PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 5, 2009

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 5, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ed Clouse, Senior Police Officer; Wade Carpenter; Chief of Police; Dave Gustafson, Project Manager; Max Paap, Special Events Manager; Bret Howser, Budget Manager; Shelley Hatch, Analyst; Katie Cattan, Planner; Tom Eddington, Planning Manager; and Matt Twombly, Project Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Assistant City Manager - Tom Bakaly reported that Michael Kovacs has accepted an offer for the position of Assistant City Manager and will be starting in early December.

2. Certificate of appreciation to Jack Thomas for his service on the Planning Commission – The Mayor presented the certificate to Mr. Thomas who commented that serving on the Planning Commission was an educational process and something he will take with him wherever he goes. He thanked the Council for the opportunity to participate and congratulated on the Mayor on his re-election.

3. Recognition of Senior Police Officer Ed Clouse as the School Resource Officer of the Year and the Park City Police Department as the School Resource Agency of the Year for the state of Utah – Utah Council for Crime Prevention – Mike Milne, Deputy Director of the Utah Council for Crime Prevention, explained that they are a non-profit organization operating about 15 different crime prevention programs. One of their functions is to act as trustee for four different law enforcement associations, one of those is the School Resource Officers Association of Utah. He stated that Officer Ed Clouse received the most nominations in any category and is deserving of the award. Officer Ed Clouse thanked City government, the Council and the Police Department for making the School Resource Officer position possible. Mr. Milne added that the Park City Police Department is also honored as a School Resource Officer Agency of the Year. Chief Wade Carpenter also thanked the Council members for their support.

4. Resolution celebrating the 2008-2009 Marsac Building Renovation, Park City, Utah – The Mayor hoped the audience had an opportunity to tour the building earlier and read the resolution into the record. He specifically recognized Dave Gustafson, Project Manager who then thanked FFKR and Jacobsen Construction for their outstanding contributions toward the success of the project.

5. Council questions and comments – Joe Kernan thanked Matt Cassel and Liza Simpson for their organizational efforts on the Employee Transfer and Discharge Appeal Board. He stated that he has noticed for many years that not all candidates follow the rules on the placement of campaign signs. He suggested that the City just accept that not all signs will be compliant or if not, the rules should be loosened. Candace Erickson indicated that she is willing to discuss this at the Visioning Session and personally felt that playing by the rules is part of the deal. Mr. Kernan believed that the campaign reporting statements are somewhat confusing for candidates and readers to understand and recommended creating a form to itemize type of contributions. The press often lumps in-kind with cash contributions which makes reporting misleading. Tom Bakaly noted that he will check with Cindy LoPiccolo and report back.

Jim Hier reported on a joint transportation meeting where hiring and maintaining bus drivers with the threat of H1R1 were topics of discussion. Liza Simpson thanked Max Paap for opening all of Main Street on Halloween; participation was over-whelming and it was a lot of fun. PCMR is hosting a benefit day for the Youth Winter Sports Alliance which runs from opening day to December 18.

Roger Harlan thanked Jan Scott for organizing the open house. He congratulated Mayor Williams and Council-elect Alex Butwinski and Cindy Matsumoto. Mr. Harlan relayed that he also attended the joint transportation meeting and added that Officer Ed Clouse was also appropriately honored at the Board of Education meeting. Consistent with his pledge to reduce his own carbon footprint, he commented on the ease of taking the bus to the meeting tonight.

Candace Erickson spoke about the scarecrows at the Farm which was a successful event and commented on the RAB meeting where the Racquet Club revised remodel plans were reviewed. She was pleased with the revisions which will be presented to Council shortly. The Historical Society reached its goal of raising $8.9 million today and she encouraged the public to tour the new museum. She personally thanked John Stafsholt for running for Council and continuing to attend meetings. The Mayor welcomed Cindy Matsumoto and Alex Butwinski to the Council and also thanked Mr. Stafsholt.

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

Marsac Building Remodel - Resident and Planning Commissioner Charlie Wintzer congratulated the City on the Marsac Remodel, a project we can all be proud of because it demonstrates that an existing building can be remodeled to fit a use while making it more efficient and still maintaining the character of Park City.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 15, 2009

Jim Hier, "I move approval of the work session notes and minutes of the meeting of October 15, 2009". Roger Harlan seconded. Motion unanimously carried.

