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

September 26, 2019

The Council of Park City, Summit County, Utah, met in open meeting on September 26, 2019, at 2:00 p.m. in the City Council Chambers.

Council Member Ware Peek moved to close the meeting to discuss property, litigation and personnel at 2:00 p.m. Council Member Joyce seconded the motion.

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

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 5:45 p.m. Council Member Council Member Gerber seconded the motion.

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

REGULAR MEETING - 6:00 p.m.

I) ROLL CALL

Attendee Name	Status
Mayor Andy Beerman Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Lynn Ware Peek Council Member Nann Worel Diane Foster, City Manager Margaret Plane, Special Counsel Minda Stockdale, Deputy City Recorder	**Present**
None	**Excused**

II) APPOINTMENTS

1. Consideration to Approve the City Manager's Proposed Appointment of Sara Nagel as the City Treasurer of Park City Municipal Corporation:
Mindy Finlinson, Finance Manager, recommended City Council approve the appointment of Sara Nagel as the City Treasurer. Nagel introduced herself and her background, and indicated her family was active in community.

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

Council Member Worel moved to approve the City Manager's proposed appointment of Sara Nagel as the City Treasurer of Park City Municipal Corporation. Council Member Gerber seconded the motion.

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

III) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:
Council Member Henney reminded the public to submit comments on City Council meeting closed captioning service to determine its use and whether to continue the service.

Council Member Worel requested that Item Four, Transportation Demand Management Plan Update, be discussed during a Work Session on a future agenda. Foster stated the item would be discussed on October 10 along with Transit Improvements.

Council Member Gerber reported residents on Doc Holiday, Comstock, Wyatt Earp and Sidewinder were frustrated by traffic diverted from Kearns Blvd. due to tunnel construction. She requested an update on tunnel construction and traffic mitigation measures. Foster replied there was additional police presence and she would add an update on tunnel construction to a future agenda.

Mayor Beerman and the Council members reported on the activities, meetings and events they attended since the last meeting.

Council Member Gerber asked when applications for Woodside Phase 1 would be released. Hannah Tyler, Senior Planner, reported they would go out late fall pending resolution of the condominium plats. She would confirm the exact date when it became available. Council Member Henney requested an update on the project, including HOA fees and CCR’s. Foster confirmed it would be added to the Work Session agenda on October 10.

Staff Communications Reports:

1. Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2018:

2. Permitting Process Taskforce Update:

3. City Council Meeting Closed Captioning Service:

4. Transportation Demand Management Plan Update:

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

Mayor Beerman opened the meeting for public input on matters not being addressed on the agenda.

Rob Dixon, Main Street resident, stated he loved living in Park City and applauded recent projects. He wondered why the Council was considering selling the property – and cutting the park in half – behind his house.

Jeff Creveling, Main Street resident, reported 139 Main was the last remaining lot on Main to be constructed as a residential house. He felt the design was modern without historic attributes. He stated meeting historic district design guidelines was difficult, but the historic nature of structures was important. He thought the historic wall was compromised. He stated he was familiar with the process – which was staff approved - and requested the Council review the property because it was an inappropriate use of the space. He thanked the Council for all of their work.

Morgan Busch, Intermountain Health Care, spoke on the transportation demand management plan. He stated employees in Salt Lake were incentivized to use transit. He requested a transit solution at Quinn's Junction.

1. CityTour 2019 Presentation and Debrief:
Myles Rademan, Director of Leadership Park City, gave a presentation with photographs, highlights and takeaways of the 2019 CityTour to Crested Butte, Montrose and Grand Junction, Colorado, and requested feedback from the City Council.

Council Member Ware Peek reported it was her favorite CityTour. Council Member Henney was excited for the next year's tour. Mayor Beerman complimented Rademan and the group and spoke to the value of the trip.

2. Leadership Park City Class 25 Project Presentation:

Leadership Class 25 presented their class project on wildfire preparedness. Mayor Beerman thanked the class for their work and congratulated them on their efforts.

Mayor Beerman closed the public input portion of the meeting.

V) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from August 29, 2019 and September 12, 2019:
Council Member Gerber requested the September 12th minutes, Page 3 Line 30, reflect that the council and community see the value of parking.

Mayor Beerman requested to strike from the August 29th minutes, Page 12 Line 37, the comment on elderly skiers as the conversation was abbreviated in the minutes. He requested to add on Page 13 Line 3, "staff had been researching and no other community had a perfect program."

Mayor Beerman noted an inconsistency in the September 12th minutes, Page 3 Line 23, and preferred that the abbreviation read "AMPD" instead of "affordable MPD."

