



**PARK CITY COUNCIL MEETING MINUTES  
445 MARSAC AVENUE  
PARK CITY, SUMMIT COUNTY, UTAH 84060**

**October 11, 2018**

The Council of Park City, Summit County, Utah, met in open meeting on October 11, 2018, at 3:15 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property at 3:15 p.m. Council Member Joyce seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**CLOSED SESSION \***

\*Council Member Ware Peek was recused from the last property item on the Closed Agenda.

Council Member Joyce moved to adjourn from Closed Meeting at 4:30 p.m. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**WORK SESSION**

**Pending Municipal Code Amendments Regarding RV Parking and Surface Materials for Parking Areas Discussion:**

Tippe Morlan, Planner II, presented this item and indicated there was a problem with people parking their RVs in locations such as streets and on impervious surfaces, which affect public infrastructure, safe and appropriate parking, etc. Staff offered five options to address the issue and they recommended regulating where and when a vehicle could park, if space was available. Additional changes to the code would address paving surfaces, landscaping, and definitions.

Council Member Henney asked what role HOAs would play in the code amendments. Morlan indicated HOAs set rules that reflected the character of the neighborhood, and they could have stricter regulations than the City. Council Member Henney asked if

HOAs had expressed concern that the City was working at cross purposes. Morlan indicated the HOAs had not shown concern with the code amendments. Council Member Ware Peek asked if there would be RV size restrictions. Morlan stated staff hadn't set those restrictions.

Council Member Gerber asked if the amendments would affect work trailers or snow mobile trailers, since they were not RVs. Morlan stated that would be addressed in the definition. Council Member Gerber asked if people could live in an RV to which Morlan responded that people were not allowed to live in RVs. Council Member Worel asked if allowing RVs to park in the driveway would move cars into the street. Morlan stated the RVs would not be allowed to block the two standard parking spaces in driveways.

Mayor Beerman opened the meeting for public input.

Rhonda Sideris thanked Council for addressing this problem. She hoped RVs would not be required to park on the side or back of residences.

Chuck Klingenstein thought staff was heading in the right direction. The side yard and front yard options were nice. A concern was creating more paved surface because that would increase a resident's storm water fee.

Mayor Beerman closed the public input portion of the meeting.

Council Member Ware Peek felt one should consider the worst type of RV that might be allowed in considering these regulations. She knew there were so many scenarios it was difficult to address them all.

Council Member Worel asked how long an RV could be parked in the street, to which Morlan responded that it could be in the street 72 hours. Council Member Worel thought it was important that the code was easy to understand and easy to enforce. She was happy with staff's recommendation and thought other things would follow with regard to parking on grass, etc.

Mayor Beerman thought the City should consider a maximum space in front yards for hard surfaces. He also felt it would be wise to consider a maximum height and length for RVs in the code. Council Member Gerber thought if the RV fit within the setbacks, it should be allowed to be on a property. She suggested adding vegetation or a shed to hide it. Council Member Joyce referred to the original problem and stated parking RVs in the driveway would push vehicles into the street. He thought having the RVs in the side yards and backyards would be the preferred option and noted this was not a simple solution.

Anne Laurent agreed that having the RVs in the side yards and backyards was the easiest to enforce, but indicated Council had previously asked staff to explore ways to be more permissive in allowing RVs on residential property.

Council Member Henney liked the public input. He wanted the code to be simple enough that individuals and HOAs could understand and then HOAs could enact stricter regulations if they chose. He suggested having language for front yard pads that limited non-motorized vehicles to 20 feet in length. He thought the City was headed in the right direction. Council Member Joyce stated 60% of the neighbors didn't have HOAs and wondered if the loose code language would be sufficient. Council Member Henney felt comfortable with the proposed code and noted the safety issues had been addressed.

Council Member Gerber asked if the City would respond based on complaints. Downard stated Code Enforcement would look at this issue proactively if there was clear direction on what the policy should be.

