



PARK CITY COUNCIL MEETING MINUTES

SUMMIT COUNTY, UTAH

June 11, 2015

CLOSED SESSION

To discuss Property, Personnel and Litigation

WORK SESSION

Council Questions and Comments and Manager's Report

Council member Matsumoto reminded everyone of the Library opening on Saturday June 13th and the Home Tour also on Saturday.

Council member Beerman stated he and Liza took a tour of the houses on 1450/60 houses and found them in bad shape. Attended Mountain Accord meetings as well as the Historic Park City and the Hwy 40 Wildlife Corridor ribbon cutting ceremony.

Council member Henney attended the Park Silly Sunday Market, the Mountainlands Community Housing trust meeting as well as the Wildlife corridor ribbon cutting ceremony as well. Inquired about a Bob Wells memorial plaque being placed at the City Hall Plaza. Council agreed that this should go through the staff protocol.

Council member Simpson attended a JTAB meeting, stated that she was interviewed for the TV show "The County Seat". Thanked Rhoda for the house tour. And attended the County Council work session with City Manager Foster.

Mayor Thomas attended the US 40 wildlife ribbon cutting event. Attended the "What's Next" discussion on KPCW with Council member Henney.

Old Town Curbside Performance Budget Park City's Old Town Neighborhood

Matt Abbot, Michelle Downard and Gabe spoke to Old Town toters. Downard stated this item came to the building/enforcements attention after the budget season and she is requesting a priority level be set to see if it should proceed outside the budget process. Council agreed that labeling is the key to a step towards enforcement but would like to wait for the FY 2016 budget process. Mayor Thomas opened the floor for public input. Hope Melville stated that she feels there are two issues one contamination and one labeling of the cans. She feels that if there is a label on the can it would deter people from leaving the toters on the street. Also spoke to the orphan cans asking if staff would promote the labeling system and then pick up blank cans to

rid the street of the clutter. She also spoke to the contamination of the recycling.

Paul Beesom, Old Town Resident, stated that this problem is created because of the big bins and the addition of the recycle bins. Stated that he watched the street sweeper go up and down the street and saw that it was ineffective due to the toters. As well as a safety issue with the narrow streets. Suggested community outreach using KPCW and the Park Record asking residents to clean up the streets. Spoke to the bin sizes and a remote location for dropping off trash and opting out of the pick-up program.

Becca Gerber shared two personal experiences stating that she ends up moving all the cans from nightly rentals back to the proper residents.

Council member Beerman stated that he feels like this is Groundhog Day!

McPolin Barn Preservation Update

Matt Dias, Assistant City Manager, Jonathan Weidenhamer, Economic Development Manager; Denise Carey, McPolin Barn and Golf Coordinator and Brett Goodman with BHB Engineering spoke to the McPolin Barn improvements. Dias stated that there is a budget request \$800,000 following direction from the February 2015 work session discussion. Thomas states the fix that was made 25 years ago was just a solution to keep it from falling over and feels there needs to be a more aggressive plan to stabilize it and remove the cables which might be doing more damage than good. Matsumoto states she doesn't want the look of the barn to change, inside or outside and is concerned about the mention of using steel in the analysis. Goodman states there are ways to wrap the steel in wood or make it less visible and intrusive. States the upgrades are challenging since most of what they would be doing will be visible. States they feel getting to code level is the best way to go. Dias reminds Council will have many more opportunities to discuss the options before any changes are made to the barn. Simpson thanks Staff for all their hard work and fully supports their direction. Is willing to spend more money but doesn't want to go in that direction until we have heard from the community about how they feel the barn should be used. Carey states they have had over 460 public comments on the survey that reflect their desires to hold more public events and be able to go inside the barn. Beerman agrees with Matsumoto to reserve the historic look and is interested in hearing public comments. Goodman states the outbuilding across the street is in need of work to be stabilized. The west facing barn wall is getting weak from wind blowing on it -- states those are the 2 most critical areas that need immediate attention. Weidenhamer states they have confirmed with BHB that the barn is not in immediate danger of falling over or being dangerous.

Sundance Business License Process

Rebecca Gillis, Finance Manager and Michelle Downard, Deputy Building Official, gave Council an update from last Sundance and spoke to next steps for the upcoming 2016 Festival. The biggest issue from this year was the late applicants - 400 hours of overtime; 650 hours total w/additional staff were spent on late applications. Staff stated 101 permits were applied for within the last week before the festival. Staff is still anticipating the same number of late applicants and are proposing the designed occupancy load to be required at time of application, special meeting to be held on or before 1/19/16 and an additional fee of \$76 per application to be heard at a special meeting to cover costs. Gillis explained how they arrived at the \$76 dollar fee based on this past year's costs. Council member Beerman asks for clarification on the rule that doesn't allow the city to shut down a

