PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
FEBRUARY 28, 2013

Present: **Mayor Pro Tem Alex Butwinski; Council members Andy Beerman; Cindy Matsumoto; Dick Peek; and Liza Simpson**

Diane Foster, Interim City Manager; Jody Morrison, Assistant City Recorder; Nate Rockwood, Budget Manager; Bret Howser, Special Projects Manager; Tyler Poulson, Sustainability Manager; Tricia Lake, Prosecutor; Heinrich Deters, Trails and Open Space Manager; Jon Weidenhamer, Economic Development Manager; Matt Twombly, Project Manager; and Thomas Eddington, Planning Manager

Bob Kollar, Community and Destination Tourism Partner; Jay Bollwinkel, MGB+A; and Alison Butz, HPCA Executive Director

Absent: **Mayor Dana Williams**

1. Council questions/comments. Cindy Matusumoto commented on the Chamber Board meeting. Sundance was discussed and considered as running very smoothly this year. Revenues from the TRT are healthy and the Chamber has invested more money in its summer advertising program. She reported that it is time to form a nominating committee to consider names for membership on the board. The City has one seat but two could serve and she asked if there is any interest. The Chamber was interested in the City project exploring vacation rentals by owners.

Ms. Matsumoto asked why sales tax dropped off an average of 13% in November and December. Nate Rockwood explained that the reason is that the report from the year before was inaccurate which threw off the figures and January and February look good.

Andy Beerman attended the Mountain Transportation meeting at the UTA Headquarters. The group is working on a name, determining roles, and exploring funding to conduct an economic study. COSAC IV held its first meeting and it is a fun and motivated group. He spoke about touring RAMP Sports at Silver Creek Junction where skis are handmade. The skis are sold out a month in advance and eco-friendly materials are used. He attended the Planning Commission meeting where there was extended discussion of Old Town streetscapes. A field trip with City staff to City Creek was held today to look at granite walkways and pavers in preparation for today's discussion on Main Street sidewalks.

Liza Simpson congratulated Denise Carey and the Friends of the Farm for another successful full moon snowshoe event. She thanked staff for organizing the Visioning Session last week. She attended the Interagency Meeting which was sparsely attended and the legislative reception at the Rotunda was which well done. Dick Peek agreed that the interagency meetings are becoming less attended and encouraged members to reach out to other agency members. He felt Visioning was well timed. Critical issues were addressed and he looks forward to phase two.

Mayor Pro Tem Alex Butwinski felt the reception at the Rotunda was very productive especially the opportunity to talk with Representative Kraig Powell. Visioning was two days well-spent and this morning he attended the Quality Growth Commission meeting. The Quality Growth Fund is funded again this year at $200,000. He noted that the group discussed a number of bills including HB88 and Bret Howser interjected that the City has taken an opposing position. Eminent domain for trails and requiring local approval for conservation easements were also topics of interest.

<u>Legislative update</u> – Diane Foster explained that the conservation easement bill provides the locality authority to approve or disapprove before it happens. ULCT does not support it. Alex Butwinski added that it creates a public process so someone could oppose the conservation easement. Imminent domain for trails was introduced last year and the bill was limited earlier in the session to counties of the first and second class. Because the bill calls out Jordan River Parkway and two other trails specifically, there is some concern from the Attorney General's Office that it may be single purpose legislation.

Jody Morrison explained that HB76, concealed weapons carry amendment, is being circled in the House. The measure would allow individuals who are legally able to carry a weapon openly also to be able to carry it concealed without having to have a background check or take a course. HB121, firearms safe harbor, is new on the list and would allow people with reason to fear that they have someone in the household that might cause harm, can take the firearm to the police department for a period of 60 days. The fireworks amendment, HB289, modifies the state's fire and public safety codes with regard to discharge of fireworks in an unsafe environment and allows local officials to make decisions on bans.

