



PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, UT 84060
SUMMIT COUNTY, UTAH
November 5, 2015

CLOSED SESSION

The City Council met in Closed Session at approximately 3:10 p.m. Council Members in attendance: Mayor Jack Thomas, Andy Beerman, Dick Peek, Cindy Matsumoto, Liza Simpson and Tim Henney. Staff Members Present: Diane Foster, City Manager; Mark Harrington, City Attorney; Matt Dias, Assistant City Manager; Jason Glidden, Special Events Manager; Ann Ober and Heinrich Dieters, Sustainability; Ken Fisher, Recreation; and Jonathan Weidenhammer, Economic Development Manager.

Council Member Henney moved to close the meeting to discuss personnel. Council Member Beerman seconded the motion. Motion carried.

Council Member Beerman moved to adjourn from closed meeting. Council Member Henney seconded the motion. Motion carried.

WORK SESSION

Council Questions and Comments:

Council Member Beerman stated that Mountain Accord met, and there was nothing new to report. He attended Lower Park workshop last night, noting it was very well attended, and gave kudos to Phyllis Robinson, Alfred Knotts, and staff for putting that on. He indicated there was no contact information for the City Council members on the new City website, and requested that the oversight be rectified. He also noted that he attended the Chamber forum this afternoon. At TMI, Eric Corey Freeh, Living Future Institute, spoke about green architecture, which Council Member Beerman felt tied in well with the City's new critical energy priority and green building standards. He suggested staff reach out to Freeh to present a workshop and invite architects and builders from town, so they might help the City reach its energy goals. Council Member Henney concurred, and indicated he was a little disappointed that more stakeholders weren't at the event this morning. Council Member Beerman stated he would send out a link of Freeh to Council and staff to see if he would be a good fit. Also, he noted that CAST's next meeting would be in Whistler, British Columbia, the third week in January, and invited the Council to attend; however, that would be the opening weekend of the Sundance Film Festival. Council Member Beerman indicated he would send an itinerary and information on the CAST meeting to the Council.

Council Member Matsumoto attended the Historic Preservation Board meeting, where they talked about 923 Park Avenue. She noted that Bruce Erickson stated Planning had

instituted a few changes requiring an engineer approval stamp for cribbing, time period restrictions for cribbing, etc. She asked Erickson when the crane would be coming, to which Erickson replied that staff would look into it, as they were promised the crane would be here Monday of this week. She inquired about cribbing for the yellow house. Council Member Peek reported that this house had increased structural report compared with the one at 923 Park Avenue. Erickson stated that staff's concern with the yellow house was with the garage, as it was the least stable part of that building. Council Member Beerman reported the neighbors saying that they were concerned about settling, as the dirt and foundation seemed to be shifting. Council Member Matsumoto also reminded everyone that tomorrow is Live PC Give PC.

Council Member Simpson stated she attended Wildland Fire Policy work group meeting, and they were in the process of drafting legislation. She asked Council if they would like her to draft a report on that for the next meeting. The biggest change, in addition to the legislation of having cities and counties pay into the wildfire fund, they would also be including fire districts. She attended a Summit County Board of Health meeting, which would be inviting state legislators to come to its December meeting. She also noted that November is Diabetes Awareness month. She indicated the budget for EMT classes was presented to the Fire Board, and it would now go to the county for approval. The Fire Board had already put 120 students from Park City High through the EMT class. She attended the Park City Area Lodging Association meeting. She also commented that she liked the new way for citizens to pay their parking tickets by phone. Council Member Simpson asked if this program could be used for China Bridge, as she reported several Main Street merchants would be happy to pay this way since they get to work too early in the morning to pay via kiosk. Brooks Robinson stated he didn't think the system could be used to pay for China Bridge parking.

Council Member Henney indicated that he attended a Recreation Advisory Board meeting where in-town dog parks were discussed, as well as speeds on Poison Creek bike trail. He reported that the Board was aware of the problem and would address it. He also saw an ice proposal and thought the \$2.5 million allocated by the Basin would not be enough. He stated the Council would be seeing the proposal in the near future. He also attended the Chamber Bureau lunch today, and noted the speaker addressed digital communication channels that could be utilized to better engage the public. He felt if the City utilized this technology, it would have more response and better participation from citizens. He suggested that staff give workshops in the future in a more snackable form instead of meal form, which is what was currently being done. Phyllis Robinson stated she would submit a budget option for technology.

