

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 11, 2011**

Present: Mayor Dana Williams; Council members Alex Butwinski; Joe Kernan; Cindy Matsumoto; Dick Peek; and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Manager; Wade Carpenter, Chief of Police; Maggie Petersen, Dispatch Manager; and Kent Cashel, Transportation Manager

1. City Council questions/comments. Cindy Matsumoto reported that the Library Board has joined the Leadership Class project on civility with a display of books for children and adults. Volunteers to help with the Labor Day book sale are needed, especially on Friday, September 2. The Luxury Home Tour is this weekend which benefits the Peace House. She added that the Summit Land Conservancy was one of five to receive accreditation from the Land Trust Alliance. She remarked that out of the 2,000 to 3,000 land trusts in the country, there are only about 135 that are accredited. Alex Butwinski stated that the Art Board met this week on the selection of the artist for the new recreation center. The Planning Commission had a very light agenda and rejected the idea of adding another layer of review with the proposed historic design review committee becoming involved in reviewing reconstructions. He reported that he will be serving on the state's building code review committee. Mayor Williams felt the time trials for the Tour of Utah was a fantastic event. He received a letter from Tom Oliver who complimented the City on the improvements made to Comstock.

The Mayor stated that he spoke with Kate Briggs from the Board of Realtors about unintended consequences of the Temporary Zoning Ordinance. She relayed that a property owner has a duplex which straddles the lot line and he could not obtain financing because the lender wants one legal description and because of the TZO, he can't combine his two lots. He didn't believe Council intended to include people who own existing structures, aren't planning on changing anything, but need to plat the property in order to achieve financing. He asked if the TZO would apply in this instance. Mark Harrington advised that the property owner cannot apply because the TZO prohibits new plat amendments because the existing building could be torn down after approval. However, the Council may amend the terms of the TZO at any time and specifically exempt applications or add a hardship clause if certain criteria is met. The TZO applies to all plat amendments in those zones.

The Mayor pointed out that the Planning Commission will be reviewing this on August 24 and this could serve as an example in the staff report to consider. Mr. Harrington noted that it may take too long for the application to be reviewed by the Planning Commission and City Council to help the owner and he encouraged specifying exemptions in an amendment which could appear on the agenda as early as August 25. In response to a question from Liza Simpson about the differences between the TZO

and pending ordinance doctrine, Mark Harrington explained there are no differences, because staff has been directed not to apply the pending ordinance doctrine to the degree that there are additional changes or consideration given. The TZO is a flat-out temporary prohibition on processing applications that are defined and in this case, include plat amendments in three zones. Implementing a pending doctrine ordinance means that someone can still apply if what is applied for meets whatever is pending, for example if height were reduced to 25 feet from 32 feet, the project could proceed. Because the Council was not supportive of the current LMC, staff was directed to look at further restrictions on plat amendments below the maximum specified by the current code. Staff is only looking at new lot combinations, as directed by Council on July 21, 2001 during the joint work session.

Discussion ensued on scheduling the TZO on the August 25th agenda and whether to rescind it or amend it. Consideration was given to the Planning Commission discussing this at its meeting on August 24, the work involved in preparing for the meeting, and public interest. The City Manager felt that rescinding it after the Planning Commission meeting is problematic. Dick Peek felt it important to address hardship cases and the Mayor believed this situation is narrow enough to be explored. Mr. Peek suggested allowing plat amendments in certain cases but restricting the ability to obtain certain categories of building permits during the period of the TZO so permits for additions or demolitions are managed. Mark Harrington advised that there will be unintended consequences with Mr. Peek's suggestion as well. The cleanest way is treating all applications the same. The Mayor believed that the TZO should go through the process with the Planning Commission and that the Council be updated on August 25 about the Commission's meeting on August 24 and make a decision on how to proceed with that information.