Bret Howser referred to Representative Mel Brown's HB88, HB130 and HB236 which remain on the staff's watch list. HB88 and HB236 just came out of the Rules Committee and will go to the Standing Committee. HB130 passed out of House Committee. HB207 is Powell's bill requiring 72 hours' notice for posting meeting agendas instead of 24 hours' notice. A substitute bill watered down the language and there is no penalty so it isn't a great bill. SB158, General Fund reserves, passed. The City is opposed to the billboard bills which include converting billboards to digital, coupled with existing laws so that anyone can move a billboard anywhere if the lease expires. The ULCT has proposed SB240 which is more positive for the City because it removes the unwanted existing provisions. These will be debated on the floor simultaneously.

Diane Foster pointed out that the highest concerns relate to billboards and SB240 is an attempt for ULCT to have a discussion with the billboard companies. Water bill SB109 provides additional tools for cities and HB202, energy code amendments, does not cover residential but at the end of the day it moves the City to a new code. There was an attempt to separate counties of the 4th and 5th Class so that they could have a different building code from other counties but it doesn't have a lot of support. The pace is picking up at the Legislature. Bret Howser highlighted HB268, disorderly conduct amendment, which is not going favorably. The original bill had language that had been negotiated between the Association of Chiefs of Police and the bill sponsor which allowed police the ability to do what they needed to do but the bill was amended and provisions changed so that open carry without any additional behavior or circumstances that would cause a reasonable person to believe the firearm was carried or possessed unlawfully or with criminal intent, doesn't constitute disorderly conduct. An amendment was made on the House floor that a police officer can approach somebody and find out what is going on but the Association of Chiefs of Police didn't believe the amendment does much to solve the issues with this bill.

Diane Foster urged the community to contact Senator Van Tassel expressing concern over allowing automatic conversion to digital billboards. State law already allows that billboards can move to another location if the lease has expired.

3. Summit Community Solar – update and filming. Tyler Poulson explained that Council approved staff's participation in the program where groups and citizens are collaborating on a RFP to request services of solar installation companies. Citizens will also become part of an outreach and marketing committee after the bulk purchase information is available from the contractors. He stated that two workshops were held this month and roughly 50 attendees participated and of those, 22 agreed to be volunteers on the steering committee. Utah Clean Energy is very excited about the early interest generated at this point in the program. The volunteers include a lot of people from the Park City area and individuals from eastern Summit County resulting in a good mix of opinions and interests.

Mr. Poulson explained that a local filmmaker attended one of the workshops and brought up the idea of making a documentary. She works for New Eye Media which is producing a documentary, *Boom: The Clean Energy Revolution* and would like to highlight this project. Utah Clean Energy and Summit County are okay with the idea of filming but would like to leave the decision up to the volunteer steering committee. He asked if any members have objections to filming. Alex Butwinski asked if this is a valid company and Mr. Poulson referred to its website featuring a series of short films. The filmmaker also does some work for PBS and there is a chance this could get integrated in that product. Alex Butwinski asked if members will have a chance to preview the film for content control but other members did not share his concerns and supported having the filming proceed without conditions.

4. **Proposed lift ticket ordinance.** Tricia Lake explained that the resorts approached the City about the reselling of ski lift tickets which has become a problem. This Ordinance addresses actions occurring in the parking lots at the resorts or by lift ticket windows, specifically activity where a lift ticket is resold for profit. This is proposed as a misdemeanor offense and enforced by the Park City Police Department.

Alex Butwinski pointed out employees of resorts selling their tickets and Ms. Lake felt the Ordinance covers this activity. Andy Beerman understood that the Ordinance would regulate on-line sales within the City limits if desired to be enforced in the future. Ms. Lake agreed that it would encompass that, but that approach raises enforceability issues. It is not currently the activity the City is targeting. The Mayor Pro Tem prompted discussion on severability clauses and Dick Peek pointed out a couple grammatical corrections.

