PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JANUARY 13, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Heinrich Deters, Trails Coordinator; Kent Cashel, Transportation Manager; Michael Kovacs, Assistant City Manager; Thomas Eddington, Planning Manager; Matt Cassel, City Engineer; Jon Weidenhamer, Economic Development Manager;

Marty Pearson, Fehr & Peers; Charlie Wintzer, property owner; Ray Carter, Stanley Construction; and Mark Fischer, property owner

Absent: **Council member Liza Simpson**

1. Council questions/comments. Cindy Matsumoto spoke about Round Valley and related recreational conflicts and hoped there are solutions because it is so popular. She encouraged the public to participate in the survey. Discussion ensued on modifying the restrooms in Round Valley so they are available for use in the winter. Candace Erickson discussed Mountainlands Community Housing Trust business where there is a lack of applications to launch a self help housing program. Alex Butwinski discussed Art Board business and noted that the TDR discussion at Planning Commission was continued.

He referred to requests for snow plowing the Holiday Ranch Loop sidewalk. Heinrich Deters reported that clearing the sidewalk is in the Request for Elevated Level of Service (RELS) Process and Mr. Butwinski felt this may take too long. Tom Bakaly explained that requests for traffic calming, trails, pedestrian improvements, etc, are evaluated in the RELS process as a matter of policy. This could be discussed in a work session. Ms. Erickson understood that plowing would be considered this upcoming budget and Mr. Bakaly confirmed that was the plan but there will be an earlier work session on this.

Joe Kernan suggested that a high level policy discussion on taxes be scheduled during the Visioning Session. It would be helpful to have a better understanding of taxes before May when the tentative budget is introduced. He also requested information from the Budget Team on comparisons with the eight other cities. Mr. Butwinski suggested that members be provided monthly updates on revenues and agreed with Mr. Kernan that it may be helpful to talk about these topics during Visioning. As a part of the discussion, Ms. Matsumoto asked for future projections on the cost of the pay plan.

Mayor Williams passed on a complaint about restricted sight lines at Woodside Avenue and Park Avenue because of parked cars. Kent Cashel will follow-up. He read a letter from Gardner Engineering commending Tyler Poulson as the project manager on the Marsac solar array. He remarked that meetings with MIDA have been successful and spoke about the importance of civil discourse.

2. Legislative update. Michael Kovacs pointed out the volatility of legislation at this point and discussed proposed sales tax redistribution revisions which Park City is opposed to and staff will be working with the Utah League of Cities. The second big bill is school tax equalization involving raising sales tax and reducing property taxes which Park City is also opposed to. He spoke about our promotion of the state adoption of the 2009 energy code which the local Park City home builders support. In response to a question from the Mayor, Mr. Kovacs explained that immigration is a topic of great interest and the ULCT is focusing on the impacts to police, prosecution and logistics. Mayor Williams pointed out that Arizona's tourism revenue has significantly dropped because of the passage of unpopular immigration legislation. Joe Kernan discussed the dependence of the business community on the Hispanic workforce over the years.

3. 4th Quarter Goals. The Mayor guided members through goals; there were no changes. Offsets provided by the Marsac solar array were discussed.

4. BFO Discussion. Michael Kovacs explained that quality and quantity of water, preservation of Park City character, public safety, and world-class seasonal resort are the last topics to be addressed. Alex Butwinski discussed his preference for numbers rather than percentages in models or a better understanding of the methodology or measurements used. Joe Kernan agreed. Tom Bakaly stated that staff will work on providing more context. Cindy Matsumoto expressed confusion about the process and the time to voice budget priorities. She stated that she would like to hire more staff to preserve the character and the small town atmosphere of Park City which would be an enhanced level. Mr. Bakaly explained that there must be a majority of members who agree and staff would return with a preservation plan. Joe Kernan stated that he would like information on the plan and the cost and some suggestions from staff on funding.

