex Butwinski relayed that the Planning Commission meeting lasted until midnight last night. Cindy Matsumoto reported that she and Joe Kernan reviewed special service contracts during the week and invited input from members if there is interest. These will be reviewed by Council on May 26. Mayor Williams discussed the interagency meeting where emergency management was discussed as well as liaison positions. The City will continue to maintain its ex officio role on the Summit County Health Board and BOSAC and retain a voting member seat on the Fire District. Michael Kovacs introduced Chad Root, Park City's new Chief Building Official, who is from Mountain Village, Colorado. Mr. Root stated that he looks forward to working with everyone.

3. ICMA International Fellow Mark Clews – Climate Adaptation Plan. Mr. Clews stated that he has been participating in an exchange program for two weeks in Park City. He explained that climate adaptation is a series of responses designed to reduce our vulnerability and increase resilience to global warming. He spoke about Park City reinventing itself as a resort community after mining ceased as an example of adaptation and described the differences between adaptation and mitigation. Associated migration trends were discussed. Diane Foster interjected that adaptation is an element that needs more staff attention and the timing of the internship was excellent. Mr. Clews has helped the City kick-start this effort. She commented that Park City was one of eight western communities who received a grant and will be working with the Berking Institute to create a regional climate adaptation plan. A formal update and a request for Council direction will occur in August. If Council approves the concept, staff will take the first step in the implementation of the adaptation plan and ICKLEI has actually developed framework for communities on how to move forward with adaptation plans. In response to a question from Ms. Matsumoto, Mr. Clews described the progress made in Hastings, New Zealand with regard to sustainability and mitigation efforts. Local communities and governments are the driving forces addressing climate change adaptation. He discussed how much he has enjoyed being here and mentioned how friendly people are in Park City.

4. iPad delivery and use policy discussion. In response to a question about pricing, Spencer Lace relayed that the City receives state government contract prices. Joe Kernan stated that he would like to test an iPad for about a week before deciding and believed that he personally would limit its use to City business. He felt iPads may provide convenience and will save on printing costs but felt it should be a City owned device. Scott Robertson explained that is an option to consider but the stipend is recommended because it provides the best balance for IT support, equipment management and flexibility of use. Because it is a consumer grade device, how to restrict it within the guidelines of the City's best practices from a security standpoint is not fully known. Eligibility for an iPad is tied to receiving printed meeting packets so Tom Bakaly and Mark Harrington are the only staff members being considered. He stated that the City Manager has elected not to receive one and is giving his iPad to Dick Peek. Mr. Lace clarified that IT has one iPad on hand for back-up and for providing technical support. Mr. Kernan reiterated his preference for City ownership because of his level of interest.

The City Manager stated that the goal is to reduce paper and provide members with a tool. The Mayor believed that Council already made a decision about the City owning the equipment at a prior work session. Mr. Robertson stated that he has analyzed how other organizations are providing equipment and feels the stipend is the best way to proceed. Replacing paper costs with this tool is very cost-effective for the City. The Mayor acknowledged that he would use the iPad for personal use and Mark Harrington interjected that that is typical of the evolution that other jurisdictions have experienced. iPads are built to manage information in a number of arenas and the progression of use is very hard to manage. This is why staff continues to recommend the stipend approach because it bridges this gap and allows flexibility. Mr. Harrington encouraged members to support the recommended approach and if there is one exception, a different agreement could be drafted. Mr. Kernan stated that he would like to use an iPad for a week before he decides because he may not want it. Mr. Lace stated that he has a loaner available for his use.

Mr. Robertson explained that the 3G service paid by the City is basic and adequate to meet the business requirements of downloading packet data, etc. but if members want to upgrade, they will be responsible for the additional cost. If the iPad is in a Wi-Fi area, it will automatically pick up the wireless signal and not use the 3G service. In response to a question from Mr. Butwinski, Mr. Robertson explained that members will receive a stipend from the City to cover the cost of the iPad and accessories budgeted at $800 and the City will cover the cost of monthly limited 3G service. Mr. Lace indicated that the IT Department will recommend two or three applications and pay for them by way of a gift card to members, however, the iPads need to be registered under a Council member's account with an ID and credit card number. Members should be able to web surf, email, and download packets with the service plan but downloading just one movie may exceed the service plan. There is a huge leap between multi-media, songs and movies. Scott Robertson noted that training is part of the agreement and the Legal Department will also provide advice. The agreement will be signed when the iPad is deployed. Spencer Lace advised that members should use their Apple ID information, if they have an iPhone for instance, for their iPad.

