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

June 6, 2019

The Council of Park City, Summit County, Utah, met in open meeting on June 6, 2019, at 2:00 p.m. in the City Council Chambers.

Council Member Ware Peek moved to close the meeting to discuss property 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 Joyce moved to adjourn from Closed Meeting at 3:05 p.m. Council Member Worel seconded the motion.

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

WORK SESSION

Discuss Historic Park City Alliance (HPCA) Contract Renewal:
Mindy Finlinson, Accounting Manager, and Beth Bynan, Business Licensing Specialist, presented the contract extension for HPCA Business Improvement District and amendments to the scope of services. Finlinson presented a background on the contract and explained that although the draft language in the packet was not finalized, no material changes were expected. Finlinson explained the amendments were due to increased bid collections remitted to HPCA since 2016. Staff wished to clarify deliverables, and provide transparency on how funds were spent.

Council Member Worel noted the language outlining expectations for communication did not define deliverables. Finlinson agreed and noted staff had added detail to the revised scope.

Jonathan Weidenhamer, Economic Development Manager, stated the primary goal was to define HPCA's role as liaison between merchants and the solid waste provider. He cautioned against over prescribing the scope and recommended keeping the language flexible so it could be applied on a case-by-case basis.

Council Member Gerber asked if the $100 fee per Convention Sales License (CSL) during the Sundance Film Festival could offset trash collection costs to Main Street businesses during the year. Finlinson clarified that was a separate $100 payment to the public collected by Republic Services. Weidenhamer clarified that the CSL fee supported an enhanced level of service during the film festival, not a subsidy for day-to-day solid waste costs.

Mayor Beerman asked why the City did not write one check to Republic Services. Bynan clarified temporary businesses did not pay the City because they were not the service provider; they submitted a receipt from Republic Services as proof of payment.

Council Member Joyce wondered if public outreach could be HPCA's role and added to the scope. Weidenhamer responded that the primary concern was defining expectations for solid waste, not supporting communications. HPCA exceeded expectations in their liaison role and staff supported an extension of the current contract. He responded to Council Member Joyce that the City had intensified outreach efforts since the original contract with HPCA was signed. Council Member Joyce noted the district had expanded and the map was incorrect. Mayor Beerman spoke to the strength of the program.

Council Member Ware Peek felt the key was collaboration and could start during business licensing by communicating that HPCA was a representative, and the need for an email account on file. Bynan recommended a one pager.

Michael Barille, HPCA Executive Director, offered to answer questions. He supported specificity in the contract to define expectations and for succession planning. He stated HPCA was small, and saw its role as a convening group and to monitor Main Street perspectives to guide City outreach. He offered to engage in a conversation about different approaches for a future contract.

Council Member Gerber asked Barille if he felt compensated for his time. Barille suggested the role was becoming more involved than it was structured in the original 2009 contract. The HPCA Board wished for funding from matching grantees or events such as Silly Market to improve programming. He stated staff had been helpful in explaining the process to increase the bid in the future.

Council Member Gerber wondered if the business district's parking concerns needed to be clarified in the scope. Barille agreed the scope had evolved beyond solid waste management. Council Member Ware Peek referenced the Downtown Bozeman

Partnership and mentioned Barille had picked up trash that was overflowing in the off season; Barille replied it was an example of overly restrictive language in the scope. Barille confirmed HPCA received $40,000 per year from the parking meters per their contract in addition to local grant funding.

The Council was supportive of existing redlines, a one year contract extension, and possibly identifying Council liaisons to HPCA to discuss future changes to the bid.

2019-2020 City Manager's Recommended Budget: Presentation and Review:
Jed Briggs, Budget Operations & Strategic Planning Manager, Nate Rockwood, Director of Redevelopment & Capital Management, and Todd Anderson, Budget and Performance Analyst, presented this item. Briggs stated Housing Resources and Special Service Contract recommendations would be discussed.