Dana Williams stated that staff first needs to understand Ms. Matsumoto's goal before a plan is formulated. Thomas Eddington explained that consultant Dina Blaes is working on a Main Street assessment and historic site inventory reassessments and CRSA is analyzing 28 distressed buildings on Main Street that may be in jeopardy of losing their national register status. Joe Kernan stated he would like to hear about more ways to save historic homes from large additions. There was discussion about last year's amendments to the Code. Ms. Matsumoto clarified that she would like another layer of protection, acknowledging that she doesn't have any offsets in cost in other areas to suggest.

In response to a question from Ms. Erickson about projecting costs, Michael Kovacs referred to the BFO report on historic preservation where a $41,000 increase from the General Fund is proposed. Mr. Eddington continued to explain that if the Department hired a new FTE, the majority of the position's time would be dedicated to historic preservation programs and process. Tom Bakaly noted the importance when generating more service costs to cut in other areas. Joe Kernan asked if historic preservation is a long or short-term request and Ms. Matsumoto indicated a long term request as she envisions the need always being there. Alex Butwinski commented that he is willing to look at an enhanced level but expectations need to be addressed and Mr. Eddington felt this is a good topic for the Visioning Session. The Historic District Guidelines and new LMC revisions are effective tools and an enhanced level will provide a more thorough and timely approach and an opportunity to proactively address preservation issues. Candace Erickson stated that historic preservation is one item that has been identified but there are other priorities that will surface and decisions will have to be balanced. Tom Bakaly pointed out that the upcoming discussion with the HPB will also be helpful.

Joe Kernan stated that he is very interested in learning more about wind turbine farms and other sustainable sources of power. This is a high priority for him. Mr. Kovacs offered to provide more information on identified interests. Diane Foster noted that the City has a goal of reductions of 12% for the City. Mayor Williams supported Mr. Kernan's comments. Alex Butwinski expressed his preference to meet with staff and Ms. Matsumoto admitted confusion on how to make cuts. Tom Bakaly explained that the process is more of a prioritization to use as a guide to shift resources so both high and low priorities are clear. Ms. Matsumoto suggested conducting a decision exercise during Visioning. Mr. Butwinski viewed the information as a base line and wants to make sure that performance levels are meaningful and measurable. He is uncertain how the information relates in many instances. The City Manager offered to personally meet with Mr. Butwinski on performance measures; there is a lot of time before the budget is adopted. Mr. Butwinski felt it premature to hone in on specific projects until there is a better understanding of the current process. Joe Kernan believed the approach is an examination of goals. He is interested in receiving information on service level comparisons of other towns and with all of that information, he feels he will be better prepared to make good decisions at budget time with regard to service levels. Alex Butwinski spoke again about meeting with staff in the meantime before the next work session. He felt the process and measures should be supported by members. He suggested picking an example, walking through it with staff and reporting back to Council. The Mayor felt this is a good idea. Candace Erickson described taking notes on several models where the level of service was not enhanced or the numbers were not meaningful in her opinion. Tom Bakaly offered to also meet with her and schedule time on this during Visioning.

5. Debrief of Bonanza Road construction – *lessons learned*. Jon Weidenhamer acknowledged that notice of this work session could have been better and perhaps another public input session should be scheduled. Dana Williams stated that an agenda and packet were available to the public as early as Monday.

