PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
OCTOBER 17, 2013

Mayor, Council and staff viewed the Historic Wall at the base of City Hall.

Work Session
Mayor Williams opened the work session with Council questions and comments and Manager's Report

Council member Butwinski attended last week's planning commission meeting where they discussed the General Plan. Also attended Public Art Advisory Board meeting discussing a future project of a mural on the wall entering KCPW along with a temporary mural on the wall at the top of Swede Avenue during Sundance. Attended the HPCA meeting stating there are some members concerned with the vacant buildings on Main Street looking blighted and are concerned with the construction mitigation that allow these buildings to look so dilapidated. Butwinski stated that he has spoken with Chad Root Building Official to get the wheels turning. Foster stated that staff will bring a manager's report to Council with the next packet.

Council member Matsumoto- forwarded complaints from Old Town residents regarding the slow pace of construction. Attended the Friends of the Library luncheon reporting it was a great event. The Library Board also met and is very excited about the updates that are on the horizon. Attended Summit Lands Board meeting, they were very happy about the Vail Grant which was a matching grant for an easement on a property. She also stated the Historic wall looked beautiful and tells the story of where Park City began.

Council member Simpson attended the Health board meeting. She also attended the service for David Chaplin stating it was fantastic. Thanked Carolyn Frankenberg and Tanya Knaur for a great Candidate forum.

Council member Peek also commented on the Historic wall stating it looks great and would recommend they look into a historic name for the wall based on the history of the space. Attended the HPB visioning meeting and discussed the next steps in the Ski Era Resort architecture. Board of Adjustments met and discussed a variance at Norfolk which passed with further direction to resolve some issues.

Council member Beerman
Attended the COSAC meeting and discussed the potential properties they were looking at purchasing. Reported that Treasure Mountain Inn hosted the Women's Giving Fundraiser and they are very close to their million dollar goal. It is a great group. Also, attended the Wasatch Summit Group stating they continue to hone in on their mission and will be rolling out the future steps beginning in January with ambitious goals.

Mayor William's thoughts are with the Armstrong family with the passing of Mel Armstrong.

Public Art Advisory Board Update

Bauman greeted the Mayor and Council as the staff liaison for the Public Art Advisory Board. She welcomed the members of the board who were present. Bauman reviewed the strategic plan goals that the PAAB are striving towards such as identify and prioritize specific art projects, develop comprehensive signage for all art projects, and firm up a maintenance policy. They are using this as a roadmap for future projects. They are also working with the communications/public affairs department on a web page on the City's website. The Board is looking at all the opportunity to bring the community and the media together and also looking at utilizing the "Let's Talk Park City" feature. At the moment they are differentiating between the pieces that were in the community prior to the PAAB and working to bring a cohesive flow to the city. Bauman stated they are always looking to bring artists in early on and work on public-private partnerships. She discussed the projects that have been completed in the last few years and stated that the next project is at Quinn's junction.

Council Matsumoto thanked the board members for the great art they have brought to the City. She inquired about the program with the traveling artists and the schools. Bauman stated that it is an idea being bounced around but is not yet firmed up. Also, inquired about the time frame of the maintenance plan regarding Sound Garden. Bauman stated that they are working on implementation.

Council member Simpson also reiterated the positive comments to the board on the great work they have accomplished. She is very excited to see the communications plan and was pleased to see Art Walk program.

Council member Peek spoke of the time he spent on the Historic Board in regards to Old Town art projects. It is great to see a great group of qualified people will put in there time to bring art to Park City.

Council member Beerman stated that he loves the tunnels and enjoys rolling through them.

Council member Butwinski praised Bauman on the beautiful, colorful slide she incorporated in her presentation. It was a great representation of the art in the City. Also thanked the board for there hard work.

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, October 17, 2013. Member in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Liza Simpson, and Dick Peek. Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney, Matt Dias, Assistant City Manager, Sharon Bauman, Senior Recorder and Elections Official; Kayla Sintz, Currant Planning Manager; Kiersten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander, Planner; Jason Glidden, Special Events Manager; Marci Heil, City Recorder

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Simpson disclosed on item #1 new business that she met with the resident at Rossi Hill about another issue regarding Echo Spur Road who brought up the issue and immediately told the resident she could not discuss it as it was on the agenda.

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

There was no public input.

IV MINUTES OF MEETING OF SEPTEMBER 26, 2013, OCTOBER 1, 2013 AND OCTOBER 3, 2013

Council member Simpson moved to approve the above mentioned minutes.
Council member Peek seconded
Approved Unanimously

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 contract agreement for New Recreation Software

2. Consideration of contract for Capital Budgeting Software

3. Consideration of approving appointments of 2013 Election Poll Workers for General Election

4. McLeod Creek Project Change Order

Council member Beerman moved to approve consent items 1-4
Council member Simpson seconded
Approved Unanimously

VI OLD BUSINESS

1. Consideration of authorizing the City Manager to execute a Licensing and Support Agreement and Hosting Services Agreement with Hyland Software Inc. (Sire Technologies) in the amount of $21,572 in year one and $7,908 annually thereafter

Jason Glidden, Scott Robertson & two representatives from Hyland, stated that this is a return item from August 8th and are looking to answer any other questions that were not addressed in the staff report.

Council member Matsumoto inquired about ease of use. The Hyland representative stated that the software is very user friendly.

Council member Beerman was concerned that we are not starting out with all the templates that are used in the City. Glidden stated that it is a very simple process to copy from one main template and reduce the cost the City would incur if Hyland produced all the templates. City Manager Foster also addressed the comment stating the City wants to be self sufficient and would train key members of staff who would then train the rest of staff to work in the program.

Council member Butwinski inquired about the financial cost difference for the first year. Hyland representative stated that Hyland gave the City a discount for the first year and would be one year from the date entered into the contract. Butwinski also inquired about the meeting encoder option. Hyland rep stated that it is the physical hardware that would provide the recording for streaming online. Robertson stated that IT has budgeted for that hardware.

Council member Peek inquired about the live streaming feature. Glidden stated that Council would have the ability to stream online with this software. Peek inquired further about the process. Hyland rep stated that the agenda would be uploaded to the website as it is currently and then residents could click on any portion of the agenda and be fast forwarded to that portion of the recording. You can stream and download the audio.

Council member Simpson stated she wanted to insure that the audio quality would be better than what they currently have. IT Manager Robertson stated that staff will have to experience with the quality of the microphones to improve the quality of the audio.

Council member Beerman inquired of the possibility of a module or upgrade that would allow speech recognition. Hyland rep stated that they do not have those capabilities with their current software. City Manager Foster stated that the minutes would have audio association just as the agenda would. She also commented on Council member Peek's question regarding the of live streaming of the audio stating it would require Council to make a policy change.

Council member Simpson moved to approve authorizing the City Manager to execute a Licensing and Support Agreement and Hosting Services Agreement with Hyland Software Inc. (Sire Technologies) in the amount of $21,572 in year one and $7,908 annually thereafter
Council member Matsumoto seconded
Approved unanimously

City Manager Foster thanked Glidden for his diligence to bring this project to fruition.

VII. NEW BUSINESS

1. Consideration of an Ordinance approving the Echo Spur Development Plat Amendment Lots 17, 18, & 19, Park City, UT

Planner Astorga discussed this ordinance approving the combining of lots 17, 18, & 19 located at 459 Echo Spur. Stated that staff has taken this item to the Planning Commission numerous times over the past year. During this last meeting on September 11, 2013 the Planning Commission directed staff to forward a negative recommendation. The major discussions and concerns of the Planning Commission were ridgeline development and vantage point analysis. Astorga stated he has forwarded on recent public comments in favor of the project to Council.

The applicant Leeto Tlou Stated that he has lived in Park City for 11 years, last year he purchased the three lots on Echo Spur with the sole purpose to build a comfortable primary residence for his family. He also feels their plan will benefit the City as well by reducing density, parking and traffic. When the plat amendment was submitted in August of 2012 he was very eager to work with staff in order to bring this to fruition. Throughout this process the applicant and the planning department have worked together in a cooperative relationship to bring a favorable recommendation from staff to the Planning Commission. Staff has put together a large file supporting documents in favor of this project. In the end the Planning Commission decided to give a negative recommendation in spite the planning departments findings to support the amendment, the legal staff direction that a negative recommendation would be difficult to defend in court and the significant volume of documents that support combining the lots.

Council member Butwinski stated that the current definition is unclear and stated that Council needs to look at clarification. He stated that it is not visible from the vantage points outlined in the LMC. He is not clear on what support the Commission had to forward a negative recommendation. He has a lot of sympathy for both parties. This is one of those instances where we have a code that is unclear and is grateful the Council continues to update the LMC and General Plan.

Council member Matsumoto inquired to which year the ridgeline requirements were changed. Astorga stated that is was in 2001. Stated her sentiments regarding breaking the ridgeline versus breaking the skyline.

Planner Astorga spoke to the City's intent when the ridgeline and vantage point language was included in the LMC. He pointed out the photos that were included in the Council packet.

Council member Beerman inquired as to the relevance in the Planning minutes of a 2007 settlement. Planner Astorga stated that staff further investigated the settlement and found it not relevant to lot 17, 18, & 19. Inquired if there was any interest from the Planning Commission to pass this with different conditions. Planner Astorga stated that the Planning Commission did entertain the idea as they fine tuned their findings. Such as the height, set back, access off plated Fifth street. All of which are included in the proposed Ordinance and the applicant has agreed upon all of those conditions.

Council member Peek inquired about the Fifth street access and the use of utilities. Planner Astorga stated that Engineer Cassel has not indicated that the right of ways will be used. He also agreed that the project will not be visible from the vantage points indicated in the LMC.

Council member Simpson thanked staff for the thorough packet. She also commented to staff that she would like to see a higher standard on the Planning Minutes.

Mayor Williams inquired of the sizes of the homes in the photos. Planner Astorga stated that they are architecture renderings of proposed homes if the lots were not combined. He also inquired about the size of the home if the lots were combined. Planner Astorga pointed out the size according to the conditions outlined in the proposed ordinance.

Mayor Williams opened the public hearing.

Dennis Wong, 505 Rossi Hill, stated he looked at running for Council years ago and found many issues with Land Management Code. Based on his perception when he has attended Planning Commission meetings the Planning Commission argues over legal issues which is not their duty. As a resident, he understands the appeal of open space however, the area on Echo Spur is a magnet for trouble, many kids use the are for illegal behavior. He concurred with the other residents who sent in other public comments. He is in favor of the project and feels the Tlou Family is a great addition.

Mayor Williams closed the public hearing.

Council member Simpson moved to approve an Ordinance approving the Echo Spur Development Plat Amendment Lots 17, 18, & 19, Park City, UT under attachment 9 Planning report 6/26/2013
Council member Beerman seconded
Approved Unanimously

2. Consideration of Second Amendment to Stag Lodge Phase IV, 8200 Royal Street Unit 52

Planner Alexander stated that this a straight forward amendment, the purpose is to identify the basement as private area instead of common space as it is identified on the It will not change the setback or foot print. The item has been forwarded with a positive recommendation from the Planning Commission.

Mayor opened public hearing, no comment, the hearing was closed.

Council member Peek moved to approve the second Amendment to Stag Lodge Phase IV, 8200 Royal Street Unit 52
Council member Butwinski seconded
Approved unanimously

3. Consideration of plat amendment to Ontario Pack Subdivision 463 & 475 Ontario Avenue

Planner Alexander & Jeremy Pack, applicant, stated he was requesting to combine two adjacent property to build a single family home. This would be a larger single family home, however; if would not be out of context with the multiple duplexes in the surrounding neighborhood. Planning Commission held a public hearing and forwarded a favorable recommendation.

Mayor Williams opened the public hearing, no comment, the hearing was closed.

Council member Beerman moved to approve the plat amendment to the Ontario Pack Subdivision 463 & 475 Ontario Avenue
Council member Peek seconded
Approved unanimously

4. Consideration of LMC amendments to Historic Residential Medium Density Zone

Planner Astorga and Planning Manager Sintz presented to the Council addressing the amendments such as a reduction to 30% open space for redevelopment instead of the current 60% for multi-unit buildings in the Historic district. The next change is for existing Historic structures to reduce the setback with a variance for a building on the same site to allow for greater separation between the new structure and the historic structure and would be a case by case basis and a clean-up of redundant sections and wording.

Planner Sintz clarified the recommendations from the Planning Commission stating they interested in keeping with the core values of historic preservation and affordable housing.

Mayor Williams opened the public hearing.

Joyce Barron, 1470 Park Avenue, asked the Council to oppose the amendment that will have a negative impact on Park City's Historic District, reduce open space, and increase the congestion around the City park on Sullivan Road. She feels this favors big developers and feels there must be significant political pressure to modify the code.

Dan Moss, Park Avenue resident, he too is against the Land Management Code amendments. Stated when these amendments were proposed the Planning Commission were against the changes. And with time from meeting to meeting with an exception here, a compromise there the planning commission has become comfortable with the red flags. He opposes the changes that will weaken the historic code. Feels the developers are already afforded special advantages.

Clark Barron, 1470 Park Ave, stated he lives in a condominium project stating that when it was built it followed all the requirements of the code and feels many lessons were learned during the construction of the project. Stated he has been enjoying Park City for a number of years and has seen how things evolve with the loss of open space and bringing in larger buildings. He is very concerned with the amendment and feels it weakens the historic code. He feels the Council should maintain the current code and require the builders to work within that framework.

Jane Crane, 1470 Park Ave, she stated she has attended numerous meetings and feels that a great deal has been done to keep Park City viable with open space and historic structures. She feels the LMC amendments are taking the City in the wrong direction, to change code in the Historic district would be detrimental. She fears the increase of parking congestion as well as the affordable housing element. She has seen where affordable housing has been built and then were not kept as affordable.

Mayor Williams closed the public hearing.

Mayor Williams thanked the residents for the comments on the Historic District. He stated the City has never asked anyone to live up to landmark criteria. He stated that he has worked for open space for 30 years and feels that side and front yards are not necessarily meaningful open space. He addressed the comments made mentioning pressure that has been applied and clarified that the pressure has been from the Council. The Council has wanted this change and felt the City should look into. It doesn't negate that the resident's comments are appreciated but wanted to clarify that the Historic code is not being thrown out it is in fact being enhanced.

Council member Simpson clarified that every project goes through a morphing process. The project starts out in the planning stages then grows and changes to become a better project in the end. She also spoke to affordable housing stating that in the past the affordable housing projects have turned into something they were not meant for, however; the new code changes will require the affordable housing to be deeded in perpetuity to eliminate those issues. She stated she likes the Planning Commissions revisions and feels it brings tighter restrictions to the code.

Council member Butwinski stated that he appreciates all the hard work put in by staff. He stated that he heard a comment made once by a Commission member stating that "we should be finding ways to do projects we want versus reasons not to do projects we want. He feels these amendments will meet the current Council goals and he is pleased with the direction.

Council member Matsumoto inquired of staff on the parking concerns brought up by the residents comments. Planner Astorga stated that they will be required to have on-site parking.

Council member Beerman also thanked the residents for their comments. He did clarify that this is not a for profit project, this project is being completed by residents and the City is subsidizing the project, we are not facilitating a developer.

Council member Peek stated that the impact of a different development scenario would be much greater. The benefits of having a neighborhood moving in rather than a ever changing resident population with condos and weekly rentals as a possibility.

Mayor Williams stated that he would like to see the definition for Urban Open Space looked at as it results to the General Plan. Stated that years ago the City had open space requirements for Main Street and it got to the point were it became detrimental to the commercial area.

Council agreed that the General Plan and the Land Management Code are evolving documents. They also admonished the residents in the Park Avenue area to stay involved with the projects in their area so they can have a hand in the end product.

Council member Simpson moved to approved the Land Management Code amendments to Historic Residential Medium Density Zone with the addition of the language containing at least 50% to 15-2-4-5d
Council member Peek seconded the motion
Approve unanimously

5. Consideration of an Ordinance approving an extension of the August 9, 2012 approval of the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue, Park City, UT

Planner Whetstone stated that staff is looking for an approval of an extension to Aug 9, 2014.

Council member Beerman inquired as to why the taxes and water have not been dealt with. Planner Whetstone stated that it is an inherited project and she and the applicant will need to do their homework to get the issues dealt with.

Mayor Williams opened the public hearing, no comment, closed the public hearing.

Council member Simpson moved to approve the one year extension to August 9, 2014 for the Ontario Mine Bench Subdivision located at 7700 Marsac Avenue, Park City, UT
Council member Beerman seconded
Approved unanimously

6. Consideration of an Ordinance approving the plat amendment extension of the Mine Bench Condominiums located at 7700 Marsac Avenue, Park City, UT

Planner Whetstone stated that this item goes along with item number 5 on tonight's agenda; it is also a one year extension

Mayor Williams opened the public hearing, no comment, closed the public hearing.

Council member Simpson moved to approve the one year extension of the plat amendment for the Ontario Mine Bench Condominiums located at 7700 Marsac Avenue, Park City, UT
Council member Peek seconded
Approved unanimously

7. Consideration of an Ordinance approving a second extension of the November 17, 2011 approval of the Park City Heights Phase 1 subdivision plat located at Richardson Flat Road and US Hwy 40, Park City, UT

Planner Whetstone stated that is a second extension and there have been issues with the soil remediation that will require amendments to the placement of the lots. The Planning Commission has seen this and would like a master plan before they will sign off. Most likely they will abandon this plat once the master plan is complete and replat the area.

Mayor Williams opened the public hearing, no comment, closed the public hearing.

Council member Butwinski moved to approve the Ordinance approving a second extension of the November 17, 2011 approval of the Park City Heights Phase 1 subdivision plat located at Richardson Flat Road and US Hwy 40, Park City, UT

Council member Beeman
Approved unanimously

8. Consideration of the 562 Main Façade Easement Revision

Planner Astorga stated that this would be an amendment to the façade easement. Astorga stated that during the final stage of the Historic Design review it was discovered that there was a façade easement on this property at 562 Main Street. The first approach was to lift the building to place a permanent foundation on the property. This was unsuccessful so staff is recommending a paneling approach to the upper level and a surgical reconstruction of the lower half due to the amount of glass. The reconstruction would require to remove piece by piece, number, asses and reuse is possible.

Council member Matsumoto asked for clarity regarding the standards of use stating that when you have a façade easement must meet the rehabilitation standards of the Secretary of the United States Department of Interior. Planner Astorga stated that the approach of the Department of Interior would be to panelized and reconstructed. Astorga stated that the Department of Interior would have to review the project to make a firm determination. Staff added that the language Council member Matsumoto was inquiring about also says “and/or state or local standards considered appropriate by the grantee”.

Council member Peek inquired about the discrepancies with the renderings compared to the photograph. Astorga pulled up other photos to compare with the renderings.

Council member Butwinski inquired about the performance bond that will accompany this project. Astorga stated there is a performance bond of $324,000.

All parties are committed with keeping the historic integrity of the building.

Council member Simpson moved to approve the Façade easement amendments to 562 Main Street
Council member Peek seconded
Approved unanimously

With no further business the meeting was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in a closed session at approximately 3:30 p.m. Member is attendance were Mayor Dana Williams, Alex Butwinski, Andy Beerman, Cindy Matsumoto, Liza Simpson and Dick Peek. Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney; Heinrich Deters, Trails and Open Space Manager; Jim Blankenau, Environmental Regulatory Program Manager; Nate Rockwood, Budget Manager. **Council member Cindy Matsumoto Moved to close the meeting to discuss Property, Litigation, and Personnel. Council member Andy Beerman Seconded. Motion carried.**

Council member Liza Simpson Moved to open the close session. Council member Andy 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 Heil, City Recorder.

Marci Heil

Marci S. Heil, City Recorder