5. Tour of Utah. Heinrich Deters explained that minor changes are proposed for 2013. On February 5, 2013 the Tour of Utah announced the host cities and the race will begin in Southern Utah, heading north, and finishing Stage 6 on Main Street. The Stage 6 event is scheduled Sunday, August 11 and he felt that the event went very well last year. Park City gained a lot of exposure and on its website, the Tour highlighted Park City as one of the main attractions. August 11th is going to look the same this year except for possibly the lower Deer Valley Drive construction and the course may end up having to come down the Mine Road instead of Royal Street. The Tour of Utah is a nationally sanctioned cycling event. Mr. Deters relayed that letters have been sent to impacted property owners about closures on that day and discussions have been held with the Performing Arts Center about Deer Valley concerts to minimize possible conflicts.

Heinrich Deters stated that the main change takes place on Saturday. Stage 5 is being changed from Snow Basin to Snowbird which will bring the riders to Park City. The plan is to come in on Bonanza Drive, up Deer Valley Drive, to Marsac Avenue. The organizers wanted to use Main Street but Mr. Kollar explained that all parking had to be removed from the Street which would have to remain cleared all day. This is also the week after the Arts Festival. The host cities have been announced but not the route. In response to a question from Mr. Butwinski, Mr. Kollar explained that the Tour is predicting a fairly controlled pack until they hit Marsac Avenue but Saturday's event should not be too impactful. The Ultimate Challenge is roughly 600 to 800 amateur riders who pay a fee to ride the same stage as the pro riders. The rules of the road apply and there are no escorts.

6. Main Street improvements. Jon Weidenhamer explained that staff is looking for direction on paving material and heating the Terigo plaza. MGB+A was hired to push the recommendations and all of the work IBI has done. The Downtown Projects include $15 million of streetscape, sidewalk, plaza and walk-through improvements that are planned to be completed over ten years. The scope of Phase 1 includes 7th Street from Park Avenue to Summit Watch with visual clues about lower Main Street. Consultant Jay Bollwinkel spoke about connections on lower Main Street. Mr. Weidenhamer noted that the plan calls for staggered construction to mitigate impacts to the whole street. Phase 1 includes the Terigo walkway which includes new steps, concrete pavers, an ADA ramp, and an interactive kiosk.

Mr. Weidenhamer pointed out four paving options, including an all concrete mix. Concrete provides the lowest level of service and is what we have now. Option 2 with a granite curb is preferred in terms of its durability, life cycle, etc. Option 3 is a mix of concrete bands and granite inlays. Mr. Bollwinkel stated that it is about 60% granite and it depends upon how far apart the buildings are from the gutter to determine the sizes of the bands and fields. Option 4 is an all granite mix. Staff is recommending Option 3 based on guidelines like creating design and place, life cycle, and sustainability. The Historic District Design Guidelines has goals of keeping sense of community. The project will be consistent with the Guidelines and this mix doesn't detract from our historic fabric and goals. Any application should not compete with the buildings and needs to be simple, subdue and plain. He spoke about the look of Option 3 which is simple and elegant and is the recommendation from the group. The design team, Planning Department and Public Works reviewed options and Public Works is comfortable with the plan with regard to operations and maintenance. There is not much difference in the day-to-day maintenance costs for these materials. If a water main needs to be repaired under granite, a little more time is needed but not enough to discourage using all granite. The staff report reflects that the Planning Department is pretty opposed to granite but he understands that planning staff is not totally opposed as long as the application is very plain. Mr. Weidenhamer pointed out that the concrete bands are important because they provide a place to install the light poles, benches, parking meters, etc. rather than trying to drill granite. Installing concrete bands around historic structures is a better approach than cutting granite and staff supports Option 3.

Liza Simpson asked for clarification on emergency repairs under large slabs, and Jay Bollwinkel explained that the biggest challenge is matching the existing concrete while granite cuts can't be seen. In response to questions from Dick Peek, Mr. Bollwinkel clarified there is no gutter and Matt Twombly explained how a curb can be repaired. Cindy Matsumoto was not convinced that granite is right choice for a historic mining town. Mr. Bollwinkel stated that his firm looked at materials used at different resort communities and the majority of them use pavers. Pavers are more durable and sustainable and especially granite pavers.