5. Art Festival Supplemental Plan. Jon Weidenhamer pointed out that the supplemental plan is scheduled on the regular agenda for action and believes the Kimball Art Center has formulated some good changes. It is proposed to open one hour earlier on Friday; to move it to a full day is a major undertaking and beginning at 5 p.m. was a compromise. The second change is expansion of the footprint to accommodate the street dining decks. KAC is willing to incorporate those into the Festival, displacing approximately 55 booths, and resulting in an expansion of the Festival area mostly at the ends of the street, Heber Avenue and 7th Street. Mr. Weidenhamer stated that KAC requested that the City not allow any more decks on Main

Street beyond the nine approved to date. Flannigan's has agreed to remove its deck during the Festival. Katie Snyder explained that if Flannigan's submitted an application by the deadline of March 15, KAC would have been able to accommodate them. Mr. Weidenhamer pointed out that holding a debrief on this year's operations will be valuable. The third change relates to transit drop-off locations which is a request stemming from the expanded footprint.

He explained that the free Friday night for locals was no longer a secret and was attracting Salt Lake attendees. Park City and Summit County residents and second home owners will be admitted free while others will be charged $10, but enforcement will be soft. Ms. Snyder stated that KAC hired Lighthouse Research last year and learned that on Friday night 71% on the street were from out-of-town.

Jon Weidenhamer relayed that he did not find any adverse impacts related to the proposed changes and staff supports them. Katie Snyder discussed placing most of the 55 booths, but losing 11. Mr. Weidenhamer added that the Brew Pub Lot will be programmed to help with activity on the top of the street. Ms. Snyder hoped that the location will be successful with better shows. In response to a comment from Dick Peek, Mark Harrington clarified that all of the decks have an agreement with KAC, except Flannigan's, so they will remain throughout the Festival. Mr. Weidenhamer emphasized that the City has an executed agreement with KAC which guarantees use of the street and KAC has the sole discretion to decide whether the decks stay or not. Mr. Peek pointed out that compensation is being made with the expansion of the footprint of the Festival area. Mr. Weidenhamer agreed but the value of the expansion to the Arts Festival is unknown at this time and Mr. Harrington stated that adjustments may have to be made next year.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 28, 2011

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, April 28, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Dick Peek. Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; Jonathan Weidenhamer, Economic Development Manager; Francisco Astorga, Planner; Thomas Eddington, Planning Manager; Shelley Hatch, Business License Analyst; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Swede Alley liquor store - The Mayor expressed his appreciation of Governor Herbert stepping in and saving several liquor stores from closing in the state, including our Swede Alley outlet.

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

None.

IV MINUTES OF SPECIAL MEETINGS OF APRIL 18, 2001 AND APRIL 19, 2001

Joe Kernan, "I move we approve the minutes of April 18th and 19th with the replacement of the correct Question No. 5". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Dick Peek	Abstention
Liza Simpson	Absent

V 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")*

Alex Butwinski requested that Item No. 2 be removed from the Consent Agenda. The Mayor complied as asked for a motion on Item No. 1.

1. Consideration of Resolution proclaiming May 7, 2011 as Arbor Day in Park City, Utah and acknowledging the extraordinary accomplishments of the Parks Department – Cindy Matsumoto, "I move that we proclaim May 7, 2011 as Arbor Day in Park City, Utah and acknowledge the extraordinary accomplishments of the Parks Department". Dick Peek seconded. Motion carried.

Alex Butwinski	Aye
Joe Kernan	Aye

Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

2. <u>Consideration of Main Street dining leases:</u>
   Eating Establishment, 317 Main Street
   Ciseros, 306 Main Street
   Bistro 412, 412 Main Street
   Bandits, 440 Main Street
   Shabu, 442 Main Street
   Main Street Pizza Noodle, 530 Main Street
   501 Main, 501 Main Street
   Bangkok Thai, 605 Main Street

Mr. Butwinski explained that he spoke to several members of the HPCA since last week's meeting and he felt there is some misunderstanding on the fee for parking. A negotiated agreement between staff and the HPCA specifies that 25% of the parking fee was a fair and equitable number based upon the fact that the other businesses were giving up some of their parking spaces for the benefit of restaurants. Some of the parking revenue goes back to Main Street and the HPCA fully supports 25% as an equitable number. He wants to make sure that members realize that the agreement has been in place since the fee was reduced to $300 last week. He felt that Mr. McCombs's comments were irrelevant and arguments about profitability are not germane to the issue. Dining decks are a great amenity for the City but he questions why the parking fee was set so low, cutting into our own income and subsidizing businesses. The other part of the decision was to prorate the second stall and not charge for a full stall which the HPCA did not support. He believed concessions on fees should not have been made. The Mayor asked members if they want to reconsider. Cindy Matsumoto invited Alison Butz to clarify the HPCA's position.