Council Member Peek congratulated Council Member Beerman on being re-elected to the Council. Mayor Thomas also congratulated Council Member Beerman, as well as the other candidates who stepped forward to run. Mayor Thomas noted that he attended a Historical Society meeting and the Chamber tourism luncheon, as well as an event where Ted Koppel discussed his new book about cyber-attacks, called "Lights Out."

1. Proposed Changes to Title 4 of PC Municipal Code, Chapter 8 - Event Licensing:

Jason Glidden, Jenny Dierson, and Minda Stockdale, special events intern, spoke to the proposed changes to Title 4 of The Municipal Code. Glidden requested that this item be discussed at the November 19th meeting. Council Member Matsumoto asked about fee waivers during certain times of the year, to which Glidden stated the fee waiver application rules had been changed. The applications were now received on a bi-annual basis instead of an ongoing basis. She asked how the new guidelines would affect the Historic Home Tour event. Glidden replied that staff was trying to make the application process easier and less restrictive. Council Member Henney asked how the City would assess when two events competed for the same date, to which Glidden stated he looked at event applications to make sure there was a good mix of cultural, entertainment, etc., when deciding. Glidden also spoke about the grading sheet that they're still working on, which would be brought before Council in the future.

REGULAR MEETING

ROLL CALL

Attendee Name	Title	Status	Arrived
Andy Beerman	Council Member	Present	
Tim Henney	Council Member	Present	
Dick Peek	Council Member	Present	
Cindy Matsumoto	Council Member	Present	
Liza Simpson	Council Member	Present	
Diane Foster	City Manager	Present	
Mark Harrington	City Attorney	Present	
Matt Dias	Assistant City Manager	Present	
Karen Anderson	Deputy City Recorder	Present	
Michelle Kellogg	City Recorder	Present	

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Manager's Report - 923 Park Avenue Historic House Update:

This item was discussed earlier in the meeting.

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

No comments were given.

IV. CONSIDERATION OF MINUTES

1. Consideration of City Council Meeting Minutes from September 17, 2015.

Council Member Beerman requested that the minutes be amended on Page 50 of the packet materials, indicating that CAS should be CAST (Colorado Association of Cities and Towns).

RESULT: APPROVED WITH ABOVE MENTIONED AMENDMENT
MOVER: Council Member Liza Simpson
SECONDER: Council Member Tim Henney
AYES: Council Members Beerman, Henney, Matsumoto, Peek, Simpson

V. CONSENT AGENDA

1. Consideration of a Request to Authorize the City Manager to Enter into a Professional Service Provider Agreement, in a Form Approved by the City Attorney, with Blu Line Designs Co., in the Amount of One Hundred Sixteen Thousand Seven Hundred Fifty Five Dollars (\$116,755):

2. Consideration of a Request to Approve the Interlocal Program and Funding Agreement — Mountain Accord Phase II:

3. Award of Construction Contract for the Sandridge Stairs:

RESULT: APPROVED
MOVER: Council Member Liza Simpson
SECONDER: Council Member Andy Beerman
AYES: Council Members Beerman, Henney, Matsumoto, Peek, Simpson

VI. NEW BUSINESS

1. Swearing in Ceremony - Police Officers Clint Johnson, Clint Parker, and Sergeant Corey Allinson:

Chief Wade Carpenter presented the new Police Officers, Clint Johnson and Clint Parker, and the promotion of Officer Corey Allinson to the rank of Sergeant. Mayor Thomas then performed the swearing-in ceremony.

2. Park Silly Sunday Market 2015 End of Season Review:

Jenny Diersen introduced two of the Park Silly organizers, Kate Boyd and Michelle McDonald. Staff determined that this event met the measures of success, was compliant with the City's service agreement, and qualified for continued participation next year. Diersen estimated 13,000 people attended weekly and police services were reduced from

2014. Boyd and McDonald thanked the Council for their support, and indicated that having Council members walking with them through the market on various days throughout the season helped show the community their support. They noted that they had received lots of positive feedback regarding Park Silly.

It was indicated that nonprofits and farmers were able to reserve booths for free at this event. Council Member Simpson was pleased to see that waste was reduced, but wondered why the bike valet service was not used as much as previous years. The Council was pleased with this event. Council Member Beerman congratulated staff and the organizers on another great summer, and stated the Market just kept getting smoother even though it had grown every year. Council Member Matsumoto indicated she enjoyed being on the ground, walking with staff, listening to feedback and being involved.

