PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 17, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Michael Kovacs, Assistant City Manager; Scott Robertson, IT Manager; Spencer Lace, IT Analyst; Matt Twombly, Project Manager; Ken Fisher, Recreation Manager; Shelly Hatch, Business Licensing Analyst; Sayre Brennan, Transportation Analyst, Brooks Robinson, Transportation Planner; Wade Carpenter, Chief of Police, Polly Samuels McLean, Assistant City Attorney

Steve Brown, Millcreek Consulting Project Manager; Ari Ioannides, BoardDocs; Dennis Dale, Double D Taxi; Richard Bizaro, owner All Resort Express, Park City Transportation and Express for Less; Rob O'Brien, 649-TAXI

1. Council questions/comments. Alex Butwinski reported on business conducted at a Public Art Advisory meeting and a HPCA meeting held during the week. Mayor Williams discussed presenting a proclamation of appreciation to a well loved band in town, The Radiators, who retired.

2. Legislative update. Michael Kovacs noted that the sales tax redistribution bill died in committee and the effort now is to keep it out of interim study. SB76 is also a redistribution bill but has very little impact on Park City. With regard to school equalization, he reported that HB72 is dead but HB65 and HB301 are out and are being analyzed. Mayor Williams pointed out that cities should approve the maximum mill levy to support schools before equalization is considered so communities that voluntarily increase their taxes, can't be subject to equalization. Giving money to cities that have voted down their school bonds and taking from school districts that have approved school bonds is not fair. Mr. Kovacs explained that all income tax revenues are equalized and there are local levies. Tom Bakaly interjected that the point raised by the Mayor is discussed and is one of the reasons other similar bills have not moved forward in the past. This is an argument that should continue to be reinforced.

Mr. Kovacs commented that HB78, developer fees has passed the House and has been placed on a reading calendar. SB231, film enterprise zone, is very controversial and the ULCT has taken a strong stance against it. There is no language yet. The ULCT is also opposed to SB243, historic areas amendments, and the City will oppose it as well. If Salt Lake City assures Senator Niederhauser that they will not approve any new historic district this year, the bill will be dropped, but it appears that it is gaining support. Discussion ensued on how this bill would affect Park City and the associated deadline of May 10, 2011 to make historic preservation amendments. Mark Harrington explained that amendments to de-regulate would be permitted but not to increase powers. The historic inventory was addressed and the City Attorney explained that the City no longer assumes a presumption of significance for buildings over 50 years old. He reminded members that the limitations are proposed for a year.

Michael Kovacs stated that SB246, restaurant tax elimination, is a placeholder boxcar, SB203 is the codification of state and fire codes but does not contain the energy code. Many of the provisions suggested by the ULCT were incorporated in HB70, illegal immigration enforcement. Costs and legal exposure imposed on cities have been addressed and much of the language now reads *may* rather than *shall*. Floor amendments are expected in the Senate. Negative impacts to tourism were discussed as well as driver privilege cards.

3. City Council meeting technology. Scott Robertson referred to the proposed funding of the iPad option which is intended to eliminate paper. If the City purchases the equipment for members, the equipment must be managed from an IT perspective and policy adjustments need to be made. He referred to his staff report pointing out that with this option there are limitations on internet service, add-ons and accessories and administrative concerns.

The stipend provides members with the ability to purchase any equipment but staff encourages some consistency with regard to choosing Apple, PC, or Android based. The stipend also offers more personal flexibilities in use of the equipment, but Council is still subject to GRAMA requests and discovery. In response to a comment from the Mayor, Mr. Robertson explained that members assume risks and liabilities by what they install on their devices. Liza Simpson felt that if Council agrees to go paperless that the City should buy the equipment. She acknowledged the challenges in creating policies but they may be necessary because she views the tablets as City property. Ms. Simpson added that she could also support buying the equipment back at an amortized amount.