Council Member Worel moved to approve the City Council meeting minutes from August 29, 2019 and September 12, 2019 as amended. Council Member Gerber seconded the motion.

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

VI) CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Professional Services Agreement (PSA), in a Form Approved by the City Attorney, with RideAmigos, in an Amount Not to Exceed $24,995.00 Per Year for up to Three Years:

2. Request to Adopt Resolution 19-2019, a Resolution Authorizing Certain Individuals in the Organization to Make Changes to the Utah Public Treasurers' Investment Fund (PTIF) Accounts:

3. Request to Authorize the City Manager to Enter into a Professional Service Agreement with The Electric Highway Co. in a Form Approved by the City Attorney Not to Exceed $49,940.00 for Electric Vehicle Charging Equipment on City Properties:

Council Member Joyce moved to remove Item One from the Consent Agenda for further discussion. Council Member Henney seconded the motion.

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

Council Member Gerber moved to approve Items Two and Three on the Consent Agenda. Council Member Ware Peek seconded the motion.

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

1. Request to Authorize the City Manager to Execute a Professional Services Agreement (PSA), in a Form Approved by the City Attorney, with RideAmigos, in an Amount Not to Exceed $24,995.00 Per Year for up to Three Years:
Council Member Joyce requested that specific expectations and measures of success be included in the contract. For example, he wished to know the minimum and goal number of cars expected to be reduced from local roads and suggested expectations and measures of success be included in every contract. He reiterated the Council's goal to reduce 25% of cars from the entry corridors and did not wish to put staff time in to reducing small numbers at a time or on small projects.

Alfred Knotts, Transit and Transportation Manager, responded the goal would be met through a programmatic approach; there was no silver bullet. He confirmed the Transportation Demand Management plan outlined strategies and estimated effectiveness; incremental two to three percent of cars off the road at a time were important.

Knotts offered to return before a contract renewal and report on current analytics and metrics. Council Member Joyce wished to know the expectation up front in order to have a comparison when it came time to renew the contract. Knotts explained how staff felt collaboration with the school district and resorts would make a large impact, but those programs took four to six weeks and significant staff time to implement. Council Member Ware Peek wished to understand how entities were incentivizing, promoting and monitoring existing programs. Knotts responded it was an awareness issue and reported cooperation and interest from the resorts was at an all-time high.

Council Member Worel also asked for a goal and measurement of success with the resorts. Knotts responded Snowbird had success measuring carpoolers with a similar tool; RideAmigos would provide solutions and data.

Council Member Gerber asked when partners would be able to join. Alexis Verson, Transportation Planner, reported the service was scalable; other employers could add a platform immediately at no additional cost. She stated specific goals and metrics were not identified yet because staff was collaborating with partners about how to define measures of success. She stated staff wished to start small to determine effective incentives and drivers of behavior. Knotts added targeted markets, for example resort employees versus skiers could be targeted. Council Member Gerber noted it was a good time of year for the resorts to incentivize new employees. Version stated it was a possibility, but she was hesitant to implement the service with all partners before it was tested internally. Council Member Gerber asked if data collected on the app, such as Vehicle Miles Traveled, would be reported to the City to which Version stated it would.

Mayor Beerman stated RideAmigos had been vetted in other communities and was relatively low in cost and it collected data. He was in favor of moving forward with an experimental program and felt it was symbolic that the resorts were on board.

Council Member Henney asked how RideAmigos would compete with the My Stop Bus app. Verson stated the My Stop app was separate, but Transit feeds could be included in the RideAmigos platform so either app could be used for the same purpose.

Mayor Beerman reminded staff to include goals in future reports.

Council Member Ware Peek moved to authorize the City Manager to execute a professional services agreement, in a form approved by the City Attorney, with RideAmigos, in an amount not to exceed $24,995.00 per year for up to three years. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Ware Peek and Worel
NAYS: Council Member Joyce

VII) OLD BUSINESS

1. Contracts with an Emphasis on Social Equity:
Mayor Beerman suggested discontinuing the Innovation category of Special Service Contract awards in 2019, but move forward with the Social Equity category. Council Member Worel encouraged grant applicants to consider innovative solutions as part of their proposal. Council Member Joyce clarified the RFP model catered to applications that were tailored to the scope rather than generic ideas. The Council agreed on the proposed focus areas of Housing, Education, Inclusion and Workforce Development.

Mayor Beerman opened the public hearing.