Matt Cassel explained that significant upcoming City projects include the Comstock sidewalk this summer and Swede Alley in 2014. He discussed the survey results for Bonanza which were surprising to him because the traffic score was lower than anticipated and weekly visits to businesses was deemed not helpful. One of the key elements taken from the project is traffic management for vehicles, bikes and pedestrians. He discussed utilizing rolling road closures resulting in inconsistent access to businesses which caused great pain. He now feels it is more important to provide consistent access to businesses than to the road. As indicated in the staff report, it was impossible to manage bicyclists and pedestrians which created a safety issue and a better job can be done. He admitted he could have improved communicating the status of the project and issues with Council members. Being over-optimistic on completion times, closures or schedules should be avoided and disseminating accurate information is extremely important. Mr. Cassel felt that surveys are helpful tools and there was good public involvement. Ms. Pearson answered questions regarding the survey. She noted that only 33 of 160 surveys were answered. Mr. Cassel stated that utilities were extremely complicated to coordinate and it was difficult at times to decide whether or not to move forward. Ms. Matsumoto spoke about recognizing certain triggers to make the right decision. Matt Cassel believed some decisions come naturally through the bidding process and Tom Bakaly distinguished between project and policy decisions. Mayor Williams believed that more delays were caused because the street was open but the interests of the businesses on the street prevailed.

Joe Kernan felt that extra money should be spent on projects to mitigate detrimental financial impacts on businesses. Mr. Cassel indicated that crews worked at night to expedite the project and every utility is located under Bonanza. Candace Erickson felt there may be a situation where unplanned problems are so costly or challenging that a policy discussion will need to take place to decide whether to go forward. She didn't feel Bonanza was this project, but there may be something in the future. Tom Bakaly pointed out that if there is an overage, project approval must return to Council and a policy discussion could occur at that point.

Mayor Williams spoke about other problems like the three month delay for the easements which delayed the project. In response to a question from Alex Butwinski, Mr. Cassel explained that utilities are responsible to move and pay for relocations but according to our franchise agreements; the City is at the whim of the utility companies. He explained that even if the road were closed for one year, improvements would take more than one year to install. Discussion ensued on patrons being able to access businesses from the back entrance. Construction Manager Ray Carter relayed that even if utility companies are familiar with the project schedule, response is totally at their mercy regardless of agreements in place. The Mayor invited public input.

Charlie Wintzer, Iron Horse property and business owner, feels that it is more productive and easier to hold neighborhood meetings than inviting input at formal meetings. He thanked the City, Fehr & Peers and Granite Construction for their work because this was an impossible job and they did the best they could do. Most of the issues were due to the location of the tunnel and he agreed with the comments about problems with scheduling utility companies and their subcontractors. He agreed with 90% of the staff report. The biggest problem for him was the lack of designating one person as the on-site project manager. No one was notified about signage or construction plans until the last minute and signage was non-existent. He did not believe he held the easements up because there were changes made to the documents. The way to avoid imminent domain is to begin communication earlier in the process. He is disappointed that Bonanza Drive is now a freeway and it is not walkable or safer. Mr. Wintzer acknowledged that the City had a very good design but after hearing public input at one meeting, the Council threw it out which may be regretted. If the City is really serious about the environment, it should look to the way construction is conducted. Not closing the road cost the City a lot more money and slowed the project down. He spoke about the timing of installing the tunnel and potential run-off problems in the spring and keeping the City Park trail open for the Sundance Film Festival. In response to a question from Alex Butwinski, Mr. Wintzer reiterated that the road should have been fenced off and closed. Bike lanes could have been painted on the street.

Cindy Matsumoto acknowledged that she gave public input on the project as a citizen and business owner. She discussed the political difficulty in not supporting public sentiment and siding with professional advice.

Charlie Wintzer again discussed holding informal neighborhood meetings instead of public hearings and believed that some tenants could have been persuaded to support the street closure if the plan and impacts were better understood.

Matt Cassel relayed that in most instances, people want the project done quickly which is his biggest concern because of uncontrollable circumstances. Ms. Matsumoto believed that consistent access to a business is important. Repairing a portion of the disturbed City Park trail was suggested for Sundance pedestrians. Alex Butwinski relayed that project signage was terrible.