Alex Butwinski referred to the staff report and asked what *significant administrative overhead* means. Scott Robertson explained he was referring to managing the life cycle of the product through updates, maintenance and/or replacement. Mr. Butwinski felt this would be the case whether members owned them or the City owned the tablets. Mr. Robertson clarified that IT support would be limited if members own their devices and could only make recommendations. Mr. Butwinski pointed out that GRAMA requests would be treated the same in either case. Mark Harrington stated that privacy expectations are markedly different between the two and the records themselves, in the case of a stipend, are electronic records for viewing and storing only. If it is City equipment, our policies make everything on that machine the property of the City's which are subject to the City's harassment policy, campaign rules, etc. In some instances, external emails may have to be sent back. Discussion ensued on the likelihood of members accessing personal emails on an iPad regardless of policy. Joe Kernan interjected that he receives more external mail on his City account. In response to a question from Mr. Butwinski, Mr. Robertson pointed out that 200 MG per month has been determined more than sufficient to handle packet downloads and basic functions with the presumption that members have Wi-Fi service available.

Candace Erickson admitted that she has not tried the iPad made available to members but has not heard any compelling reason how this makes her life better. Michael Kovacs pointed out that over four years, the City will save about $18,000 to $19,000 in printing costs. He clarified that not all members have to switch; it is an individual decision but the commitment to the type of tablet should be final to support the cost model. It is contemplated to present this proposal to the Planning Commission where the cost savings could potentially be higher. Ms. Erickson explained her difficulty when reading from screens, including glare, and she asked about taking notes which is why she prefers paper. Mr. Robertson believed that the tablet may not entirely eliminate paper and there is annotation software available.

Mr. Kovacs stated that iPads could be ordered for members, acknowledging that it is mid-term and in the future assigned on a four year depreciation schedule so it is better timed with terms of office. Cindy Matsumoto understood that Kindle tablets are much more readable than iPads. Mr. Robertson felt the iPad is very functional and readable but the Kindle has received great reviews on its readability. Cindy Matsumoto believed that if this approach is environmentally related that the project should proceed and that the City should own and pay for the equipment.

Joe Kernan agreed that reading a computer screen is sometimes difficult and he ends up printing a lot of information but is willing to try the iPad. Alex Butwinski found the iPad easy to use because it is a lot different than sitting behind a computer screen and the Mayor agreed. Spencer Lace pointed out that the iPad is capable of carrying 1,000 binders worth of information which plays into the green savings and a GIS application was discussed. Ms. Simpson agreed that reading from a computer screen is tiring but reading the iPad is completely different and feels natural. She spoke about the ability to enlarge plat maps. Joe Kernan again stated that he is willing to try it but some training will be necessary. Mayor Williams encouraged all members to try the iPad and summarized that he and Council members Butwinski and Simpson would like to switch and there is no hurry for others. Candace Erickson stated that she is not interested since her term ends in ten months. Michael Kovacs understood that the majority decided that the City should own the equipment and the equipment could be purchased by members on an amortized basis.

Ms. Simpson asked about the timeline to purchase and Mr. Robertson explained that it could happen pretty quickly but there are new products on the horizon. The Mayor encouraged staff to wait a couple of weeks and then make a decision.

Scott Robertson explained that the Granicus proposal is a service that the City would pay for that allows management of the agenda and indexing minutes and audio recordings for easy retrieval. With regard to minutes, he explained that form can vary from summaries to very complex minutes. Granicus offers a whole series of modules, including streaming video. Liza Simpson stated that she has gone on-line to see how other cities are using Granicus which is helpful. She is not necessarily interested in live streaming but wants citizens to have information quickly while encouraging people to attend meetings. There should not be a substitute for personal citizen participation but there is a benefit of having a recording available to the public while the minutes are being prepared. The Mayor agreed. Discussion ensued on the ability to stream on both PC and Apple devices. Alex Butwinski asked about continuing to provide detailed minutes or switching to an integrated public record (recording and summary). Mark Harrington explained that the level of detail is dependent on state law and its position on new technology. Currently, written minutes are required, regardless of the link capability in some shape or form but there may more clarity in the state code eventually regarding new technology. Currently Utah cities vary with regard to the level of detail in minutes. He stated that Council will still have written minutes because state law requires that the substance of a meeting is captured in writing. There is debate over that in terms of whether the audio can completely supplement the written portion or whether minutes should be detailed with the link as an enhancement. He stated that the written minutes have to provide a sense of what occurred at the meeting independently. He felt that cities need to continue to work with the legislature on changing meeting technology.