business unless there is life-threatening danger. City Attorney Harrington explains why just shutting down businesses without a paper license is not legal. Council member Beerman states he feels we are not hard enough on chronic abusers who skirt the licensing law. Gillis states violators who haven't paid past fines can be denied future licenses. Council member Simpson asks how we track abusers and hold the right people responsible. Harrington explains it varies under the circumstances and depends on the nature of the citation and other factors. Council member Beerman tells about repeat offenders he is familiar with and asks how we stop them. Harrington explains individual applicants who violate the law can be flagged and given stricter compliance regulations but warns against having a one strike and you're out, black and white rule. Council member Henney asks if repeat offenders are easy to track and is there concern from Staff about them. Downard explains individual tracking can be difficult due to name changes, entity changes, etc. Kurt Simister explains there are repeat offenders who show up in different organizations or hide behind front men. Council member Simpson addresses concern about all steps that have to take place after Council approval and asks if Council approval can be done at the very end of the process to alleviate the workload on Staff. Simister states all the requirements are to promote safety and that that should be the focus. Gillis states there are some code issues that have to be worked through first to arrange that. Council member Matsumoto suggests Staff be flexible with the process as it is hard for the public to understand all the steps and the order they should go in. Downard states Staff understands the difficulty and is flexible. Council member Henney agrees with Simpson but asks for Staff's opinion as they would know best how the process can be made better. Council member Beerman expresses frustration with the process changing from year to year and frustration with Staff focusing on small matters instead of real-life solutions. Simister states they are seeing 30% increases in tag-on activities and that the last 10-day rush is due to promoters looking for ways to cover tag-on activity costs. Council member Matsumoto asks if anyone applies early for a pre-inspection. Downard states yes there are some who apply, which allows Staff to address safety issues up front instead of at the last minute. Foster states Council can send a strong message by not agreeing to hold a special meeting, which would reflect their concern for Staff's time as well. Council member Simpson feels there's no way to avoid a special meeting since there will always be applicants having to apply late due to events beyond their control. Council members Henney and Matsumoto asked about 1 bathroom per 40 people code requirement. Chief Building Official Chad Root says the intention was to avoid having Main Street lined with port-a-potties. Council member Matsumoto says having a bank of port-a-potties on the street might not be a bad idea since festival-goers are out on the street anyway. Foster clarifies that last year we communicated to business owners and had them sign a form stating they would need to solve their bathroom situation per international code requirements. Council member Henney states he feels lines of people waiting outside a venue to get in would constitute a need for the port-a-potties. Council member Simpson feels the City should not be responsible for paying for the port-a-potties but people should have the option to step up and pay for them themselves. Council member Matsumoto states she is in favor of limiting occupancy based on bathroom needs but also feels we should look at ways to provide proper bathroom facilities for the crowds but is not sure who the responsibility falls on. Council member Beerman states he feels we should provide additional bathrooms for the crowds but that adding a bathroom to a building just for the festival may not be feasible for a lot of owners. Council member Simpson feels business owners who didn't apply for a bathroom hardship waiver last year should be allowed to apply for one next year. Weidenhamer recommends we limp through

the bathroom issue for a few more years until more public restrooms are available on Main Street. Root states about six owners applied for a bathroom hardship and about eight business owners added bathrooms for the festival. Mayor Thomas states he feels if people want to play they should pay; in other words, if they depend on the income from Sundance, they should figure out a bathroom solution, states he liked the direction Staff was headed with the code requirement. Council supports recommendations one through five and asks Staff to come back on six. Event Staff will look at city-funded port-a-potties and recommendations.

Community Engagement Update

Phyllis Robinson, Community Affairs Manager, Craig Sanchez, Sustainability and Elizabeth Quinn-Fregulia, Sustainability, spoke to engagement activities they have been working on such as the "What's Next" forum, Library grand opening, Public Office seminar and beautification projects around town. Quinn-Fregulia spoke about the Community Newsletter and their three-pronged approach of revamping it. Three prongs are the look, they came up with a new template that really pops; the content, they thought of ways to make it more than just regurgitating what is on the radio such as having the people involved tell the story to enliven and better illustrate each story; and third the delivery platform. Quinn-Fregulia reports their open and click-through rates for newsletter readership have increased in the three months they've made these improvements. Results show people are interested in who's working for the city and what they're doing for the city. Total distribution rate is about 3,000. Council member Simpson states Staff has done a fabulous job revamping the newsletter and is thrilled they have an editorial calendar. Council member Henney reports he noticed the new look and was drawn in to read the stories. Council member Simpson suggested reaching out to HOAs and second-home owners to get the newsletter in their hands. Council member Beerman loves the new look and personal touch, suggests signing people up for the newsletter at upcoming community events. Sanchez discusses "Let's Talk Park City" by Mind Mixer launched a few years ago and states they are trying to do more public participation with community check-in activities that allows community to engage and give their feedback, opinions, etc. States they are looking to get better demographic data from Mind Mixer. Discussed the survey they did this spring that asked four questions regarding priorities such as environmental conservatism, how well are we doing, continuing open space and managing growth and an open comment. Several top comments addressed concerns about becoming a resort area with not many locals left, confusion on where we're headed with growth, environmental concerns, affordable housing.

Robinson addressed community outreach efforts in Lower Park Avenue regarding topics such as housing, community services, city-owned land, childcare and re-opening of the library which serves as an anchor to that neighborhood. States Staff will present a set of development alternatives to Council on July 16th and will return to Council for recommendation on an approach following the July 13-16 Design Studio. Robinson discussed the National Citizen Survey her team will be heading up again this year asking Council if they are interested in Staff sending out the survey with the yellow envelopes again. Council concurred. Council member Simpson states she is not interested in talking about additional activities since we are loaded up right now, but would like to add to the survey a question about why people don't ride the bus. Council member Henney states he likes being able to interact with people in their own neighborhoods and would like to have

more opportunities to do more activities like that. Council member Simpson states she likes the table at the supermarket idea in getting feedback. Council member Beerman states we may be surprised at how many people will be coming in to use the space in the new library and is excited for that new demographic asking about information gathering from the community and ways to expand on that. Council member Henney asks about the tapping into non-profit group databases to communicate information to them and get them involved. Council thanked Staff for their outstanding work, especially with the newsletter. Mayor Thomas asks about best methods on reaching all cross-sections of the community. Robinson states they try to use all avenues of communication in order to reach as many residents as possible.

Park City Fire Ban

Hugh Daniels, Emergency Management Manager, sitting in for Chief Wade Carpenter, Kurt Simister Deputy Fire Marshall and Chat Root Chief Building Official discussed the possibility of a fire ban. Root states he wishes to clear up urban legends regarding fire bans. States recreational fires are allowed on a portable device in their backyards. States fire code official has the authority to put a fire ban in place if necessary without going to Council. Ban would be for solid fuel burning devices only. At that point they would do public outreach and communicate to Council their decision. Simister clarifies propane tank grills used at single-family dwellings do not need permits; however grills on combustible decks in apartment units, for example, do require permits. Root clarifies they do not have the authority to declare a ban on ignition source fires without an ordinance from Council, only on solid fuel burning devices. Council member Beerman asks if Council would later be able to disagree with an ordinance they pass on fire bans, to which Staff concurs that Council would be able to supersede their decision. Root continues by saying Staff recommends prohibiting fireworks on Class C fireworks except on days they specify. Council agreed that staff should move forward on a fire ban. Staff will bring this item back to Council on June 25th.

REGULAR MEETING

6:00 PM

- I. **ROLL CALL-** Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6:00 p.m. at the Marsac Municipal Building on Thursday, June 11, 2015. Members in attendance were Jack Thomas, Andy Beerman, Liza Simpson, Tim Henney and Cindy Matsumoto. Dick Peek was excused. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Marci Heil, City Recorder; Karen Anderson, Deputy City Recorder; Clint McAfee, Water and Streets Manager; Kirsten Whetstone, Senior Planner; Adrian Juarez, Library Director; Jonathan Weidenhamer, Economic Development Manager; Jenny Diersen, Special Events.

Clint McAfee, Water and Streets Manager, informed Council that they need to continue consent item #3 to next week and schedule as a Water Service District meeting.

Adriane Juarez, reminded Council of the Library grand re-opening Saturday and presented the Council with Book Brigade pins.

III. PUBLIC INPUT (ANYMATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Bill Humbert stated that one thing he judges people on is listening to what they say and watching what they do and he can verify that Council member Henney rides the bus. He then spoke to the work force housing issue suggesting an addition of housing to the brew pub lot. Mayor Thomas thanked Bill for his comments and reminded everyone that affordable housing is a top priority.

IV. CONSENT AGENDA

1. Consideration of Amendment No. 1 to Forsgren's Contract for Park City Heights Inspection Services for public improvement inspection services in the amount of \$50,960 for the Park City Heights Development project.
2. Consideration of a Construction Agreement for Little Bessie Storm Drain Improvements Project with B. Jackson Construction in a form approved by the City Attorney and for an amount of \$243,069.
3. Consideration of a Second Amendment to the Agreement Between Mountain Regional Water Special Service District, Park City Water Service District, and Summit County Regarding Implementation of the Summit County Project, in a form approved by the City Attorney
4. Olympic Day Proclamation

**Council member Simpson moved to pull item number 2 and 4 off the consent agenda and removed number 3 off the agenda as it will come back next week during a Water Service District meeting.
Council member Matsumoto seconded
Approved 4-1 Peek excused**

**Council member Beerman moved to approve Consent agenda #1
Council member Matsumoto seconded
Approved 4-1 Peek excused**

Consent item #2 discussion continued. Simpson inquired about the 57,000 charge for removing soils and how much less it would cost if there was a close landfill that would accept contaminated soils. Cassel stated that it would be much less.

Consent item #3 is continued to the June 18th Water Service District meeting.

**Council member Simpson moved to approve Consent item #2
Council member Matsumoto seconded
Approved 4-1 Peek excused**

Consent item #4 was discussed. Council member Simpson inquired about adding the language of "sexual orientation" to the regardless Whereas. Council was split 2-2 and Mayor Thomas agreed to move the proclamation through with staff working with the Olympic Committee to add the proposed language.

**Council member Matsumoto moved to approve Consent item #4
Council member Beerman seconded
Split 2-2 Approved with Mayor's tie breaker vote
Aye- Matsumoto, Beerman, Mayor; Nay- Simpson, Henney; Excused- Peek**

V. OLD BUSINESS

1. Public Comment Water Elevation Based Surcharge

There were no comments made.

2. Public Comment Regarding Mountain Accord Interlocal Agreement

Neil Krasnick, resident, stated that he was reading through the Mountain Accord online following last week's meeting. He went through his items including: survey questions and other options for mass transit up Parleys. He outlined his comments and provided a copy to Marci for the minutes.

Bill Humbert stated that he has two quick thoughts, inquired if the transportation study has been taken off the table. Beerman stated that the NEPA study has been removed but a different study will be done to look at economic impacts of the surrounding communities. Humbert stated that he does not support connection as both sides are destinations. He does support Mountain Accord however he does have concerns with the special interest groups and would like reassurance that Council/Park City/Summit County can say "no" at any time.

Council member Beerman followed up on the questions from last week stating that there was a vote of the Executive Board to remove Guardsman from any further Winter Activity.

VI. NEW BUSINESS

**Council member Simpson moved to consider new business item 2 prior to item 1.
Council member Beerman seconded
Approved 4-1 Peek Excused**

2. Consideration of the 327 Woodside Amended Subdivision Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney.

Planner Whetstone stated that the applicant is requesting to combine the two lots of record into one lot with a 7 foot setback on the lot without the historic home. Planning Commission forwarded a positive recommendation and staff recommends that the findings of fact start on number 1 and the 7b condition should read North side.

Mayor Thomas opened the public hearing. No comments were made. Mayor Thomas closed the public hearing.

**Council member Simpson moved to approve the 327 Woodside Amended Subdivision Pursuant to Findings of Fact, Conclusions of Law and Conditions of Approval in a Form Approved by the City Attorney with amendments. Council member Beerman seconded
Approved 4-1 Peek excused**

1. Consideration of the Following Library Policies: Room and Facility Policy for Public Gathering Areas and Rooms in the Building; Library Room and Facility Policy for Rooms Within the Library Proper; Dedication and Donation and Gifts Policy; Library Patron Behavior Policy; Delegation of Said Policies to the Library Director.

Adrian Juarez, Library Director, Jonathan Weidenhamer, Economic Development Manager,

Jenny Diersen, Special Events, Margie Schlessner, Incoming Board President, Allison Butz, Outgoing Board President appeared before Council. Weidenhamer gave an update asking Council the following: If existing administrative policy on naming of public areas was sufficient; To approve a policy for ongoing dedication of library spaces and acceptance of donations and gifts; To approve a room or facility use and rental policy for the public gathering rooms within the building but outside the library proper; To consider the informational update on new administrative policies, and to delegate the administration of the policies related to room use and dedication of library spaces to the Library Director.

Mayor Thomas thanked the library staff for all their hard work on the new library. Council member Simpson echoes Thomas' sentiments and thanks staff for their hard work, especially on accepting donations and naming of facilities. Asked that they change the language regarding banning of patrons, change the secondary appeal to be the decision of the City Manager instead of library staff, as it has the potential to be a headache for library staff. Library staff agreed with Simpson.

Mayor Thomas opened the public hearing. There were no comments made. Mayor Thomas closed the public hearing.

**Council member Matsumoto moved to approve the Following Library Policies:
Room and Facility Policy for Public Gathering Areas and Rooms in the Building;
Library Room and Facility Policy for Rooms Within the Library Proper;
Dedication and Donation and Gifts Policy; Library Patron Behavior Policy;
Delegation of Said Policies to the Library Director
with the change to the appeal process.
Council member Simpson seconded
Approved 4-1 Peek excused**

VII. ADJOURNMENT

**Council member Beerman moved to adjourn
Council member Henney seconded
Approved 4-1
Peek excused**