Mayor Beerman asked if Council agreed with limiting front yard lengths. Council Member Gerber wanted to approve the amendments as written and then see how it worked. Council Members Ware Peek, Joyce, and Worel favored capping the front yard lengths.

**State Road 224 Commercial Vehicle Inspections Update:**

Captain Andrew Leatham, Police Department, presented this item. He reviewed that there was a dump truck that lost control recently and he wanted to explain the process for inspecting such vehicles. He noted the community had a runaway ramp and a brake check area, and felt it was very prepared for these types of incidents. He indicated the City was receiving commercial vehicle scales from UDOT that would also help with inspections.

Utah Highway Patrol (UHP) Lieutenant Anderson reviewed statistics on staff that made inspections in Summit, Wasatch, Utah and Juab Counties. Captain Leatham reviewed accidents since 2017 that involved commercial vehicles.

Council Member Worel asked if the police were focusing on the vehicles coming down steep roads. Captain Leatham affirmed and stated most of the inspections were done on flat, wide spaces. Officers would sit on SR 224 or SR 248 and watch for the vehicles coming into town or leaving town. He noted officers could also find trucks on steep areas but would take them to a flat area to inspect the vehicles. Council Member Worel asked if there were certain violations that resulted in a citation. Lt. Anderson stated anyone who was certified had the authority to inspect and/or cite a vehicle under the federal and local codes.

Council Member Henney asked about the Jake brakes and stated the City prohibited them unless they were used in emergency situations. Captain Leatham affirmed they could be used in emergencies or in certain areas of the City such as the top of Ontario Canyon to Hillside, Royal Street, and Arie.

Council Member Joyce expressed concern with 20% of the trucks failing inspections, and asked how that number could be reduced. Lt. Anderson indicated the certified inspectors could pull over vehicles without cause to maintain safety. UHP did a lot of education to promote safer commercial vehicles. Captain Leatham stated Park City worked with UHP to improve safety. He hoped the targeted inspections would help and noted these inspections by the officers and UHP were making a difference.

## **REGULAR MEETING**

### **I) ROLL CALL**

| <b>Attendee Name</b>                                                                                                                                                                                                                                                                                               | <b>Status</b>  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Mayor Andy Beerman<br>Council Member Becca Gerber<br>Council Member Tim Henney<br>Council Member Steve Joyce<br>Council Member Lynn Ware Peek<br>Council Member Nann Worel<br>Diane Foster, City Manager<br>Matt Dias, Assistant City Manager<br>Mark Harrington, City Attorney<br>Michelle Kellogg, City Recorder | <b>Present</b> |
| None                                                                                                                                                                                                                                                                                                               | <b>Absent</b>  |

### **II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF** **Council Questions and Comments**

Council Member Worel attended a Project ABC Steering Committee meeting and she distributed copies of the Arts and Culture Community Culture plan. She attended a housing workshop for a group for people over 21 years old with Autism. She met with the Mental Health Alliance and they were still working on their RFP. She attended a Historical Society meeting and they adopted their three year strategic plan. She attended the Leadership 24 party and welcomed Class 25, and Adam Strachan received the Leadership award at that event. She and Mayor Beerman met with the McPolin PTO, the Schools Superintendent, and the School Board and talked about many different topics. She attended the Peace House Board meeting and indicated the Certificate of Occupancy for the new shelter should be given by May, 2019. She reminded everyone of a domestic violence candlelight vigil next Wednesday at 6:00p.m.

She noted a group coming to town for a conference would be serving PC Tots by painting, cleaning and installing new flooring at the daycare. A read-a-thon was also scheduled for PC Tots classes. She announced the Park City Women's Expo at Prospector this Saturday and Sunday.

Council Member Joyce attended the Regional Water meeting and noted the City would receive more contracts for approval in the near future for water sharing in emergency situations and/or for selling surplus water. He also noted the Prospector HOA project was almost ready for paving.

Council Member Gerber attended the Park City Area Lodging Association and attended a listening tour with the School District with Council Member Joyce.