Joe Kernan favored detailed minutes because it is easier to review written material but supports the audio feature. Liza Simpson asked if hardware will need to be replaced and Mr. Robertson explained that Granicus provides a server which plugs into the microphone feeds, captures the recording and delivers the links. The Mayor invited public input.

Ari Ioannides, BoardDocs, stated that his company has hosted about 40,000 public meetings nationwide over ten years. Staff is located in Park City and they are experts in government and now hold workshops here on paperless meetings. One will be held in September and they have invited staff in the past. The Park City School District has been paperless since 2004 and he explained the ease of searching topics discussed by Council. There are three things to consider when going paperless. First, it has to reduce staff time and using BoardDocs can reduce staff time by 75% in the production and distribution of packets. There is also an increase of the public’s access to this information. Second, costs need to be reduced and the payback usually occurs in the first year. Third, the City should receive tools to actually govern better. He again addressed searching capabilities to find information. He urged members to think beyond what is being done now and consider BoardDocs and hoped that the selection of a provider would be local. Mr. Ioannides relayed that he is a technologist and advised not purchasing iPads until March or April and the Android is a great option. He recommended that Council direct staff to look at more solutions and more options as far as vendors, especially those that are local.

Mayor Williams asked if BoardDocs provides the same services as Granicus. He stated no and explained that Granicus began as a video streaming system and now also archives. BoardDocs focuses on the document workflow and the approval process for getting the documents into the system and eventually getting them to Council. The audio is then overlaid on top of that so that members can listen to the meeting if desired. BoardDocs' strength is in the generation of the packets, the ability to look at them and consolidate the data. BoardDocs go beyond meetings and codifies municipal codes. Facebook and Twitter could be added and BoardDocs is not based on Microsoft technology.

Scott Robertson asked about the location of his corporate offices. Ari Ioannides responded that offices are a thing of the past and BoardDocs is about the greenest company you can find. All of their staff works from home. The director of sales and marketing lives in Park City and he is the president of the company and lives in Park City. Two directors live in Salt Lake City. There are three people in Atlanta, two people in Missouri, one in California and Austin but he felt there is a bigger presence here. The corporation is filed in Georgia. Scott Robertson pointed out that BoardDocs' website indicates it is located in Georgia. In response to a question from Ms. Simpson, Mr. Ioannides stated that clients include Culpeper County, Virginia, there's another city in Georgia, there are hundreds and he would be glad to give Council a list. Mayor Williams suggested that staff meet with Mr. Ioannides who suggested not purchasing devices before deciding on a vendor. He also encouraged forming a committee with staff members, a Council representative, and the media. The City Manager summarized that staff will meet with BoardDocs and update Council in about a month.

4. Recreation Center update. Matt Twombly acknowledged that it has been awhile since Council last reviewed the project which is not yet into the term of the actual scheduled construction. Inclement weather has impacted the project somewhat. Consultant Steve Brown remarked on closing down yesterday because of high winds which can be common building in the winter time but the project is on schedule. There have been some challenges but the completion date is still targeted in November. He pointed out the movement in the subcontractor market and explained the process to ensure performance when subs are closing their doors or leaving the job for some reason. He remains pleased that Oakland Construction was awarded the project because it is very capable and has excellent relationships in the event subcontractors have to be replaced. Some days have been lost but at this stage, are recoverable and the completion date should still be realistic. He is pleased with the speed of work to this point. Oakland feels it has a handle on the balance of the subcontractors on the project and is not overly concerned. Alex Butwinski assumed weather delays are considered in the schedule and Mr. Brown stated that they do and not all days have been used. Interior work is slated to begin the end of July.

5. Taxi ordinance amendments. Shelley Hatch explained that on November 18, 2010, staff returned to Council with an ordinance addressing a free market approach, ten year vehicle age limit, drug-free workplace, background checks, posting fares, education, and processing. After lengthy discussion, Council directed staff to return with more information on exceptions to a vehicle age limit for ADA accessibility, background checks for all vehicle drivers, requirements for for-hire firms to adopt a drug-free workplace, and the ability to hold for-hire firms accountable. On December 2, 2010, Gary Moss provided public input requesting that the City amend the Municipal Code to allow street legal ATVs to operate on the street within the City limits.

The Mayor asked about the inconvenience of waiting for a background check before operators can drive. Sayre Brennan explained that drivers can go to the Park City Police Department for a FBI background check. Another option is to apply at the Salt Lake City Ground Transportation Division which is a more expedited process than the FBI process in Park City and a TSA security assessment can be done at the Salt Lake City International Airport. He advised that if the ordinance passes, an operator could not drive without providing a qualified background check. Chief Wade Carpenter explained the FBI check process. Joe Kernan asked how these requirements compare to City operations. Brooks Robinson explained that City transit operators are subject to random drug testing and background checks. Ms. Simpson pointed out that drug testing is required when federal dollars are involved and believed that the City's standards are higher than the for-hire requirements. She understood that companies must contact the City within 10 days after receiving notice that a driver had been convicted of a drug or alcohol related violation. She asked if transportation companies have to drug test drivers and Mr. Robinson stated that it is not required as the drug-free workplace is more of an educational feature. Ms. Hatch also pointed out that convicted operators would also lose their driver's license to the state which should stop the individual from driving. The Mayor invited public input, noting that a public hearing is scheduled this evening.

Dennis Dale, Double D Taxi, feared that local companies asking the City for protection from Salt Lake businesses really opened the door. He asked if we should become more like Salt Lake or should they become more like us. He spoke about green initiatives and clean fuel. It takes an incredible amount of energy to recycle vehicles and placing a limit of ten years seems in conflict. Internal combustible engines running on clean fuel may last millions of miles. He encouraged not blocking this possibility with new laws.

Richard Bizaro stated that his companies include All Resort Express, Park City Transportation and Express for Less. Ninety seven cab licenses were issues this year and the year before there were 88, and the year before that 73. Currently there are 426 vehicles that have been approved for Park City, of those 90 relate to the above-mentioned transportation companies. Most of the licenses in the City are singles and he believes this creates too much congestion and there have been a few unsavory operators which creates a visitor issue. Mr. Bizaro disagreed with Mr. Dale and felt that ten years is too long and there is a safety issue with the current process. In essence, for $75 applicants have the ability to use their vehicles for hire. He spoke about the congestion during Sundance and seeing license plates on taxis from Wyoming, Montana, California, Nevada, etc. This is an environmental issue as vehicles are not thoroughly checked out. These out of state drivers are congesting the highways. Mr. Bizaro suggested five years as a vehicle age limit because of significant mileage. His businesses support the community 12 months out of the year and again he spoke about pirate companies obtaining a license to drive ten days in Park City. Vail and Aspen have a limit on the number of taxi companies and he encouraged consideration of a limit on the number of licenses issued here. Doing business at the airport requires a security check and they will not hire a driver without a background check and a badge from the airport. In addition, they conduct pre-drug testing before hiring and random testing afterward. He understood that a study must be performed by the City in order to limit the number of licenses and they are very much in favor of this. As a company owner, he pledged to pay for half of the study as the City should not be making major changes on such a vital issue without one. As many as 1,500 people per day are delivered to Park City through his companies and vacations can be ruined with a bad transportation experience. There are too many licenses being issued indiscriminately and they are too inexpensive. He added that many taxies don't even have a sticker.

Rob O'Brien, 649-TAXI, stated he was surprised that this came up again and understood in November, that the matter had been tabled until spring. This is a busy time of year for operators to attend meetings to discuss policies. He stated that the airport has changed its rules and there is now a seven year vehicle age limit. However, he is against the ten year age limit in general and clarified that at the last hearing, he meant that ten is better than six years. Almost all of the for-hire vehicles in town are in excellent condition and the rules are designed for the few that do not meet that standard. The airport already regulates the condition of the vehicle without the age limit rules. More expensive four wheel drive SUVs are needed in Park City and even a three or four year old Suburban still costs $35,000 to $40,000. The age limit is a burden and will affect his business dramatically. The Mayor understood his comment to be that there should not be an age limit on vehicles. Mr. O'Brien felt that the condition of vehicles is already tightly regulated and there are only one or two cars in town that do not meet an acceptable standard. His business has had a drug policy in place for the past 18 years and there have been no problems. He is pleased that Park City will accept the Salt Lake City badges. Since January 1 his company has submitted over 100 complaint forms on violators who are stealing from licensed legitimate businesses and he encouraged continued enforcement efforts.

Polly Samuels pointed out that with regard to Ms. Simpson's comments on a drug free environment, the wording, *or alcohol related*, should be added to Subsection (e) and under the background check section, there is actually a stricter requirement that operators must report a conviction of any disqualifying criminal offense to the City within 24 hours. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 17, 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, February 17, 2011. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Heinrich Deters, Trails Coordinator; Shelley Hatch, Licensing Analyst, Brooks Robinson, Transportation Planner; and Wade Carpenter, Chief of Police.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 27, 2011

Joe Kernan, "I move we approve the notes and minutes of January 27th". Candace Erickson seconded. Motion carried unanimously.

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

1. Consideration of a Resolution adopting a policy for memorial and community project donations on public property in Park City, Utah – Heinrich Deters explained that on January 27, 2011, Council directed staff to return with a resolution requiring Council approval for donations on City property. This policy addresses the use of City property because in the past, there has been lack of clarity on the process. The resolution establishes a point of contact, guidelines, timelines, etc. He asked for direction on the degree of public notification and what applications should go to Council. Members agreed on minimal noticing, publishing the public hearing on the agenda. Joe Kernan felt that adjacent home owners should be contacted in some manner. Mr. Deters noted that there is some notification to the Summit Land Trust since properties often have conservation easements. He explained that the internal review process provides consideration of adjacent properties. The Mayor invited public input.

Cheryl Fox, Summit Land Trust, believed that a policy for donations is appropriate but would like to broaden the discussion to address the number and types of donations. SLT has been talking with the City and Mountain Trails Foundation about how many benches are appropriate in an area. Not everyone wants to have benches in open space and there is a limited number and she asked who will decide who gets one. She believes that Round Valley is a treasure and if there is going to be a bench there, the name on the bench should be someone who has made a contribution to Round Valley or open space and asked what a significant contribution means. Ms. Fox stated that SLT is looking for ways to ensure that open space is protected forever and stewardship endowments are set aside to monitor the properties in perpetuity. Trails are another huge benefit and perhaps large donations toward the endowment for the future of trails is an option.

Cindy Matsumoto shares Ms. Fox's concern about the number of benches in Round Valley. Candace Erickson suggested that people be encouraged to donate in perpetuity to open space rather than requesting that a memorial bench be placed somewhere on a trail. Ms. Fox acknowledged that memorial benches are popular and if the number needs to be limited, she suggested auctioning the locations and the proceeds could then be allocated to endowment funds. Mr. Deters pointed out that as written, the resolution allows for a program to be formulated. Tom Bakaly suggested that if this is a concern, the policy should be clear that the goal is not to acquire more benches and donations would be used to fund trees or something else. The Mayor recommended wording, *may include but be limited to benches or trees*. Mr. Deters pointed out the inclusion of a donations list which guides people toward things the City could use. Mayor Williams relayed Marianne Cone's idea to install a memory wall in the City Cemetery which may be the most appropriate location to memorialize individuals. Alex Butwinski felt that memorial benches in open space locations have the potentiall of raising money to preserve easements. Candace Erickson supported the donations list idea and if people select a bench, the City should have the discretion to select the right location. Liza Simpson described urban green area locations that seem more suitable for benches than Round Valley open space. She stated that she prefers to keep Round Valley natural and requests for memorials there is something Council should review while wish list donations intended in urban green areas could be handled administratively. She favored more conversation about managing open space areas and the Mayor agree and suggested that memorials in open space areas have different criteria. Mark Harrington understood Council's direction to revise the resolution into three separate categories, a streamline administrative process for things on the pre-approved wish list. There would be a manager's report on these applications but no review by Council. Other requests would require public notice, public hearing and would require Council approval. The third category is open space or trails which may take some time to formulate a policy. Members agreed.

Candace Erickson, "<u>I move we continue the Resolution to a date uncertain</u>". Joe Kernan seconded. <u>Motion unanimously carried</u>.

2. <u>Ordinance amending Title 4, Chapter 15 of the Municipal Code of Park City, Utah to include a vehicle age limit requirement, a background check requirement, and a drug free workplace policy requirement for for-hire vehicle licensing</u> – Mayor Williams referred to the work session discussion. In response to a question about inspections from Alex Butwinski, Shelly Hatch explained that not all for-hire vehicles are regulated by airport security. She inspects the VIN and license plate numbers, and makes sure fees are posted. The Mayor invited public input.

Gary Moss, Trigger Taxis, stated that he has no objection to the proposed amendments. He read a statement indicating that his for-hire permit was denied this past October because the vehicle type falls into the category of vehicle that according Traffic Code 41681509 is prohibited in municipalities with populations greater than 7,500. Under Section 412210.5, municipalities may permit off highway vehicle use on streets under the jurisdiction. Mr. Moss stated that his reason for requesting this is twofold. The Traffic Code was initially written and adopted to prevent Type 1 ATVs from operating in cities of higher density, not this type of utility vehicle specifically. The Type 1 ATV, as defined in Section 41222, states any motor vehicle 52 inches in width or less with an unladed drive weight of 1,500 lbs or less traveling on three or more road pressure tires having a seat designed to be straddled by the operator and capable of traveling over unimproved terrain. That clearly does not strike our vehicles. The restricting Traffic Code includes utility type vehicles in the same category as a catch-all phrase for any variation or modified version of a Type 1 ATV. Mr. Moss stated that the state and federal transportation departments have given him a license that says that it is safe and legal for him to transport up to six passengers potentially from Snyderville to Kanab. It is merely a misguided and ambiguous code that is preventing them from driving at the lower speed limit and on the safer streets in Park City. The second reason for the request is that these vehicles are already being used on a daily basis by several companies, including Park City Municipal Corporation on City streets. These vehicles have not and do not pose a safety hazard or opposition by the public as evidenced by the fact that no complaints or enforcement measures have taken place even though their illegal operation on City streets has occurred for years. He provided evidence at an earlier meeting. Illegal operations on City streets have become more prevalent during the warmer months. The transient ATV today is smaller and greener not bigger. His Rangers are smaller but they are still as big or bigger than a lot of the newer vehicles which he named. They transport the same amount of passengers using a third of the horsepower of a typical vehicle. He asked that this not be rejected just because it is new and unusual. The popularity of the vehicles is undeniable and he discussed the introduction of the Hummer to the general public. Trigger Taxi is more of a touring company than a taxi. Mr. Moss relayed that the open-sided vehicles provide a better experience for the customer to see the local sights. They offer historical tours, wild life and nature tours as well as general sightseeing and provide a service to handicap people who unable to participate in a walking tour. They provide free tours to disabled vets and Mr. Moss asked that Council consider these benefits as well.

Candace Erickson was unclear about formally addressing Mr. Moss' request as it isn't specified on the agenda. Mark Harrington replied that action is not slated for approval of his actual permit but if members want to enable his permit, direction would need to be given to staff to amend the ordinance to accommodate ATVs. Mayor Williams pointed out that the examples of illegal ATV use Mr. Moss referred to are instances where people are not charged to ride with them. The Mayor polled Council members. Liza Simpson and Candace Erickson were opposed. Joe Kernan believed that the ATV experience may appeal to some people and there is a demand. However, he felt there is a risk because they are not as safe as typical taxis, and patrons should understand this. He is willing to try this with a limited number of vehicles. Alex Butwinski expressed his safety concerns. Cindy Matsumoto asked what would be changed to allow this use. Chief Wade Carpenter explained the ordinance would allow any vehicles to operate on Park City streets that are street legal ATVs not just this business. Mr. Moss explained that he is not suggesting that it be opened up and Ms. Matsumoto understood that the City might not have a choice. Joe Kernan believed additional requirements could be added if ATV is limited to for-hire taxis. Mark Harrington advised that additional restrictions could be added with regard to for-hire vehicles that may weed out some of the other ATVs, however the City probably could not otherwise restrict the eligible class of ATVs on the streets once the door is opened. The Mayor polled members and the majority were not supportive of Mr. Moss' request.

Gary Moss stated that the Federal Transportation Department and UDOT have the expertise in determining the safety of a vehicle and have given him a license to operate from Snyderville to Kanab. Safety should not be a Council concern. Mr. Butwinski commented that opening the door to other ATV use on City streets is whole other issue. Mr. Moss suggested he be issued an individual special use permit. Mr. Kernan felt that ATVs could be limited to operating in a certain part of town. Chief Carpenter pointed out that these are open-sided vehicles. Passengers do not have airbags and the vehicles are not designed to take impact. At this point, all members decided to deny the request.

Mr. Moss stated that *he feels like Rosa Parks*. These things are being driven on the streets and he is being told he can't drive his on the streets.

Matt Begane, Old Town resident, stated that he has been driving taxis for six years and started his own business with a natural gas vehicle which has less than 50,000 miles and is a 2001. He has all of the maintenance records and it is in excellent condition. There is no reason why this vehicle should be excluded from service next year when the 10 year limit comes into play. All taxis should be natural gas or clean fuel vehicles. There should be incentives to support clean fuel vehicles. Just because a vehicle is three or four years old doesn't necessarily mean that it is a safe vehicle. He spoke about businesses like All Resort Express who put many more miles on their vehicles a year. Mr. Begane pointed out that he only has one his vehicle which is an important income source and there are other operators like him.

Cindy Matsumoto referred to exceptions in state code, *make or models that are of unique interest or historic value* and asked if unique interest could be applied to natural gas vehicles. Mark Harrington explained that that is not written to address this and but it could be reviewed to see if it could be added as an additional exception to the 10 year. Mr. Harrington asked if his vehicle has a special license. Mr. Begane responded that it is a clean fuel vehicle and there is a different license plate process separate from a special interest vehicle. The City Attorney explained that a different exception for those vehicles but additional standards could be added to meet the intent of the 10 year limitation. Ms. Matsumoto understood that the Council is reviewing the taxi ordinance now because of Mr. Moss' request. Mr. Harrington noted that is one of the reasons and another was to return while the discussion is fresh in members' minds. This also provides operators enough time to make adjustments before renewals in the fall. In response to a question from Ms. Simpson, Brooks Robinson believed that Salt Lake's ordinance specifies 350,000 miles up to seven years. Part of the reason for imposing an age limit relates to current safety features. Mr. Begane emphasized that a 2001 vehicle has airbags and all of the safety features of a new vehicle.

Gordon Cummings thanked Council members and Shelley Hatch for continually addressing the taxi ordinance. Ms. Hatch has come up with many great ideas which he supports. No other mountain resort town has taxi service like Park City. Operating a taxi business is cost intensive and All Resort runs year-round. There may be other options, aside from franchising, to control the number of taxis. Park City should align itself with Salt Lake and airport regulations. He was actively involved on the last committee. The age limit provision needs guidelines including exceptions. He urged members to form another committee before next season.

Rob O'Brien interjected that a check list is already in place for vehicles licensed in Park City but not the airport. He spoke at length about the age limit and the need to purchase four wheel drive vehicles in Park City which are more expensive than two wheel drive cabs. His fleet is well under 350,000 miles.

Donnie Novelle, Park City Transportation, thanked City staff for its time and making recommendations. She strongly urged members to act on these amendments and move on.

She asked not to table the ordinance again.

Dennis Dale reiterated his arguments about imposing an age limit.

With no further comments from the audience, the public hearing was closed.

All Council members agreed with the free market approach, drug free workplace, background checks and enforcement. Mr. Kernan interjected that if enforcement is increased, the cost should be reflected in the business license fee. Current enforcement practices and unpaid violations were discussed. With regard to Mr. Kernan's comment, Ms. Hatch explained that the fee for enforcement is included in the business license cost. Mayor Williams stated he is not interested in raising fees and Joe Kernan believed that the industry raising costs should bear the costs. Other members expressed an interest in knowing what increased enforcement would cost. Gordon Cummings explained that these rates and subsequent increases reflect the cost of enforcement. Issuing citations for unlicensed taxis was explained.

Mayor Williams supported exempting natural gas vehicles from the age limit as long as they meet all other standards. Ms. Simpson agreed and would like a category including hybrids, CNGs and alternative fuel cars but this doesn't have to be framed tonight. There should be incentives to use these types of vehicles. Alex Butwinski spoke about the age limit and Mr. Harrington stated that the amendments could be passed tonight with direction to review the 10 year age limit and exemptions and return with a specific recommendation on this issue. He noted that there are a number of ways to restrict the number of licenses but Council has not directed staff to do this because it is not a free market approach. Candace Erickson questioned the number of qualified vehicles out there over 10 years old. Mr. Cummings interjected that the airport won't allow them. She suggested making it 15 years now to avoid placing a burden on operators. Rob O'Brien stated that 10 years may affect a couple of his vehicles. Gordon Cummings reminded members that 15 years will apply to the outside companies. He stated that 4 x 4 vehicles are really difficult to convert. Matt Begane stated that he prefers a 15 year age limit with a mileage limit as opposed to a 10 year limit. Ms. Simpson suggested that older vehicles have a higher inspection level. Alex Butwinski felt that 15 years is too much. Dennis Dale spoke about vehicle computer systems being standardized for 15 years.

Alex Butwinski supported 10 years and a higher standard of inspection for a fee. Mark Harrington explained that Council can pass the ordinance as is with direction to return with an amendment relating to Section 4-15-7. The second approach is to amend the draft to provide 15 years or a 10 year cut-off with some exceptions, higher inspection standards, and address the green car issue. The third option is to agree on specific language addressing older stock with criteria.

Alex Butwinski, "I move that we approve all of these changes for taxi cabs with the provision that staff come back to us with further specific language on vehicle age limit, as Mark just outlined, in other words a higher standard of inspection". Mr. Harrington clarified that the 10 years would remain in the ordinance in the meantime. Shelly Hatch expressed concerns about her personally inspecting the condition of cars and prefers setting an age limit. The City Attorney understood the motion to adopt the ordinance as drafted, including the 10 year age limit as drafted, and with direction to staff to return with further amendments prior to October 1 addressing exceptions and inspections. Brooks Robinson interjected that during work session, Ms. McLean mentioned suggested language to the drug free workplace section and Mr.

Butwinski indicated this is included in his motion. Liza Simpson seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager, Jonathan Weidenhamer, Economic Development Manager; Thomas Eddington, Planning Manager; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property and litigation". Cindy Matsumoto seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Candace Erickson, "I move to open the meeting". Joe Kernan 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

Janet M. Scott, City Recorder