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

December 11, 2018

The Council of Park City, Summit County, Utah, met in open meeting on December 11, 2018, at 2:00 p.m. in the City Council Chambers.

Council Member Ware Peek moved to close the meeting to discuss property, personnel, litigation and security at 2:00 p.m. Council Member Henney seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

CLOSED SESSION *
*Council Member Ware Peek was recused from the first property item on the Closed Agenda.

Council Member Worel moved to adjourn from Closed Meeting at 5:30 p.m. Council Member Henney seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

WORK SESSION

FY2019 Adjusted Budget Discussion:
Jed Briggs and Nate Rockwood, Budget Department, presented this item. Council Member Joyce asked if the $400,000 in the adjusted budget for bus batteries was a new expense. Blake Fonnesbeck, Public Works Director, stated the batteries were for the new buses that had been ordered and noted the expense wasn't included in the budget that was passed in June.

Council Member Gerber asked why the Arts and Culture position was not included in the discussion at the last meeting. Briggs stated the budget discussion at the last meeting was to follow up on the Council’s summer retreat priorities.

Council Member Worel wanted to talk about the Arts and Culture District. Rockwood reviewed that from the recommendations made by the Webb Management Arts and Culture District study and Project ABC, it was concluded that there would need to be a management structure. He proposed creating an Arts and Culture Department and staffing it with an Arts and Culture manager. There would also be a restructure of the Budget Department by creating a Redevelopment and Capital Management division which he would be over and which would cover the Arts and Culture Department. He felt it was the right time to create the department because the manager needed to know how the district operated, including the facilities, parking, affordable housing, open space, etc. As the district was developed the department would grow, but a manager needed to be onboard from the beginning in order to see how the purchase agreement, development agreement, and management agreement worked. He thought it was important to put the management piece into the budget now. Kimball Art Center and Sundance were working on their programming, and he felt the City should focus on that as well. The Arts and Culture Department should function the way the Rec Department functioned; with many programs and a central management for those programs.

Council Member Worel thought it would make sense to have an Arts and Culture Department and a manager sooner than later, but she didn't recall that the plan from the study was adopted. Council Member Ware Peek agreed. Council Member Gerber stated Arts and Culture was made a top priority at the retreat and asked if the Arts and Culture Department would cover more than just the Arts and Culture District, such as the City art programs and the Public Art Advisory Board. Rockwood affirmed and reviewed some of the duties of the manager position that went beyond the Arts and Culture District. Foster stated there would be significant expansion in the Arts and Culture Department, but initially it would be minimal.

Rockwood stated the plan was to provide Council with an operational plan and potential amenities that could go into an Arts and Culture District. An assessment would be performed on the City's amenities, gaps, and needs to determine what things would work and what things wouldn't work. The plan was presented the same day that the architect was approved by Council. The plan was not a master plan but concepts of what should happen within the district. Rockwood wasn't recommending adopting the plan but he would like to adopt the Master Planned Development (MPD) as the master plan for the Arts and Culture District. What was in the Webb plan was the performa of what the costs and revenues might be. In order to create that structure, someone needed to be hired to work with Rockwood.

Mayor Beerman indicated the budget discussion would continue in the regular meeting.

REGULAR MEETING - 6:00 p.m.

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Lynn Ware Peek Council Member Nann Worel Diane Foster, City Manager Matt Dias, Assistant City Manager Mark Harrington, City Attorney Michelle Kellogg, City Recorder	**Present**
None	**Absent**

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:
Council Member Gerber indicated she enjoyed the holiday party for Council and staff. She attended the Deer Crest Interlocal Municipal Services agreement meeting and suggested Council review it at some point.

Council Member Ware Peek attended the holiday party as well. She stated that she and Council Member Worel judged the gingerbread house contest at the library. She was a greeter at the Santa Skate event and also attended the Master Planning Steering Committee meeting at the School District.