Council Member Ware Peek attended the Recreation Advisory Board (RAB) meeting where they reviewed a park at Park City Heights and noted the neighborhood parks were lobbying for pickleball. She went with Mayor Beerman on the Park City Education Foundation school tour to different local schools and they saw programs that weren't as visible to the public as Bright Futures. She hoped the City could look into affordable internet. Diane Foster stated this had been done with an internet provider, but people were not willing to sign up because they didn't want to give their names. Mayor Beerman noted most students without internet lived in the County.

Mayor Beerman stated Back to School day was great, and he liked hearing from the McPolin PTO. He thought the visioning next year should include modules on education and how schools affected the community. He also went on the school tour with Council Member Ware Peek and saw after school programs and preschool programs. He complimented the School District for their efforts.

### **Staff Communications Report**

#### **1. Backhoe Report - October 2018**

Council Member Worel requested that future reports include a status section for each project. Council Member Ware Peek asked about the progress on the 3<sup>rd</sup> and 4<sup>th</sup> Street stairs project. Linda Jager stated Shorty's Stairs should be torn out this next week and the entire project should be completed in a month.

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

Mayor Beerman opened the meeting for those who wished to address the Council on items not on the agenda.

Tina Smith spoke on solar panels in Old Town. She noted that she was denied panels and then the City helped her obtain 10 panels for her home. She indicated the

regulations were getting stricter. She knew the City amended its Land Management Code to simplify solar panels, but she felt it made the process more complicated. She read a prepared statement on the inadequacies of the code language including the requirement of a unit being 105% energy efficient before allowing solar panels.

Mayor Beerman thanked Smith and indicated her feedback would help with the code amendments.

Jeff Brueninger stated he was one of the 23 Prospector tenants being made homeless by the City. He stated on May 23, the City went into his home and took the Direct TV. He felt it was a break in. No notices were given before the City staff entered the units. Some people said cockroaches and bedbugs were in the units. He emailed Rhoda Stauffer on the infestation and health and safety issue. The City didn't act on this infestation problem. He had heard the tenants would be evicted and bus drivers would be the new tenants. He stated the City gave preferences to senior citizens and ski resort employees. The restricted covenants indicated the tenants living there could remain. He noted the deed restrictions on the units would always apply. He reviewed a letter found on his door that stated the City was not responsible to obtain alternate housing for the tenants being evicted. He expressed frustration on the lack of communication between the City and the tenants. He asked how many of the tenants were offered free bus training or a Transit job with the City, or any City job where their skill sets could be used.

Jason Glidden updated Council on the tenant relocation and indicated 21 of the 23 units were occupied when the City bought the units. Five units were still occupied but three of those had move out dates.

Mayor Beerman closed the public input portion of the meeting.

#### IV) CONSENT AGENDA

**1. Request to Approve and Ratify the City Manager's Execution of an Emergency Professional Services Agreement with Epic Engineering to Provide Public Improvement Inspection Services Which Primarily Include the Park City Heights Phase II, King's Crown, and Alice Claim developments in an Amount not to Exceed \$135,380.00**

Council Member Joyce moved to approve the Consent Agenda. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

V) OLD BUSINESS

**1. Public Meeting to Allow Arguments from the Public for and Against the Issuance of General Obligation Open Space Bonds to Acquire, Improve and Forever Preserve Open Space, Park and Recreational Land Located in Treasure Hill and Armstrong/Snow Ranch Pasture in Order to Protect the Conservation Values Thereof, to Eliminate Any Future Commercial or Residential Development, and to Make Limited Improvements for Public Access, Trailhead Parking and Use, in an Amount not to Exceed \$48,000,000 and to Mature in No More than 16 Years from the Date or Dates of Such Bonds:**

Nate Rockwood stated there was a public hearing on September 12<sup>th</sup> and tonight was another public meeting to hear arguments for and against the open space bond. The formal arguments for and against the bond were posted on the City website and would be mailed to registered voters.

Cindy Matsumoto spoke in favor of the bond and Steve Streamer spoke against the bond.