Emily Fisher, Executive Director of Youth Sports Alliance (YSA), stated the Special Service Contracts were important. She asked if her programs could fit into multiple categories of Education and Inclusion. Council Member Joyce responded they could. Fisher stated contracts helped fund YSA's after-school programs, which according to law enforcement were important hours for youth engagement. Additionally, programs provided transportation and helped students get outside to recreate.

Bill Pidwell, YSA Board Member, thanked the Council for the Special Service Contracts which the community needed for programming. He stated the needs outweighed the available funding and he encouraged the Council to consider allocating more funds the following year. He stated it was an important funding source for YSA programs, especially in the McPolin school district to bring students together, and off of their couches and phones. Funding supported YSA's scholarship program, which broadened the reach of after-school programs.

Mayor Beerman closed the public hearing.

Council Member Gerber was in favor of focusing on three categories and the remainder of the Council was in favor of four categories. Mayor Beerman confirmed the Council was supportive of combining the Innovation and Social Equity categories and moving forward with two rounds of Special Service Contract grant cycles in 2019-2020. Council Member Joyce requested the window for submissions be extended from two weeks to three weeks. The Council agreed.

Council Member Ware Peek was excused from the remainder of the meeting.

VIII) NEW BUSINESS

1. Consideration to Continue an Ordinance Amending Lots 9, 10 and 11 of The Aerie Phase I, Located at 1312, 1324, and 1336 Aerie Drive, Park City, Utah:
Council Member Worel pointed out a typo on the address listed in the staff report.

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

Council Member Worel moved to continue an ordinance amending Lots 9, 10 and 11 of The Aerie Phase I, located at 1312, 1324, and 1336 Aerie Drive, Park City, Utah to the October 10, 2019 City Council meeting. Council Member Gerber seconded the motion.

RESULT: CONTINUED TO OCTOBER 10, 2019
AYES: Council Members Gerber, Henney, Joyce, and Worel
EXCUSED: Council Member Ware Peek

2. Consideration to Approve Ordinance 2019-50, an Ordinance Approving the Third Amendment to the First Amended and Restated Nakoma Condominium Plat Located at 8782 Marsac Avenue, Nakoma Unit 17, Nakoma Condominiums, Park City, Utah:
Alexandra Ananth, Senior Planner, Jack Thomas, applicant, Neil Hunn, prospective buyer, Marshall King, Alliance Engineering, and Allison Phillips Belnap, Ballard Spahr and applicant counsel, introduced themselves. Ananth presented history and details of the application for amendment to the condominium plat. Staff had not found the lot line adjustment inconsistent with provisions of the Land Management Code or the Flagstaff Redevelopment Agreement, or the applicant responsible for historic preservation. Staff recommended approval. She explained the REDUS third party report would return in a future meeting.

Council Member Gerber asked when the third party would submit their assessment of the twenty one sites and when the Council would consider compliance matters as part of the proposed memorandum of agreement (MOA). Ananth replied they were expecting the report by the end of the month and return to Council by the end of the year. Council Member Henney noted Number Five of the Conditions of Approval for the tower in Exhibit F triggered the MOA. Council Member Gerber understood the application was separate from the concerns surrounding the MOA, but stated the issue was time sensitive due to the deterioration of historic structures.

Mark Harrington clarified it was not a trigger, but a deadline and Council could request review of the agreement at any time.

Mayor Beerman opened the public hearing. He stated input would be limited to five minutes.

Sandra Morrison, Executive Director of the Park City Museum, spoke on behalf of Park City Museum and Friends of Ski Mining History. She presented a slideshow of historic buildings and examples of locally funded projects to restore and preserve mining buildings. Morrison requested the Flagstaff Annexation and Redevelopment Agreement be enforced and stated 20 years of lack of enforcement had taken its toll on the local ski mining history. She stated the application was not in compliance and the planning commission denied it. She requested a work session be scheduled and the Flagstaff Memorandum of Agreement be reviewed before the report. Harrington responded staff was recommending they were done concurrently, but it was Council's authority to review it sooner. Mayor Beerman wished to consider the timeline when staff received the REDUS third party report.

Sanford Melville, Old Town resident, gave input on behalf of Sally Elliot. She wrote that the change seemed minor, but it was a continuation of violation of the Flagstaff Agreement.

Melville spoke on his own behalf and stated the agreement recognized the cultural importance of mining structures. He stated the agreement created a funding mechanism and over the years it was not implemented. The issue was more urgent than ever, and just because nothing had been done in the past should not mean inaction going forward. He stated they were not against the developers, and noted there was commercial benefit to retaining mining history. He stated the City Attorney had advised them to bring the policy discussion to City Council and indicated this case would set a precedent. He requested a work session to assess the agreement.