Thomas Eddington stated that the granite should not look institutional or grandiose because Main Street is not grandiose but part of an old mining town. This was discussed at length among members of the group and using granite in a simple subdued application can work. Ms. Simpson pointed out the function of finish and color. Mr. Weidenhamer stated that the finish for the curb will be canted but not pointed causing damage to tires. Engraving granite was discussed. Repairs and maintenance were discussed again. Dick Peek referred to a curb design observed as part of the Salt Lake City tour earlier today and Matt Twombly explained that the group shied away from all concrete curb options because of the sustainable life cycle of the granite curb.

Andy Beerman complimented the staff report. After going on the tour and talking with Public Works employees, it might be better to go with the 100% granite option because it is modular but admitted that fitting it around buildings would require thousands of cuts.

The concrete buffer can fit the contouring. He asked if these materials will be stocked. Mr. Bollwinkel felt that granite is pretty easy to match and can be stocked. Alex Butwinski understood that the Planning Manager has concerns about the look of granite and Thomas Eddington clarified that the Department thought it might be too institutional or grand for Main Street. However, there are some types of granite that could work and it is a sustainable option. He emphasized keeping it simple. Discussion ensued about granite being exported from China to the U.S.

Jon Weidenhamer relayed that there is a split recommendation from staff on heating the Terigo walkway. From an economic development and public works standpoint, having a dry safe place to walk from China Bridge to Main Street is a positive thing. The Building Department felt strongly about having an ADA ramp there and it is intuitive to have the highest level of operations and maintenance there. He acknowledged that the Sustainability Department makes a strong argument that installing a radiant heat system is inconsistent with our carbon footprint reduction goals and having snow in a ski town is expected. Mr. Weidenhamer suggested that a contractor could be hired or City services enhanced to keep the plaza cleared.

Cindy Matsumoto remarked on the challenge of stepping across icy curbs and asked if portions of the sidewalk/curb could be heated. Jon Weidenhamer explained that a portion of the plaza is recommended to be heated. Ms. Matsumoto felt the dangerous area is between the sidewalk, the curb and the road during the winter. Mr. Weidenhamer pointed out that a request to heat the Brewpub plaza may be coming from the HPCA. Ms. Matsumoto acknowledged that she likes to see the snow too. Discussion ensued on the importance of moving water from snowmelt from a heating system and drainage for the street.

Liza Simpson stated that she is not in favor of heating the plaza. She would rather take that money and invest it in plazas that function more than just a walkway. The Terigo plaza is very rarely an issue but she is supportive of the ADA ramp. She is supportive of going all granite and also supportive of the staff's recommendation. Her biggest concern is gaining longevity for the cost because in addition to the money spent to do this, the project will be economically impacting Main Street business owners. Something that will last us 25 years is much better than something lasting 15 years.

Alex Butwinski agreed with Ms. Simpson and partially with Ms. Matsumoto. The snow adds character to who we are. There haven't been a significant number of accidents in the Terigo plaza and he can't support a heating system. He asked about the comment in the staff report about the HPCA not wanting upgrades in the sidewalk system to potentially detract from other projects.

Alison Butz, HPCA, expressed that the idea of improving the sidewalks is fantastic and the membership wants that done. However, they have prioritized plazas and connections to Main Street over sidewalks. They like the granite and its durability but again they want all of the projects done.

Andy Beerman suggested as a compromise, installing the tubing for radiant heat but not spending the money on the boiler right now. Jonathan Weidenhamer spoke about being more confident about the $15 million cost three months from now.

The Mayor Pro Tem asked members if they are willing to go over budget on the Main Street sidewalk project. Mr. Weidenhamer responded that Option 3 is coming in at $14.4 million and Option 4, all granite, is estimated at $15.7 million. Mr. Weidenhamer acknowledged that the project is two months behind but waiting until fall or next year is an option. He believes this phase can be completed this year. Jay Bollwinkel stated that if approval is granted, the demolition can begin and the process for hiring contractors has begun.

