



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
SEPTEMBER 12, 2013**

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, September 12, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, and Dick Peek. Council member Liza Simpson was excused. Staff present was Diane Foster, City Manager; Mark Harrington, City Attorney; Wade Carpenter, Chief of Police; Sargent Leatham, Park City Police Department; Sharon Bauman, Senior Recorder and Elections Official; Thomas Eddington, Planning Director; Kirsten Whetstone, Senior Planner; Kayla Sintz, Current Planning Manager; Anya Grahm, Planner; Francisco Astorga, Planner; Jonathan Weidenhamer, Economic Development Manager; Phyllis Robinson, Communications and Public Affairs Manager; Tyler Poulson, Sustainability; Matt Abbott, Sustainability; Marci Heil, City Recorder; Jody Morrison, Assistant City Recorder

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures made from Council or Staff.

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

Resident Chris Hauge from the Trailside area neighboring the City owned Gilmore property; stated the property along Silver Summit Parkway is an eye sore. Mr. Hauge stated there is a spoils pile left from the previous owner which has been tested and has come clean for hazardous waste. Utah Open Lands has an easement on this property and Mr. Hauge would like to see Park City and Utah Open Lands work together to eliminate the problem. .

Jane Patten and Ann Johnson, Peace House, addressed the Mayor and Council thanking them for their continued support of the Peace House. They have been able to double the shelter nights with the renewal of the service contract with the City. Jane Patten informed the Mayor and Council about two fund raising events for Peace House coming up on September 22, 2013 and October 1, 2013. The first event is called "Walk a Mile in Her Shoes". The purpose of the event is and awareness raiser to get men involved in ending violence against women. They are encouraging men to put on a pair of heels and walk a mile from City Park up through the Park Silly Sunday Market and to the Brew Pub parking lot. We are encouraging them to go with the silly theme and dress up and have fun. Participants may also enlist a "blister sister" or "sole brother" to help encourage them along the walk. They are hoping to raise money and help the community come together for a great cause. The second event on October 1, 2013 is a candlelight vigil in conjunction with the Summit County Domestic Violence Coalition, honoring those who have lost their lives as a result of domestic violence. Summit County had two deaths, a murder/suicide the past year related to domestic violence, the event will be honoring the woman who lost her life and also honoring the survivors of domestic violence.

IV APPOINTMENTS AND RESIGNATIONS

1. Consideration of appointment of two alternative Hearing Officers pursuant to Title 2, Chapter 6, Section 2 of the Municipal Code of Park City

Council member Peek moved that they approve the appointment of J. Richard Catten and Kenneth R. Wallentine as hearing officers pursuant to Title 2, Chapter 6, Section 2 of the Municipal Code of Park City.

Motion seconded by Council member Butwinski.

**Motion carried
Council member Beerman-aye
Council member Matsumoto-aye
Council member Butwinski-aye
Council member Peek-aye
Council member Simpson-excused**

V NEW BUSINESS

1. Consideration of an Ordinance approving the 496 McHenry Subdivision Replat, Located in Park City, Utah

Mayor Williams opened the Public Hearing, no public comment; Mayor Williams closed the Public Hearing.

Staff recommended Council move to continue this item to a date uncertain.

Council member Matsumoto moved to continue the consideration of an Ordinance approving the 496 McHenry Subdivision Replat to a date uncertain.

Council member Beerman seconded the motion.

**Motion carried
Council member Beerman-aye
Council member Matsumoto-aye
Council member Butwinski-aye
Council member Peek-aye
Council member Simpson-excused**

2. Consideration of approval of the Sundance Contract Extension

Economic Development Manager Jonathan Weidenhamer introduced Sarah Pierce the co-managing director of the Sundance Festival. Weidenhamer reminded Council of the detailed presentation that took place at the previous Council Meeting and then requested a public hearing and consideration of approving the contract that was given to Council to review prior to the meeting. The two main points of the contract are first the extension of the film festival through 2026 and second, separates it from the Marin Luther King Day conflict which happens 4 years out of 10 beginning in 2015 which has a direct economic benefit to the community. Weidenhamer stated that this extension is more than just the final points of the contract, it is about a broad commitment to what the Sundance Institute stands for on behalf of the community and the resorts and a broad commitment in return to the City as well. This approval