2. Second quarter goal. The Mayor guided the discussion for each category. In response to questions from Liza Simpson, Thomas Eddington reported that the assessment of the National Historic Preservation solutions should be before Council next month. The preservation plans for 1450 and 1460 Park Avenue have been completed and the properties are considered significant. The City Manager explained that a policy discussion on co-housing will be held in a couple of weeks and these properties will be addressed. Thomas Eddington interjected that the report identifies what materials can be saved in a reconstruction effort. There was some discussion but no changes made to the goal information.

3. NG911 update. Police Chief Wade Carpenter stated that the Department received a \$1 million grant from NG911 and the State of Utah and it is a combined grant between Park City, Summit County and Wasatch County. The intent is to create interoperability and inter-connectivity between systems which means that if any one of the dispatch systems becomes overwhelmed at any given time, additional call loading can be taken on by one of the other entities with a flip of a switch. This creates redundancy in a seamless way and provides the ability to take a lap top and move it into a mobile command and dispatch out of that location. Chief Carpenter explained that this is one

of the largest grants given for NG911 and the only applicant that had independent but inter-connected dispatch centers. The current system technology is outdated; the equipment is not produced anymore and will be phased out in the next three to five years. Maggie Petersen reported that installation is anticipated in September and no later than October.

4. Unrestricted parking space on Park Avenue request – Ron Whaley. Kent Cashel displayed a map displaying the varying widths of this portion of Park Avenue ranging from 37 feet to 40 feet. Winter, in particular, is a challenge with parking on both sides of the street and snow needs to be cleared almost every night. From Heber Avenue to 9th Street, there are about 50 parallel parking spaces, 17 residential units and eight businesses. The current regulations specify two hour time limits which have been in place at least since 1998 to discourage long-term parking. There is no parking from 2 a.m. to 6 a.m. for maintenance reasons. Mr. Cashel explained that the City Council created a special zone in 2009 with A Permits, allowing residents to park on the west side of the street between 9th Street and 12th Street. He displayed a graph with cars illustrating the limits of the width of the street. Kent Cashel stated that the City provides C Permits to people living in this area, providing access to the Gateway and China Bridge Parking Structures, which are extended to Main Street residents. Businesses are provided with employee permits like Main Street. Enforcement hours are 10 a.m. to 10 p.m. and police enforce regulations outside of those times.

If the City Council feels that the accommodations made are not reasonable, 2 a.m. to 6 a.m. parking could be allowed on Park Avenue in the summer if maintenance schedules are modified. However, with 17 residences in the area, much of the parking will be utilized and not available for businesses. Winter residential could be allowed, but is not recommended, and it is likely that there would be more accidents on Park Avenue. A special parking exemption could be provided to Mr. Whaley and others but staff is not recommending this option. Kent Cashel explained that special exemptions lead to other requests and it is much better to set up a permit zone. Staff remains steadfast that the current regulations remain in effect because it controls long-term parking, helps the circulation and allows for maintenance work. He stated that staff believes there is reasonable accommodation for the residences between 9th and 12th Streets on the west side and the regulations appear to work.

Ron Whaley stated that of the 17 residences cited, he is the only one without parking in a six block area. When the permit system went into place in 1998 he was issued an A Permit and the 2 a.m. to 6 a.m. restriction was not enforced in the summer but he started to receive tickets and staff instructed him to park on Woodside Avenue. However, he couldn't park on Woodside because there is no parking there and after a number of meetings with staff an arrangement was made so he didn't receive a parking ticket for ten years. This lasted until the City started enforcing the 2 a.m. to 6 a.m. regulation in the summer and he was told by the parking staff that it was a trial year and when he met on the block with a parking official the next year, he lost his parking. Mr. Whaley clarified his two issues being day parking all year long and night parking during

the summer. He leaves his house up to 12 times a day and looking for parking doesn't work for him. The error is staff presuming he has parking when he doesn't. Of the eight stated businesses on Park Avenue, only two face his block and none open before mid-day. In response to a question from the Mayor, he stated that he now has a C Permit for China Bridge, like Main Street residents, but he is different. Kent Cashel clarified that at Council's direction, staff offered Mr. Whaley an A Permit which would allow him to park on the west side between 9th and 12th Streets and he is not clear why he didn't obtain one, in addition to a C Permit. Mr. Whaley explained that he thought he had to choose one or the other and the A doesn't solve his problem. Mr. Cashel stated that Mr. Whaley simply wants parking restrictions lifted from in front of his house. Through illustration of a map, Mr. Whaley's house was identified as well as proximity to available parking. Ron Whaley noted that the parking spaces in the A Zone north of 9th Street are largely taken up by driveway entrances and residents living in the area. Parking on Woodside Avenue was again discussed.

Joe Kernan asked if he is able to provide off-street parking on his property and Mr. Whaley said *effectively* no and explained that the bulk of the right-of-way on Woodside Avenue lies to the west which leaves a tremendous amount of the unused right-of-way on the slope of the east side of Woodside. In order to get to his property from Woodside one would have to bridge 14 to 15 feet which would require a 30 foot structure to achieve grade on Woodside. This would be extremely expensive and probably not allowed by the City. Mr. Whaley stated that he physically cannot park in his yard which in part is due to the Woodside Avenue road reconstruction ten years ago which widened the street for improvements. The A Permit area, which allows overnight parking in the summer, was pointed out and Mr. Whaley stated the reason he didn't accept one was because parking is taken up by the residents and curb-cuts there. Joe Kernan noted that he often parks on that portion of Park Avenue but admitted there is competition for those spots later in the day. The number of parking permits allowed per household was discussed. Ron Whaley again argued that his situation is unique and Joe Kernan again addressed on-site parking which owners provide at their expense.

Mr. Whaley stated that he is not asking for anything more (than what others have) and Liza Simpson felt he is asking for more as many people in Old Town do not have parking or the parking afforded are blocks from their residences. He again expressed that he does not feel he is asking for an exception because his conditions do not match others. The residences on Main Street were built with a no parking requirement. Ms. Simpson indicated that there are residents in other parts of Old Town without off-street parking who often have to walk more than a block to find permitted on-street parking. Mr. Whaley is asking for his parking to be in close proximity to his house which is an exception and something that has not been considered for others. Ron Whaley recommended that the City grant them exceptions if the cases are reasonable as he feels his is. If he would have known 12 years ago that the City were taking his parking away, and that for ten years the staff agreed with him and stated they did not intend to take away his parking, evidenced by the ten years of which they acquiesced but for him asking for summer overnight parking, he would still be parking there. He submitted that

ten years of no problems is substantial proof that it works. He felt China Bridge parking would be better used by patrons of Main Street businesses.

Liza Simpson and Joe Kernan stated that they support staff's recommendation. Alex Butwinski felt that nothing has changed since the last time Mr. Whaley approached Council and he is comfortable with staff's recommendation. The Mayor understood that Mr. Whaley receives both an A and C Permit which was confirmed by Mr. Cashel. Dick Peek agreed with his peers. Cindy Matsumoto expressed that she would have been willing to look at a compromise but the consensus was not to create a special parking exception.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 11, 2011**

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, August 11, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Sayre Brennan, Public Improvements Inspector; Kirsten Whetstone, Planner; Dave Gustafson, Project Manager; Matt Cassel, City Engineer; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Presentation of a Resolution commemorating St. Mary of the Assumption's 130th Anniversary in Park City, Utah – Tom Grondalski spoke about the history of St. Mary's beginning in 1881 and its early charge in helping immigrants. The Mayor read the Resolution into the record and Father Stan Herba made comments.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 21, 2011

Alex Butwinski, "I move approval of the work session notes and minutes of the meeting of July 21st as corrected". Liza Simpson seconded. Motion unanimously carried.

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 under "Additional Discussion – Agenda Items"*)

1. Consideration of a Resolution commemorating St. Mary of the Assumption's 130th Anniversary in Park City, Utah - and
2. Consideration of acceptance of findings of fact, conclusions of law and order regarding the business license appeal heard on July 14, 2011 – Appellants Mike Sweeney and Heidi Hughes - Cindy Matsumoto, "I move we approve Consent Agenda Items 1 and 2". Alex Butwinski seconded. Motion unanimously carried.

VI NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

1. Consideration of authorization to the City Manager to execute a construction agreement for the re-construction of Bonanza Drive, Phase 3 with Lyndon Jones Construction Incorporated in a form approved by the City Attorney and in an amount not to exceed \$984,085 – Sayre Brennan explained that this is the third and final phase of the Bonanza Reconstruction Project, which will include landscaping, road sealing, sidewalks, color concrete, turning lanes, concrete planters, walkability bridge, striping and other final elements along the corridor. Some of these items are associated with Phase 2 and relate to obtaining easements from adjacent property owners. The easements were needed for the pedestrian tunnel, ramps to the tunnel and the relocation of Poison Creek. Two bids were received and the original estimate was \$1,473,209. He explained that In addition to the construction agreement staff is also seeking budget direction for operation maintenance for the new planters. The annual cost is estimated to be \$2,789 and two options for funding this are available. One is to increase the Public Works budget for FY2013 and the second is to shift the costs from the planters on SR248 that were recently removed to Bonanza Drive which is staff's recommendation. The \$2 million price for Bonanza Tunnel was detailed by Heinrich Deters in response to questions from Alex Butwinski. A majority of Council members wanted the wire mesh added to the east side entrance and stream flow was addressed. The Mayor invited public input. There was none. Alex Butwinski, "I move we authorize the City Manager to execute a construction agreement for the reconstruction of Bonanza Drive Phase 3 with Lyndon Jones Construction Incorporated in a form approved by the City Attorney and in an amount not to exceed \$984,085". Liza Simpson seconded. Motion unanimously carried.

2. Consideration of approving an Ordinance approving the Condominium Plat located at 333 Main Street, Park City, Utah – Kristen Whetstone described the application to provide two condominium units to allow separate ownership and the renovation of the Main Street Mall in phases. The Planning Commission has forwarded a positive recommendation. She explained square footage allowance in response to a question from Dick Peek. The Mayor opened the public hearing but with no comments, closed the hearing. Liza Simpson, "I move we approve the condominium plat located at 333 Main Street". Alex Butwinski seconded. Motion unanimously carried.

3. Consideration of a Memorandum of Understanding and City Services Contract for the 2012 Sundance Supplemental Plan – Dave Gustafson explained that the Miners Hospital has been used by the Sundance Institute since 2005 for a volunteer lodge, and the New Frontier. With space being tight at Silver Star, an expansion of the lease is requested from November to the end of February for administrative use by staff. This would be 17 days longer than last year when it was the New Frontier. Existing tenants can remain in the building. Tenant improvements were discussed and Mr. Gustafson stated that the building will remain in tack. The Mayor opened the public hearing; there were no comments and the public hearing was closed. Liza Simpson, "I move we approve the Sundance Film Festival 2012 Supplemental Plan to the Miners Hospital lease". Dick Peek seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Joan Card, Environmental Regulation Manager; Jason Christensen, Legal Intern, Michael Kovacs, Assistant City Manager; Phyllis Robinson, Public Affairs Manager; Jed Briggs, Finance Analyst; Thomas Eddington, Planning Manager; Jim Blankenau, Environmental Regulation Program Manager; and Mark Harrington, City Attorney. Dick Peek, "I move to close the meeting to discuss". Cindy Matsumoto seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Liza Simpson, "I move to open the meeting". Joe Kernan seconded. Motion unanimously 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 Janet M. Scott, City Recorder