Liza Simpson stated that every long term project she has seen has budget changes and would fully expect this on Phase 1. She stated that she is comfortable with Option 3. Dick Peek relayed that he is leaning toward Option 3 rather than all granite because it will be less impactful on the historic structures. He prefers no snowmelt system. Liza Simpson agreed with no snowmelt system. Andy Beerman commented that he is supportive of Option 3 with the caveat that the granite comes from the U.S. and preferably somewhere local to reduce the carbon footprint. He recommended considering his earlier suggestion which doesn't preclude the installation of a heating system in the future. Cindy Matsumoto is interested in increasing level of service by removing windrows from the side of the curb at main corridors. She is not crazy about the granite and concrete look but will vote with others. Alex Butwinski supported no heat and 60% granite.

Discussion ensued on project impacts to business owners. Matt Twombly added that staff has already started coordinating with the Gas Company and contractors. Diane Foster confirmed that the majority of members do not want the tubing installed.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
FEBRUARY 28, 2013

I ROLL CALL

Mayor Pro Tem Alex Butwinski called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 28, 2013. Members in attendance were Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Dana Williams was absent and excused. Staff present was Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Jody Morrison, Assistant City Recorder, Bret Howser, Special Projects Manager; Kirsten Whetstone, Planner; Anya Grahn, Planner; Shelley Hatch, Business Licensing Analyst; Rick Ryan, Police Captain; and Polly Samuels McLean, Assistant City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Liza Simpson pointed out that the tunnel adjacent to the Flag Lot is icy and dangerous and should be addressed. The Mayor Pro Tem announced that the Council will adjourn in closed session after the adjournment of the regular meeting.

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

None.

IV MINUTES OF MEETINGS OF FEBRUARY 7, 2013 AND FEBRUARY 14, 2013

Alex Butwinski pointed out that a dollar amount on one of the Consent Agenda items was missing. Liza Simpson noted that she mistakenly abstained from voting on the January 24th minutes on February 7th. Andy Beerman, "I move we approve the meeting minutes of February 7 and February 14, 2013, with the amendments as stated. Dick Peek seconded. Motion unanimously carried.

V NEW BUSINESS

1. Consideration of an Ordinance approving the First Amended 315 Park Avenue Subdivision, located at 315 Park Avenue, Park City, Utah – Planner Kirsten Whetstone explained that the request is to reconfigure three lot lines on a plat approved in 2006, an extension was approved in 2007, and the plat was recorded in 2007. The applicant is asking that the lots be reconfigured to be more equal in size. This would reduce the potential density and parking requirement in the area because one of the lots is currently large enough for a duplex. The new configuration would only allow three single family homes rather than a duplex and two single family homes. The Planning Commission voted unanimously on February 13, 2013 to forward a positive recommendation to the City Council and added Findings regarding potential density and that the side setbacks could be increased during the Steep Slope CUP process (LMC

15-2-6). She stated that staff is recommending approval based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Ordinance.

Cindy Matsumoto pointed out the small encroachment of a shed on the property. Kirsten Whetstone believed that the property owner could request to have it removed but given that it is such a small amount of area, it would be in the setback in any event and it would not affect the proposed house on Lot A. An encroachment permit between the owners could be recorded and reflected on the plat. Mark Harrington explained that before the Building Department approves a plan, it must be compliant and having a building on a lot line is not compliant. The encroachment must be solved or granted. Andy Beerman disclosed that this property is across the street from his residence.

Dick Peek referred to the l-shaped piece behind St. Mary's on Lot B (amended) and asked if it is possible to put an accessory building there. Ms. Whetstone replied that it is possible and Dick Peek expressed concern about proximity to a Landmark structure. Kirsten Whetstone stated that Council can add a condition to increase the setback on a plat amendment with a finding and good cause. Mark Harrington suggested remanding the application for further analysis and having the preservation specialist weigh in as to whether it will detract from the historic integrity of St. Mary's. Mr. Harrington added that there are less stringent setbacks in the Historic District and the basis for a Finding regarding closeness is unclear. He again suggested obtaining a recommendation from a professional because it is not in any criteria. Ms. Whetstone stated that an accessory building counts against the footprint area. Mark Harrington also suggested that staff ask the owners about their intentions and if they are willing to stipulate to a no build area. The owners were not in attendance. The Mayor opened the public hearing.

Ruth Meisma, Woodside Avenue resident, stated that she spoke at the Planning Commission meeting and feels that the new configuration is good because the double lot is a little too large for the area. However, changing the lot configuration results in losing the five foot setbacks on the larger lot which means potential loss of four feet of open space between the buildings which amounts to 300 square feet. In her mind, this is going backwards. Lot B on the north side would have about 92 square feet greater footprint than a regular 37' x 75' lot. In reducing Lot C by six feet would only reduce the footprint by 14 square feet. If Lot B is only six inches wider, it would give six inches more to fit in those five foot setbacks and there would only be a loss of three and a half feet.

With no further comments from the audience, the Mayor Pro Tem closed the public hearing. Dick Peek, "<u>I move we continue this item to March 21st based on my comments (proximity to St. Mary's)</u>". Alex Butwinski asked Ms. Whetstone her opinion and she indicated that the Planning Commission can increase setbacks to five feet during the CUP for Steep Slopes review. Alex Butwinski seconded. <u>Motion unanimously carried</u>.

2. Consideration of an Ordinance approving the Park Avenue Subdivision Plat located at1492 Park Avenue, Park City, Utah – Planner Anya Grahn explained that the applicant is requesting a one lot subdivision. While reviewing the HDDR, it was found that the property was a metes and bounds parcel and never platted. The Planning Department has been working very closely with the applicant on the renovation of the non-historic building on the site. Staff has been working with them to create an at-risk building permit and issued a demolition permit for some roofing material. The Building Department has asked that additional walls come down and be rebuilt. It is a non-complying building because it does not meet setback requirements on the north or west sides. The applicants have been very proactive in working with the 7-11 to obtain encroachment and snow-shed agreements. Condition of Approval No. 8 asks for a ten foot easement from Sullivan Road for snow storage but staff doesn't believe that will be necessary and is suggesting it be removed but to retain the Park Avenue snow storage portion.

The Mayor Pro Tem opened the public hearing and with no input, closed the hearing. Liza Simpson, "I move that we approve the Ordinance for the Park Avenue Subdivision according to the Findings of Fact, Conclusions of Law, and Conditions of Approval with a modification to Condition of Approval No. 8 eliminating the last three words in that condition". Andy Beerman seconded. Motion unanimously carried.

3. Consideration of an Ordinance adopting Title 4, Chapter A – Special Event Temporary Alcoholic Beverage Licenses described in the Municipal Code of Park City and amendment Title 4, Chapter 4, Beer and Liquor Licensing; Title 4, Chapter 5, Beer Licenses described; Title 4, Chapter 6, Liquor License Described, of the Municipal Code of Park City – Shelley Hatch explained that on December 20, 2012 the City Council held a work session to consider amending the liquor license provisions in the Municipal Code. The proposal is divided into two sections. Section A cleans up the Code and the provision for temporary single event permits parallels state code. Section B provides that the Council review all Sundance special event liquor license applications. In December, the Council decided to revise Section B at a later time but instructed staff to move forward with Section A.

Staff recommends eliminating the current procedure requiring all organizations to obtain a criminal background check for officers, board of directors, and partners. It is suggested that applicants sign under oath attesting to their criminal backgrounds. The license can be revoked immediately if the license is not in compliance. A bonafide corporation will be permitted to apply for a single event temporary alcohol beverage license. It may take up to ten working days for a license to be processed. Staff recommends that Council consider amending the Ordinance as suggested.

Cindy Matsumoto felt the criminal background check component is confusing. Ms. McLean explained that filling out the application will be easier. Currently the City requires fingerprints from applicants for all single event liquor licenses. Applicants have to go to Utah BCI to get fingerprinted which is more restrictive to what the DABC requires. In that sense, the City is relaxing its requirements and trusting people more. The City is less stringent than the state when somebody is denied based on their criminal background.

Ms. McLean spoke about all cities following state liquor laws but Park City is unique in that there are circumstances where a state liquor license is not required because the event falls under the private party exception but the City requires a local liquor license because many hosts are conducting business or promoting an item. In those cases, the City is requiring our own liquor license and criteria.

Andy Beerman asked for clarification of the processing time if the Building and Police Departments are part of the review. Shelley Hatch indicated that the applications go to the departments first and it could take up to ten days for the Finance Department to process. Mr. Beerman suggested clarifying the language because it sounds like the whole process takes ten days which is misleading.

Liza Simpson addressed denying liquor licenses based on prior experiences. Captain Rick Ryan explained that the Department keeps a log of complaints of promoters where there is fraud or damage to locations in town. Ms. McLean pointed out that Section 4-5 actually lists factors that would be considered. Andy Beerman referred to Section 4-6-3, regulatory liquor license fee, and asked if it is a new fee. Shelley Hatch advised that there has been no fee change and the cost has been $100 per license. Ms. McLean explained that the intent was to separate the liquor license fee from other business licensing fees. Ms. Simpson referred to Section 4-4-17(f) commenting that being intoxicated in a bar is illegal.

Alex Butwinski opened the public hearing.

Alison Buts, HPCA, stated that members were unaware that this issue was coming back to Council and there are concerns from licensed establishments that some of these changes may impact them. She asked that the matter be continued so there is an opportunity for the group to meet with staff to make sure businesses are not negatively impacted.

Mike Sweeney, property and business owner, stated that he spent 30 hours reviewing the document and has about 35 comments on its content. There are unintended consequences with this Ordinance which he doesn’t feel the Council understands. This covers not only temporary licenses but all licenses. Now the Planning, Building, and Police Departments have the ability to shut down a business or a private party. A person could hold DABC licenses but be prohibited from conducting business in Park City. We are spending millions of dollars to attract people to conduct business here and the way this is currently drafted, he can’t have any kind of party at The Yard without obtaining a convention and sales license and a liquor license for every party even if it is a private party. The definition of conducting business is too broad. Now non-profits need a City liquor license to hold a fund-raiser. Mr. Sweeney elaborated on the hardships this Ordinance will cause him and feels this was not the intent of the Ordinance. There are holes in the language. He suggested forming a committee comprised of business people to review the draft.

Jesse Shetler, owner of three liquor licenses and soon to be five, relayed that many business owners just found out about this amendment today. He would like to see this matter tabled in order to give them another opportunity to review it. There are some things he has seen in the Ordinance that concerns him and he would like them addressed. The City has been great to work with in obtaining business and liquor licenses and he is worried about making serving liquor more difficult. He thinks Park City has been very successful *in not having the Utah liquor laws get the best of us*. He would hate to see that go the other way. It was clarified that this amendment only addresses temporary licenses.

Mike Sweeney interjected that the Ordinance includes amendments to general liquor license provisions and Mr. Shetler asked if all licenses are affected. Polly Samuels McLean explained the reason all of Title 4 is included is because of the restructure of the titles and chapters so that it reads better and these are minor housekeeping changes. The intent of the Ordinance is to make it easier for people to obtain temporary liquor licenses and part of the reason staff brought this to Council was in response to business community concerns, like the requirement for fingerprinting. Instead of submitting a criminal background check, applicants are asked to sign an affidavit. This is really an attempt to simplify things and nothing other than that has changed. The things that Mr. Sweeney brought up are already in the Code.

Jesse Shetler expressed that there might be an impact on general licenses and it may be of little concern to owners but there should be more discussion. He felt there was no proper notification. The noticing may have been legal but there should be more time spent on this.