Matsumoto thanked the members of the community that supported the bond. Many people thought of the property as open space and were opposed to development on these parcels. She felt the best way to keep people in the community was to preserve the land. For over 30 years, the elected officials and community members worked to preserve Treasure Hill. She noted the average annual cost to preserve the land would be \$194 for 15 years. She urged the citizens to vote for it.

Streamer read his statement opposing the bond and stated only 10 acres of land would be developed on Treasure Hill, which equaled \$8 million per acre. He felt the proponents of the open space were inflating the size of the project. The renderings all showed the development would be 1,000,000 square feet or the size of 10 Walmarts. His calculations showed the square footage equaled five Walmarts. This was too much money. Park City would also have a \$100-\$150 million school bond during the life of the open space bond. He knew Old Town residents did not want construction. Main Street was the heart of tourism and Park City should not pay for an amenity to tourism. He had been told to drink fewer lattes, less beer, and eat out less. He felt the Armstrong property should be preserved. He urged voters to say no and instead start a Treasure tax on tourism to pay for it.

Matsumoto stated it didn't matter if it was 10 Walmarts or two and a half Walmarts, the development would be ugly and she wanted the community to remain as a beautiful natural setting that could be enjoyed by all. She also supported the schools and wanted a good education for all children. She knew in the past it could have been purchased cheaper, but the time to purchase it was now.

Streamer reiterated that Treasure was too expensive, and it should not be paid for with a property tax.

Mayor Beerman opened the public hearing.

Arnie Rusten stated he was involved in this project for four years. He was a fact checker and indicated members of Thinc used the 104,000 square feet figure given by a Walmart manager to calculate 10 Walmarts would equal the proposed development for Treasure Hill. He also verified the size of the project with the developer's plans.

John Stafsholt felt Streamer's assertions were wrong. Treasure Hill was 123 acres and density on the entire parcel would be removed. He indicated that Streamer wanted a Treasure Tourism tax, but 85% of the bond would be paid by businesses and second homeowners, with only 15% paid for by primary residents. There was also an open space tax already in place. Open space and school bonds were similar because they would both benefit the community. A "NO" vote would accelerate the project and development would proceed.

Kyra Parkhurst stated Streamer favored open space and hoped being on opposing sides of this issue was just a communication issue. For 15 years, developers and architects had been in Planning Commission meetings. This project was not going away. Other open space parcels were valued by the community and nobody regretted those purchases. The things that made Park City special were not free. If the development proceeded, there would be 10 years of construction, blasting, noise, and traffic congestion.

Niels Vernaguard discussed the difference between the open space bond and the proposed school bond. Park City would only make up 25% of taxpayers that would pay for the school bond. He read a statement from the School District that indicated the master plan for schools would be evaluated during this school year before any decision of a bond would be made. Streamer's assumption of the school bond was erroneous. Vernaguard supported the open space bond.

Robin Sletten, Thinc member, stated her family moved here in 1992 for the lifestyle. If the bond didn't pass, there would be huge buildings towering over Main Street. The years go fast and the most positive thing the community could do would be to preserve the town that brought them here.

Mary Whitesides gave some quotes on open space. She indicated open space provided homes for flora and fauna. That same land cleansed storm water. Being exposed to sunlight and fresh air contributed to human happiness. She noted several other benefits of open space.

Bart O'Dell stated Thinc had been working on mitigating the Treasure Hill Development project for three years. He wished those who opposed the bond would get involved. Some thought Sweeney was getting too much money, but he could sell it and get more than the City was paying. He supported the bond. He thanked those who worked so hard on this.

Mayor Beerman closed the public hearing.