PARK CITY COUNCIL MINUTES
SUMMIT COUNTY, UT
SEPTEMBER 12, 2013

Page | 3

would also include a supplemental plan for the festival in 2014 and a baseline for what that festival will look like moving forward from an operational standpoint. Council member Beerman inquired about the effects of this contract if the City changed future uses of the Miner's Hospital. Weidenhamer stated the City would be obligated through the contract at a communication level to inform the Sundance team of the intentions. City Attorney Harrington clarified that if changes were made to future uses it would be a year to year decision and would have to be a mutual agreement.

Mayor Williams opened the public hearing. No public comment was made. Mayor Williams closed the public hearing.

Mayor Williams opened the floor to Sarah Pierce, co-managing director of the Sundance Festival. Sarah stated she wanted to take the opportunity to thank the Mayor and Council for beveling in Sundance. She feels the teams came together and worked in a smart and effective manner to get to this point. It is a testament to the community to what can be accomplished when we all work together. She would like to recognize Dave Gustafson and Tina Graham for their incredible work on the operational details of this contract. They have been thorough and thoughtful and stated that because of their diligence Park City will be show cased in a bright light. Thank you to Jon Weidenhamer and Jason Glidden for being an instrumental part of the team bringing a positive and calm approach to the process. Thank you to City Manager Diane Foster and City Attorney Mark Harrington for their leadership and patience as we have worked to understand the ins and outs of City Code. Sarah also acknowledged the assistance they have received from the City and the Chamber will help the festival be successful in its 30th anniversary.

Mayor Williams thanked Sarah for all her hard work and diligence stating this couldn't have all come together without her as well.

Council member Peek moved to approve the Sundance Contract Extension and the 2014 supplemental plan extending the dates of the Sundance Film Festival through 2026. Council member Beerman seconded the motion.

Motion carried
Council member Beerman-aye
Council member Matsumoto-aye
Council member Butwinski-aye
Council member Peek-aye
Council member Simpson-excused

3. Consideration of an Ordinance approving the Plat Amendment Extension of the 573 Main Street Plat Amendment located at 573 Main Street, Park City, Utah.

Planner Astorga distributed a letter to the Mayor and Council from the neighboring property Owner's attorney stating that it was delivered after the Council packets had gone out. Planner Astorga stated this is a plat amendment extension request that was filed with the Planning department and was originally approved on July 26, 2012. Astorga stated that the typical conditions of approval for an extension is up to one year to file in writing with the planning department per the existing Land Management Code. Astorga informed the Mayor and Council that all the requests were in on time and the hold-up has been with the heavy work load of the planning department in getting this item to Council. He also stated that it is within the

PARK CITY COUNCIL MINUTES
SUMMIT COUNTY, UT
SEPTEMBER 12, 2013

Page | 4

parameters of the Land Management Code when the applicant can demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of noncompliance with the City's General Plan. Staff has provided the Council with the various approvals from the Planning Commission and stated that Council does have the authority to extend for the additional year. Proper noticing requirements were completed and staff is recommending a public hearing as per code.

Council member Matsumoto stated that she understood the process to be that a plat amendment needed to be approved prior to building permit approval and would like to know why building has already commenced.

Staff stated that policies have varied over the years depending on the building official. In the 80's & 90's a plat amendment was not required and they have been able to move forward with remodels. With the new Building Official that policy has changed to now require a plat amendment to be recorded not just approved. A plat amendment was approved, however; there were three physical requirements that they could not complete within that year hence the extension.

The first of the three remaining requirements is the tear out of the parking lot on the Park Ave and replace it with landscaping. The second requirement was to donate a preservation easement to the City for the historic structure and the third item was to put up a chain link fence this has been completed.

The applicant's attorney Joe Wrona was present to help answer questions from the Mayor and Council. Mr. Wrona stated the applicant felt it was a better option to use the paved lot as a staging area then to have a dirt lot that would cause more of a mess on the streets. He stated there was another option to move the staging area from that parking lot to a neighboring lot, however; the applicant felt that was not a neighborly thing to request. Mr. Wrona reiterated to Council member Matsumoto that the previous building permits were issued because a replat was not required.

Council member Peek stated that throughout the City we see extensive rebuilds that do not require a staging area and suggested phasing construction so that the heavy work was completed during the slow season. Also, inquired about the photo included with the letter that was distributed at the beginning of the meeting as to the essential construction equipment shown in the photo.

The Council agreed that the piles of scrap lumber and non-essential vehicles are not good use of the parking lot and would like to see if there is an option to lessen the impact to the neighborhood.

Council member Beerman inquired from the applicant if he had had any discussions with the neighbors on ways they could further mitigate the impact.

The applicant's attorney stated he has had discussions with Mr. Tesch. In regards to the concern of the scrap lumber and debris in the parking lot he feels the owner would be open to policing the construction staging area to keep that debris to a minimum.

PARK CITY COUNCIL MINUTES
SUMMIT COUNTY, UT
SEPTEMBER 12, 2013

Page | 5

Council member Butwinski inquired if the language of the conditions of the approval could be modified so that the plat could be recorded and then the parking lot be removed.

City Attorney Harrington stated that yes; the Council has the authority to review those conditions to find an unmitigated impact following the public hearing.

Mayor Williams opened the public hearing.

Joe Tesch stated he was an attorney representing four of the neighboring properties. He stated his clients are not asking for much, they just want the project completed and the abuse to stop. To say that the parking lot is a necessity is false, many construction projects have been completed without a staging scene. The first letter stating the abuse of the neighbors surrounding this property was sent to the council September 30, 1999. The Claim Jumper remodel/preservation is a great asset but this is getting ridiculous, there have been over 30 building permits for this property filed and approved without the proper plat amendment that are all in violation of the City Code. Mr. Tesch stated his objection of findings of fact and his objections of conditions of approval as stated in the letter disbursed at the beginning of the discussion.

John Plunketstated he is a resident who lives on Park Ave. He stated he is not one of Mr. Tesch's clients but he concurs with Mr. Tesch's testimony reiterating the necessity that the parking lot be tore out immediately. This process all began with the concerned neighbors inquiring about the steps taken to complete the project and step after step the neighbors have had to step up and bring attention to the City on the issues they were facing. He would like to see the City tighten the legalities and follow the law. *"At some point in comes down to balancing the convenience of the contractor against the rights of the residents."*

Sandford Mellville stated he lives at 527 Park Ave- his residence is far enough from the construction side that he is not immediately impacted but is impacted by the eyesore and the mess from the construction and feels it could be indefinite. He is concerned that the residential zoning being used as a staging area is a commercial use.

Mayor Williams closed the public hearing

Council member Peek inquired if there is a way to extend with the stipulations. He inquired about the staging of the school and if they were in on this mitigation.

Francisco stated that there are no items in code that would approve a staging area, it would be a case by case basis determined by the building department.

Council member Matsumoto inquired about the process of a normal project in regards to the placement of excess lumber without a staging area. Council member Peek stated that they would have an on time delivery and would be completed quickly and would not have excess lumber lying around.

Council inquired about the preservation easement. The applicant's attorney stated that the easement is like a gift to the City and would like to wait until the plat is recorded.

PARK CITY COUNCIL MINUTES
SUMMIT COUNTY, UT
SEPTEMBER 12, 2013

Page | 6

Council member Butwinski expressed his concerns with the City's Land Management plan in allowing the numerous building permits without a full set of plans.

Mayor Williams expressed his concern as to the intentions of the applicant's desire to complete this project in a timely manner.

City Attorney Harrington recommended bringing in more testimony from the Building Department before Council made a decision.

Applicant stated that this Council meeting has been a great exercise, while the property owner does not live here in Park City the pulse of the residents' concerns have not been addressed. He proposed making an agreement that the parking lot would be done by December 31, 2013. The property owner would also police the lot and make sure the lot is clean. Condition #10- would also stipulate that the preservation easement would be in the City's escrow by November 31, 2013.

Council member Beerman stated that he is not amenable to tweaking the conditions, and would like to see staff and all the parties sit down and define the limits and progress of the project.

Council would like staff to bring this item back to Council in two weeks.

Council member Peek moved to continue Consideration of an Ordinance approving the Plat Amendment Extension of the 573 Main Street Plat Amendment located at 573 Main Street, Park City, Utah to the next meeting on September 26, 2013.

Council member Butwinski seconded the motion.

Motion carried

Council member Beerman-aye

Council member Matsumoto-aye

Council member Butwinski-aye

Council member Peek-aye

Council member Simpson-excused

4. Consideration of an Ordinance approving the Plat Amendment Extension of the 1103 Lowell Avenue Plat Amendment located at 1103/1105 Lowell Avenue, Park City, Utah.

Staff recommended that the extension be granted in that the plat extension contains no modification to the approved plat amendment therefore staff finds that the findings of fact, conclusions of law and conditions of approval are still valid.

Mayor Williams opened the public hearing. No public comment was made. Mayor Williams closed the public hearing.

Council member Matsumoto inquired if there is any work currently going on at this property.

Staff assured Council that there is no building currently taking place on this property.

PARK CITY COUNCIL MINUTES
SUMMIT COUNTY, UT
SEPTEMBER 12, 2013

Page | 7

Council member Beerman moved to approve the Ordinance approving the Plat Amendment Extension of the 1103 Lowell Avenue Plat Amendment located at 1103/1105 Lowell Avenue, Park City, Utah.

Council member Matsumoto seconded the motion.

Motion carried

Council member Beerman-aye
Council member Matsumoto-aye
Council member Butwinski-aye
Council member Peek-aye
Council member Simpson-excused

5. Consideration of an Ordinance approving the Sixth Amendment to the Knoll at Silver Lake Condominium Record of Survey plat for Units 1 and 3 located at 7885 and 7905 Royal Street East, Park City, Utah.

Planner Whetstone explained the purpose of the amendment to Council stating that the property is currently a 4 condo unit. Whetstone stated the owners request is to remove 711 square feet of private space from unit 1 and add it to unit 3 with the additional 100 square feet of common space. This project was part of the Deer Valley Master Plan and this addition would still remain in compliance with that master plan. On August 28, 2013 the Planning Commission reviewed this amendment and voted unanimously to forward a positive recommendation to Council .

Mayor Williams opened the public hearing. No public comment was made. Mayor Williams closed the public hearing.

Council member Beerman moved to approve Consideration of an Ordinance approving the Sixth Amendment to the Knoll at Silver Lake Condominium Record of Survey plat for Units 1 and 3 located at 7885 and 7905 Royal Street East, Park City, Utah.

Council member Butwinski seconded the motion.

Motion carried

Council member Beerman-aye
Council member Matsumoto-aye
Council member Butwinski-aye
Council member Peek-aye
Council member Simpson-excused

VII ADJOURNMENT

With no further business, the City Council meeting was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4:00 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Andy Beerman, Cindy Matsumoto, and Dick Peek. Liza Simpson was excused Staff present were Diane Foster, City Manager; and Mark Harrington, City Attorney; Thomas Eddington, Planning Director; Kayla Sintz, Long Range Planning Manager; Jonathan Weidenhamer, Economic Development Manager; Tom Daley,

PARK CITY COUNCIL MINUTES
SUMMIT COUNTY, UT
SEPTEMBER 12, 2013

Page | 8

Attorney; Steve Brown, Mill Creek Consulting. Council member Butwinski moved to close the meeting to discuss Property, Litigation, and Personnel. Council member Beerman seconded the motion. Motion carried unanimously. The meeting opened at approximately 5:50 p.m. Dick Peek moved to open the meeting.

Motion carried

Council member Beerman-aye
Council member Matsumoto-aye
Council member Butwinski-aye
Council member Peek-aye
Council member Simpson-excused

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 S. Heil, City Recorder

