PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 18, 2010

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Michael Kovacs, Assistant City Manager; Matt Cassel, City Engineer; Diane Foster, Sustainability Manager; Thomas Eddington, Planning Manager; Jon Weidenhamer, Economic Development Manager; Dave Gustafsen, Project Manager; Kent Cashel, Transportation Manager; Wade Carpenter, Chief of Police; and Shelley Hatch, Finance Analyst II

Marianne Cone, resident; Chris Crowley, Kimball Art Center; Andy Beerman, Historic Park City Association; and Sara Pearce, Sundance Institute

Absent: **Council member Liza Simpson**

1. Council questions/comments. Joe Kernan relayed that the inter-agency task force met during the week. Cindy Matsumoto discussed participating in the Peace House visioning session. A new mission statement has been developed recognizing all of the services it offers to the community. The Peace House has been chosen as the charity benefitting from the sale of lift tickets on the opener by Park City Mountain Resort. She also attended Leadership. Alex Butwinski reported on attending the night sky presentation on Monday night which was very educational. The HPCA Board met and will comment on the outdoor dining deck item today. He thanked staff for organizing the reception for state legislators co-sponsored with the County.

Mayor Williams referred to the discussion on the CDBG grant at the Summit County Council meeting last night. The Mayor of Kamas is also the Chair of Mountainlands Association of Governments and indicated that it is not likely that the Business Resource Center will receive funding because Mountainlands already provides a similar service. Michael Kovacs explained that the CDBG grant process is very competitive and the regional review committee typically favors rural type projects and those critical to health and safety. MAG has a small business revolving loan fund which is well utilized. Most businesses receiving loans are in Wasatch County but Park City is in the service area and interested persons should contact the City or MAG. The Mayor reported on other items discussed by the County Council.

2. 3rd Quarter goals. Tom Bakaly explained that the dates in the table are intended to represent allocated staff time as opposed to completion deadlines. Alex Butwinski felt that resource allocation is not intuitive like prioritization. He indicated that the comment section is helpful and the report has improved. Cindy Matsumoto asked for an update of the Bonanza Tunnel. Matt Cassel explained that a redesign of the retaining walls for more support was needed but the look will remain the same. It should be open by the end of the year.

Marianne Cone, resident, explained her involvement in the night sky presentation held Monday evening. The Park City lighting ordinance contains regulations for down-lighting and she referred to the sustainability strategic plan addressing both night skies and saving energy. Ms. Cone requested that night skies be added to Council's goals. Diane Foster explained that updating the night sky ordinance is a goal but not a high priority in the strategic plan so it doesn't appear in Council's quarterly goals. She clarified that new construction requires compliance but there are issues with people later retrofitting lighting devices. There are historic non-compliant fixtures and a comprehensive lighting plan may be appropriate. The Mayor requested that the night sky ordinance be addressed during Visioning. Ms. Cone interjected that she understands the difficulty in enforcement and suggested that the focus be on awareness and education. Since the ordinance is in place, there is probably little work involved.

3. Street dining deck debrief. Thomas Eddington referred to the staff report recommending that decks be removed during Arts Festival and that parking fees be implemented for the loss of parking spaces. Last year, City Council approved four dining decks, three of which were built with the goal of adding vibrancy to Main Street. Comments from residents were positive and there were no complaints. Staff collected feedback from patrons of the decks, included in the staff report, which was favorable. It was determined that there are about 31 locations that could accommodate outdoor dining decks and staff is recommending that applications be received by March 1 so that an analysis can be done from a public health, safety and welfare standpoint.

Mr. Eddington continued that the HPCA felt that last year was successful but have a couple of recommendations for future operations. The HPCA suggested that decks be open seven days a week for lunch and dinner and staff concurs. It further recommends a maximum length of 40 feet which relates better to the parking space measurement of 20 feet as opposed to 50 feet which is currently designated in the guidelines. Mr. Eddington estimated that Ciseros' deck probably measures 42 feet. The HPCA also recommends that restaurants not located at street level obtain their neighbors' written permission to add a deck and staff agrees. The last suggestion is that all applicants must be affiliated with a Main Street restaurant. Based on the City's continued commitment to the Kimball Art Center, it is recommended to remove the decks during the Arts Festival. The booths are installed in the middle of Main Street for emergency access to and for continuity of the Festival. The only exceptions for restaurants with decks would be contracting with KAC as a vendor. Mr. Eddington pointed out that Ciseros' deck created a gap between booths last Festival.