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")*

In response to a question from Liza Simpson about the Bonanza Drive contract, Matt Cassell explained that he has been working with the School District on designing a separate bus stop for school buses. Liza Simpson, "I move we approve Consent Agenda Items No. 1 and 2". Joe Kernan seconded. Motion unanimously carried.

1. Consideration of a Resolution celebrating the 2008-2009 Marsac Building Renovation, Park City, Utah – See Communications from Council and Staff.

2. Consideration of Modification No. 2 to the UDOT Consultant Service Agreement with H.W. Lochner for engineering services related to the Bonanza Drive reconstruction project in the amount of $146,577 – Staff recommends approval.

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

1. Consideration of a Master Festival License for the Round Valley Dry Land Race to be held on November 7, 2009 – Max Paap explained that the Cache Valley Mushers submitted an application requesting a MFL for this first year event. He stressed that all dogs will be on leashes and activities are scheduled from 7 a.m. to 10 a.m. No trail closures will be required. The Mayor opened the public hearing; there were no comments. Liza Simpson, "I move we approve the Master Festival License for the Round Valley Dry Land Race as conditioned in the staff report". Joe Kernan seconded. Motion unanimously carried.

2. Consideration of an Ordinance amending Title 4, Licensing, Chapter 2, Business Licensing in general, of the Municipal Code of Park City, Utah – Bret Howser explained that the amendment provides for quarterly proration of business license and service enhancement fees, as requested by Council. Currently, there is no proration system applied to business license fees which run on a calendar year although an applicant applying for a license between October 1 and December 31 can pay 125% of the amount otherwise imposed for new licenses issued and the license is valid through December 31 of the year following the year of issuance. He described the steep late fee penalties. Staff looked at 12 other cities where it was found that Park City's penalties are comparable to other Utah communities but resort towns were somewhat lighter. Applying proration systems was mixed and some cities issue a rolling license where business licenses are renewed on their anniversary dates. Mr. Howser stated that staff recommends maintaining the current penalty structure with the ability for staff

to waive penalties for businesses that have a record of on-time and full payment. Staff supports the quarterly proration system which seems more fair for businesses, excluding the administrative fee. Some businesses have requested a rolling license but staff feels this would be an administrative burden in setting up the system.

Jim Hier suggested that staff explore the cost in modifying the system because renewing all licenses in January seems like a huge workload and distributing them throughout the year may be easier to process. Candace Erickson disagreed and supported the concept of keeping it simple and consistent by setting December 31 as the dead line for renewals. Shelley Hatch commented on the pros and cons of both approaches and Ms. Erickson clarified that she is flexible with regard to the Department's preference.

Joe Kernan expressed that he supports staff's recommendation to keep renewals annually and prorations quarterly. For the benefit of Liza Simpson, Ms. Hatch described the delinquent notice process and advised that the average annual license fee is $284. Ms. Simpson felt that the applicant should not be burdened with providing a payment history if the City already has a record and she recommended revised language. Roger Harlan encouraged staff to monitor the process after the amendments have been in effect to justify the subsidy of $11,000 with this program. Joe Kernan felt the waiver concept is a fair policy. The Mayor opened the public hearing.

Mike Sweeny, HMBA, requested that the item be continued so that staff can address the HMBA membership or Board and the group has an opportunity to review the amendments and report back to Council.

Jim Hier felt that timing of implementation is important. The amendment provides a reduction in fees and flexibility in relinquishing fines should there be good cause. He doesn't support waiting because the amendments benefit the license holder. He clarified that the suggestion on exploring rolling licenses be done over the next year. If the HMBA Board recommends additional amendments, those can be considered at another time. Discussion ensued on waiting two weeks and Shelley Hatch explained that there are potential issues with programming the Eden computer system.

Candace Erickson believed that this affects the HMBA because reduced business license fees affect its annual BID revenue. Bret Howser advised that the BID portion is not prorated, only the service enhancement fees. Ms. Erickson stated that she has a problem with that approach. The public hearing was closed, but discussion continued with Mike Sweeney about Board review where he argued that penalties are of concern. Jim Hier explained that the only impact on penalties is the ability to waive them for good cause; there is no change in the penalty structure. Mr. Sweeney indicated that he feels penalties should be stricter. Jim Hier continued to explain that there is no harm in what Council is doing tonight and if the HMBA has additional policy concerns they can be reviewed up at another time. It was clarified that amending the penalty structure is not part of this consideration but the issue continued to be debated.

Liza Simpson, "I move that we approve the Ordinance amending Title 4, Licensing, Chapter 2, Business Licensing in general, of the Municipal Code of Park City, Utah with the changes as adjusted to be a penalty waiver administrative policy". Jim Hier seconded. Motion carried. Council directed Mr. Howser to talk to the HMBA about the action.

Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Aye

3. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to address revisions to Sections 15-2.1-5, 15-2.2-5, and 15-2.3-5 clarifying attic space and Section 15-15, Definitions – Planner Katie Cattan explained that the Planning Commission requested review of several definitions in the LMC including the addition of across canyon views for CUP vantage points, suggestions for historic incentives for owners, and clarification of attic space and use within the maximum of three stories in the Historic District. She commented on the several iterations of defining *story* and ensuring its compliance before occupancy permits are issued. The definition of building footprint includes exceptions for accessory buildings without counting the square footage of the accessory buildings toward the footprint. Staff is currently working on the exception for green roofs which is not included in this ordinance. It was clarified for Ms. Simpson that a foundation can be installed for an accessory building, but not a basement or more square footage. Cross valley views as vantage points were discussed and Ms. Cattan explained that these are used for review of CUPs. Liza Simpson suggested adding language, *cross valley view directly opposite a project*. Tom Eddington added that the Planning Commission often specifies the vantage points needed for a particular application. Jim Hier stated that he doesn't object to it, but the broad description allows for a lot more analysis. He suggested not adding Ms. Simpson's wording tonight until the ordinance is tried. Ms. Cattan commented that the Planning Commission has asked for this definition on a consistent basis, specifically for review for steep slope CUPs in the Historic District. Mayor Williams opened the public hearing.

Mike Sweeney, property owner, asked why the attic space provision is only applied in the Historic District zones but not other zones in the City. Ms. Cattan explained that the maximum three story limit is only applied in the HR zones and Tom Eddington further clarified that stories only apply to the Historic District, other districts define height limitations. The public hearing was closed.

In response to a comment from Joe Kernan, Katie Cattan explained that the prohibition of adding storage space under accessory buildings is an effort to preserve them and to control the amount of habitable space. Ms. Erickson expressed her support of addressing and protecting accessory buildings because they add a lot to the Historic District inventory and supported the amendments. Jim Hier, "I move we approve the amendments to the Land Management Code as defined in the staff report". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of a lease with Wintzer-Wolfe Properties for 1255 Ironhorse Drive, Park City, Utah – Mat Twombly explained that in preparation of the Racquet Club remodel project, recreation staff and activities will be displaced during the construction and staff is proposing to provide a level of service for fitness and recreation at the 1255 Ironhorse Drive location. There is enough space to provide for fitness equipment, child care, group classes and house the administrative offices. He stated that the City has already wired the building for IT services for temporary City offices during the Marsac Building remodel. Staff has negotiated with Wintzer-Wolfe Properties to hold the property for six months and based on direction from Council for the Racquet Club remodel project, lease the property for the duration of the project. The term is proposed to run from May 2010 to June 2011 and the rent is $7,000 for six months for the first lease and then $13,333 per month, if so directed. The Mayor opened the public hearing; there were no comments.

Jim Hier, "I move we authorize the City Manager to execute a lease with Wintzer-Wolfe Properties for 1255 Ironhorse Drive, in a form approved by the City Attorney in the amount of $7,000 per month for a total of $42,000 plus the security deposit of $13,333 and authorize the Exhibit A option along with that lease which then incorporates the lease period to June 2011". Joe Kernan seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

With regard to the business license fees, Mr. Hier asked that the Lodging Association be contacted by the City regarding the administrative fee proration on all properties.

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 7:45 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Kathy Lundborg, Water manager; Phyllis Robison, Public Affairs Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Jim Hier seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Roger Harlan, "I move to open the meeting". Jim Hier 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

Janet M. Scott, City Recorder