Mayor Thomas opened the meeting for public comments. No comments were heard.

3. Consideration of an Ordinance of the First Amendment to the Parkite Commercial Condominium Record of Survey Plat at 333 Main Street, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Kiersten Whetstone, Planning, and Marshall King with Alliance Engineering, stated the request for the amendment was for the purpose of making Units D and E from a portion of the private commercial space, which would allow them to be sold separately. She added the amendment also memorialized a recorded easement which was on the residential plat, but was beneficial on the commercial plat.

Mayor Thomas opened the public hearing for comments from the audience. No comments were given. Mayor Thomas closed the public hearing.

RESULT:	APPROVED
MOVER:	Council Member Tim Henney
SECONDER:	Council Member Liza Simpson
AYES:	Council Members Beerman, Henney, Matsumoto, Peek, Simpson

4. Consideration of the Cardinal Park Avenue Plat Amendment Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney:

Francisco Astorga, Planning, along with Marshall King, representing Alliance Engineering, Billy Reed, representing the property owner and Paul Colton, attorney for the property owner, were present for this item. Astorga stated the site was divided into two different zoning districts: HR2 and HCB, which was Main Street Historic Commercial. There were currently four lots on Park Avenue and one lot on Main Street. The applicant requested

condensing the four lots into three lots at the Park Avenue site, which was allowed in the HR2 District. He noted that Planning Commission forwarded a positive recommendation to Council.

Mayor Thomas opened the public hearing for comments from the audience. No comments were given. Mayor Thomas closed the public hearing. Council Member Matsumoto asked why Lot 1 was combined. Astorga indicated that this amendment was to obtain a conditional use permit, and noted the structure would be a single family dwelling and a parking structure. Council Member Henney asked if the plat was being combined in order to combine the parking spaces. Astorga reported the reason the owner wanted to combine Lot 1 was to allow for five parking spaces for the April Inn. Council Member Matsumoto asked if the lot would be a parking lot instead of residential space. Astorga stated the bottom level was a parking structure, and the top level was for residential parking.

Council Member Simpson clarified the parking spaces and adjacent areas for those not aware of the details of this item. Council Member Peek asked if Main Street emergency egress would occur into the current zone, to which Astorga stated the door opening to the rear would be eliminated to meet the criteria.

RESULT:	APPROVED
MOVER:	Council Member Liza Simpson
SECONDER:	Council Member Dick Peek
AYES:	Council Members Beerman, Henney, Matsumoto, Peek, Simpson

5. Consideration of an Ordinance of the 134 Main Street Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

Bruce Erickson, Planning Director, stated that one of the City Planners, John Boehm, was moving to Australia and would be greatly missed. He thanked Boehm for the great job he performed at the City. Boehm, along with Marshall King of Alliance Engineering, stated the purpose of this amendment was to combine Lot 13, a portion of Lot 14, and an unplatted parcel into one lot of record on Upper Main Street in order to build a single family home. He indicated that combining the lots would create a lot that would meet the lot size requirements. He noted that the Planning Commission forwarded this item with a positive recommendation.

Council Member Matsumoto asked about the frontage distance on the lot. Boehm stated the new lot would meet the 25 foot frontage requirement.

Mayor Thomas opened the public hearing for comments from the audience. No comments were given. Mayor Thomas closed the public hearing. Council Member Simpson asked if the lot combination would include the house to the south, to which Boehm responded that

the combined lots were contained in one area. Council Member Peek asked if the proposed structure would be contained outside the sewer easement. King explained a new easement would be created for the sewer, and the setback and sewer would be in the same place.

RESULT: APPROVED
MOVER: Council Member Cindy Matsumoto
SECONDER: Council Member Liza Simpson
AYES: Council Members Beerman, Henney, Peek, Matsumoto, Simpson

6. Consideration of an Ordinance of the 1055 Norfolk Avenue Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

Boehm and Marshall King of Alliance Engineering were present for this item. Boehm stated the amendment would combine one and a half lots into a single lot of record in order to renovate the existing historic single family home. It was noted that the Planning Commission forwarded a positive recommendation.

Mayor Thomas opened the public hearing. No comments were heard from the audience. Mayor Thomas closed the public hearing.