**2. Consideration to Adopt Resolution 25-2018, a Resolution Annexing Mountain Top Subdivision into the Boundaries of Park City Water Service District, Approve the Final Local Entity Plat, and Authorize the Mayor to Execute the Annexation Agreement between Park City Municipal Corporation and Mountaintop Subdivision Association of Property Owners and to Execute the Notice of Impending Boundary Action**

Clint McAfee and Tom Daley presented this item and gave an overview of Mountain Top Subdivision. McAfee indicated the subdivision's well failed and Park City provided emergency water for the 12 homes. In May, the City authorized a surplus water agreement with Mountain Top and in August the subdivision applied for annexation. Park City Water Service District had the ability to sell water. The boundary for the Water District was the same as the Municipal boundary. A report was provided that concluded there was adequate water for the Mountain Top Subdivision. There would be a pumping deficiency, but McAfee was not worried about that and noted a new pumping station was planned. He indicated that Mountain Top would be paying for all costs associated with the annexation into the Water Service District including impact fees. He noted the residents of the subdivision agreed to abandon the existing well easement and relinquish all water rights.

Council Member Ware Peek asked how many other properties were on wells in that area. It was indicated two other properties had wells and they were having issues with them. Council Member Ware Peek stated this annexation was more expensive than digging new wells. The petitioner stated the problem with wells was there was not the capacity for fire protection. Council Member Ware Peek felt the other two properties would eventually petition for annexation as well.

Council Member Worel wanted to clarify that the subdivision was paying for the infrastructure and then the City would pay for maintenance and replacement. Council Member Gerber asked if the Mountain Top residents would be on the same storm water plan. McAfee stated the City was not responsible to provide storm water services since they were outside the municipality.

Council Member Ware Peek asked if the water rights would be resold to which Daley responded they were contracts with Weber Basin and they would go back to Weber Basin. Weber Basin could then enter into contracts with someone else.

Mayor Beerman opened the public hearing. No comments were received. Mayor Beerman closed the public hearing.

Council Member Ware Peek moved to approve Resolution 25-2018, a resolution annexing Mountain Top Subdivision into the boundaries of Park City Water Service District, approve the final local entity plat, and authorize the Mayor to execute the annexation agreement between Park City Municipal Corporation and Mountaintop Subdivision Association of Property Owners and to execute the Notice of Impending Boundary Action. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**3. Consideration to Continue Support of the Winter Balcony Enclosures Pilot Program on Main Street and Approve an Encroachment Agreement to Allow an Enclosed Balcony Over a Public Pedestrian Right-Of-Way for the 2018-2019 Winter Season:**

Anya Grahm, Senior Planner, presented this item. She indicated Riverhorse applied for the winter balcony enclosure and she requested the pilot program be renewed for five years. She noted there was interest for this program by other retail businesses as well.

Council Member Gerber stated if the winter balcony enclosures were ever allowed permanently, many businesses with decks could request enclosures which could eliminate parking, and asked how this compared to the summer dining decks, which held more patrons but took away parking spaces on Main Street. Grahm stated in the summer people were sitting on the decks and not in the restaurants, but in the winter, the restaurants were full and the decks were an expansion.

Council Member Ware Peek asked how many restaurants would be eligible under the pilot program, to which Grahm responded three to five restaurants would be eligible to participate with the enclosures. Mayor Beerman stated the pilot program worked in the past and there hadn't been any problems.

Council Member Joyce felt there should be something more substantial since it was in place for six months. Grahm stated the restaurants were not allowed to build over their property line.

Council Member Ware Peek asked about the mitigation of the installation and indicated the last few times it was disruptive. Grahn stated there were concerns with the dates of installation and deconstruction so new installation and deconstruction dates were determined and added to the agreement.

Council Member Worel stated there was an ice slick under the balcony and she saw people fall. Grahn indicated the Building Department was working with Riverhorse to mitigate the ice. It was suggested a condition could be put in the agreement to clear the sidewalk.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Joyce moved to approve the continued support of the Winter Balcony Enclosures Pilot Program on Main Street and approve an Encroachment Agreement to allow an enclosed balcony over a public pedestrian right-of-way for the 2018-2019 winter season, with the condition that it is the restaurant's responsibility to clear the ice from the sidewalk under the balcony. Council Member Ware Peek seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**VI) ADJOURNMENT**

With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder

# RV Parking Code Amendments

City Council Work Session

October 11, 2018

# The Problem

People are parking RVs in a manner that affects availability of and access to off-street parking.

- 1) Affects public infrastructure
- 2) Affects safe and appropriate parking
- 3) Affects Park City aesthetics
- 4) Regulations are difficult to understand and enforce



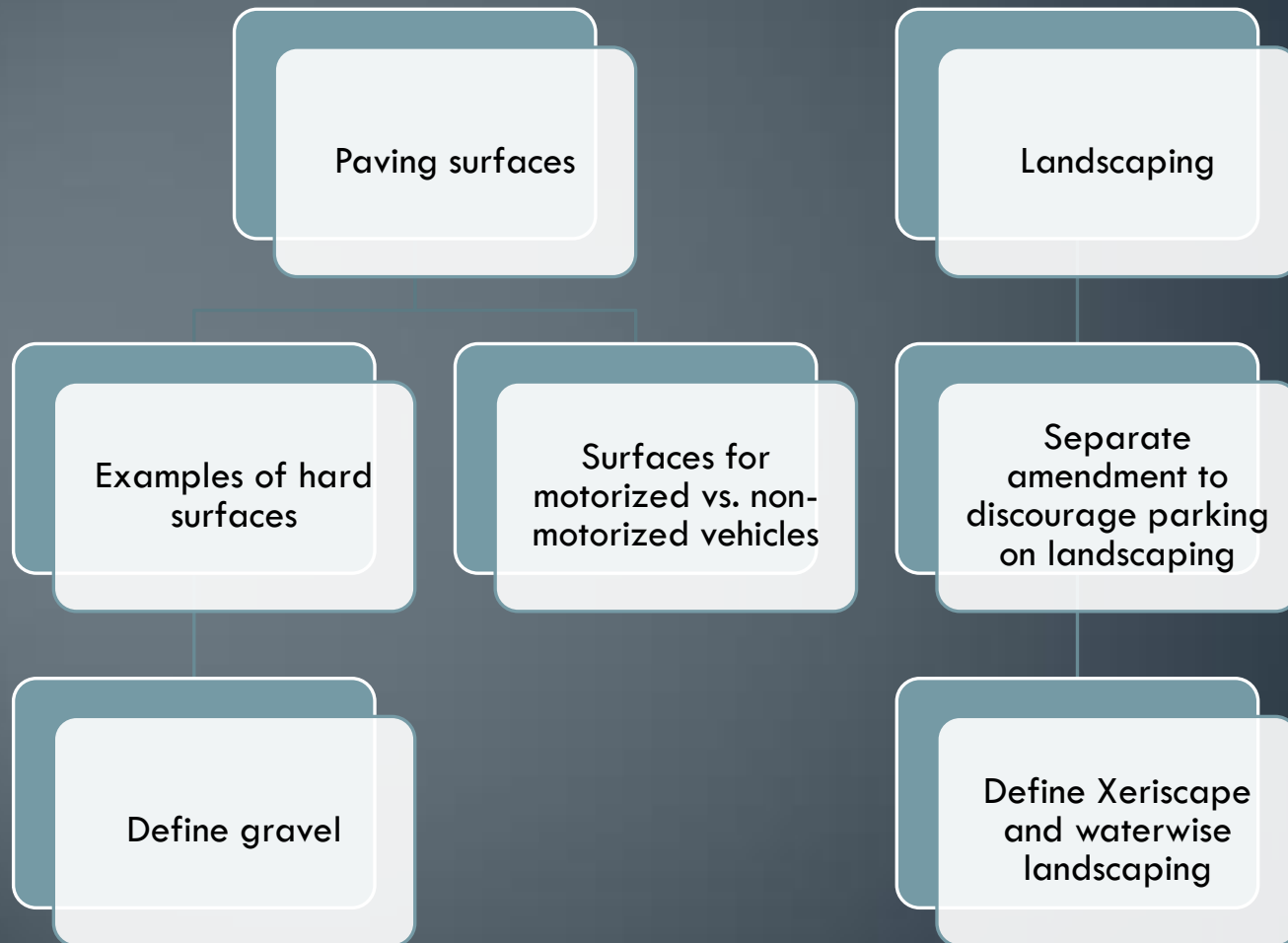
# Goals

- Maintain public infrastructure
  - Improve water quality (including groundwater and storm water runoff)
  - Improve snow removal efforts and impacts
  - Maintain the integrity and durability of public streets and infrastructure
- Encourage safe and appropriate parking
  - Prevent safety hazards associated with parked vehicles
  - Reduce traffic conflicts and visibility issues in the street
  - Encourage indoor storage of recreational vehicles
  - Mitigate pest control impacts/situations
  - Bring the Park City Municipal Code up to date with codes in the region and in other comparable vacation destination cities
  - Reduce fire hazards as a part of the Wildland-Urban Interface Code
  - Allow RV parking in a manner which maintains safety and utility access
  - Allow RV parking in a manner which does not impede public services (i.e. mail delivery, snow removal, street cleaning, etc...)
- Improve the enforceability and usability of the Code
  - Draft a code that can be affectively enforced
  - Code can be easily explained by staff and understood by residents
  - Give consideration to resident feedback
- Improve the aesthetic and visual experience of Park City
  - Improve water conservation efforts in an aesthetically pleasing manner
  - Reduce thermal effects of gravel use
  - Improve the Park City streetscape
  - Reduce blight and illegal storage
  - Minimize the impact of the human environment on the natural environment
  - Keep up the appearance and visual experience of the City

# 5 Options

- 1) Status Quo
  - No change – RVs cannot be stored in driveways
- 2) Minimal Change
  - RVs cannot park in driveways
- 3) Vehicle Use
  - Regulate where and when a vehicle can park if it is an RV
- 4) Vehicle Size
  - Regulate where and when a vehicle can park if it is longer than 20 feet
- ★ 5) Driveway Size ← Staff Recommendation
  - Regulate where and when a vehicle can park if space is available
    - Front Yards?
    - Side and Rear Yards

# Additional Changes



## RVs park in driveways and on the street

### PROBLEMS

- 1) Affects public infrastructure
- 2) Affects safe and appropriate parking
- 3) Affects Park City aesthetics
- 4) Difficult to understand and enforce code, difficult to define RVs

#### Option 1: Status Quo

No change – RVs cannot be stored in driveways

##### Pros

- Less regulation

##### Cons

- All 4 problems still exist
- Difficult to define and enforce storage
- Less allowances for where an RV can park
- May encourage on street parking
- Does not address what is classified as an RV

#### Option 2: Minimal Change

RVs cannot park in driveways

##### Pros

- Clear regulations
- Easiest to enforce
- Removes the need to define storage
- Protects the aesthetic of front yards
- Protects required parking spaces

##### Cons

- Less allowances for where an RV can park
- May encourage on street parking
- Does not address what is classified as an RV

#### Option 3: Regulate by Vehicle Use

Regulate where and when a vehicle can park if it is an RV

##### Pros

- Addresses all of Council's concerns
- Improves the streetscape (in theory)
- Protects required parking spaces

##### Cons

- Difficult to define RVs due to flexibility of vehicle uses
- Most difficult to enforce
- Effective only with a clear definition

#### Option 4: Regulate by Vehicle Size

Regulate where and when a vehicle can park if it is longer than 20 feet

##### Pros

- Easy to enforce
- Easy to define a vehicle's length
- Protects the aesthetic of front yards
- Protects required parking spaces
- Clear regulations based on the length of a parking space
- Deregulates smaller RVs which do not cause visibility and access issues
- Requires appropriate parking for all oversized vehicles

##### Cons

- May encourage on street parking

#### Option 5: Regulate by Driveway Size

Regulate where and when a vehicle can park if space is available

##### Pros

- Easy to enforce
- Does not require defining RVs
- Protects required parking spaces
- Clear regulations based on space available
- Allows parking if there is space
- Encourages off-street parking
- Applies to all RV types
- Protects front yards and streetscapes if Council chooses to allow in side and rear yard only (screened)

##### Cons

- Encourages more paved area on private properties