Cindy Matsumoto, resident, read a letter from Sydney Reid, who commented on the funding mechanism and stated it was never implemented. Matsumoto read a letter from Noah Levine, which stated mining structures were a tie to the town's past. Levine was an advocate for the preservation and maintenance for the existing structures. He asked the developer to perform on these obligations.

Hope Melville, Old Town resident, stated the Planning Commission denied the application because the Flagstaff Agreement was not addressed in the staff report. She stated the developer was out of compliance with the agreement. She explained inconsistencies and vague assertions in the staff report. She felt the advice in the staff report should be flushed out and she was unclear why there was a rush ahead. She added that historic mine structures were a Council policy discussion per Harrington. She told the Council they had the authority to direct staff to preserve the structures.

Patricia Pond, resident, stated she came to Park City and fell in love because of the history and historic structures. She was an active member of the Ski Mining History group. She stated time was the enemy and the committee could not keep up. They needed help and the Flagstaff agreement was instated for that purpose.

Randy Scott, resident, agreed with the points previously stated. He stated it was important to hold developers accountable and develop a path forward where they would be accountable. He asked that the City commit to a strategic work session to work through the issue.

Jack Thomas, applicant, stated the project began thirteen years ago and there were no historic structures on the property. He provided examples of his personal and professional commitment to historic preservation. He felt he was being held hostage for an agreement that had not been upheld for twenty years. He felt the issue should be resolved, but he did not have the resources or ability to rehab the buildings, and they were not located on the property.

Mayor Beerman closed the public hearing.

Council Member Henney agreed with everything stated during the public hearing. He looked forward to resolving the issue.

Council Member Worel asked if the extra foot could be eliminated. Phillips Belnap clarified that the plat couldn't change - but the building footprint could. Council Member Worel wished for teeth to be added to the agreement. Council Member Worel looked forward to a work session. She felt it was unfair to hold the project hostage before a policy was put in place.

Council Member Gerber wished to set a date in October to have the work session. She agreed with Council Member Worel regarding the policy and this specific project.

Council Member Joyce stated policy discussion was separate from legal discussions. He stated there was no legal backing to deny the application. Council Member Joyce took responsibility for the City's lack of enforcement over twenty years. He wished to separate a legal discussion and policy discussion.

Council Member Henney agreed that it would not be fair to consider the application as part of the greater policy discussion. He clarified the public's ask for the Council to enforce the Flagstaff Agreement instead of the MOA. He stated the Council's practice in past years was to follow the MOA so a policy discussion would potentially alter how Council considered these issues.

King stated square footage could be adjusted, but clarified the reduced square foot would not be open space and a condition of the original plat stated buildings had to be condominiumized. He stated the new recorded plat would replace the old one.

Mayor Beerman restated the Council's appreciation for the reminder to prioritize historic preservation and requested a work session discussion of the MOA, site assessment and policy discussion by no later than November 7. Bruce Erickson, Planning Director, noted Planning staff would meet with Friends of Mining History and Museum prior to that discussion.

Council Member Joyce moved to approve Ordinance 2019-50, an Ordinance Approving the Third Amendment to the First Amended and Restated Nakoma Condominium Plat located at 8782 Marsac Avenue, Nakoma Unit 17, Nakoma Condominiums, Park City, Utah. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, and Worel
EXCUSED: Council Member Ware Peek

Council Member Gerber moved to close the meeting to discuss personnel at 9:25 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, and Worel
EXCUSED: Council Member Ware Peek

CLOSED SESSION

Council Member Joyce moved to adjourn from Closed Meeting at 9:45 p.m. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, and Worel
EXCUSED: Council Member Ware Peek

IX) ADJOURNMENT

With no further business, the meeting was adjourned.

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Minda Stockdale, Deputy City Recorder

Nakoma Condominiums – Third Amendment to First Amended and Restated Condominium Plat **Unit 17**

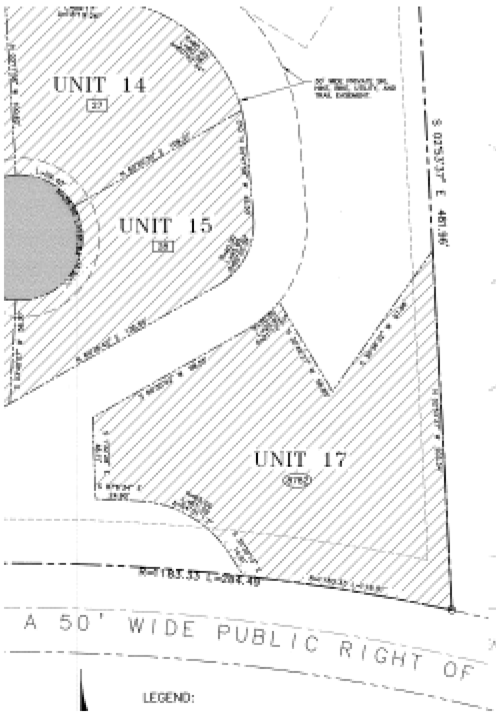
City Council

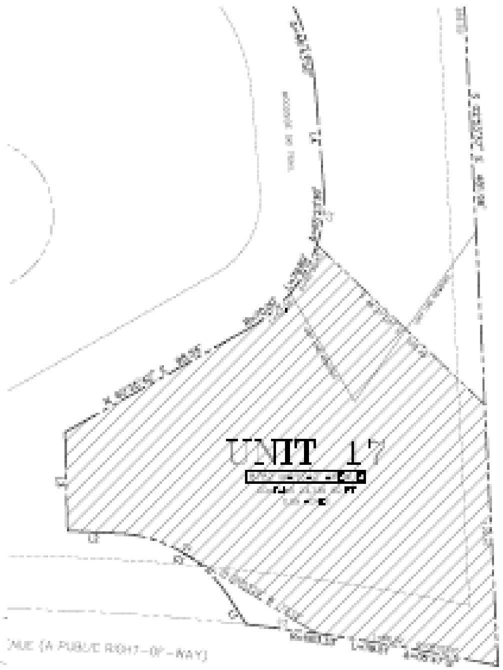
September 26, 2019

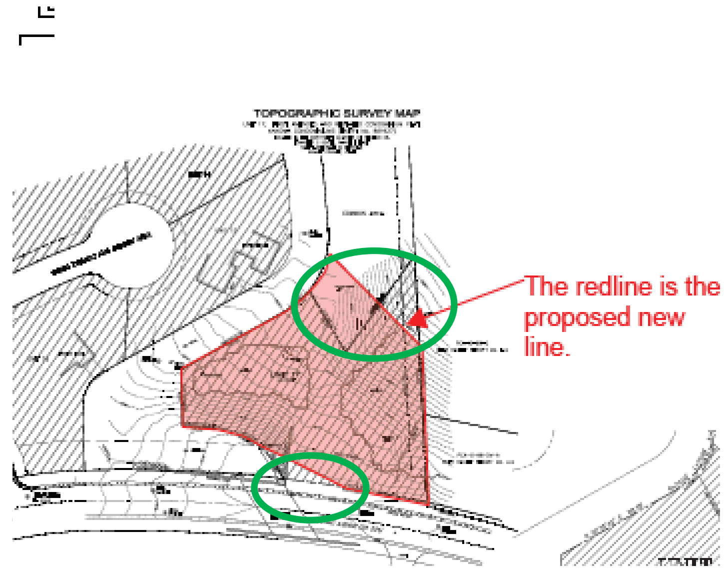
Nakoma Condominiums

- Lot B Northside Village Subdivision II
- First Amended and Restated Nakoma Condominiums Plat defines 17 units.
- Unit 17 not constructed yet
- Zoned RD-MPD

Nakoma Condominiums Lot 17







Existing Lot 17

Proposed Lot 17

Do Technical Reports 5 & 6 Apply to this Condominium Plat?

- No affirmative obligation on this individual lot in terms of historic preservation in either the City's Land Management Code of the Flagstaff Development Agreement
- Council will separately consider the compliance matters as part of the proposed MOA with REDUS, Storied Development, and the Master Owners Association
- 3rd party consultant hired to evaluate the 21 sites listed in the Technical Reports and update the Conditions of those reports. This will go to City Council for review and approval.
- Friends of Flagstaff LLC is a Member of the EPMOA and therefore contributes to preservation efforts through the Owners Association.

Findings and Staff Recommendation

- Staff finds that the application complies with Land Management Code Chapter 7 and applicable State law regarding subdivision plats, as conditioned.
- Proposed Lot 17 is consistent with controlling documents including the Development Agreement and Master Planned Development.

- Staff recommends the City Council conduct a public hearing, review the application and draft findings of fact and conditions of approval and approve the application pursuant to the draft Ordinance.