Jon Weidenhamer explained that $270 per parking space is recommended which represents 10% of the cost for the entire year. This low cost supports the goal of vitality and vibrancy while making it feasible for most restaurants. Additional square footage costs assessed for business licensing purposes are minimal.

Discussion ensued on removing and storing decks during Arts Festival. Chris Crowley stated that KAC is exploring all options for the decks. They can be functional in specific areas but to display someone's artwork on a deck, for instance, would be unfair to other artists. It is important to maintain a consistent look and feel and having booths in the middle of the street opens Main Street storefronts. Unfortunately, there isn't an opportunity to use the decks and moving them to the middle of the street is not much different than moving them altogether. Candace Erickson suggested using a forklift and moving them to the top of Main Street. Alex Butwinski emphasized that the Arts Festival has been operating for 40 years and he believed the decks need to be removed. He referred to staff's recommendation about the 10% parking fee and the City's support of $1,500 in helping to move decks which effectively represents a $3,400 subsidy. Jon Weidenhamer clarified that staff is recommending the owner pay for moving the deck. Mr. Butwinski pointed out that the City is still losing about $2,500 in foregone parking revenue. He understood that the bigger concern in moving decks is potential damage and he supported the forklift suggestion.

Mr. Weidenhamer explained a provision that the decks not be moved more than three times a season. This would only occur if another master festival license for the street warranted moving them. Ms. Matsumoto asked if 31 decks could exist on Main Street and Mr. Eddington explained that locations will be analyzed for impacts to emergency response and parking. He stated that 10 of 31 are located between 4th and 5th Streets but staff has discussed a maximum of 12 to 15 decks. Not every restaurant is interested in installing a deck or willing to be open for lunch and dinner for seven days a week and not everyone will qualify if the location doesn't fit within the overall system. The HPCA has requested a limit of 12 decks. Restaurants that already have outdoor dining would probably have lower preference in the selection process. It is likely that the 42 foot deck at Ciseros will be grandfathered and not altered.

In response to a question from the Mayor, Mr. Crowley stated that the Brewpub Lot has not yet been programmed. Storing decks during Arts Festival at the top of Main Street or Swede Alley were debated. Candace Erickson believed that the needs of the Arts Festival should be a priority. Chris Crowley detailed the benefits of using scaffold platforms which can be customized to match buildings and can be constructed and dismantled easily. Mayor Williams acknowledged the high price associated with decks and suggested that standardizing them may cut costs. Joe Kernan hoped the decks would not need to be moved frequently and over time there may be an option to keep them in place during events. If they have to be moved, it would be beneficial to identify a good storage area. Alex Butwinski did not agree with standardizing designs and likes the uniqueness of each individual deck. He requested a rendering of a scaffolding platform and asked whether it will meet installing and dismantling time frames.

Mayor Williams stated that members are in agreement with proceeding with minor tweaks to the operation and lease agreements. Mr. Crowley explained that the Zona Rosa and Bistro 412 decks worked during the Arts Festival last year but the Ciseros deck created significant problems. He stated that KAC is more than willing to evaluate decks on a case-by-case basis and work with restaurant owners.

Kevin Valika, Chairman of the Restaurant Association, stated that the Association agrees with the recommendations of the HPCA, except for the seven day a week lunch and dinner requirement. Hours of operation should be consistent with practices of the restaurant like closing on a certain day of the week. There shouldn't be a problem for businesses adjusting to lunch or dinner. Mr. Valika suggested that the seven day a week requirement only be effective in July and August.

The Mayor recommended that business owners disclose their ability to fulfill hours of operation on the application and that be considered when selecting locations. Joe Kernan liked this option instead of making hours of operation a hard and fast rule. Alex Butwinski believed the HPCA wants seven days a week and encouraged the HPCA and Restaurant Association to continue to work together on this standard. It was explained that decks can be installed at any time. Andy Beerman explained that keeping them open in inclement weather is not expected; the goal is not to have vacant decks on the street.

4. Sundance supplemental plan. Jon Weidenhamer pointed out that not using the Racquet Club this year is a significant change. China Bridge parking was reduced last year to $10 beginning on Wednesday, and based on input and user numbers, moving it back to Tuesday is recommended. There is no parking on the west side of Park Avenue between to 14th Street and Heber Avenue because of impacts to the neighborhood and the parking plan provides better access and circulation for buses. This takes 55 parking spaces out of the mix. Alex Butwinski felt the left side may be better because there are more homes on the west side. Dave Gustafsen expressed that the west side seemed like the most logical choice and there is no parking between 2 a.m. to 6 a.m. A Sundance employee in the audience explained that there are fewer parking spaces on the east side and addressing parking on the west side maximizes Park Avenue. Transit has problems passing obstacles on Park Avenue and Sundance is interested in the customer experience and ensuring that shuttles are efficient. Jon Weidenhamer pointed out that allowing parking may lead to littering and double-parked vehicles. The Mayor felt it important to check with the residents about their preference. Alex Butwinski agreed there should be neighborhood input on Park Avenue parking.

Mr. Weidenhamer acknowledged the challenges with the PCMR load-out and impacts to Deer Valley Drive and Park Avenue. Pedestrian controls will be installed at the intersection, manual controls at the Fresh Market crossing and UDOT is going to manually control the signal at SR224 and SR248. The New Frontier program will be moved from Main Street to City Park. Two open houses have been held at Miners Hospital and flyers have been delivered door-to-door about the new plan. Generally, the comments have been favorable and he believes City Park residents are used to activity. It is anticipated that operational strategies will mitigate impacts.

Last year *drop and load* began on the west side of Main Street Tuesday morning before the Festival. On Thursday, the east side also became drop and load for the remainder of the Festival and not open for parking. HPCA wants some of the parking back for businesses and the compromise recommendation is Tuesday to Thursday, the pay and display until 5 p.m. and change-out to drop and load in the evening. He acknowledged that Sundance feels this will be extremely confusing to the public and would prefer to leave it pay and display Tuesday, Wednesday and Thursday. See regular meeting minutes.

5. Taxi licensing ordinance. Kent Cashel stated that Council discussed recommended changes to the for-hire vehicle licensing provisions on September 22 and members directed staff to explore seven items: (1) Include a statement in the preamble of the ordinance that the City Council supports a free market approach in regulating for-hire fares. This is included in the draft. (2) A vehicle age limit was addressed and a 10 year limit is recommended. An age limit would help the City in its effort to reduce its carbon footprint. It would also help protect Park City's image as a world-class resort and keep vehicles compliant with current national safety standards. (3) Drug testing was reviewed and staff is recommending not conducting drug testing which can become very complicated to administer. It is recommended that each business have an adopted drug-free workplace policy. When a drug-related accident occurs in a licensed vehicle, it must be reported to the City. (4) Mr. Cashel noted that conducting more stringent background checks was reviewed and staff recommends using the FBI database which may take up to 14 weeks to process. Chief Wade Carpenter explained the importance of taking a 50 state look for drug or alcohol violations or crimes of violence. Kent Cashel stated that the background check certificate would be issued by the Police Department and each driver would be required to carry it while operating a taxi and when applying for a license. (5) Increasing fines for failure to post taxi rates was another suggestion. Mr. Cashel explained that violations for failing to post rates would be handled through an administrative process, not a court, which is much quicker and the fines are remitted directly to the City. The fine is $25 per day per violation per vehicle and a business can be fined up to a maximum of $2,000. Staff is not recommending increasing this fee which is an average amount. (6) The education effort is something the City can accomplish quite easily and the focus should be on the Sundance Film Festival. (7) He relayed that the last request from Council was to consider a 90 day waiting period for licensing but the duration needs to be reasonably tied to the process. There is time involved in FBI background checks but a blanket 90 day waiting period is problematic and staff is not recommending this.

Shelley Hatch stated that a significant amount of time and effort has been expended on this effort over many years. Staff and the industry are anxious to get this resolved and there will never be total consensus on decisions. Joe Kernan and the Mayor expressed interest in the background check turn-around and how companies have reacted. Alex

Butwinski stated that he supports the 10 year age limit and asked how the background check process will impact the Police Department. Chief Carpenter explained that time is already set aside each week for fingerprinting drivers and the background check could be processed during the same visit. Kent Cashel understood that the 14 week waiting period is being driven by demands on the FBI for this type of information. Chief Carpenter explained that background checks used to be conducted at the Police Department but now every request has to go through the FBI.

Mr. Butwinski stated that Council member Simpson relayed to him that she wants everything implemented this year with the exception of the background checks. Shelley Hatch noted that the Finance Department has already started issuing business licenses and she cautioned against a piece-meal approach to the licensing process. She is also concerned about the 10 year old vehicle limit which may create a hardship on some operators. Mr. Butwinski suggested implementing the Ordinance in 2011 and grandfathering licenses that have been issued. See regular meeting minutes.

Public Art Advisory interviews – Council interviewed Linda McCausland and Kathy Kahn for a vacancy on the board.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 18, 2010

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, November 18, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto. Council member Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; Michael Kovacs, Assistant City Manager; Jon Weidenhamer, Economic Development Manager; Wade Carpenter, Chief of Police; Kent Cashel, Transportation Manager; Shelley Hatch, Finance Analyst; Polly Samuels McLean, Assistant City Attorney; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

1. Military Installation Development Authority – project impacts to Park City and Summit County – Jan Wilking, resident, acknowledged that elected officials have information that is not shared with the public. The state legislature created MIDA to provide subsidized vacation housing for military personnel and somehow this morphed into an incredibly giant commercial real estate project which is going to be very detrimental for everyone in Summit County for many years. He referred to correspondence he sent earlier to the Summit County Council and Park City Council.

Mr. Wilking expressed that he doesn't think anyone objects to providing subsidized housing for military personnel, but there are many ways this can be accomplished. The needs of the military must be defined and he is convinced that the lodging industry can solve that issue. He sees no need for the commercial development element but recognized that MIDA has a lot of power, probably more power than the state legislature ever assumed it should have. Why are we building a hotel when our lodging industry is suffering? One of the primary negotiation points should be that MIDA buy an existing facility.

The commercial development is proposed between two intersections on US40 and other applications for commercial development there were denied by Summit County. The City and the County bought this property (Triangle Parcel) for future public operations and selling it to MIDA and facilitating this development is a very serious mistake. The amount of development requested is going to be the largest land use approval in his 40 years in Park City. He encouraged members and the public to visit the website www.summitatparkcity.com where the development is illustrated and equivalent to every single commercial building in Kimball Junction, Quarry Village, Jeremy Ranch and ranges from 1.25 to 1.5 million square feet of commercial. The entire commercial retail square footage in Summit County is 2.5 million and this plan adds 60% more commercial development in one project. Mr. Wilking believed the incredible over-supply to demand will hurt property values.

Mr. Wilking felt MIDA has not worked with the City Council and Summit County Council in good faith. He participated at the MIDA public hearing and presented a plat map of the project which was distributed in Las Vegas six months earlier which MIDA officials said they had not seen. It is absurd that MIDA hasn't seen the plan and it has greatly over-stepped its bounds according to state law.

He understood that MIDA has done some economic analysis of the project and determined that one Cosco store will generate enough money to support the hotel facility. The Council needs to ask MIDA its objective and find a way to avoid this harmful development on US40. Rather than being located at the interchange this project is located between two interchanges and he understood that the state has agreed to pay $5 million to improve access to the site. Some tax revenues will go to Summit County but profits will go to some developer to build a hotel which is located in Wasatch County resulting in Summit County tax dollars going to Wasatch County. Building 1.25 million square feet of commercial will result in demands on public services which are supported by tax dollars, putting the burden on Summit County taxpayers. Council will cause taxes to rise by facilitating this development.

The state legislature created law that this commercial development doesn't need to comply with local zoning processes and without planning review, the result will be a much worse project. He is convinced that will happen here. The County and City should require that the project go through a planning process. Special benefits are being given to certain people which has created an uneven playing field which is wrong. There is a potential of the development generating 5,000 employees which will impact the School District, but the money that would normally go to the District is now going to the developer of the hotel. This has to be considered.

Mr. Wilking stated that this much development in Summit County will significantly impact existing businesses. Property values and sales tax revenues will decrease by facilitating this development. He has received feedback from residents about boycotting the tenants in the development and it is important to relay this to MIDA.

He quoted language that was stricken from the enabling legislation, *the Authority Board may not adopt a project planning area unless there is at least one member of the Board….is a Mayor or a member of the legislative body or municipality that is adjacent or in close proximity to the project described in the project area plan proposed to be adopted*. It was taken out so that Park City and Summit County would have no input which is wrong. He felt MIDA is subject to a lawsuit because it is not complying with state law. MIDA must make findings regarding the public purpose, public benefit, and economic benefit and he is unaware of an economic feasibility plan. The fourth finding is that the project area plan will promote the public peace, health, safety and welfare of the community in which the project area is located. Mr. Wilking understood that the Council is a week away from selling the property and he felt that the City should wait until the state legislature is in session with a request to clarify the intent of the law. He understood that many of them feel like MIDA has gone too far and allowing MIDA to gain some rights before the session will compromise our ability to ask for reason. There are many other solutions to accomplish the goal of subsidized vacation housing for military personnel without any development. It is critical that research is conducted on real impacts and that more public input is received so the plan is more transparent. There are many professionals in the community that can help. He reiterated his concerns about building another hotel, even if it is in Wasatch County, because it will compete with existing lodging. He suggested that the project be divided and built throughout the state in areas where there is demand. He encouraged Council to stand up to MIDA who has acted in bad faith by not providing development plans, not disclosing the website, or not supplying the numbers revealing that only one Cosco is needed.

The City can not go forward without this information and MIDA should be forced to comply with state law.

Mayor Williams stated that many of Mr. Wilking's concerns are *on the table* and being discussed. He emphasized that the Council is not *facilitating* this plan and referred to the initial goal of not allowing a hotel on the entry corridor and protecting Quinns Junction. Members are briefed on this issue weekly and he agreed with many of Mr. Wilking's arguments. Jan Wilking interjected that members have to stand up and say this is wrong and bad for our community. He felt we shouldn't be fearful if we are right and felt the state legislature will make these changes. The City and County do not have to sell this property

2. Role of Historic Preservation Board – Lynn Fey, resident, commented on researching the demolition of the historic structure at 657 Park Avenue. Interpretations of the Land Management Code and Historic District Guidelines can significantly vary and dialog is important now. She urged members to consider the role of the HPB which doesn't really have oversight over renovations, restorations or demolitions in the Historic District. Every community that is really serious about historic preservation has a board that works with the planning department and she emphasized that Council appoints members. Decisions need to be made collaboratively and she urged members to consider her suggestion.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 4, 2010

Joe Kernan, "I move we approve the notes and minutes with a small correction". Candace Erickson seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

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

1. Consideration of a sewer easement agreement with Snyderville Basin Water Reclamation District across Park City property to provide sewer service to 74 Prospect Avenue - and

2. Consideration of a Professional Service Agreement, in a form approved by the City Attorney, with URS Corporation for engineering services related to the management, handling, storage and disposal of mine waste and soils contaminated with mine waste in an amount not to exceed $50,000 - Candace Erickson, "I move we approve Consent Agenda Items 1 and 2". Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye

Cindy Matsumoto	Aye
Liza Simpson	Absent

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

1. Consideration of the Sundance Film Festival Supplemental Plan for 2011, in a form approved by the City Attorney – Jon Weidenhamer referred to the technical changes to the operational plan discussed in work session, including parking along Park Avenue. Staff will follow-up with an outreach effort to the neighborhood which will be reported to members through a manager's report. He urged approval of the supplemental plan as conditioned. Sundance Institute expressed concerns about the recommended parking plan on Main Street, specifically instituting the pay and display until 5 p.m. for Tuesday through Thursday. Sara Pearce clarified that last year Main Street parking was closed for the entire Festival which was a great public safety opportunity. The street was cleaner and police could better access emergencies. Sundance's first priority is public safety but the PHCA feels that things are calmer in the middle of the week and it was decided to compromise with paid parking during the day and closing it at night. Ms. Pearce believed this will be a logistical failure. People parked on Main Street after 5 p.m. will be towed or ticketed. If there is a compromise, she stated that she favors opening up parking Tuesday, Wednesday and Thursday and then closing it again on the last weekend. Jon Weidenhamer stated that staff believes it has the resources to pull it off while balancing interests. Candace Erickson remarked on the public's confusion with making only seasonal changes to parking and can't imagine it working in a day timeframe.

Ms. Pearce displayed a PowerPoint presentation about the Institute and the importance of sponsorships. The sponsors and venues on Main Street were described as well as the new volunteer program. She detailed the New Frontier venue at City Park celebrating the artists behind the films and displayed interactive works of featured artists. The venue will close at 10 p.m.

The Mayor opened the public hearing.

Alison Butz, Director of PCHA, expressed that the group appreciates the Main Street parking compromise recommended by staff by allowing paid parking on the street from Tuesday through Thursday and no parking in the evenings. She believes there is a decrease of people on the street with the loss of paid parking.

With no further comments, the public hearing was closed.

In response to a question from Cindy Matsumoto, Chief Wade Carpenter reported that over the years there has been an increase in calls for service. There were 100 more calls last year than the previous year totaling about 400 calls for service on Main Street with the majority occurring in the evening. Types of calls vary from assaults to ambulance calls and parking was an issue for emergency response. His biggest issue is maintaining access and egress on the street where there are large gatherings at any given time. It's difficult to predict what will happen and there is a lot of press at the event. Cindy Matsumoto suggested allowing pay and display on one side of the street. Jon Weidenhamer explained that it is on one side from 11th Street to 5th Street for three days. Ms. Pearce added that the street has a lot of space dedicated to drop and load throughout the entire Festival so people can get a cab or get dropped off. Ms. Matsumoto stated that she felt the street should be closed to parking because it is too confusing as proposed. She understood merchants may be upset about this but their customers will be more upset if they get towed. Prohibiting parking benefits the circulation of the downtown core. Alex Butwinski agreed and made a motion, "I move we approve the Sundance Film Festival supplemental plan for 2011 with the modification of (receiving) neighborhood feedback on elimination of parking (on a potion) of Park Avenue and the amendment of the elimination of paid parking on Main Street keeping it as a drop and load the whole Festival". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Nay
Cindy Matsumoto	Aye
Liza Simpson	Absent

2. Consideration of sponsorship of a Community Development Block Grant Small Cities Program application for funding of a Business Resource Center on behalf of Salt Lake Community College – Assistant City Manager Michael Kovacs introduced Jeff Chance from Salt Lake Community College. He explained that the City has been working with SLCC to provide business classes for existing and start-up businesses in the community. Zions Bank has contributed office space and SLCC has set aside about $15,000 as seed money to locate a part-time position at the business resource center office. The CDBG grant application submitted to Mountainlands Association of Governments is a partnership and Park City would be the primary applicant. It is a very competitive grant program as there is only about $500,000 to $600,000 available to Wasatch and Summit Counties. There are a number of rural projects being considered and the criteria applied by the regional review committee in the selection process favors rural-type projects. However, activities eligible under the CDBG program are fairly extensive ranging from senior centers, sewer projects or economic development programs. Mr. Kovacs clarified that as the primary applicant, Park City would be responsible for oversight of the program while SLCC would actually operate the center. SLCC is hoping for a two-year grant and is asking for $80,000 from HUD which will be scored at the regional level or MAG.

Jeff Chance described the business resource center at the Sandy campus. One-on-one business counseling is provided to existing and start-up businesses and professionals provide pro bono assistance. In addition to training, there is an export assistance center, women's business center, PTAC assistance, grants assistance, etc. SLCC is proposing a similar business resource center at Zions Bank. The CDBG funds are mainly intended to pay the salary of a part-time director.

Joe Kernan discussed his work experience in economic development and familiarity with the CDBG process. He asked how SLCC will demonstrate a benefit to low to moderate income people. Mr. Chance stated that SLCC would track incomes and has a database in place to add needed information to comply with guidelines. He believed that people in the program typically fall within that range. Candace Erickson asked what will happen if SLCC doesn't receive the CDBG grant. Mr. Chance explained that USDA rural development monies may be available and another option is to garner legislative support for business resource centers. Michael Kovacs stated that SLCC asked Summit County for $25,000 yesterday but the Council hasn't committed.

In response to questions from Alex Butwinski, Mr. Kovacs clarified that there is no City match relating to Summit County or the CDBG program. As the primary recipient, Park City will have to check in with SLCC to make sure it is compliant with the grant. He acknowledged that if there are any issues with the grant, HUD will look to the City. Tom Bakaly clarified that it is anticipated that SLCC will be applying to the City for an economic development grant; there is a $15,000 balance in this fund. The Mayor opened the public hearing; there were no comments from the audience and the public hearing was closed.

The Mayor repeated his comment from work session that he understands from the chair of the grant review committee that the business resource center application will not be supported. At yesterday's meeting, the Summit County Council expressed that the $25,000 grant request did not meet its application deadline but was willing to discuss it. He likes the idea of a business resource center but is concerned about the potential amount of City time and effort spent on a concept that may not be supported. Tom Bakaly interjected that Park City has difficulty obtaining CDBG grants because of median income numbers and it has been a long time since the City received one. However, a lot of preparation work has been done on this project and he felt it is worth pursuing.

Joe Kernan, "I move we direct staff to go ahead and apply for the CDBG grant". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

3. Consideration of an 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 in for-hire licensing – See work session notes. Kent Cashel referred to seven items Council directed staff to explore at its September 30 meeting. (1) Council asked that a free-market statement be included in the recitals of the Ordinance; (2) A ten year vehicle age limit is recommended as it would help reduce the City's carbon footprint, help protect Park City's image as a world-class resort town, and ensure the safety of patrons. (3) Council suggested drug testing and staff is recommending a requirement for a drug-free workplace policy for all licensed for-hire businesses and not to conduct drug testing.

(4) With regard to background checks, staff is recommending a 50 state international look through the FBI. The Salt Lake International Airport and Salt Lake City impose a similar requirement. He emphasized that during discussions with operators after work session, it was recommended that the City accept a TSA badge in lieu of conducting another background check. Amendment language has already been drafted if Council is supportive. In response to questions from Joe Kernan, Assistant City Attorney Polly Samuels McLean stated that she spoke at length with an attorney from Salt Lake City and learned that TSA badges are required in order for a for-hire vehicle to pull into the curb area closest to the airport. Associated background checks are extensive and include checking the no-fly list, certain crimes, etc. Salt Lake City amended its for-hire licensing last night which has been a 10 year process. The amendment addresses background checks so that all cabs licensed in Salt Lake City have to be

able to go to the airport and everyone needs to have a TSA badge. She suggested that Park City have its own background check process but accept a TSA badge in lieu of a background check.

(5) Kent Cashel discussed the suggestion of increasing fines on violations for not posting rates and staff is recommending that they remain the same. The fine is set at $25 per violation per day per vehicle up to a maximum of $2,000. (6) He addressed the education effort with the taxi industry which will focus on Sundance and information for visitors. (7) Council requested a review of a 90 day waiting period for obtaining a for-hire business license but staff could not justify the regulation.

Joe Kernan asked the source of the 12 week waiting period for a FBI background check and Kent Cashel advised that staff found the information on its website. Alex Butwinski asked about ramifications to a licensed operator arrested for driving under the influence. Ms. McLean pointed out that the Code currently includes a section requiring compliance with city, state and federal laws. Another section provides that the licensee is responsible for its drivers. Shelley Hatch interjected that the state regulates DUI convictions by revoking the driver's license. Mr. Butwinski noted that there is no punitive action against the company and Ms. McLean indicated that its business license could be revoked by the City and language can be stronger.

Shelley Hatch addressed the Mayor's concern about idling and stated that renewals include a flyer about the anti-idling resolution. The Mayor opened the public hearing.

Amir Adabkhah, Yellow Cab, described the time and expense involved in obtaining a TSA badge and felt that another background check by Park City is unnecessary. The Mayor clarified that this issue was just discussed. The airport inspection of vehicles is extensive and the inspection sticker from the airport should suffice for the City. There needs to be more parking on Main Street for cabs during Sundance.

Robert Lopez, resident and owner of Avalanche Transportation, spoke about the concept of people helping each other out and stated that not one lodge in Park City has given him a referral. He asked for City support of local businesses and complained about how poorly he was treated in Salt Lake City.

Randy Curtis, General Manager for Express Shuttle, pointed out that the City has been trying to address for-hire vehicles for 12 years and what is being suggested are things that are already being done. Vehicle inspections are conducted at the airport and if a vehicle has an airport tag, Park City should not duplicate the effort. The City should take advantage of other agencies doing the work. Salt Lake City initiated background checks in 2004 but disbanded them because of the same problems that Park City will have with the prospect of waiting 14 weeks for a background check. It doesn't work for new employees. He discussed Midvale's ordinance which includes language that any taxi licensed through another jurisdiction shall be recognized as properly licensed. Rather than duplicating tasks, the focus should be on unlicensed for-hire vehicles. He questioned if the Council is getting accurate information as there is no such thing as a TSA badge and believes references are to the Salt Lake City Drivers Certificate. If it has an "A" on it, the vehicle can enter the airport and when applying to be allowed to service the airport, a TSA check is conducted which is not a background check but a threat assessment. A threat assessment takes one day. The FBI check is the background check that Salt Lake City requires for the badge and it only takes one day because the airport has access to the FBI database.

Cindy Matsumoto understood that staff is suggesting that if a driver has a badge or certificate that a background check by Park City is not needed. Any new employees could get licensed at the airport and show the City the paperwork. Mr. Curtis complained about this which Ms. Matsumoto could not understand. Mr. Curtis continued to object stating that it is a burden and it doesn't accomplish anything. Ms. Erickson responded it is reasonable to require a business license for someone conducting business in town. Mr. Curtis claimed that an operator has to have a Salt Lake business license to take advantage of the licensing services at the airport. He emphasized that problems arise from taxis not shuttles or limousines. He urged Council to focus its attention on the unlicensed and uninsured taxis. He explained the Z endorsement on the license which is needed for taxis but not needed for shuttles in the state of Utah but is still requested by the City. The reason there has been no consensus is because everyone has their own agenda which is to kill competition. Mr. Curtis again urged members to focus on unlicensed taxi services.

Don Barron, Yellow Cab, stated that this week Salt Lake City passed an ordinance which limits the age of taxi cabs to six years or 350,000 miles and seven years is the maximum limit.

Robert Lopez explained that the TSA badge can not be obtained in one day as his took almost four months to receive.

Rob O'Brien, 649-TAXI, stated that his Park City business is 18 years old and operates every day of the year. A free market will naturally attract high and low end operators and many of the provisions in the draft ordinance are redundant. Waiting months for background check results and getting new employees on line will disrupt operations. He is staffed now for this winter and understood that amendments would not become effective until the spring. Increasing educational efforts is a good step and marketing local businesses is helpful. However, the horse is already out of the barn with 95 companies registered in town and Mr. O'Brien requested a higher level of local enforcement understanding the importance of the visitor experience. In response to a question from the Mayor, he indicated that 90% of his drivers are licensed at the airport. He is okay with the 10 year age limit and discussed the high standards of the airport inspection. It will be interesting to evaluate the impacts of Salt Lake's recent ordinance.

Rhonda Carroll suggested using mileage rather that age of vehicles in setting a limit. Many for-hire vehicles look the same from year to year. Companies invest a lot in their stock and must make a profit; it is a balancing act. In response to a question from the Mayor, she stated that one out of three of her vehicles is more than ten years old.

Randy Curtis stated that Express Shuttle has a 12 year old van which is still used because it is ADA compliant and has a wheelchair lift. He hoped there will be exceptions and he pointed out the attraction for specialty or vintage vehicles.

Grant Collram, ASAP Transportation Limousine Service, thanked Council for opening up Main Street during Sundance which helps accommodates limousines. He stated that he has a 1999 Lincoln Town Car with low mileage and in excellent condition and hoped the City would consider waiving the ten year limit on an individual basis. Similarly, he owns a 1998 stretch limousine which has been completely refurbished and passes airport inspection as does all of his nine vehicles.

Donnie Novelle, Park City Transportation, thanked the Mayor, City Council and staff for taking a serious look at the industry's problems and exploring solutions.

With no further input from the audience, the Mayor closed the public hearing. The Mayor discussed legitimate arguments made about allowing vintage cars and suggested special exemptions for these types of vehicles and Kent Cashel stated that the Utah Code defines vintage and classic vehicles. The Mayor commented on the TSA background check option at the airport avoiding the eight to twelve week wait for a background check through the City. In response to a question from Alex Butwinski, Mr. Cashel explained the distinctions between P and Z endorsements and noted that all for-hire vehicles types are included in one ordinance. The Z endorsement could just be applied to taxis and not shuttles. Mr. Butwinski did not feel it is the City's role to give preference to local businesses. Chief Wade Carpenter added that enforcement is primarily handled on a complaint basis.

Cindy Matsumoto expressed concerns about up to a 14 week wait on background checks. The Mayor suggested a grace period so that an applicant can operate while the background check is being processed. Polly McLean stated that she understood that the FBI checks at the airport take about a week and a Salt Lake City business license is not a prerequisite. Any vehicle that uses the airport curb must have a TSA badge. Mark Harrington advised that a grace period is not recommended because a driver could potentially operate for the season without producing a background check. Honoring the TSA badge is an effort to reduce duplicity. Joe Kernan discussed the difficulty in hiring qualified drivers during the season. Tom Bakaly acknowledged that age of the vehicle, drug testing and background checks seem to be areas of interest and another issue is renewals however, Council can adopt the language on the free-market approach tonight. Council member Liza Simpson arrived at the meeting.

Joe Kernan, "<u>I move we continue New Business Item 3 concerning transportation vehicles to a date uncertain</u>". Candace Erickson seconded. <u>Motion carried</u>.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Abstention

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a closed session convened.

MEMORANDUM OF CLOSED SESSIONS

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, and Cindy Matsumoto.

Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Joan Card, Environmental Regulatory Affairs Manager, Diane Foster, Sustainability Manager; Jason Christensen, Legal Intern; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Candace Erickson, "I move to open the meeting". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Aye
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Absent

The City Council met again in closed session at approximately 8:30 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 and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property and personnel". Cindy Matsumoto seconded. Motion carried unanimously.

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