Mark Fischer, property owner, stated that he has over $150,000 of documentable losses incurred because of the project and interruption of business. He accepts this for the benefit of the long term but the Old Miner Car Wash lost over $80,000. The Buggy Bath was closed. However, he is not here to be negative but the main lesson to be learned is to close the road and work 24/7. The City thought it was saving money but in the end it cost more. The Mayor replied that the Council was aware of additional costs but the public asked that the road not be closed and Mr. Fischer pointed out that those people aren't here tonight. He expressed his support of the median in front of The Maverick and the original design would have worked even better. Let the experts who do this for a living, do their job. He appreciates everyone's hard work but again stated that he lost $150,000 over the summer.

Mike Sweeney suggested that the City take more time to study the impacts of large projects so there is an objective that can be met. The construction project putting establishments out of business was debated and Mike Sweeney believed that construction exasperated tenuous financial situations.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JANUARY 13, 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, January 13, 2011. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto. Liza Simpson was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jon Weidenhamer, Economic Development Manager; Wade Carpenter, Chief of Police; and Michael Kovacs, Assistant City Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

<u>Permitting for Sundance</u> - Mike Sweeney, Main Street property owner, expressed concern that the interpretation of the business license ordinance has changed which has a tremendous impact on his reputation. He has been permitting venues since 1998 and has worked very closely with the City. In the past, he pulled one convention sales license for a space which would cover all of the activity in the space. The new interpretation requires obtaining a convention sales license for each individual operating in the space. In some instances especially with gifting, there might be ten to twenty people in a space at a cost of $265 each. He in turn needs to collect $8,500 from his clients who feel they have already paid for the event. No one knew that the game has changed and he asked the Council to allow him to continue as he has in the last ten years and address this issue so there is time to put people on notice. He thought he was following the rules and if there is a shortfall, he may have to make it up.

Candace Erickson asked about the details of the arrangement and Heidi Hughes, agent for Mr. Sweeney, explained that in the past they obtained a convention sales license. In this instance, it is to operate out of a restaurant to conduct business as a gifting lounge by day and an event space at night. They obtained the convention license and overcrowding permit and are in the process for signs. They just learned today that the correct interpretation is that each one of the sponsors was required to apply and pay for a convention sales license. It's five days before load-in and $265 could be a deal-breaker for some of these people. It also seems like very bad business. She encouraged members to consider this at another time.

Jon Weidenhamer suggested working with them to make sure the fees are applied correctly and report back to the Council. The $265 is well justified although it could have been communicated better but applying for permits earlier would also be helpful.

Mr. Sweeney discussed his timing issues when final decisions haven't been made. He applied for licenses today, Wednesday and started the special events licensing three months ago.

Mark Harrington explained the different dimensions of subletting. If one of these individuals was doing this without a middle person, they would have to pay this fee. The fee was written for conventions and by its very definition each displayer would have to pay the fee. Permanent year-round businesses complain about this temporary opportunity and he added that each application may be unique. He stated that the interpretation is not changing and supported staff meeting with Mr. Sweeney. There is an appeal process in place and there is nothing Council can do tonight. A lengthy discussion occurred between Mr. Harrington and Mr. Sweeney about special event licensing and the City Attorney emphasized that the City is not incentivizing subletting existing business multiple times over which is a policy decision which can change. In the past, temporary licenses have not been supported. There is a balance with getting these types of events on Main Street without ambushing businesses. Mr. Sweeney spoke about the ability to make three months rent in revenue during Sundance to carry him through the off-season which is critical to many businesses on the Street. He would like to bring this back to Council. Mark Harrington appreciated the short term benefits but there is a whole other argument about healthy business practices. Joe Kernan acknowledged that Council can not make a decision tonight but the Code should be clearer. Ms. Erickson agreed but pointed out that processes have evolved and it may be a good policy discussion at some point.

IV CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")*

1. <u>Consideration of a quit claim deed of a 816 square foot parcel of City owned land located on McHenry Avenue to Helen and Matt Alvarez</u> - and

2. <u>Consideration of reimbursement to Rocky Mountain Power (RMP), Inc for electric utility line relocations related to the construction of Phase 2 for Bonanza Drive in the amount of $11,048</u> - and

3. <u>Consideration of reimbursement to Rocky Mountain Power (RMP), Inc for electric utility line relocations related to the construction of Phase 2 for Bonanza Drive in the amount of $26,095</u> - and

4. <u>Consideration of a service provider agreement with Horrock's Engineering, Inc., for the Comstock/Sidewinder Pathway project in the amount of $136,504 in a form approved by the City Attorney</u> - Joe Kernan, "<u>I move we approve Consent Agenda Items 1, 2, 3 and 4</u>". Alex Butwinski seconded. <u>Motion unanimously carried</u>.

V OLD BUSINESS (Continued Items)

Consideration of an Ordinance amending Title 6, Chapter 3, Noise and Title 9, Chapter 8, Deliveries & Short-Term Use of the Municipal Code of Park City, Utah – Michael Kovacs indicated that Council comments from last week have been incorporated into the draft ordinance. Upper and lower Main Street is distinguished by Heber Avenue. Lower Main Street will be restricted to the 7 a.m. delivery time while 3 a.m. deliveries are allowed on Upper Main Street and double parking provisions match those times. A special events section has been added so that master festival licenses are subject to their own conditions. He disclosed that he received negative comments on not providing for the 45 day expiration date in the ordinance for the trial period. It was felt that it is more efficient not to bring the ordinance back unless there are issues that need to be addressed but it is recommended to review the trial in 45 days in any event. Mr. Butwinski confirmed that this action would better manage non-compliance although he anticipated a decibel level component. Candace Erickson stated that she is willing to try this for 45 days and bring it back for discussion, but would like to research it further. Alex Butwinski again expressed that noise is the problem.

Chief Wade Carpenter explained the complaint process and the Mayor urged the delivery community to be as quiet as possible. Alex Butwinski stated that he will accept this ordinance but would like to know about any unintended consequences and the feasibility of passing a noise ordinance. The Chief discussed the importance of consistently enforcing the law and the Mayor opened the public hearing.

Alison Butz, Historic Park City Alliance, referred to the draft ordinance and asked that garbage trucks be kept to the 7 a.m. time limit. The HPCA is supportive of enforcement of the ordinance to modify behavior and make this work.

Mike Sweeney, representing the Caledonian and Town Lift Condos, stated that he agreed with the 7 a.m. time for garbage and felt that garbage collection added to the problems at the loading dock at Zooms.

Mark Harrington described the strikeout language to accommodate keeping garbage removal times the same, so the sentence would read, "*…loading, unloading or opening or otherwise handling garbage containers between the hours of 10 p.m. and 7 a.m.*"

Mike Sweeney clarified that condominium owners do not want deliveries, pick-ups or anything before 7 a.m. north of Heber Avenue.

Joe Kernan discussed recycling services occurring before 7 a.m., especially during special events. Mark Harrington confirmed that these needs can be addressed in the master festival license. In response to a question from Chief Carpenter, Mr. Harrington explained that if a delivery complaint is noise-based, the noise ordinance would apply. The Mayor closed the public hearing. There was discussion about tracking complaints and assessing the trial. Ms. Erickson expressed interest in collecting data, specifically if more trucks are added on the street at 3 a.m. Joe Kernan, "I move we approve the ordinance, as amended". Cindy Matsumoto seconded. Mark Harrington described the amendment worded above and its application to lower Main Street for the benefit of Mike Sweeney. A review of the ordinance will be scheduled around March 15, 2011. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

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, and Cindy Matsumoto. Liza Simpson was absent. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jason Christensen, Legal Intern, Diane Foster, Sustainability Manager; Joan Card, Environmental Regulatory Affairs Manager; and Mark Harrington, City Attorney. Candace Erickson, "I move to close the meeting to discuss litigation and property". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Candace Erickson, "I move to open the meeting". Alex Butwinski 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