RESULT: APPROVED
MOVER: Council Member Dick Peek
SECONDER: Council Member Andy Beerman
AYES: Council Members Beerman, Henney, Peek, Matsumoto, Simpson

7. Consideration of an Ordinance of the 812 Norfolk Avenue Plat Amendment Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval, in a Form Approved by the City Attorney:

Boehm stated this amendment would combine one and a half lots into a single lot of record in order to demolish the existing non-historic structure and build a new single family home. The amendment would also resolve the noncompliant setback issues. It was noted the Planning Commission forwarded a positive recommendation.

Marshall King stated the Council may have received comments from the neighbor to the rear of the lot in question, but the surveyor used different monuments to measure from than were originally used. He appreciated that the City budgeted for engineers like him to replace the missing survey monuments within the City. Council Member Matsumoto asked about the structure fitting within the lot that the neighbor had complained about. It was indicated the stamped and signed survey showed that the building was within the lot boundaries by 1/100th of a foot.

Mayor Thomas opened the public hearing to those in the audience. No comments were heard. Mayor Thomas closed the public hearing, and wished Boehm well as he leaves for Australia.

RESULT:	APPROVED
MOVER:	Council Member Dick Peek
SECONDER:	Council Member Liza Simpson
AYES:	Council Members Beerman, Henney, Peek, Matsumoto, Simpson

8. Consideration of an Ordinance Amending the Land Management Code of Park City, Utah, Amending Section 15-2.1-2 Uses in the Historic Residential-Low Density (HR-L) District in a Form Approved by the City Attorney:

Astorga, Senior Planner, stated this amendment would prohibit property owners from applying for a conditional use permit for a nightly rental in the HR-L District, and indicated this would only apply to the HR-L East District. He explained that of 24 properties in this neighborhood, 14 were identified as primary residences, seven were secondary residences, and three were vacant lots. He noted the definite trend in this neighborhood for primary residences. Astorga indicated a public hearing on this item was held at the October 14th Planning Commission meeting, to which many residents came out in favor of this amendment. He noted there was only one comment against the proposed amendment. Letters were then sent to each property owner, and Planning received one response in favor of the change, one against the change, one letter from a resident from the other side of the District, and one from a Park Meadows resident - not for or against, but which addressed enforcement issues by the City. He noted the Planning Commission forwarded a positive recommendation where the Park Meadows letter was acknowledged.

Astorga stated in 2012, there were about 4,000 nightly rental businesses in the City with Old Town having 25% of the rentals. The General Plan stated there should be a balance between resort-oriented neighborhoods and primary residences for the entire City. Astorga indicated the HR-L made it appropriate to remove this category from the code.

Council Member Simpson asked why Planning was not addressing HR-L East and West Districts together. Astorga indicated Planning would address the west neighborhood if Council requested them to do so.

Mayor Thomas opened the public hearing to receive comments from the audience.

Mary Wintzer indicated there were some neighbors who couldn't attend tonight's meeting who had spoken in favor of this consideration. She asked that Council would support the Planning Commission's recommendation, and noted their neighborhood had never had a nightly rental application on McHenry in over 30 years. This neighborhood was not a ski-in, ski-out neighborhood, but was a unique neighborhood, and it would mean a lot to these

residents to see their area remain free of nightly rentals.

David C. stated he was in favor of removing the nightly rental designation in this zone. From his experience, the rentals had been disruptive to residents, with regard to noise levels and traffic, and he would like to see this be a full-time neighborhood.

Mayor Thomas closed the public hearing.

Council Member Simpson urged Council to ask for an analysis of the HR-L West District in order to give them this same nightly rental protection. Council Member Henney stated the residents from the west area had not come forward with any requests for a zone change and wondered if the City should wait for them to come forward before doing the analysis. Astorga asserted the analysis for the HR-L East District was Planning Commission initiated, and indicated they've had some discussions with Carol Slettom, an HR-L West District resident, about doing an analysis for that neighborhood as well. Council Member Beerman noted he was in favor of this change to support the uniqueness of the neighborhood, but felt Council should have a conversation with the West residents to see what they would prefer for their area.

RESULT:	APPROVED
MOVER:	Council Member Cindy Matsumoto
SECONDER:	Council Member Liza Simpson
AYES:	Council Members Beerman, Henney, Matsumoto, Peek, Simpson

ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder