PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
NOVEMBER 14, 2013

Work Session
Council questions and comments and Manager's Report

Council member Peek attended the Historic Preservation Board stating they reviewed the burnt home located on BLM land looking to determine if it was a historic structure also reviewed the Rio Grande appeal and the HPB approved to move the structure.

Council member Beerman attended the Wasatch Summit meeting stating that they are still looking for a name that will stick.

Mayor Williams attended the Governor's Gala for Robert Redford, thought it was great to give Mr. Redford the credit he deserved for all his participation with Utah. Also, attended the Veterans Day Celebration with the American Legion-stated it was great to see Chris Bova and Adam Kelly, born and raised in Park City, who were back and safe. Mayor Williams reminded the Council that awhile back the City had been contacted by the Center of Biological Diversity to be supportive on the EPA clean air act stating he was contacted again through email and wanted to poll the Council to see if they were in favor of bringing this item to a future meeting in a formal capacity.

Broadband/Fiber discussion

Scott Robertson, IT Manager, showed a video from CBS regarding a successful implementation of a Municipal network in Chattanooga TN to preface the discussion. Robertson introduced Pete Ashdown, founder and CEO of Xmission, who was invited by staff to participate in this exercise. Robertson presented slides outlining the current infrastructure and the legacy of the fiber investment going into the Olympics in Park City. Along with the investment made by Century Link over the course of the last summer.

Robertson discussed four options that staff feels are the next steps.
1. Stay the course-do nothing, which does nothing for the goals that the Council is seeking.
2. Encourage Development- ease restrictions, change codes, encourage fiber development
3. Sole Provider- partner with a company, quick moving could produce a monopoly but could limit the cost to the city.
4. Promote/Provide Infrastructure.- high risk/high reward proposal, the City would provide a great network and would promote open market principles and would be moved along quickly and have the best economic return. We would create the infrastructure; we would not technically run the system, we would just manage.

Staff feels option 4 is the best, however; option 3 needs to be investigated due to the cost consideration. No matter which investment the City makes in fiber the one key element is aligning our partnerships that we share the vision and ownership. We want to compel providers to take a fresh look and see they would have more to gain.

Robertson stated that broadband may not guarantee economic development or growth but it will lay the framework. He presented a matrix of the 4 options stating the City will have to take some amount of risk to gain.

Council member Beerman inquired if the Olympic fiber that was installed is available for providers. Robertson stated that it has not been made available but it has been discussed by staff and would fit in option #3.

Mayor Williams feels that there has been a run on fiber and wants to know if the City has gone out to see if the current providers want to work together or are we overrunning what is already installed. Robertson stated that there is not an incentive without a partnership, it is a very competitive market.

Council members Beerman and Peek inquired about the wireless capacity within the prominent areas i.e. schools and commercial areas. Robertson replied saying the wireless is complementary to fiber but you can only go so far without the backbone.

Ashdown spoke on the wireless capacity, stated that wireless with never touch fiber's capacity.

Council member Simpson inquired if we could get fiber to every cul-de-sac could the homeowner tie in and what would the cost analysis look like. Robertson stated that the biggest challenge in a rural situation is that providers are unwilling to make the investment due to being profit driven. The City then needs to look at a social equity discussion to make that scenario work.

Council member Butwinski inquired about an approach to spread the cost out over the whole City and have a franchise agreement and build in to the cost analysis to spread it out.

Ashdown stated that the Cities who went with Google had to give up extreme concessions including dropping the franchise fee and free rentals.

City Manager Foster stated that staff is coming to Council for direction on which options they would like staff to further investigate.

Mayor Williams stated that we are looking at providers who are putting in millions of dollars into the City and wouldn't that bring lawsuits from the providers when we come in and take over as a sole provider. Foster stated that the City would have to look at all the scenarios in a feasibility study.

Council member Peek inquired about the cost to the homeowner, Ashdown stated that the home owner would be responsible for the on-site equipment and the service. Council member Peek
also liked the idea of multiple service providers over a sole provider.

Council member Simpson stated that she likes option 3 & 4 and would like to look at social equity. She is dismayed that school kids have equipment that they cannot work on at home due to no internet service. She would like to see the City and providers come together.

Council member Beerman stated that he feels it should be 2 stage approach and explore the option of using what is installed.

Mayor Williams inquired if other providers that were present had any comments as well as offered the time to sit down with each provider in a study session and see what their long term plans are.

Abby McNulty, Park City Education Director, stated students in grades 6-12 in the district have laptops 23% are on free and reduced lunch and 90% of those students do not have internet access at home creating a huge disadvantage.

Mayor Williams inquired of McNulty if she had any suggestions for a solution with a quick turnaround. He stated that the fiber discussions and implementation could take years. Williams inquired about a central location for wireless, McNulty stated that the central location would not be beneficial in this situation because a majority of the students are responsible to care for other siblings and cannot go to a “hot spot” area. Council member Simpson suggested an option for multiple hot spots or a zone so they could use it at home. McNulty loved that idea.

Council member Beerman would like to fast track this project and would like to see the next steps the City is going to take. Robertson stated the next step would be considering a feasibility study.

Council member Simpson stated she was in favor of the feasibility study and asked staff to include the comments from this evening in the criteria of the study.

Mayor Williams stated that he would like see the current infrastructure with all the providers and see if they are willing to work with the City.

Council member Butwinski inquired about the disastrous results mentioned in the staff report, he would like to see where and why they were disastrous and he also felt that option 2 is a great step in the interim, if we have open trenches we need to install conduit.

City Manager Foster stated that Robertson has sat down with each of the providers and is being open. Staff is realistically looking at a 3 month time frame with a study if we quickly put out an RFQ.

Council concurred a feasibility study should be the next step.

Blue Ribbon Commission on Park City Mayor and Council

Matt Dias, Assistant City Manager; Phyllis Robinson, Public Affairs Manager; and George Hull, Selection Committee Member presented the Blue Ribbon Commission committee. Dias stated it was a two-step project with the first being a community based process of soliciting applications. Staff received 17 applications and 14 made the cut, the talent pool was exceptional. Hull stated that he completely agreed that they had really great people and any of the 14 would have been great. Dias stated that staff has enlisted Dr. Rex Facer, Associate Professor of Public Finance and Management with the Romney Institute of Public Management at Brigham Young University to facilitate the discussions with the Commission.

Council member Simpson inquired about the alternate listed in the staff report, Dias stated that if someone could not commit to the entire process then the alternate would step in. Simpson was pleased to hear that every member would be a part of the process from beginning to end.

Council member Simpson also stated that this group needs to look at time constraints on the Council and Mayor.

Council member Butwinski stated that the activities such as liaison positions need to be looked at as a comprehensive list of Council activities.

Mayor stated that part of the job is knowing that the residents come first if they need to talk. Also it is important to look at the dynamics of having an elected official present in City Hall.

Mayor and Council are in favor of the process

Quarterly Goals

Jed Briggs, Budget Operations Manager and Kory Kersavage, Budget, presented the Executive, Public Safety and Internal Services quarterly goals stating that they did organize it by team, department, and priority. Briggs spoke on the other changes to be coming next week. Also, staff is looking at an ease of navigation by adding numbers. Beginning the next quarter staff will move the completed tasks to the bottom of the list.

The Council proceeded with an itemized list inquiring on priority levels, aligning Council goals and abbreviations. They also inquired about the tracking system pertaining to the 1-3 day turn around measure.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 14, 2013

Regular Meeting

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 14, 2013. Member in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Liza Simpson, Dick Peek and Cindy Matsumoto was excused. Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney, Matt Dias, Assistant City Manager; Kayla Sintz, Planning Manager; Brooks Robinson, Senior Transportation Planner; Heinrich Deters, Trails and Open Space Manager; Jody Morrison, Assistant City Recorder; Marci Heil, City Recorder

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures from Council or staff

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

Peg Bodell stated she was here to plead with the Council to enforce staff to enforce all the codes not just some codes. She stated that two years ago her neighbor removed mature trees and raised the natural grade to permit a deck, they also added another structure to the deck/fence and her property, and this has created a 15 foot wall. A year ago October, the wall was bowing and the City ordered to rebuild and bring within the natural grade on both properties Norfolk and Woodside. She stated she appreciates staff spending the time to facilitate meetings to work with both properties. In May she and the neighbors met with City staff and agreed upon a terraced retaining wall, since then the neighbor has constructed a 6 foot vertical retaining wall with a fence on top creating a 12 foot wall. She feels the main issue was the illegal deck and additional fill brought in; however, the planning staff has negated this fact. She stated if she wanted to appeal the planning department's decision she would have to pay $500 and it is not fair to have to incur that cost. It does need immediate attention.

Council member Simpson inquired if a permit was needed to remove mature trees on your property. Kayla Sintz , planner, stated that a permit is required by code that if your tree is XX inches wide at the 4 foot mark from natural grade it would be considered a mature tree and that it would be replaced in kind somewhere else on the property.

Wisteria Bodell- also spoke to the problem supporting the feelings stated by Peg Bodell.

City Manager Foster stated she has spent significant time on this issue with Planning and building staff and the current wall does comply with code. City Attorney Harrington clarified if the appeal was filed it would not stop work but the building would continue at the neighbor's risk.

Council discussed if this is a single infraction or a code issue throughout town. City Manager Foster felt it would be beneficial to take a look at the City as a whole as well as a Manager's report pertaining to this property.

Michael Watson, resident, informed and educated Council with different options for sharing the road with bicyclists. He also stated that funding is available in different options. Feels it would be a positive statement to bring bikers to Park City. He is very passionate about this idea of the sharrow to share the road.

Mayor Williams requested an update from Heinrich Deters, Trails and Open Space Manager. Deters stated that Michael spent time with the NTMP group. Staff wants to make sure the NTMP group and UDOT are on the same page.

Mayor Williams stated that he does feel it is a safety issue in some areas that are not marked. Deters stated that the City needs to vet all the options and stated there could be the potential for the use of the sharrow throughout the City.

Council stated that they wanted staff to look at the options that could be useful in many parts of the town. Also look at the enforcement issues as well looking at a balance of sharing. Deters stated that Fire, Police, and transportation are involved in the NTMP committee. Mayor Williams stated that the Dans to Jans trail is millions of dollars spent to get the bikes off the road and wants to be clear that we are sending the right message.

IV. Minutes from Meeting on November 7, 2013

Council member Beerman moved to approve the minutes from the November 7, 2013 meeting
Council member Simpson seconded
Motion carried
Peek- Aye
Simpson- Aye
Beerman- Aye
Butwinski- Aye
Matsumoto- Excused

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)*

1. Consideration of Request for Proposal Award to Alliance Engineering for Poison Creek Pathway in the amount of $29,680

Council member Simpson moved to authorize the City Manager to enter into a service provider agreement with Alliance Engineering, for the Poison Creek Pathway project in the amount of $29,680 in a form approved by the City Attorney
Council member Peek seconded
Motion carried
Peek- Aye
Simpson- Aye
Beerman- Aye
Butwinski- Aye
Matsumoto- Excused

VI. NEW BUSINESS

1. Consideration of amending the Land Management Code of Park City, regarding existing Historic Structures and Building Height in the HRL, HR-1, HR-2, and RC Districts

Mayor Williams opened the public hearing, no comments were made. The public hearing was closed.

(b) Motion to CONTINUE item to the November 21, 2013 meeting

Council member Butwinski moved to Continue the Consideration of amending the Land Management Code of Park City, regarding existing Historic Structures and Building Height in the HRL, HR-1, HR-2, and RC Districts to the November 21, 2013 meeting
Council member Simpson seconded
Motion carried
Peek- Aye
Simpson- Aye
Beerman- Aye
Butwinski- Aye
Matsumoto- Excused

2. Consideration of Second Amended Silver Baron Lodge Phase II 2880 Deer Valley Drive Amendment to Record of Survey

City Planner Christy Alexander stated the HOA would like to convert CU 2, 13 & 18 to common area for community rooms. It does not change the foot print and would not require any additional parking spaces.

Mayor Williams opened the public hearing, no comments were made. The public hearing was closed.

Council member Peek moved to approve the Second Amendment to Silver Baron Lodge at Deer Valley Phase II condominium plat amending CU-2, CU-13, and CU-18 based on the findings of fact, conclusions of law and conditions of approval as stated in the draft ordinance.
Council member Simpson seconded
Motion carried
Peek- Aye
Simpson- Aye
Beerman- Aye
Butwinski- Aye
Matsumoto- Excused

3. Consideration of 508 Main Street Subdivision Plat Amendment Modification

Planner Alexander stated this property is currently acting as the restaurant Silver. They are requesting to modify condition of approval #3 regarding an encroachment agreement. Legal and staff has reviewed the agreement and due to the minimal encroachment recommends approving the amendment with the addition of a mention on the plat of the agreement.

Mayor Williams opened the public hearing, no comments were made. The public hearing was closed.

Council member Peek moved to approve the 508 Main Street Plat Amendment Modification based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.
Council member Butwinski seconded
Motion carried
Peek- Aye
Simpson- Aye
Beerman- Aye
Butwinski- Aye
Matsumoto- Excused

VII. ADJOURNMENT

With no further business to discuss the meeting was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in a closed session at approximately 3:00 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Andy Beerman, Liza Simpson, Dick Peek and Cindy Matsumoto was excused. Staff present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Tom Dayley, Deputy City Attorney; Polly Samuels McLean, Assistant City Attorney; Jonathan Weidenhamer, Economic Development Manager; Jason Glidden, Special Event & Project Manager; Heinrich Deters, Trails & Open Space Manager; Nate Rockwood, Capital Budget Manager; Tommy Youngblood, Special Events; Phyllis Robinson, Public Affairs; Tim Henney, City Council member-elect. **Council member Simpson moved to close the meeting to discuss Property, Litigation, and Personnel. Council member Beerman seconded. Motion carried.**

Council member Peek moved to open the closed session. Council member Beerman seconded. Motion 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 Marci S. Heil, City Recorder.

Marci S Heil

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PARK CITY SUMMIT COUNTY UTAH
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