Rockwood clarified debt service payments - Interfund Transfers (IFTs) would be represented in the final budget. He recommended splitting funding of the Downtown Access and Circulation Plan between the Lower Park and Main Street Redevelopment Agency (RDA), Economy Development and the Transit Fund. The Council was supportive.

Rockwood recommended an uphill snow gate on Marsac Avenue. He also clarified the correct summary for the Public Works remodel was $1.6 million, not $3.2 million. Clint McAfee, Public Works Director, stated the project was $1.8 million to remodel the area next to the salt sheds including office space and noted the project costs were estimates.

Corey Legge, Public Improvements Engineer, explained the Marsac gate would be used by law enforcement to close Marsac Avenue during events or heavy snow. The existing gate was located at Chambers and Prospect Avenues, and a second gate on lower Marsac would mitigate queuing at the existing gate and allow vehicles to turn or use alternate routes. Legge clarified the gate location. Council Member Ware Peek asked if it would divert traffic onto Hillside Avenue. Legge stated there was room for vehicles to turn around. Council Member Gerber asked how often they closed the upper gate, to which Legge responded not very often, and there was a gate at the top.

Rockwood indicated the gate was not currently funded and asked Council if they recommended funding it. Council Member Worel asked if it was necessary since the other gates were rarely used. Legge explained there were traffic backups and the cars couldn't turn around. A map of the location was requested and Mayor Beerman requested a police report on how often the gate was closed. Council Member Joyce wished to review the request alongside other projects for funding considerations, and was concerned about diverting traffic into neighborhoods.

Briggs presented items for future discussion: the FIAR Schedule, long term Transit financial planning, City contributions to County services, and increases in Full Time Equivalents (FTEs). He discussed Ice Arena fees and Ice staff's desire to reduce its subsidy. Mayor Beerman requested Amanda Angevine, Ice Arena General Manager, return during a regularly scheduled update to provide an update on this topic specifically.

Mayor Beerman opened the meeting for public input.

Jocelyn Scudder, Managing Director of the Park City Summit County Arts Council, thanked the Council for their support through a special service contract and process. She clarified that their project proposal for a publication relied on all of the deliverables outlined in the request for proposal (RFP), not just one. She also indicated the $19,000.00 request would be largely paid out to independent contractors.

Alex Butwinski, Park City Summit County Arts Council board member, invited the audience to an Arts Council event that night. He gave feedback that the expectations were not clear. He stated he was a proponent of budgeting for outcomes. He requested the Council respond to his questions and comments on the record at the next Council meeting. He congratulated Council Member Henney on a ladder crawl.

Council Member Joyce clarified the special service contract award process and proposed a meeting to clarify deliverables for the Arts Council's proposal. Council Member Worel agreed.

Mayor Beerman closed the public input portion of the meeting.

Anne Laurent, Community Development Director, explained Housing Resources. She explained housing issues were becoming land use issues. She stated they had hired a consultant to ensure compliance with state laws.

Laurent wished to ensure staff engagement with current trends and requested operational funds for professional development and future Land Management Code amendments. She explained outside legal counsel was needed as Park City was leading innovative approaches in housing and updating deed restrictions.

She spoke to expediting projects with a temporary contract project manager. She explained the decision for a contract position, which would be funded by the project rather than the General Fund.

Council Member Gerber was concerned about the demands on affordable housing as a critical priority. She asked if current resources and level of staffing were sufficient for the

Council's 800-unit goal. Laurent looked to the Council to advise if staff was not meeting goals and responded that support could be fostered through partnerships. She clarified staff was going as fast as they could go.

Mayor Beerman suggested bringing contractors and service providers in-house. Council Member Gerber urged staff to communicate their needs to reach the 800-unit goal. She felt falling short of the goal was unacceptable. Laurent stated funding needs were specific to development. Council Member Joyce felt funding needed to go hand in hand with identifying development opportunities and partnerships.

The Council discussed special service contracts. Council Member Worel explained the committee relied on the criteria in the RFP to distribute a finite amount of money. Council Member Joyce added the RFP format for applicants was helpful to the process.

Council Member Gerber referred to the childcare and development proposal, and asked about after care programs. Council Member Worel responded that after care programs were for children older than the age range specified in the RFP. Council Member Henney asked if there were proposals from Phase 1 that could be applied to Phase 2. Council Member Worel responded the gaps analysis by the Park City Community Foundation would drive Phase 2 of the RFP and would be addressed.

Council Member Joyce added they asked applicants not to return with the same request for the remainder of requested funds. He preferred issuing the RFP on a two year cycle to allow time for project implementation and to reduce applicant workload. Council Member Worel agreed and felt some applicants assumed they would receive funding each year, and a two year period ensured two years of funding for them.

Council Member Ware Peek wondered if a one year process would provide more funding opportunity for community initiatives tied to social equity. Council Member Worel clarified they were not recommending a two year cycle at this time, but in the future.

Council Member Ware Peek asked if the amount allocated for Phase 1 was enough. Council Member Worel wished she could have funded all of the proposals. Council Member Joyce noted many of the Phase 1 proposals fell into social equity. Council Member Worel stated they learned about how to be more specific in the wording of the next RFP.

Council Member Henney asked if they considered reallocating applicants to Phase 2: social equity to free up Phase 1 funds. Council Member Joyce explained Phase 1 applicants were defined as providing basic needs and the process would be refined the following year. Mayor Beerman added the social equity needs assessment would be a resource the following year. Council Member Joyce expressed that having Heinrich Deters, Trails and Open Space Manager, in the meeting was helpful.

Mayor Beerman told the Council the budget items identified for further discussion would be agendized for the mid-year retreat or in future work sessions.

Discuss Memorandum of Understanding (MOU) with Summit County Health Department for Continued Financial Contributions with Regard to Mental Health Services:

Jed Briggs and Summit County Director and Health Officer, Richard Bullough presented this item. Bullough explained that the position had started as a contract position and was now a full-time position with Summit County. He stated the goals of the position were in line with social equity and the recommendations by the Board of Health.

Council Member Worel asked about fundraising requirements of the position. Bullough gave a history of the position and that its capacity was growing. The expectation was that the position paid for itself indirectly through funds raised for programming. Council Member Joyce asked about other positions with a fundraising component. Bullough confirmed it was common at both the state and local level and was facilitated through community partners.

Council Member Ware Peek asked if the City's contribution was considered fundraising. Bullough replied it was a contract. Council Member Henney asked Briggs which County services the City contracted for. Briggs replied dispatch, library, transit, senior services and ice. Council Member Henney questioned the City's role in funding a County position or employee and requested further explanation. He requested a seat on the Board of Health because Park City taxes made up a lion's share of Heath Department funding. Council Member Worel explained per the contract, the City had a seat on the Mental Wellness Alliance executive and steering committee. Bullough confirmed no municipalities had a seat on the Board of Health. He noted there was not a dedicated Health Department tax. Council Member Joyce added that position funding was not asked of other municipalities in Summit County. He did not wish to fund the position, but only programming within 84060.

Bullough proposed a subgroup assess specific programs to formalize the outcomes specifically. Council Member Gerber asked if that would mean opting out of funding some programs. Bullough addressed the perception that efforts were being focused on the east side and addressed programs that were specific to 84060. He stated he was open to providing programming in different areas as identified.

Council Member Ware Peek felt having a seat at the table was fair. She felt service outside of Park City was appropriate. She asked Bullough if positions or programs were more difficult to fund. Bullough confirmed Communities that Care was not directly funded by the County, but was supported through partnerships, and indicated programs were easier to fund. For that reason, Council Member Ware Peek supported funding the position. She encouraged everyone with children to participate in the Guiding Good Choices program though Communities that Care.

Council Member Worel asked about the dedication of funds raised. Bullough clarified that funds were restricted within the General Fund for behavioral health services. He replied to Council Member Henney that the budget for behavioral health services was about $6.5 million and many were federal Medicaid dollars. Bullough concluded that staff was planning to restructure the mental health initiative at the County in winter 2020.

The Council thanked County staff for their work and expressed their support to fund it. Council Member Worel and Ware Peek offered to meet with Bullough to discuss further.

REGULAR MEETING

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 Matt Dias, Assistant City Manager Margaret Plane, Special Counsel Minda Stockdale, Deputy City Recorder	**Present**
None	**Excused**

II) APPOINTMENTS

<u>Consideration to Appoint Deanna Rhodes and Thomas Horton (alternate) to the Citizen Member Position on the Police Complaint Review Committee, with a Term Beginning July 1, 2019:</u>
Michelle Downard, Resident Advocate, recommended appointment and introduced Rhodes.

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

Council Member Henney moved to appoint Deanna Rhodes and Thomas Horton (alternate) to the Citizen Member Position on the Police Complaint Review Committee, with a term beginning July 1, 2019. Council Member Joyce seconded the motion.

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

III) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Staff Communications Reports:

1. **Backhoe Report - June 2019:**

Mayor Beerman requested the report be organized by street, followed by city projects and construction projects. Council Member Ware Peek suggested organization by neighborhood.

2. **Task Force Formed- Historic District Design Guidelines:**

Council Member Henney was impressed by the members of the task force. Downard commented that staff was developing the task force and wished to ensure it was progressing as the Council envisioned it. She welcomed a Council liaison to the task force if desired and recommendations for additional members. Council Member Worel reported the Historic Preservation Board wished to see a preservationist represented. Mayor Beerman suggested members live within the district. He recommended Council Member Worel as Council liaison. Council agreed.

3. **2019 Spring Runoff Update:**

Council Questions and Comments:

The Council members reviewed the events and activities they participated in since the last meeting.

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.

Diego Zegarra, resident, read a statement in support of affordable housing.

Thomas Horton, Prospector resident, spoke as an advocate of affordable housing. He urged the Council to disperse common myths about affordable housing. He stated there was a myth of density related to the Woodside project. He indicated guaranteed density of the deed restricted units actually ensured lower density than market rate units would be. He stated the Vail parking lot developments would be impactful and require mitigation. He encouraged the neighborhood to overcome opposition to inevitable development.

Maureen Moriarty, 1259 Norfolk Avenue resident, reported she was the only full-time resident in her neighborhood. She stated the traffic on Norfolk was extreme. She asked the Council to consider safety when considering the Woodside project.

Mayor Beerman closed the public hearing. City Manager Foster noted public input for Woodside Park Phase II was on the New Business agenda.

V) CONSENT AGENDA

1. Referral of Any Appeal of the Woodside Park Phase II Conditional Use Permit and/or Master Planned Development approved on May 23, 2019, to the Board of Adjustment Pursuant to Land Management Code 15-1-18(C):

Mayor Beerman noted the Council had received public input regarding Item 1.

Council Member Ware Peek moved to approve Item 1 on the Consent Agenda. Council Member Henney seconded the motion. Special Counsel Plane suggested the Council explain the public input they received for the public.

Council Member Ware Peek withdrew her motion and Council Member Henney withdrew the second. Council Member Worel moved to pull Item 1 off the Consent Agenda. Council Member Joyce seconded the motion.

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

1. Referral of Any Appeal of the Woodside Park Phase II Conditional Use Permit and/or Master Planned Development approved on May 23, 2019, to the Board of Adjustment Pursuant to Land Management Code 15-1-18(C):

Hannah Tyler, Senior Planner, explained the appeal from Douglas Lee, resident. She stated the appellant had submitted a request for an appeal panel. She presented the appeals process and options for the Council.

Council Member Worel asked what the process was to appoint an appeal panel. Plane explained the process outlined in Park City Code 15-1-18. Mayor Beerman and Plane explained that the process had been developed for the Treasure Hill project. Council Member Joyce felt it was the Board of Adjustment's (BOA) role and was not in favor of a panel.

Council Member Ware Peek moved to approve the referral of any appeal of the Woodside Park Phase II Conditional Use Permit and/or Master Planned Development approved on May 23, 2019, to the Board of Adjustment pursuant to Land Management Code 15-1-18(C). Council Member Worel seconded the motion.

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

VI) NEW BUSINESS

1. Consideration to Approve Ordinance 2019-32, an Ordinance Approving the Woodside Park Subdivision Plat- Phase II, Located at 1323 Woodside Avenue, 1361 Woodside Avenue, 1302 Norfolk Avenue, and 1330 Empire Avenue, Park City, Utah:

Hannah Tyler, Senior Planner, and Jason Glidden, Housing Manager and applicant, requested continuation of the item until the appeal was heard for the Master Plan Development (MPD) application.

Council Member Worel asked how long an appeal took. Plane responded it depended on the determination of the BOA. Tyler reminded the Council they had final authority on the plat which would not be impacted by the outcome of the MPD.

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

Council Member Joyce moved to continue Ordinance 2019-32, an ordinance approving the Woodside Park Subdivision Plat- Phase II, located at 1323 Woodside Avenue, 1361 Woodside Avenue, 1302 Norfolk Avenue, and 1330 Empire Avenue, Park City, Utah to a date uncertain. Council Member Ware Peek seconded the motion.

RESULT: CONTINUED TO A DATE UNCERTAIN
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

2. 2019-20 City Manager's Recommended Budget
Todd Andersen, Budget Analyst, presented this item and stated a public hearing was required.

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

Council Member Gerber moved to continue 2019-20 City Manager's Recommended Budget to June 20, 2019. Council Member Worel seconded the motion.

RESULT: CONTINUED TO JUNE 20, 2019
AYES: Council Members Gerber, Henney, Joyce, Ware Peek and Worel

3. Consideration to Approve Resolution 12-2019, a Resolution Re-Adopting the Fee Schedule; and Replacing and Repealing Resolution 31-2018 In Its Entirety:
Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Worel moved to approve Resolution 12-2019, a Resolution Re-Adopting the Fee Schedule; and Replacing and Repealing Resolution 31-2018 In Its Entirety. Council Member Joyce seconded the motion.

Council Member Ware Peek noted the Council had requested staff replace the term ‘indigent’ to ‘underserved’ at a previous meeting.

Council Member Worel amended the motion to include the replacement of the term ‘indigent’ with an appropriate term. Council Member Gerber seconded the motion.

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

4. Consideration to Approve Ordinance 2019-31, an Ordinance Establishing Compensation for the Mayor, City Council, and Statutory Officers for Fiscal Year 2019-2020 in Park City, Utah:

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

Council Member Henney suggested disclosing annual compensation, rather than monthly pay, and including the full benefit package. Foster clarified that the state required disclosing salary, but not benefits. Council Member Henney thought it would be helpful to citizens to disclose the benefit package.

Council Member Worel stated the Council considered new staff position salaries, and asked what those figures included. Foster responded it included the loaded cost at the top of the position range including benefits. Mayor Beerman asked if annual compensation rather than compensation per month could be published. Briggs did not know and would confirm. Foster suggested adding the benefit package for the City Council to the Council's web page. Plane reported the state code required a salary or compensation schedule, but did not specify bi-weekly or monthly.

Council Member Henney moved to approve Ordinance 2019-31, an ordinance establishing compensation for the Mayor, City Council, and statutory officers for Fiscal Year 2019-2020 in Park City, Utah. Council Member Gerber seconded the motion.

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

5. Consideration to Approve Resolution 13-2019, a Resolution Adopting the Revised Personnel Policies and Procedures Manual, Effective July 1, 2019, for Park City Municipal Corporation:
Brooke Watters, Human Resources Manager, asked if the Council had any questions.

Council Member Ware Peek asked about vacation for resigning employees. Watters confirmed there was vacation payout for employees in good standing and the City Manager had authority to make exceptions to the policy. Council Member Ware Peek wondered if an employee would be compensated if they became sick after submitting their resignation. Watters offered to reduce to final two weeks. Foster clarified they would make accommodations in extenuating circumstances.
Council Member Worel suggested making language for two or four week limits for sick and vacation leave in Sections 4.1.6 and 4.2.4 consistent. Watters would make the change. Council Member Joyce suggested clarifying the language in Section 4.1.6.; it was confusing. Watters explained it aimed to describe a pattern of behavior of sickness.

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

Council Member Worel moved to approve Resolution 13-2019, a resolution adopting the revised Personnel Policies and Procedures Manual, effective July 1, 2019, for Park City Municipal Corporation. Council Member Ware Peek seconded the motion.

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

6. Consideration to Approve the Requested Elevated Level of Service (RELS) Related to the Maintenance of Landscaping within the Park Strip on Prospector Avenue and Gold Dust Lane with an Estimated Budget Increase of $9,540.68 Per Year:

Corey Legge explained benefits and details of the elevated service. Council Member Henney asked if the elevated service was different than the original contract with MGB+A, to which Legge replied that it was. Council Member Ware Peek noted the budget would increase due to the increased meter base rate. Legge confirmed there would be two one-inch meters used for the project.

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 supported the project to respect the Prospector Square Property Owners Association efforts. Legge replied to Council Member Henney that the City maintained the landscaping in the right-of-way on Comstock Drive, Holliday Ranch Loop Road, and a few others.

Council Member Gerber moved to approve the requested elevated level of service (rels) related to the maintenance of landscaping within the park strip on Prospector Avenue and Gold Dust Lane with an estimated budget increase of $9,540.68 per year. Council Member Ware Peek seconded the motion.

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

VII) ADJOURNMENT

With no further business, the meeting was adjourned.

Minda Stockdale, Deputy City Recorder

Hannah Tyler

From: Mark Harrington
Sent: Thursday, June 06, 2019 3:21 PM
To: Margaret Plane; Hannah Tyler
Subject: Fwd: Woodside plat

From: Nicole Deforge <ndeforge@fabianvancott.com>
Date: June 6, 2019 at 3:08:31 PM MDT
To: Mark Harrington <mark@parkcity.org>
Subject: RE: Woodside plat

Mark, please see below statement in favor of the special appeal panel for tonight's City Council meeting. Thanks.

Mr. Lee requests that the City Council appoint an independent appeal panel to hear the Woodside MPD appeal because it is necessary to ensure fair due process for all affected parties and to preserve the appearance of fairness in the appeal. The Woodside project is a City-sponsored development and the Park City Board of Adjustment is a permanent, ongoing City board appointed by the City Council. The Board members must be reappointed by the CC in order to remain on the panel at the end of their terms. In contrast, a special appeal panel appointed only for the purpose of the hearing the Woodside appeal would be a one-time panel and therefore not concerned about reappointment by the CC. Use of a special panel would therefore not only help to ensure fair due process by avoiding that potential conflict of interest but certainly better preserve the appearance of fairness in the minds of the public.

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15-1-18 Appeals and Reconsideration Process

C. **PLANNING COMMISSION**. The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

1. **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS.** The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:

    a. Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
    b. Follow complex oral and written arguments and identify key issues of local concern.
    c. Master non-legal concepts required to analyze specific situations, render findings and determinations.
    d. Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.

2. **PROCESS**. Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the "City Council" in this section 15-1-18 (G-I). The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.