Alison Butz, HPCA Executive Director, stated that during the discussion last week the fee fluctuated between 100% to 0 and from the HPCA's point of view, members are not in favor of not charging for the parking spaces. The group facilitating the discussion and the recommendation outlined in the position paper suggested 25%. This was discussed as well as criteria like being open for lunch, etc. They are in favor of the outdoor decks because they bring a new atmosphere to the outdoor sidewalk space but the HPCA also represents galleries and retail businesses that do not have the same opportunity to market their businesses in such a visual way.

Joe Kernan pointed out that the Council decided this last week where there was a full discussion with everybody present. In response to comments, Ms. Butz clarified that the HPCA receives a fixed amount of the parking revenue through the negotiated contract for the Park Silly Sunday Market. Mr. Butwinski noted that if the City doesn't collect the parking money, it makes up the difference. Joe Kernan interjected that outdoor dining may increase sales tax revenue. Mr. Butwinski felt that the City should not subsidize outdoor decks when the HPCA has recommended a 25% fee; it is illogical. He felt this should be reconsidered when Ms. Simpson is in attendance.

Cindy Matsumoto stated that she is comfortable with the decision Council made. Joe Kernan agreed. Dick Peek felt that applications were made based on the fee that was proposed earlier and based on the agreement with the HPCA. Restaurant owners formulated a business model based on the 25% fee and he asked if there is a parking meter revenue number that the fee can be based on which can be used to convert to a realistic fee. There was discussion about rounding up parking spaces in calculating the parking fee. Mr. Butwinski emphasized that the City's expenses do not change with regard to meter service, maintenance and enforcement but the City is receiving less income while expenses remain fixed. The HPCA acknowledges that and feels there is more equity for the rest of the businesses with a 25% fee.

Ms. Butz clarified that there is no benefit to the retail businesses by charging more, however, they do not have the same opportunity to be able to install a deck and display retail items.

Mr. Kernan reiterated that if this issue is reopened all of the applicants need to be invited back to a meeting. Discussion ensued on the estimated $2.880 maximum parking fee revenue figure and in response to Mr. Peek's request, Thomas Eddington relayed that staff pulled the parking numbers from last year and this year, so after this summer, a base line can be determined. Dick Peek explained that his resistance is prompted by the taxpayer base paying for a business relationship with restaurants within the Main Street District. The Mayor asked members if they want to revisit fees. In response to a question from Joe Kernan, Jon Weidenhamer explained that parking fee revenues are allocated to fund management of parking and circulation. Tom Bakaly stated that revenues go to the enterprise fund for enforcement and he did not feel it would *go in the red* by adjusting a fee for the outdoor decks. Mr. Weidenhamer commented that the increase to $1.50 an hour for the PSSM generates about $160,000. Cindy Matsumoto pointed out that some complaints voiced last week referred to the three year contract assuming there would be no fee adjustments. She acknowledged that she suggested 10% and felt that an incremental increase each year is a good approach. Mr. Eddington interjected that last year, there were no parking or business licensing fees and it was pointed out that when applications were submitted, the fees were not yet formalized.

The Mayor emphasized that allowing outdoor decks is a pilot program and he wants it to be successful. This is the reason he supported Ms. Matsumoto's comments last week. It will not have a significant impact on the enterprise fund and there are ancillary benefits to retailers on Main Street. He stated that Council should stick to the decision made last week and recognized a majority among Council members to not reconsider the fees.

Francisco Astorga explained that the layout on the Bandits' deck was modified to comply with a 44" clearance requirement between decks. The owner is asking that his deck be allowed to encroach on 18" of City sidewalk. Joe Kernan felt these types of changes should be made by staff and Tom Bakaly agreed, noting that the City Attorney is checking the Code to make sure this is possible. Mr. Astorga commented on changing the guidelines for decks by eliminating the 9 foot requirement so evaluations are made on a case-by-case basis as this issue may be common. Mr. Kernan reiterated his interest in the staff having the authority to make adjustments that aren't material. Alex Butwinski expressed he is not supportive of Bandit's request. Thomas Eddington spoke about varying sidewalk lengths on Main Street and Mr. Astorga advised that the 44" number came from the Building Department.

Tom Bakaly pointed out that action should be taken on the leases with direction for staff to return with an amendment for administrative authority. Mark Harrington stated that criteria are not codified in the street dining section of the Land Management Code but there is an ability to change it. Another action would be to approve the leases as is, and return with an addendum to the Bandits lease.