Council Member Henney agreed the holiday party was great. He saw the film "Bias" and indicated it was outstanding. He attended the SOS breakfast by Vail Resorts. Dr. Christy Kane spoke at the Santy Auditorium on the effects of screen time on people, and especially youth. He attended Shop with a Cop, the Leadership holiday potluck, Skate with Santa, and the Epic Promise Grant event where significant money was given away. He was pleased to see the Social Equity emphasis at the Epic Promise event.

Council Member Worel attended the holiday party and judged gingerbread houses at the library. She also had lunch with the seniors. She attended the Habitat for Humanity board meeting and indicated they would break ground on two homes in January. She attended the TEDxParkCityWomen meeting, the Park City Foundation group on childcare meeting, and the RFP committee for a mental health contract that would be released in January.

Council Member Joyce met with the Snyderville Basin Open Space Advisory Committee (BOSAC), and indicated they were doing a survey in the first quarter on open space and recreation. He also talked about the truck inspections and the urgent need to keep on this issue, and asked if he or the Council as a whole could write a letter to the State Representatives and Senators.

Mayor Beerman stated Council Member Worel would be the Mayor Pro Tem at the next meeting. He attended a working group for special service grants and they would bring their conclusions to Council before the next budget season. He stated the Ice Rink Interlocal Agreement with Basin Rec was approved at the last meeting, and indicated that Park City would be increasing its funding but the Basin would not. He called Basin Rec for clarification and they stated budget cuts were the reason the County couldn't increase its funding. Mayor Beerman recommended matching the Basin's funding and bringing the Letter of Consent back for another vote at the next meeting. Council Member Henney stated the agreement needed to be signed soon for operational needs, but he was in favor of bringing this item back for further discussion.

Amanda Angevine, Ice Rink General Manager, stated the funds didn't need to be spent immediately, but the Letter of Consent was urgent because the contract was expiring. Foster stated cutting $50,000 would impact some energy efficiency projects that were planned for this year, but it was not great that the Basin was not matching the funding. Mayor Beerman stated he didn't object to the funding but he wanted an equitable relationship with Basin Rec. Foster asked if this could be adopted with $50,000 from each party, and then negotiate with Basin after the adoption. Angevine stated that could be a possibility. Council Member Joyce stated the County was in the middle of their budget process and he volunteered to have a conversation with the County Manager or County Council regarding this issue.Mayor Beerman stated he heard that Basin Rec could find funding, but it was negotiable.

Celia Peterson, Sustainability, presented the Council with a SolSmart Gold award, and indicated the City was awarded this for being on the forefront of solar in Utah. Park City was the only city in Utah to achieve the gold status award.

Mayor Beerman indicated that this Friday the United Stated Olympic Committee (USOC) would make a decision on which city would be allowed to bid for the Olympics. He wanted to end on a holiday note and stated he got to light the menorah at the Jewish center.

<u>Staff Communications Reports:</u>

1. Construction and Development and Impact Fee Waivers: Policy and Title 11 Code Amendments:

2. Parking Outreach Plan:

3. Main Street District National Register of Historic Places Boundary Expansion:

4. Bonanza Flat Update:

III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Beerman opened the meeting for those who wished to address the Council on items not on the agenda.

Joe Butterfield stated Lower Park Avenue was being kicked down the curb again with regard to parking. He understood it had many larger condo projects, but they began at 14th Street. There should be something that could happen. Council Member Gerber informed him that there was a report on the Parking Plan making a new Parking Zone G that was in the Council packet. He had not heard that, but he knew it would be worse before it got better. Mayor Beerman stated the City was moving forward on Parking. Foster stated the plan was complex and they were working on outreach before implementation. Butterfield stated there was no place to park between 2:00 a.m.-6:00 a.m. when the snowplows were out.

Mayor Beerman closed the public input portion of the meeting.

IV) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from November 15 and 20, 2018:

Council Member Worel referred to the November 15th minutes on Page Six, Line 23 and stated the word “staff” should be removed. Council Member Henney referred to Page One, Line 33 and noted he attended Green Drinks, not Green Dreams.

Council Member Gerber moved to approve the City Council meeting minutes from November 15 and 20, 2018 as amended. Council Member Ware Peek seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel
ABSTAIN: Council Member Joyce (from the November 15, 2018 minutes)

V) CONSENT AGENDA

1. Request to Approve Single Event Temporary Liquor License Approvals for Operation During the 2019 Sundance Film Festival:

2. Request to Approve Type 2 Convention Sales License Applications for Operation During the 2019 Sundance Film Festival:

3. Request to Approve the Third Amendment to the Current Kimball Art Center Lease for the Property Located at 1401 Kearns Boulevard:

4. Request to Authorize the City Manager to Enter into a Professional Services Agreement between Park City Municipal Corporation and Host Compliance, LLC for Short Term Rental (STR) Inventory, Compliance and Analytic Services in a Form Approved by the City Attorney, Not to Exceed $60,000:

Council Member Joyce moved to remove Item 4 from the Consent Agenda. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

Council Member Joyce moved to approve Items 1-3 on the Consent Agenda. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

4. Request to Authorize the City Manager to Enter into a Professional Services Agreement between Park City Municipal Corporation and Host Compliance, LLC for Short Term Rental (STR) Inventory, Compliance and Analytic Services in a Form Approved by the City Attorney, Not to Exceed $60,000:
Matt Dias reviewed that the City was working to track nightly rentals and bring them into compliance. This contract was a pay-as-you-go contract. The City would pay the firm a one-time $40 fee for every nightly rental brought into compliance.

Council Member Joyce asked how staff would accommodate the extra work brought about by this firm and if there was there a plan to handle the additional workload. Dias stated this was a phased-in approach. They would first contact long-term properties that wanted to come into compliance. Also, the winter was a little slower for the Building Department and the Finance Department used employees from the golf course in the winter to augment their staff.

Dias stated the City would pay the one-time fee under this contract and then the property would be in compliance and the City would get the yearly renewal fees. He thought the majority of rentals out of compliance would be in compliance within the next three years.

Council Member Ware Peek suggested educating these properties and encouraging or providing incentives to be long-term rentals. Dias stated some sections of the City were not allowed to be short term rentals so they would return to being long-term rentals.

Council Member Gerber asked if outreach on short-term rental licenses had been done. Dias stated no outreach had been performed. The State Legislature prohibited cities from advertising and enforcing short-term rental compliance. This company would be reaching out to the properties, but the properties would not be cited or fined. In other cities, 80% of short-term rentals came into compliance after receiving three letters.

Council Member Joyce moved to authorize the City Manager to enter into a professional services agreement between Park City Municipal Corporation and Host Compliance, LLC for Short Term Rental (STR) Inventory, Compliance and Analytic Services in a form approved by the City Attorney, not to exceed $60,000. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VI) OLD BUSINESS

1. Consideration of an Amendment to the Existing Contract with Triple Crown Sports (TCS) to Reflect a Date Change for the Event in 2019 and 2020:
Jenny Diersen, Special Events Manager, recommended the City approve the amendment to this contract. She indicated the Chamber, Triple Crown, and Extreme Soccer came together to reach a consensus. Triple Crown would have a five day event during the second week, and Extreme Soccer would be a four day event. So a fee reduction would help Triple Crown since they would have a revenue loss because of the change.

Council Member Joyce thanked all the parties for making these events work.

Mayor Beerman opened the public hearing.

Shelley Gillwald, Park City Soccer Club, thanked staff and Bob at Triple Crown for making this schedule work.

Mayor Beerman closed the public hearing.

Council Member Ware Peek moved to approve an amendment to the existing contract with Triple Crown Sports (TCS) to reflect a date change for the event in 2019 and 2020. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VII) NEW BUSINESS

1. Consideration to Approve Ordinance No. 2018-63, an Ordinance Adopting a Revised Budget for FY 2019 for Park City Municipal Corporation and Its Related Agencies:
Mayor Beerman opened the public hearing.

Jory Macomber, Executive Director of Kimball Art Center, stated he supported Rockwood's request for an Arts and Culture Manager and an Arts and Culture Department.

Alex Butwinski, Summit County Arts Council Board, read the job description for the Arts and Culture manager. He thought it was a little rushed to hire at this point because there were not a lot of duties in the job description. He asked if the City would be competing with other entities for programming. He also felt the skill sets for this description were pretty broad and stated there should be a better idea of what the department would do before a manager was hired.

Mayor Beerman closed the public hearing.

Mayor Beerman stated he was part of the team working with Sundance and Kimball Art Center on this project. There were practical concerns because they would be meeting with the architects and the City needed to get a better idea of what the uses and programming would be before the building was designed. Someone was also needed to interface with the stakeholders in town. The position could be phased in but it was needed soon so the work could be addressed.

Council Member Gerber stated Council should respect the request made by Rockwood because he had several projects he worked on and he needed to spend time on the other projects as well. Council Member Henney struggled with creating a department, and suggested giving Rockwood an assistant for the time being. This was a big step to take after discussing it at one meeting.

Council Member Joyce agreed that Rockwood needed help. It was hard to create a position when the district wouldn't be operating for four years. He thought a consultant was needed and stated that was what Sundance and the Kimball Art Center did. He also requested that Rockwood come back with a revised job description. Rockwood stated that Duncan Webb was still under contract and would be consulting, but he wasn't here working on a daily basis. He wanted someone looking at how the district would operate. Council Member Joyce asked if Rockwood would prepare a timeline for what would be done by this position from this point and for the next four years.

Foster stated Rockwood used a number of job descriptions to create this one and there were many moving pieces, but this person would need to partner with Rockwood so this would not take all his time. She also addressed the need to create the department. Harrington stated it would be consistent to create a department because of the prior planning efforts. The responsibility was being shifted to the redevelopment and capital management function and he didn't hear any concern with that. He suggested changing the name from department to master planning and implementation if there was concern with the word "department."

Council Member Ware Peek agreed with Council Members Henney and Joyce, and thought these positions were not fully developed. She liked the idea of a part-time individual to help Rockwood during the beginning stages of the district. Council Member Gerber didn't think it was Council's role to tell Rockwood what he needed. He thought the project would move forward more quickly if he had help. The department name could be changed but she felt Council shouldn't get hung up on the semantics. She supported the position. Council Member Worel supported giving Rockwood help, but suggested that the position could be flushed out more before being approved.

Mayor Beerman stated the Arts and Culture District was a big change for the City. It would be a centerpiece for the town and the community had shown tremendous support. It was important to look at the details, and he read the responsibilities for those over this district.

Foster stated this department was not addressed in the original budget, but there was a technical department in it for the Transient Room Tax (TRT). So the department was technically already created. The department was semantically and actually different but it would feel like the City had a department once hiring was underway.

Council Member Joyce stated he couldn't see anything in the original budget tying back to the TRT. Rockwood stated the TRT was split three ways: the Debt Service Fund to pay back the bonds to buy the land, the Capital Fund for the Arts and Culture District project and the General Fund for the operating budget for the Arts and Culture Department. Those funds were paying for things like the consultant and other development expenses.

Council Member Joyce confirmed that the TRT money was under the line item of General Fund. Rockwood stated the City received the revenue into one of the three places. Council Member Joyce stated he looked at the customer liaison for the Community Development area, the budget increase was zero dollars because it was paid for with the increase in Community Development fees, and wanted to verify the revenue offset the expense of hiring this new employee. Briggs stated Council Member Joyce was correct.

Council Member Henney agreed this was transformative for the community, but he wanted to discuss this more fully in a work session. Rockwood explained the project would start in earnest in February so it was fairly time sensitive. This was such an ambitious project and he needed a highly competent person to take part of the load. Council Member Henney felt this needed to be discussed in more than one meeting.

Mayor Beerman asked if Council could support the position and then come back at another meeting to discuss and refine the concept of the department. After some discussion, Council supported the proposal. Council Member Worel asked for more definition of what the new position would be doing.

Council Member Ware Peek asked about the funding for positions for individuals with different abilities. She wanted the City to do this in a way that would make it a learning opportunity for others in the community. Council Member Worel agreed and noted that parents knew of resources available for training, etc. Foster indicated a meeting would be held to determine the extent of the program.

Council Member Gerber moved to approve Ordinance No. 2018-63, an ordinance adopting a revised budget for FY 2019 for Park City Municipal Corporation and its related agencies, with the amendment that Council will continue the discussion on the Arts and Culture Department. Council Member Ware Peek seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

2. Consideration to Approve Ordinance 2018-64, an Ordinance Approving an Extension of Approval of the Second Amendment to the First Amended and Restated Nakoma Condominium Plat, Located at 11, 14, 17 and 24 Nakoma Terrace:

Kirsten Whetstone, Senior Planner, stated this was a request to extend the approval for another year.

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

Council Member Worel moved to approve Ordinance 2018-64, an ordinance approving an extension of approval of the Second Amendment to the First Amended and Restated Nakoma Condominium Plat, located at 11, 14, 17 and 24 Nakoma Terrace. Council Member Henney seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

3. Request to Authorize the City Manager to Approve the First Amendment to the Granicus Service Agreement between Granicus, LLC and Park City Municipal for the Purpose of Adding Closed Captioning to the Live Stream Audio for City Council Meetings in 2019, in a Form Approved by the City Attorney, in the Amount of $19,250.00:

Michelle Kellogg, City Recorder, reviewed that closed captioning for the City Council and Planning Commission meetings was presented to Council as part of the Social Equity Innovative Challenge during the Council retreat in February. Although this feature was not chosen in February, there was some support and it was approved in the budget. She had reviewed the analytics on audio users and reported that over the last six months there had been 840 total listeners. The meeting with the highest audio users (149) was in August, where the Council approved the Treasure Hill bond to be on the ballot and heard a Historic Preservation Board appeal for 424 Woodside Avenue, but the average users per meeting usually fell between 19-40 users. She indicated this contract was for a one year pilot program for Council meetings and if Council and staff thought it was beneficial, it could expand to Planning Commission meetings in the future.

Council Member Worel asked how the meeting would be closed captioned. Kellogg explained a closed captioner would be typing the text live as the meeting progressed. Those listening to the audio would see a box in the lower right corner of the screen with a CC in it, and if they clicked on the box, the text would appear. After the meeting, a link to the text would appear on the website next to the audio link.

Council Member Joyce asked if having the closed captioning service would save the Recorder time in preparing minutes. Kellogg asserted the minutes would take less time to prepare and she anticipated lightening her workload because of the time savings associated with having the closed captioning text.

It was indicated the text could be translated after the meeting into Spanish. Council Member Joyce asked if closed captioning had been requested by listeners. Kellogg stated the service was offered when the City signed up to use Granicus for meeting management but she hadn't requested this feature until now. She felt it would be especially beneficial for the deaf, elderly, and those learning English as a second language.

Council Member Ware Peek noted the cost would be offset by the cost savings from the Recorder using less work hours preparing minutes. Council Member Joyce favored testing this feature as a pilot program. Foster suggested that Kellogg prepare a report on audio users every couple months to keep the Council updated on the use of this feature.

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

Council Member Worel moved to authorize the City Manager to approve the First Amendment to the Granicus Service Agreement between Granicus, LLC and Park City Municipal for the purpose of adding closed captioning to the live stream audio for City Council Meetings in 2019, in a form approved by the City Attorney, in the amount of $19,250.00. Council Member Joyce seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

It was indicated that KPCW was more popular since they began posting the text of their broadcasts.

VIII) ADJOURNMENT

With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder