PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
APRIL 11, 2013

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

Jon Weidenhamer, Acting City Manager and Mark Harrington, City Attorney

Absent: **Council member Alex Butwinski**

1. Council questions and comments. Andy Beerman reported that COSAC met on Tuesday and modified its mission statement. Professor Nancy McLaughlin spoke to the group about when to apply conservation easements or use deed restrictions and he will share this information with Council members. He toured the Peace House and the People Health Clinic during the week. Cindy Matsumoto noted that Linda Tillson's resignation was discussed the Library Board meeting. Dick Peek reported on the Board of Adjustment meeting where items were continued. Liza Simpson stated that Mountainlands Community Housing is celebrating its 20th anniversary. A community celebration will be planned and Bob Wells will be honored for his years of service since its inception. Mayor Williams relayed that he attended the party for Ted Ligety and had lunch with Wendy Fisher of Utah Open Lands. He and Blake Fonnesbeck attended the Mosquito Abatement Board meeting and pointed out that last year it used 100% biological pest control in Summit County. Members are working with Tyler Poulson to obtain a Blue Sky grant on getting a solar array on the District Building.

2. Plaza Palooza at Silver Star debrief. Jon Weidenhamer explained that the event was approved as a master festival last year due to the use of a City street for overflow parking. Staff found that all impacts were mitigated but there were some parking issues and staff is recommending an additional level of management provided by Silver Star. Things went well and staff has approved the event administratively for this summer but Council asked for a debrief. The applicant requested to expand the event for Friday and Saturday nights but it is recommended that the request be reviewed through a planning process, rather than special events, because of underlying land use conditions which were made a part of the Silver Star Annexation. Silver Star has agreed to the process.

Cindy Matsumoto recalled Suzanne Robarge expressing concerns last year and Jon Weidenhamer stated that staff has not heard from her specifically. Liza Simpson hoped that the extra measures taken to manage parking will solve the problem with transit buses not being able to get through. Mr. Weidenhamer acknowledged that problems occur when there is parking on both sides of the street and only one side is designated for parking.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 11, 2013

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 11, 2013. Members in attendance were Dana Williams, Andy Beerman, Cindy Matsumoto, Dick Peek, and Liza Simpson. Alex Butwinski was absent and excused. Staff present was Jonathan Weidenhamer, Acting City Manager; Mark Harrington, City Attorney; Wade Carpenter, Chief of Police; Matt Cassel, City Engineer; Anya Grahn, Preservation Planner; Francisco Astorga, Planner; and Thomas Eddington, Planning Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Introduction of Tawnya Cazier, Victim Advocate Coordinator – Chief Wade Carpenter introduced Tawnya Cazier who has worked as a direct services advocate for the Rape Recovery Center for two years and has joined the hospital response team and began working with sexual assault victims. She possesses the tack and empathy it takes to work with people directly especially in sensitive, stressful situations. Her skills have been honed by working in crisis and she is well prepared to handle victims bringing considerable knowledge to her job. She is a certified mental health first aide and has participated in extensive training.

Ms. Cazier stated that she loves her job and is impressed with the community and staff in assisting her in obtaining a grant to create her job with the City. She displayed and explained an informational brochure for the public. On April 20, 2013 she will begin training her first group of volunteers and she expressed how connected she feels to Park City.

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

None.

IV MINUTES OF MEETING OF MARCH 28, 2013

Andy Beerman, "I move we approve the meeting minutes from March 28th". Cindy Matsumoto seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Aye

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)***

Liza Simpson referred to the Empire Avenue project and asked if Condie can get this project done in time. Matt Cassel stated that Condie has a whole new crew in Park City and he is certain they will complete the project. She referred to a comment in the Bowen Collin's letter about not feeling confident that Condie will complete the waterline installation within the proposed schedule. Mr. Cassel assured her that these issues have been worked through. Ms. Matsumoto understood that Condie had to be awarded the job as the low bidder which is dictated by state regulations and asked what would prevent this from happening again. He acknowledged that in consideration of state bidding laws, it is difficult to guarantee that this won't happen again. Design-build contracts are preferred because the contractor is involved in the design and has a better understanding of what needs to be done. He believes that Condie accepted too many jobs last summer and assigned the wrong team but feels this has now been corrected.

Andy Beerman asked if there is any way to tie the liquidated damages to reflect overruns by the other parties involved. Mr. Cassel answered yes, but there has to be justification for damages. Mr. Beerman understood that the penalty is $1,000 a day and referred to change orders from other contractors. Dick Peek asked about private sector costs and Mr. Cassel explained that those costs cannot be reflected in liquidated damages. Mark Harrington interjected that if mitigation payments are contemplated to be made to third parties, those could be a basis for calculating the City's liquidated damages but since the City is not employing those, that wouldn't be a basis in this instance.

1. Consideration of authorization to the City Manager to enter into a construction contract, in a form approved by the City Attorney, with Parkin Construction in the amount of $300,765 - and

2. Consideration of authorization to the City Manager to execute Contract Amendment No. 3 to the Professional Service Agreement with Stanley Consultants for construction engineering management services in the amount of $129,750, in a form approved by the City Attorney - and

3. Consideration of authorization to the City Manager to execute Contract Amendment No. 8 to the General Services Contract with Bowen Collins and Associates for construction engineering management services in the amount of $61,900 both for the Empire Avenue Reconstruction Project, in a form approved by the City Attorney - Liza Simpson, "I move that we approve the Consent Agenda". Dick Peek seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Aye

VI NEW BUSNESS

1. Consideration of an Ordinance naming a portion of McHenry Avenue, Echo Spur Road, Park City, Utah – The Mayor opened the public hearing; there were no comments from the audience. He requested a motion to continue to May 2, 2013. Dick Peek, "I so move". Liza Simpson seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Aye

2. Consideration of appropriation of $2,500 for sponsorship of the Congress of New Urbanism 21 – Preservation Planner Anya Grahn explained that the CNU is hosting its annual national conference in Salt Lake City and staff has been working closely with them so that Park City can host four separate events which will showcase Park City as a travel destination and our urban planning accomplishments. The request to Council is to sponsor the event for $2,500 from the Planning Department's budget and in return the City receives four registrations and two memberships. Thomas Eddington felt that having the conference in Salt Lake is a great opportunity. Cindy Matsumoto expressed her support. The Mayor opened the public hearing.

Soren Simonson, Salt Lake City Council member and planner/architect by profession, stated that he has been working for about four years with the local host committee. This is an international conference and people are very interested in what Park City is doing. He encouraged employees from Public Works, Engineering, Streets, etc. to participate because there is a lot to be learned by what other communities are doing. He discussed a design competition for Block 69 in Salt Lake and pointed out that Salt Lake is developing a downtown master plan.

Liza Simpson stated that she will be attending. With no further comments, the public hearing was closed. Liza Simpson, "I move that we approve the appropriation of $2,500 for sponsorship of the Congress of New Urbanism 21". Andy Beerman seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye

Dick Peek	Aye
Liza Simpson	Aye

3. Consideration of approval of Main Street dining leases, in a form approved by the City Attorney:

(a) Cisero's Ristorante, 306 Main Street
(b) Bistro 412, 412 Main Street
(c) 501 on Main, 501 Main Street
(d) Main Street Pizza & Noodle, 530 Main Street
(e) Bandits' Grill & Bar, 440 Main Street
(f) Bangkok Thai on Main, 605 Main Street
(g) The Eating Establishment, 317 Main Street
(h) Shabu, 442 Main Street
(i) Flanagan's, 438 Main Street

Francisco Astorga stated that Council briefly discussed this on March 28th and direction was given to move forward with the dining deck program. This was originally envisioned as a three-year pilot program and this is the fourth year. The leases must be annually renewed by the City Council and the restaurants have received a CUP from the Planning Commission. He stated that Main Street businesses are aware of the sidewalk improvements planned for this summer and a construction schedule will be finalized shortly. There are five participating restaurants that will be affected by the construction between 4th and 5th Streets and staff is recommending not signing off on those leases until the schedule is confirmed. There will be a clause in the agreements that if for any reason a deck has to be removed, a minimum of 72 hours will be given. He suggested that the City Council should consider raising the fees next year, but this year it is recommended to keep the fees as they are at a reduced rate of 49% of foregone parking revenue based on a two-year average. He urged the Council to approve the dining leases, as recommended.

Cindy Matsumoto pointed out that restaurants must be open for lunch and dinner seven days a week. Mr. Astorga explained that this has been discussed in the past and the requirement began in 2011 which was highly supported by the HPCA to ensure that the street remains vibrant. He acknowledged that it is difficult to enforce and Ms. Matsumoto noted that some restaurants are closed for a day and she noticed that there are empty decks on occasions. He understood that lunch and dinner have to be served on days when the restaurant is open.

Jon Weidenhamer pointed out that the five restaurants identified in the staff report should be approved but those leases should not be executed until the construction schedule is confirmed.

The Mayor invited public input.

Steve McComb, owner of Bistro 412 and Ciseros, stated that being open seven days a week for lunch is really tough. In October and September, restaurants have to limit their hours because of costs and maybe the requirement should be from mid-June to Labor Day. When the weather is bad or there is no one in town, the cost of manning a deck hurts businesses. He complained about raising the fees next year because his decks cost him about $5,000 a year and he is not sure if it is worth it. He hoped the program would grow because the decks are a benefit. He urged Council to be sensitive to the fees.

Andy Beerman relayed Councilmember Butwinski's comments that Council agreed not to raise the fees this year because of construction impacts but he is not supportive of prorating the fees.

Mr. Beerman explained that the lunch requirement was something pushed heavily by the merchants because of the loss of parking on the street combined with the concern of the negative look of empty decks. No one expects the restaurant decks to be open in bad weather. The Mayor pointed out that there is no language on weather in the agreement and Francisco Astorga stated that there is an understanding. The Mayor felt that the City is being somewhat *big brotherish* by over-regulating.

Ms. Matsumoto recalled the adamant position of the HPCA about the decks being open seven days a week and if it is going to be changed to something else, the HPCA should be able to weigh in again. Including the weather provision may be something owners may take advantage of. Liza Simpson stated that the dining decks are a screaming success and she is willing to consider adding inclemate weather in the contract but is not certain it is necessary. Andy Beerman also believed that if there are proposed changes, the merchants should be informed and present for the discussion. The decks are optional and at the discretion of the owner and if they are capable of impacting the street both negatively and positively, there should be some constraints on them. Dick Peek pointed out that the leases are written and felt that staff should use its discretion on enforcement because the program begins in 19 days. In response to a question from Cindy Matsumoto, Mr. Astorga indicated that he has not heard complaints about having to be open or lack of activity. In fact, the Department hasn't received any complaints about the outdoor dining program. Cindy Matsumoto stated that she supports proceeding with the leases, as written.

Liza Simpson, "<u>I move that we approve the Main Street dining leases in a form approved by the City Attorney, making a note that the five restaurants noted on Page 41 in the staff report (Bistro 412, Flanagan's, Bandit's, Shabu, and 501 on Main) that those leases will not be executed until a construction schedule is determined</u>". Andy Beerman seconded. <u>Motion carried</u>.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye

Dick Peek	Aye
Liza Simpson	Aye

4. Consideration of approval of the Park Silly Sunday Market Supplemental Plan, in a form approved by the City Attorney – Tommy Youngblood stated that Council approved the one-year service agreement on December 13, 2012 with the intention of addressing the supplemental plan. There haven't been any big issues and the Farmers Market is going to be expanded into Swede Alley. A study will be conducted on lower Park Avenue to find ways to deal with the parking situation. PSSM has agreed to operate around the Tour of Utah and staff is also working with the HPCA. He urged the City Council to approve the Plan.

Kate Boyd, PSSM, pointed out that there are only 59 days until the opener and thanked Tommy Youngblood for his assistance. She spoke about the Alzheimer's Walk on September 8, and the Peace House's event, Walk a Mile in Her Shoes on the last day of the Market. She stated that July 7, 2013 will mark 100 days of Silly Market. Ms. Boyd appreciated meeting with the HPCA and they are meeting on a monthly basis, or more if needed.

Kimberly Kuehn explained her outreach with the Utah Tourism Department and obtaining marketing dollars. She stated that $40,000 is dedicated to marketing the PSSM on Main Street and Love Communications has been hired. PSSM has been collaborating with other farmers markets in the state and have been meeting as a group. She spoke about assisting with incubating small businesses and there are numerous success stories that go through the Market. She discussed partnering with the Girl Scouts about publicizing its programs.

Mayor Williams thanked Alison Butz, HPCA and Jason Glidden for their work on the subcommittee. He opened the public hearing; there was no input and the public hearing was closed.

Liza Simpson suggested moving the post office 30 minute parking to minimize conflicts with the Farmers Market. Mr. Youngblood stated that the Postmaster requested that those spots be used if she was giving up the area on 5th Street but he stated that he will follow-up. Andy Beerman asked if the Farmers Market can work around the construction. Ms. Boyd indicated that they are excited and thankful for any space.

Cindy Matsumoto, "I move we approve the Park Silly Sunday Market Supplemental Plan, in a form approved by the City Attorney". Liza Simpson seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye
Dick Peek	Aye

Liza Simpson Aye

5. Consideration of approval of a Letter of Intent with the Park City Film Series to extend their lease at the Park City Library upon completion of the renovation – Jon Weidenhamer explained that the LOI expresses mutual interest in continuing the partnership with the Film Series. The LOI is a request from the Film Series for fund-raising purposes. He received a preliminary construction schedule from the architect and the third floor is projected to be completed the second week of September which is addressed in the LOI.

Katie Wong expressed her excitement about the renovation of the building and the LOI is helpful in working with grantors and partners for longer term planning.

Liza Simpson asked if the LOI binds the City to provide the Film Series with office space in the Santy Auditorium. Mr. Weidenhamer explained that there is nothing binding in the LOI. Ms. Simpson recalled that the priority was not so much the office space as much as it was storage. Katie Wong explained that an office in the auditorium is convenient for them since there are security issues with a cash business and there is a safe there. Storage is very important. Mr. Weidenhamer clarified that the discussion about Miners Hospital was providing a temporary office in the summer.

Dick Peek asked how Option 4a and its construction schedule will affect the use of the third floor. Mr. Weidenhamer stated that the lease will not begin until they have safe access and the Film Series should not be affected for more than four to six days when the elevator is replaced. Andy Beerman relayed Alex Butwinski's input that the City not commit to future equipment purchases.

Mr. Beerman referred to discussions about a higher base rent and increasing the screening days. Mr. Weidenhamer stated that staff will likely be recommending holding the Film Series to the current lease terms which is 80 days. Differentiating between a separate rental from a not-for-profit and distinguishing partners will be outlined in the lease. Andy Beerman recalled that the majority of the Council agreed that it would make more sense to incorporate those details. The Mayor pointed out that it would be in the lease and not the LOI. Mr. Beerman agreed but felt it should be clear in the LOI but it could be flushed out later. Liza Simpson recalled having that conversation but doesn't remember the decision or distinguishing between a partnership or Film Series screening. Andy Beerman indicated that both topics were discussed; 120 days seemed to be the average and the partnership screenings should not be counted against it.

Mark Harrington commented that the definition of partner has not been defined and members are crossing the line by bringing up closed session discussions. If there is a lack of clarity on the consensus for a negotiated lease term, he suggested that the Council convene in closed session. There has been a tremendous amount of progress on this and it will return to Council.

Liza Simpson, "I move that we approve a Letter of Intent with the Park City Film Series to extend their lease at the Park City Library on completion of the renovation". Dick Peek seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Aye

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 5 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Cindy Matsumoto, Dick Peek, and Liza Simpson. Alex Butwinski was absent and excused. Staff present was Jon Weidenhamer, Acting City Manager; Tom Daley, Deputy City Attorney; Thomas Eddington, Planning Manager; Anya Grahn, Preservation Planner; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Cindy Matsumoto seconded. Motion carried. The meeting opened at approximately 5:30 p.m. Liza Simpson, "I move to open the meeting". Andy Beerman seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Absent
Cindy Matsumoto	Aye
Dick Peek	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

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