Shane, Bandits, stated that because he is between two decks, he could potentially lose 22" on both sides. He can only accommodate 16 guests on the deck. The request is only for 18" still leaving a wide area of sidewalk.

Mr. Peek supported revisiting the LMC so these special situations can be handled at staff level. Joe Kernan, "I move to amend his (Bandits') lease to reflect the changes he requested working on the sides and extending 18" into the sidewalk". Cindy Matsumoto seconded. Alex Butwinski referred to the design standards and stated that he continues to become frustrated when exceptions are made. He can't support this request and hasn't supported prior requests. The City should take advantage of every inch of sidewalk available for pedestrians who shouldn't have to walk in the street and he personally felt that it needs to meet the 9 feet. Motion carried. Cindy Matsumoto, "I move we approve the remaining dining decks for Main Street for the summer of 2011". Dick Peek seconded. Motion carried.

Alex Butwinski	Nay
Joe Kernan	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

This input was rendered at the end of the meeting, but appears here for reference purposes. Mike Sweeney pointed out that decks have to close by 10 p.m. and he asked that the Council consider allowing a midnight closing time.

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

1. Consideration of the 2011 Art Festival Supplemental Plan – Kimball Art Center – Jonathan Weidenhamer referred to the work session presentation. Amendments include modification to Festival hours, expansion of the footprint to allow for dining decks, transit drop-off and pick-up at 9th Street, and the free locals night on Friday. The Mayor opened the public hearing.

Alison Butz, Director HPCA, stated that members are in favor of the supplemental plan for the Arts Festival. The HPCA is pleased with its partnership with the Kimball Art Center.

With no further comments, the public hearing was closed. Joe Kernan, "I move we approve New Business Item No. 1". Dick Peek seconded. Motion carried.

Alex Butwinski	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

2. Consideration of an Ordinance amending Title 4, Chapter 15 of the Municipal Code of

Park City, Utah regarding vehicle age limit requirements for-hire vehicle licensing – Shelly Hatch, Business Licensing Analyst, stated that Council has reviewed amendments to the for-hire vehicle licensing ordinance several times. On February 17, 2011, all Council members agreed to approve the free market approach, the drug-free workplace, back-ground checks, and to hold the for-hire firms accountable for their actions. The City Council also supported a 10 year age limit with a 15 year limit on ADA and specialized vehicles with direction to staff to add categories like hybrids, compressed natural gas and alternative fuels. Staff was also asked to analyze the street legal ATVs which was not supported by a majority of Council members. Ms. Hatch noted that members also supported a higher standard of inspection. Staff looked at the state's system to determine exceptions for the age limit, which include ADA accessible vehicles equipped with a ramp or a lift and also hybrid CNGs and alternative fuel vehicles approved with a C plate. There is no age limit on specialty vehicles with specialty interest license plates. Staff does not support a higher standard of inspection on the physical condition of all vehicles.

Joe Kernan acknowledged that a lot of work has been done on this ordinance but suggested a 20 year age limit for special vehicles as opposed to 10 years. He detailed his reasoning based on typical maintenance and insurance information. Shelley Hatch pointed out that the airport already has restrictions on age limits and the City was mainly concerned about meeting current emission standards. Cindy Matsumoto stated she supports staff's recommendation. The Mayor opened the public hearing and with no input, closed the public hearing. Alex Butwinski, "I move to approve New Business Item No. 2". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Joe Kernan	Nay
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

3. Consideration of an extension of the Letter of Intent with the MPE, Inc. for the Treasure Project – Jonathan Weidenhamer stated that this was addressed last week during work session. The LOI is the framework for conducting negotiations and an extension to June 30, 2011 is requested to refine property values. An open house will be held on June 7, 2011 at the Eccles Center from 4:30 p.m. to 7 p.m. followed by a Planning Commission work session on June 8, 2011. There is an ability to extend the LOI to November 30, 2011 to tie in with a November bond election. The Mayor invited public input. There was none. Alex Butwinski, "I move we authorize the City Manager to extend the existing Letter of Intent with MPE, Inc. (Sweeney Family and partner Park City II LLC)". Dick Peek seconded. Motion carried.

Alex Butwinski	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII 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 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Dick Peek. Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Jon Weidenhamer, Economic Development Manager; Joan Card, Environmental Regulatory Affairs Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property, litigation and personnel". Joe Kernan seconded. Motion carried. The meeting opened at approximately 4:30 p.m. Cindy Matsumoto, "I move to open the meeting". Dick Peek seconded. Motion carried.

Alex Butwinski	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

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