With no further comments, Alex Butwinski closed the public hearing. Cindy Matsumoto stated that she has no problem with continuing this but emphasized that the intent was to make the process easier for temporary liquor licenses. She expressed confusion about licensing non-profits. Mark Harrington clarified that if it is truly a private party as defined by the state and there is no other business being conducted at the event, a liquor license is not required. Most fund-raising is considered conducting business and if there is a direct charge for the dinner and the free provision of alcohol, for example, he believes the state requires a license. The grey area are the Sundance sponsor houses, for example, where there is free alcohol but there also may be a free massage room or the party-pack hand-out. The state won’t typically require the premise to get licensed but the City does and that is the biggest difference.

Shelley Hatch stated that there is no fee for non-profits to obtain a liquor license and the main reason a license is required is to have critical contact information for the Police Department with regard to identifying the responsible party. A non-profit can obtain 12 temporary liquor licenses a year for 72 hours per event. Mark Harrington clarified that this provision is in the existing Code.

With regard to notice, Ms. McLean stated that she notified Alison Butz on Tuesday but she didn't respond. She then sent her something yesterday. Except for the background check and the insurance requirement, all of the changes were reviewed by Council in December so this draft has been around for a while. She apologized for any miscommunication but staff did not receive any feedback about this proposal being problematic.

Andy Beerman stated that the clear intent is to clean things up but when changes involve businesses, special events and liquor licenses, it is important to meet with the stakeholders. Staff often says they are going to talk to them ahead of time before coming to Council and it seems like we're still not doing that. He felt that we can reach out to representatives from the Chamber, the Restaurant Association and the HPCA and give them some time to work on it because the process would go a lot smoother.

Liza Simpson, "I move that we move this item to the first meeting in April". Andy Beerman seconded. Motion unanimously carried. She noted that this has been on the master calendar since January and Mark Harrington added that staff believed these amendments were non-controversial and underestimated the interest in these changes. Liza Simpson amended her motion, "to give direction to staff to do some outreach with the concerned business owners and the HPCA". Andy Beerman seconded. Motion unanimously carried.

4. Consideration of an amendment to the contract for state lobbying services with Legislative Executive Consulting, LLC for an additional $80,000 for the 2013 legislative session, in a form approved by the City Attorney – Diane Foster explained that it has come to staff's attention that there is an opportunity for potential funding for infrastructure improvements related to economic development. Staff believes that if two additional individuals are hired for the balance of the year that the City has a reasonable chance of obtaining funding.

Andy Beerman asked the logic of using the Risk Management Fund as the funding source. She indicated that the Budget Team recommended this fund because it had available funds. Mr. Beerman asked if the fund will be reimbursed at some point from other sources. Mark Harrington cautioned on using this fund in too many instances because it is the City's self-insurance fund although he was aware of this recommendation. It is not a discretionary fund. Ms. Foster explained that there were RDA funds available but the Budget Department was not comfortable with that choice.

Liza Simpson, "I move that we amend the contract for state lobbying service with Legislative Executive Consulting, LLC for an additional $80,000 for the 2013 legislative session, in a form approved by the City Attorney". Andy Beerman seconded. Motion unanimously carried.

VI 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 2 p.m. Members in attendance were Mayor Pro Tem Alex Butwinski, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Dana Williams was absent and excused. Staff present was Diane Foster, Interim City Manager; Jonathan Weidenhamer, Economic Development Manager; Heinrich Deters, Trails and Open Space Manager; Joan Card, Environmental Regulatory Manager; Phyllis Robinson, Public Affairs Manager; Matt Cassel, City Engineer; Thomas Eddington, Planning Manager; Nate Rockwood, Budget Manager; Tom Daley, Deputy City Attorney; Roger McClain, Project Manager; and Mark Harrington, City Attorney. Cindy Matsumoto, "I move to close the meeting to discuss property and litigation". Andy Beerman seconded. Motion carried unanimously. The meeting opened at approximately 4:10 p.m. Dick Peek, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

The City Council again met in closed session after the adjournment of the regular meeting. Dick Peek, "I move to close the meeting to discuss personnel and litigation". Liza Simpson seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder