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

April 27, 2023

The Council of Park City, Summit County, Utah, met in open meeting on April 27, 2023, at 2:00 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss property and advice of counsel at 2:00 p.m. Council Member Toly seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

CLOSED SESSION

Council Member Gerber moved to adjourn from Closed Meeting at 2:36 p.m. Council Member Dickey seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

STUDY SESSION

Park City Public Art Advisory Board (PAAB) Annual Update & Strategic Plan:
Jenny Diersen, PAAB Staff Liaison, reviewed the board's efforts over the last year, including work on two art projects, maintenance projects, and developing a strategic plan. She indicated there were six proposed projects in the strategic plan and she explained each one. She thanked Council for the funding put in place for public art.

Dave Nicholas stated the board wanted to align art with the Council priorities. He thought community engagement would get neighborhoods involved in creating art for their areas. He requested the board be included on capital project discussions so art could be considered for those projects.

Lara Carlton stated Diersen needed help in order to keep the board moving efficiently. She also noted it was helpful to have a Council liaison.

Council Member Dickey wanted to talk about public art as outreach for the recreation bond began, and he thought that might build support for a bond or public art funding could be included in the bond. Mayor Worel asked if a protective covering could be placed over the murals to protect them from vandalism, and noted at one time she was told the coating would yellow over time. Diersen stated the coating product did not yellow as it had in the past, and that was an investment they could look at. Council Member Rubell indicated public art was funded with one percent of capital project budgets, and asked what the extra $100,000 budget request was for. Diersen stated there was no funding for public art in the next year through capital projects, so that was a separate request that could be used for any project in the City and would go towards projects on the board's project list. Council Member Rubell thought there should be a policy discussion to discuss public art funding since there were times where there weren't capital projects and the board needed ongoing funding.

Mayor's Legacy Mine Soil Roundtable Update:
Ryan Blair, Environmental Regulatory Program Manager, reviewed the topics the roundtable discussed, including the mining history and legacy, ordinance changes over the years, EPA and UDEQ activities, and community education. Blair suggested some next steps, including an ordinance update, reviewing the policy, and education and outreach exploration.

Sherie Harding stated she reviewed mining reports and indicated the milling was more significant than the mining. She read some of the findings in her report. She indicated the EPA did some soil sampling and she would get the results from those samples.

Tom Gadek stated the soil was light brown and sandy at all the locations where there used to be a mill, and nothing grew there. As a result, those soils were running with the water to Richardson Flat and throughout the City.

John Russell noted United Park City Mines had done a lot in soil remediation. They were looking at how to address subsurface soils. He thought Blair was working through the issues as new developments were progressing.

Mayor Worel asked if the City's soils ordinance was stricter than state code. Blair indicated there were some areas that were stricter than the state. The City had a top soil cap which was stricter than the state. One area of improvement in the ordinance could be adding a disposal facility for reuse. Joan Card indicated Blair's recommendation was in line with the 2013 Blue Ribbon Commission recommendation to separate the clean and dirty soils. A regulated disposal facility would determine whether the soil needed to be disposed of or if it could be reused.

Harding stated the boundary needed to be addressed and the roundtable didn't come up with a suggestion. The City could use latitude and longitude coordinates or they could use the boundary of the mines. It was indicated focus should be given to site characterization and delineation.

Blair summarized he would come to Council on June 1st with some soil ordinance changes. Regarding boundary changes, he felt there was enough research to justify expanding the boundary to protect human health. He made a budget request to perform additional soil sampling. He thought there was an opportunity to look internally at process improvement. He wanted to educate people building in the community and help them by having a process in place.

Council Member Toly asked if sediment had been found in the top part of Poison Creek, and if so, should there be testing and warning signs in those areas. Blair thought it should be explored. Gadek stated they would take the water and process it at the treatment plant by the end of the year. There wouldn't be much water left in that area.

Council Member Dickey asked if they had seen data that would indicate there was a health issue. Blair stated in the 1980s, they took blood samples on children and there were no impacts from the arsenic. Council Member Dickey wondered what would be found if they looked outside the boundary for effects to public health.

Council Member Rubell thought the outcome from redrawing the boundary might be to offer remediation or education. Gadek thought the outcome from Prospector was good and he hoped for good outcomes in other areas of the community.

Council Member Doilney stated the City did a good job mitigating risks and he hoped it would continue. Council Member Gerber stated there had been a lot of development and digging since the 1980s and she thought some blood samples should be taken every once in a while.

WORK SESSION

Discuss FY24 Fee Schedule Changes:
Kirsten Darrington, Budget Department, presented this item and reviewed the fee changes for each department. She indicated there would be a business licensing fee study this summer. Council Member Gerber asked if the fees for business licenses could be adjusted after the study or would it wait until the next budget cycle. Darrington stated fees could be adjusted at any time.

Mayor Worel asked about the increase to $175 for a renter utility deposit fee, and noted many apartments were for low-income residents. Darrington stated this fee had not been raised in a long time. If it had been raised incrementally over the years, it would be this amount now. Mayor Worel asked how often the deposit was not returned. Darrington indicated she would get that number for Council.

Council Member Toly asked why golf passes would only be renewed for previous passholders. Ken Fisher, Recreation Manager, stated the City used to sell season passes and the people who had them could renew, but no new passes would be issued.

Council Member Rubell asked that the City give more discounts to Park City residents. Regarding parking, he stated the fines seemed too low and he wanted that looked at. In the winter, charging the rate seemed to impact the locals. He requested a deeper conversation on that. He also wanted to consider inflationary increases for election filing fees.

Discuss FY24 Capital Project Budgets:
Jed Briggs, Budget Manager, Erik Daenitz, Economic Development Manager, and Brian Baker, Zions Bank Public Finance, were present for this item. Daenitz reviewed the sales tax for February was at a record high. He highlighted major capital requests, including the Ability Way Road reconstruction, Upper Main Street bollards for event management, Swede Alley trash compactors, Police Department parking upgrade, and a City Hall remodel. Ongoing project requests were earmarked for pavement management, equipment replacement, and technology replacement.

Daenitz indicated there were some existing projects, such as the senior community center and library technology equipment replacement that he wanted to point out. Other projects included wireless upgrades, public art, a fiber connection to Quinn's Ice and to Water, and a MARC bubble repair. Some reductions included Basin Recreation not contributing to the Ice Arena and the Bonanza Park/Rocky Mountain Power (RMP) substation mitigation.

Council Member Rubell favored leaving the money in the substation fund since there were discussions with RMP regarding this substation. He asked if the transportation reductions were because the projects weren't important. Robbie Smoot stated there needed to be more planning on those projects and so the money was transferred to different projects. Council Member Rubell asked about the box of rocks and Briggs noted it was still part of the five-year plan. Council Member Rubell favored waiting on the Marsac remodel until the Bonanza Park study was finished. He asked if the City could do a matching grant this year for the Thaynes Mining Structure to kick start fundraising, and then include more funds in next year's budget. Briggs stated he could research that. Since it was an outside request, a public benefits analysis would need to be performed before funds could be distributed. Council Member Rubell stated they would love anything that could be done by the City. He requested a more detailed discussion to see what could be offered. Council Member Toly preferred to do research to see how much the City could contribute in 2025. Council Members Gerber and Doilney agreed with Council Member Toly.

Daenitz reviewed Housing funding. Briggs noted the previous discussion on the Transportation budget and indicated there would be a deficit in that fund in five years.

Daenitz stated there was a previous discussion on the capital requests from Recreation. A General Obligation (GO) bond was discussed at that time and he asked if Council favored a bond. Briggs reviewed funding tools available to the Council. Daenitz indicated public infrastructure districts (PID) and community redevelopment areas (CRA) were other tools that were development dependent.

Council Member Rubell did not have confidence in the capital needs numbers. He thought there might not be a need to bond for all the requests. Briggs stated the numbers assumed every project on the list would be done. Council Member Gerber stated $25 million in Affordable Housing would go quickly. Council Member Rubell stated there were opportunities to make the money go further.

Council Member Toly wanted to ensure there was money available for a small area plan in Old Town in 2024. Daenitz indicated there were $2 million in existing projects associated with Main Street, including downtown plazas and downtown enhancements. These funds could be deployed to a specific Council request for Main Street. Council Member Toly indicated there was a three phase Upper Main Street project and she asserted it made more sense to fund a bollards project after the third phase was completed. Council Member Dickey asked if the bollard project was Phase Two of the Upper Main Street project or if it was separate, to which Matt Twombly, project manager, stated it was a separate project. He noted if another project was approved it might affect the top of the street, but most of the bollards were on the side streets. Council Member Toly stated events were being moved off Main Street so she wanted more information on that.

Council Member Toly supported the Marsac remodel. Council Member Dickey agreed. Council Member Dickey also agreed with Council Member Rubell to keep the RMP substation funds. He asked if the Basin Recreation discussion was over. Angevine stated Basin Recreation drafted a letter agreeing to the annual contribution but not the one-time contribution for the ice arena capital improvements. A study was being done to see what the actual costs would be and they were waiting for that study to conclude.

Briggs summarized the GO Bond process and noted if Council approved bonding, it would go on the ballot in November. If passed, the bonds would be issued in January and construction would begin next summer. Daenitz reviewed various bond amounts and the corresponding tax increases for homeowners. Brigg presented five scenarios for funding recreation projects with all GO bonds or a combination of self-funding and GO bonds.

Baker noted there was an alternative to put all the projects on the ballot and have the voters decide on each project. He noted some other cities had done this, but the projects were not all recreation related. Experience showed this method fared poorly.

Council Member Dickey asked how the City would decide how much to bond for and what to put on the ballot. Briggs stated there were a lot of needs and there were many ways to figure out how much bonding would be needed. He stated one solution would be for Council to look at the property tax increase list and pick a number they were comfortable with.

Council Member Doilney stated the City wanted to serve everyone. Some infrastructure needed upgrading and the City would get a better facility if it was all bonded. Council Member Rubell favored the scenario where the scope for the City Park building could be looked at to save money and then self-fund that project as well as the aquatics project. He supported bonding for $9 million for pickleball and delaying the MARC expansion and outdoor ice.

Council Member Gerber noted the majority of Council didn't want a property tax increase yet a GO bond was a property tax. There were needs in the community and it was tricky trying to find funding. She also wanted to talk about childcare and that would not be addressed in a GO bond. She was torn because the recreation requests were nice to have. She agreed better facilities were needed for the day camps. She favored funding the City Park building and aquatics. She also supported partnering with the Pickleball Club on building a facility.

Council Member Toly favored funding the park building and/or aquatics and putting a GO bond on the ballot for the other projects to let the voters decide. Council Member Dickey didn't think a sports complex would pass and he wanted to wrap as many of the projects as possible into the bond to get it all done. He wanted to think big. He favored funding or bonding for all the projects.

Briggs discussed they would make clear what the Council wanted to fund but the bond would include expanded levels of service. Council Member Doilney stated he wanted to use the City's money most efficiently. Council Member Toly wanted to hear from the public before they decided. Council Member Gerber indicated this $50 million was just for recreation.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey Council Member Max Doilney (via Zoom) Council Member Becca Gerber Council Member Jeremy Rubell Council Member Tana Toly	**Present**

Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	
None	**Excused**

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments
Council Member Gerber went to the Utah League of Cities and Towns (ULCT) conference. She saw a dignity index presentation where you show dignity through speech, and she thought it would be interesting during the campaign process. There was also a demonstration on The Period Project. She thought of other women's issues, including childcare. She indicated there would be a childcare policy discussion on May 11th so a childcare budget could be put on the tentative budget.

Council Member Toly announced upcoming community events. She stated several boards were seeking applicants and those interested could apply.

Council Member Dickey stated he supported having a childcare conversation regarding policy and the City's role. He indicated the tentative budget could be amended if needed. Council Member Toly supported the discussion as well. Council Member Doilney supported the discussion and asked to put a $1 million-$2 million placeholder in the tentative budget. He also indicated the Central Wasatch Commission (CWC) was looking for Wasatch Back members to join their stewardship council and noted it was a great way to get involved. He noted the City lost Jeremy Nobis, Olympic skier, and indicated he revolutionized skis.

Staff Communications Report

1. First Quarter 2023 Community Engagement

III. RECOGNITION

1. Consideration to Adopt Resolution 06-2023, a Resolution Proclaiming April 2023 as Child Abuse Prevention Month in Park City:
Bailey Carmack, Liaison for the Childrens Justice Center, stated this was Child Abuse Prevention Month. She asserted it was important to prevent the maltreatment of children and explained the process of reporting abuse. She then read the resolution aloud.

Mayor Worel opened the item for public input. No comments were given. Mayor Worel closed the public input.

Council Member Gerber moved to adopt Resolution 06-2023, a resolution proclaiming April 2023 as Child Abuse Prevention Month in Park City. Council Member Toly seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

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

Mayor Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda.

Joana Vicente, Sundance Institute CEO, stated the Park City staff and community were amazing partners for the Sundance Film Festival. The festival would be in Park City for 40 years next January. She indicated it was great to be back last year after being gone for a few years because of COVID.

Brooke Ahlberg 84036, worked in Park City and stated most people could remember a time when they received news that changed the trajectory of their lives. Over 100 families who were part of PC Tots needed to have difficult conversations because of the tuition increase. Some would be forced to leave the community. She asked for the Council's support of the childcare proposal.

Katie Wright stated investing in early childhood education had a return on investment of $13. When there was no early childhood education, more money would need to be spent. Childcare tuition prices had almost doubled in the last three years. She asked for the Council's support.

Amy Harris advocated for a budget allocation designated for childcare. She reviewed her story of being on a waitlist for childcare. Now their child was in PC Tots, but the tuition had increased. She could not afford to lose her job and now they were worried about what would happen if they expanded their family. It took a village to raise a child and she hoped for support.

Chris Mora Rubio thanked Council Member Gerber for advocating for childcare. He was a student in the community and while growing up, he experienced his peers losing their childhood to raise another child. He thought that was a lot of pressure on young teens. He thought they missed out on teenage activities. He hoped there was support for affordable childcare.

John Kenworthy thought childcare was a critical subject and there was a lot the City should do with regard to childcare. He thought the Homestake project lacked childcare amenities, such as a playground, adequate parking for visitors, and bus stops were not close to the project. He wanted to see daycare offered at every affordable project. PC Tots lost funding and he felt it was important to pay people a livable wage.

Michelle Yung indicated daycare was expensive. There were many competing priorities for the City. Early childcare education proved to have many benefits later in life. She asked the Council to consider helping with childcare funding.

Justin Bieber lived in Park City for seven years and he supported funding childcare in the current budget and finding an ongoing funding source. He related his personal experience regarding childcare. He felt it was important to support childcare programs.

Ryan Streams supported the Park City Cares About Kids Act. There were loans and federal help for college, but not for daycare. Investing in this would be a smart investment.

Moe Hickey, Executive Director of Voices for Children, stated childcare was a critical issue. He thought funding this was an equitable issue. A policy discussion was needed and he stated that to address the issue, funding was needed as well.

E Romero 84060 was a student and had young siblings. She felt she didn't get the benefits of childcare that her siblings received. She wanted her siblings to keep getting that education and asked for the Council's support.

Bob Jaccaud 84060 indicated childcare was not the only issue, but it was a major issue. He asked if the community cared and he thought action was the answer. He saw friends move away and he felt more people needed to be able to live in this great community.

Mary Leader, PC Tots Board Member, stated it was heartbreaking to hear the comments from the parents. She advocated for childcare because it helped the community by caring for the children of the community workforce. She hoped the community would respond.

Jody Hart, 84060, stated she and her family lived here and in two decades, her children would be the decision makers in the community. She hoped family planning would not be dictated by childcare costs.

Courtney Morrison, 84060, supported the Council spending taxpayer dollars on early childcare education.

John Phillips stated his children went to a program in Salt Lake City for $100 per month and it was amazing. He wanted to give the Council the opportunity to talk with the childcare administrators for ideas.

Francie McNally 84060 supported childcare and senior care. They both needed funds to meet their needs.

Mignonne Gonzales 84060 stated she supported childcare.

Eli Bourne supported the childcare act and reiterated the importance of the issue.

Joel Zarrow, 84060, stated it made sense to invest in childcare. It was the responsibility of the parent, employer, and the City. Other mountain towns invested in childcare. He asked to support the most vulnerable populations in the community.

Minam Garcia 84107 Holy Cross Ministries, stated it was hard to find childcare.

Megan McKenna 84060 stated the childcare crisis was connected to the housing crisis. When the daycare at the school shut down, some teachers had to leave the workforce. More than 85% of people had to commute to work and she supported childcare and housing.

Karen Riley eComment: "I live in Summit County. I work in Park City proper full time providing healthcare to our local community. My husband is self-employed and works full-time in Park City providing civil engineering services locally. I am writing to tell our family's story about childcare. We have two young boys who have been in full-time childcare since they were 3 months old. We were incredibly fortunate to have secured childcare spots at PC Tots and are so grateful that our children are thriving there As a result, my husband and I are able to reliably get to work every weekday to help support our young family and serve our local community. However, had we not had reliable, affordable childcare, one of us would have been forced to leave the workforce over the past 5 years. There are many families in our community who have not been as lucky as us. Some families have had to make the difficult choice to have a parent leave the workforce because they could not find reliable, affordable childcare. Imagine leaving the workforce, with a budding career, for 5 years (age 0-5 until the child is eligible for kindergarten) and then trying to return back to your career to pick up where you left off...? Please understand how important childcare is in our community. There is a massive funding cliff that is coming and it is going to be very painful for our local families and our community as a whole. I understand that this concept is revolutionary here in Utah, but the change needs to happen somewhere."

Kara Cook eComment: "I was born and raised in Park City. I am lucky enough to live in affordable housing in downtown Park City with my husband and our 2 daughters. I am a teacher at a local elementary school and cannot emphasize enough the importance of early childhood education. I know you have all the data showing the intense need we have in our community for affordable early education options and the positive impact that it has academically for children. Something that cannot be put in those numbers is the social skills that children gain from participating in early childhood education. I feel like my own children missed out on some of that learning as my husband stayed home with them due to the high cost of daycare. One of the reasons I have stayed in Park City is because of the amazing community we have. It is a place where people truly care about one another and come together and to help each other. I hope we can come together as a community to show we care about our local families and support education for our children. Education should not be a luxury item, I urge you to support the Early Education plan.”

Mayor Worel closed the public input portion of the meeting.

V. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from March 23 and April 4, 2023:

Council Member Gerber moved to approve the City Council meeting minutes from March 23 and April 4, 2023. Council Member Doilney seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

VI. CONSENT AGENDA

1. Request to Authorize the 1154 Park Avenue Owners' Request for Park City Municipal to Execute a Quit Claim Deed for 910 Square Feet at 1154 Park Avenue:

2. Request to Approve a Contract with Shape Architecture Studio LLC, for Architectural Design and Project Application Services for the 516 Marsac Avenue Construction Project, Not to Exceed $137,650, in a Form Approved by the City Attorney’s Office:

3. Request to Authorize the City Manager to Enter into a Design Professional Service Provider Agreement with Kimley-Horn, for Design and Permitting Services Associated with Rail Trail amenities and initial permitting for the SR-248 overpass, Not to Exceed $287,731.00, as Approved in Form by the City Attorney:

4. Request to Authorize a Professional Service Provider Agreement with Jesus Rea Landscaping and Snow Removal for Mechanical (Hand Pulling) Abatement of Invasive Species, Not to Exceed $175,000, in a Form Approved by the City Attorney:

Council Member Gerber moved to approve the Consent Agenda. Council Member Dickey seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, and Toly
NAY: Council Member Rubell

VII. OLD BUSINESS

1. Consideration to Approve Ordinance No. 2023-16, Amending Land Management Code Sections 15-2.5-2 Historic Recreation Commercial Uses, 15-2.6-2 Historic Commercial Business Uses, 15-2.13-2 Residential Development Uses, 15-2.14-2 Residential Development Medium Uses, 15- 2.16-2 Recreation Commercial Uses, 15-2.17-2 Recreation Commercial Overlay Uses, 15-2.18-2 General Commercial Uses, and 15-15-1 Definitions, and Repealing Section 15-4-23 Dwelling Unit, Fractional Use:
Rebecca Ward, Assistant Planning Director, presented this item and stated the regulations placed in the fall were being repealed as a result of state legislation. She also reviewed two HOAs were petitioning to amend the Land Management Code (LMC) to prohibit nightly rentals in their subdivisions. The Chatham Crossing and The West Ridge subdivisions went to Council on February 16th and it was continued to tonight. They still wanted to prohibit nightly rentals and this request was supported in the General Plan. There was precedent for this amendment because other HOAs had prohibited nightly rentals through code amendments. Ward noted HOAs could prohibit fractional use through their CCRs.

Mayor Worel opened the public hearing.

Ann Saylor, HOA Board for Chatham Hills Crossing, stated the code amendment was important to the residents in order to maintain a peaceful environment in their neighborhood.

Mayor Worel closed the public hearing.

Council Member Dickey supported the application, but going forward, he thought picking certain neighborhoods for these amendments would open the City up for scrutiny. He suggested the Council focus on the impacts of nightly rentals through policy. Council Member Toly stated the code amendments pushed nightly rentals into neighborhoods that didn't have HOAs.

Council Member Gerber asked what the state thought of these code amendments. She didn't know the correct way to do it, but Council was being responsive to the residents. Council Member Dickey noted there were many areas identical to West Ridge where the City didn't stop nightly rentals.

Council Member Rubell supported the application and to be consistent, the Council should look at the policy and decide if the City should manage nightly rentals through code amendments or if it should look at other ways to manage the impacts. With regard to the fractional use state law, he noted there were earlier conversations about how to regulate transient use in homes and asked if that topic could return. Ward stated the transient uses included private residence clubs and time shares. With the new legislation, those uses were in the code and there were no proposed changes to the standing regulations. There was no evaluation of nightly rentals, but they could do that. Council Member Rubell asked if there could be a discussion on impacts to residential neighborhoods, without regard to who owned the units. He asked for a discussion on what impacted neighborhoods and then they could decide on the best mechanisms for mitigating those impacts.

Council Member Doilney moved to approve Ordinance No. 2023-16, amending Land Management Code Sections 15-2.5-2 Historic Recreation Commercial Uses, 15-2.6-2 Historic Commercial Business Uses, 15-2.13-2 Residential Development Uses, 15-2.14-2 Residential Development Medium Uses, 15- 2.16-2 Recreation Commercial Uses, 15-2.17-2 Recreation Commercial Overlay Uses, 15-2.18-2 General Commercial Uses, and 15-15-1 Definitions, and repealing Section 15-4-23 Dwelling Unit, Fractional Use. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

2. Discuss a Request from the Kimball Art Center (KAC) for a Five-Year Special Event License/City Service Agreement for the Park City Kimball Art Festival (KAF):

Jenny Diersen, Special Events Manager, and Aldy Milliken, KAC Executive Director, presented this item. Milliken stated KAC took over Arts Fest in 2021 and implemented Locals Night, which was a great benefit to the community. They also had local vendors. The revenue from the event was put into local programs.

Hillary Gilson, KAC Board Member, indicated the proposed contract terms would help the City achieve their sustainability, transportation, and social equity goals. The KAC wanted to align with the City's social equity goals and they incorporated recruiting local vendors, funding emerging artists, incorporating Spanish translation, ensuring low admission cost, and expanding locals night to all Main Street employees. To address sustainability and transportation, KAC would promote walkability, take on the costs of hosting a bike valet, and track recycling and composting data. They requested a $180,000 City service fee waiver. Diersen stated staff spent five years adjusting the service agreement. They looked to the future as they designed the agreement and tried to predict things that might occur.

Council Member Rubell reviewed the City would waive up to $180,000 in fees based on actual costs. Diersen confirmed the actual number would be reported post festival. Council Member Rubell noted the economic impact to the City for the festival was estimated to be approximately $100,000, to which Diersen affirmed. Council Member Rubell asked if there was a mechanism to distinguish City attendees versus County attendees for locals night and suggested having the County support the County attendees. Gilson stated Summit County gave KAC a $15,000 RAP Tax grant and they gave KAC another grant for expenses incurred throughout the year. She noted KAC would absorb the revenue loss for locals night and for the Main Street employees. Council Member Rubell asked about the nonprofit support for this event. Matt Dias stated he would look into that and get back to Council with the information. Council Member Rubell stated the City gave $3 million in nonprofit support and $2 million was for arts and culture. He noted that only represented four or five organizations. That showed this was important to the City.

Council Member Toly asked why attendance was half of what it was. Gilson stated KAC switched from selling a weekend pass to selling daily tickets. It was assumed people were coming 1.5 times during the festival weekend. Daily ticket reporting was more accurate now, but they didn't have historical data to know how many times a person came to the festival.

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

Council Member Doilney indicated Council supported arts and culture. He noted Arts Fest was always subsidized by the City. He felt arts and culture needed support and he favored this new contract. The Council supported the changes in the contract, including the $180,000 City service fee waiver.

3. Consideration to Approve Ordinance No. 2023-03, an Ordinance Approving a Zoning Map Amendment to Rezone a Six Acre Pod from Recreation and Open Space (ROS) to Estate (E) from a Portion of PCA-S-79-C (Bransford Property, also Known as the Logan Parcel), Park City, Utah, Subject to Subdivision Plat Approval by the City Council of Park City Prior to April 27, 2025:
Alex Ananth, Senior Planner, stated the applicant requested a zone change in Empire Pass. The zone change would allow two three-acre pods and two residences. She indicated this was unusual to rezone Recreation Open Space (ROS) land, but it was not unusual to rezone annexed property into the City to higher density zones.

Jeffery Kuhn shared prepared answers from the questions that Council had raised at the previous discussion of this item. It was asked why Bransford didn't sign the Flagstaff Development Agreement, and the answer was they were not provided notices, data on estimated development costs, etc. It was asked how long the Trump Ski run lease was for and it was indicated it was perpetual. There was a question about the conservation easement. Kuhn stated it was all available for a conservation easement with notes for bike easements, private driveways, and other issues. They had many conversations with Utah Open Lands. There was a question on rezoning, to which it was indicated the rezone was not uncommon before a plat approval. He also discussed additional questions raised during the previous discussion.

Mayor Worel opened the public hearing.

Adam Winegar 84016, attorney for Extel Development with interests on Flagstaff, stated this was a legislative decision. He asked if the Council was comfortable with past precedent, and noted he didn't think so. He asked if the Council would approve zoning for process without proof of access. He asked if it looked like special treatment. He asked that if approved, the ordinance be recorded with the County Recorder.

Mayor Worel closed the public hearing.

Council Member Dickey supported the two lots but asserted rezoning before the plat approval created risk. The risk was acknowledged in the conditions. This wasn't the right time to write a condition. The goal was to create predictability.

Council Member Rubell stated the options were to rezone or rezone with a plat. Ananth stated there was a rezone application online. She would have to look up the other. Council Member Rubell asked if it would be good to allow rezone requests without plats in the future. Ananth needed time to think that through. Council Member Rubell asked if the conditions would be recorded against the property, to which Ananth affirmed.

Council Member Gerber wanted predictability in the process and for future owners. This was two lots in the middle of the mountain, but the City needed predictability. Council Member Doilney supported the Planning Commission's recommendation to approve the rezone.

Mark Harrington, Senior City Attorney, explained the biggest difference in rezoning versus rezoning with a plat was that one was legislative, where the rezone of the land use maps of the City and the property was then subject to the zoning rules of the new zone. The subdivision was an administrative act and occurred when someone proposed a plan consistent with the rules where any other applicable conditions of approval from the annexation, master planned development (MPD), or some intermediate step was a blend of the two. Staff was comfortable saying it was not uncommon to do it this way because it was done in bigger projects.

Council Member Doilney moved to approve Ordinance No. 2023-03, an ordinance approving a zoning map amendment to rezone a six-acre pod from Recreation and Open Space (ROS) to Estate (E) from a portion of PCA-S-79-C (Bransford Property, also known as the Logan Parcel), Park City, Utah, subject to subdivision plat approval by the City Council of Park City prior to April 27, 2025. Council Member Toly seconded the motion.

RESULT: APPROVED
AYES: Council Members Doilney, Gerber, Rubell, and Toly
NAY: Council Member Dickey

Council Member Rubell asked for a more detailed conversation on other applications coming in. Council Member Toly didn't want to put more on staff if it didn't come back again. The Council did not support having a more detailed conversation.

VIII. NEW BUSINESS

1. Consideration to Approve Resolution 05-2023, a Resolution Adopting the Neighborhoods First - Streets Program for Park City, Utah:
John Robertson, City Engineer, stated there was a lot of success with the Neighborhoods First – Streets Program during the past year. He stated education and enforcement were necessary for traffic calming. Narrowing streets, traffic circles, crosswalks, and speed feedback signs were other helpful measures. He indicated the challenge was to apply traffic calming measures and to be proactive. The program would include small projects such as striping or other measures less than $10,000, pilot projects where effectiveness could be tested, and complex projects, which would be more than $10,000.

Robertson reviewed proactive measures which included having a dedicated website with traffic calming solutions, having a portal for residents to submit and track their requests or applications, collaborating with the Community Engagement Team to promote the program to residents, including residents and a Summit County employee representative, requesting funding for small projects, surveying neighborhoods to gain feedback, and issuing an annual progress report.

Council Member Gerber asked what would happen if a neighborhood did not want a traffic calming feature, to which Robertson stated that would be a good opportunity for a pilot project since it was temporary. Council Member Rubell asked why there should be a Summit County representative since City priorities might conflict with County priorities. Robertson stated the pros outweighed the cons and gave examples of having the representative share what worked for them. Council Member Rubell wanted to be careful with that, especially since the program was already successful as-is. He wanted staff to be transparent about priorities.

Council Member Doilney thought having more people involved would be better than less. He supported moving forward. Council Member Toly asked how this would work in areas where there was heavy construction. Robertson stated they took construction into consideration as they evaluated areas. Council Member Dickey stated he had also questioned having a County representative, but was satisfied with the answers.

Mayor Worel opened the item for public input.

Sean Parker, 84060, asked for signs with data recorders.

Mike Owens, PC Fire District, stated the program was wonderful and the residents were happy with the efforts made.

Mayor Worel closed the public input.

Council Member Dickey moved to approve Resolution 05-2023, a resolution adopting the Neighborhoods First - Streets Program for Park City, Utah. Council Member Rubell seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

2. Consideration to Approve the City Sponsorship of the 2023 Proposed Special Events at McPolin Farm which will Enable the Final Staff Approval of the Special Events:

Paige Galvin, McPolin Farm Manager, reviewed during the past year there were staffing and board member changes. They celebrated the 100-year anniversary of the McPolin Barn, installed bike racks and addressed safety concerns. This year they hoped to increase the attendance of the barn tours, control pests, and replace the shed doors. She noted parking was a challenge. No new events were proposed, but there were six returning events: Full Moon Snowshoe, Your Barn Door is Open, three barn tours, and the Scarecrow Festival.

Mayor Worel opened the public input. No comments were given. Mayor Worel closed the public input.

Council Member Dickey knew private events had been requested and there was a request to create a policy regarding private events. Galvin stated there were many requests, but the capacity limit was 70 and most groups needed a larger space than that. Council Member Dickey asked Galvin to think about a policy allowing some additional events. Diersen indicated any request would come back to Council for approval. Currently, private events were not allowed. Council Member Dickey asked to consider some private events. Council Member Toly was not in favor. Council Member Gerber supported another summer event that the City controlled, but she did not favor private events. Council Member Rubell stated the barn seemed underutilized.

Council Member Gerber moved to approve the City sponsorship of the 2023 proposed special events at McPolin Farm which will enable the final staff approval of the special events. Council Member Toly seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

Mayor Worel summarized there was no support to change the barn policy.

3. Consideration to Approve Ordinance No. 2023-17, an Ordinance Amending Land Management Code Section 15-6-8 Unit Equivalents Regarding Support Commercial and Residential and Resort Accessory Uses for Master Planned Developments and Sections 15-2.17-2 Uses for the Recreation and Open Space Zoning District, 15-2.18-2 Uses for the General Commercial Zoning District, and 15-2.19-2 Uses for the Light Industrial Zoning District to Clarify Resort Support Commercial is Allowed when Approved as part of a Master Planned Development:
Rebecca Ward, Assistant Planning Director, presented this item and stated the amendments defined some accessory uses. These would be density bonuses to incentivize uses for large projects. The bonuses were added to the code to provide services for those already on site.

Ward indicated the proposed support commercial accessory uses would limit signage to interior spaces, limit marketing to existing primary uses on site, remove meeting space allowance, limit the use to hotels with one owner, capture affordable housing obligations for employees generated, have a maximum square footage cap of five percent or 5,000 square feet total, and prohibit conventional chain businesses. The proposed residential accessory uses included a limit to functional spaces, adding childcare facilities, and adding enclosed bike storage that exceeds the code requirements. The proposed resort accessory uses included a requirement that the Planning Commission approve a maximum square footage, it would count toward the affordable housing obligations and traffic evaluation, the removal of uses required for business operations, and the allowance for employee and daycare facilities with long-term restrictions. The amendments would also update the use tables for consistency reasons.

Council Member Toly asked if the Planning Commission discussed the type of childcare facility in the proposal, to which Ward stated it would be for visitors and the community. Council Member Gerber stated the childcare facility wouldn't count toward density and was a bonus. She asked if there was outreach for these amendments and noted she wanted to be consistent in the use of childcare/daycare. Ward stated they worked with developments in town and some projects stated the uses worked well in the beginning, but they weren't sustainable. It was helpful in the long-term for the uses to be evaluated up front.

Council Member Dickey asked for clarity on the single owner hotel language. Ward stated there were some multifamily units that could be converted to nightly rentals over time, so the Planning Commission defined the amendment that hotels under one owner would be allowed to serve guests on site. The uses would still be allowed for residential developments, but it would count toward the density in those cases. Council Member Dickey asked why the distinction mattered. Ward indicated there were some requests such as spas and recreation facilities that were challenging because they could open to the public over time. She clarified the amendments would limit uses in residential developments and would open it for single owner hotels. Council Member Dickey asked if the impacts were different based on the ownership structure of a hotel, to which Ward affirmed.

Council Member Rubell asked why the City cared about the ownership distinction. Ward stated the amendment was trying to put a cap on the total square footage and limit the support commercial to guests only. Council Member Dickey thought the guests would not know if a hotel was owned by a single owner or multiple owners.

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

Council Member Gerber didn't know what the unintended consequences would be from the passage of these amendments. She favored continuing this item. Council Member Rubell agreed and asked for an explanation as to why there needed to be a distinction. Council Member Doilney supported continuing the item. Ward stated this didn't limit what a project could do, but limited the bonus. Park City's bonuses were very generous. They reached out to other cities to compare bonuses. The code was crafted as a result of what the Planning Commission had been discussing for the past few years. Council Member Dickey stated it wasn't the right distinction and asked the Planning Commission to look to see how to determine that distinction.

Council Member Dickey moved to continue Ordinance No. 2023-17, an ordinance amending Land Management Code Section 15-6-8 Unit Equivalents Regarding Support Commercial and Residential and Resort Accessory Uses for Master Planned Developments and Sections 15-2.17-2 Uses for the Recreation and Open Space Zoning District, 15-2.18-2 Uses for the General Commercial Zoning District, and 15-2.19-2 Uses for the Light Industrial Zoning District to clarify resort support commercial is allowed when approved as part of a master planned development to June 12, 2023. Council Member Rubell seconded the motion.

RESULT: CONTINUED TO JUNE 12, 2023
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

4. Consideration to Approve Ordinance No. 2023-18, an Ordinance Amending Land Management Code Section 15-3-9 Bicycle Parking Requirements:

Rebecca Ward, Assistant Planning Director, and Hannah Pack, Transportation Planner, presented this item. Pack stated the big reason people didn't ride bikes was due to a lack of bike parking. She reviewed a program to install bike racks at any business that requested one. They were looking for places to locate bike corrals and were looking at underutilized vehicle parking locations for bike parking. Ward stated the Planning Commission supported looking at bike parking at transit stops.

Ward noted the amendments would update the standards for outdoor bicycle parking and establish a new standard for enclosed bike storage facilities for multi-unit dwellings with 10 or more units. The requirement for enclosed bike parking was one per three units. They would also allow a fee-in-lieu for bike rack requirements when there were zero setbacks.

Mayor Worel asked if the fee-in-lieu had a specific dollar amount, to which Ward indicated it would be included in the fee schedule. Council Member Toly asked if there was enough bike parking at public buildings. Pack stated she always favored more bike parking. Council Member Rubell asked if the City would charge for e-bike charging outlets. Pack stated she was open to having that conversation along with charging for electric vehicle charging.

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

<u>Sean Parker</u> asked if the City owned the e-bikes for rent around town, to which Mayor Worel stated they were not owned by the City.

Council Member Gerber moved to approve Ordinance No. 2023-18, an ordinance amending Land Management Code Section 15-3-9 Bicycle Parking Requirements. Council Member Toly seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

<u>5. Consideration to Approve Ordinance No. 2023-19, an Ordinance Amending Land Management Code Chapter 15-2.21 Sensitive Land Overlay Zone Regulations and Section 15-15-1 Definitions:</u>

Rebecca Ward, Assistant Planning Director, indicated the proposed amendments would update ridgelines, expand vantage points, establish a sensitive land overlay evaluation for a trails master plan, and update required steep slope materials.

Council Member Gerber asked if the evaluation would be for ridgelines and not across the valley, to which Ward affirmed.

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

Council Member Rubell moved to approve Ordinance No. 2023-19, an ordinance amending Land Management Code Chapter 15-2.21 Sensitive Land Overlay Zone Regulations and Section 15-15-1 Definitions. Council Member Doilney seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

6. Consideration to Authorize the City Manager to Execute a Construction Agreement in a Form Approved by the City Attorney's Office with Staker & Parson Companies DBA Parsons Materials & Construction for the Upper Main Street Improvements Project Not to Exceed $1,168,796.00:
Gabe Shields, Transportation Engineer, presented this item and stated the design was completed and staff met with residents in the area to resolve concerns. He anticipated the construction starting in June.

Council Member Rubell asked if Main Street would be reduced to one lane during construction and traffic would alternate, to which Shields affirmed and he noted the trolley would remain in operation. Council Member Rubell suggested signage to avoid safety issues.

Mayor Worel opened the public hearing.

Sean Parker wanted to discuss the justification of the project. He reviewed the history of the area and project. He indicated there was speeding in the area and because of a comment from a constituent, it was taken as fact. The sidewalks would be bigger and the additional concrete was not environmentally friendly. He wanted the City to keep their projects in the carbon friendly goal and asked that the City not do the project.

Keith Aaron stated he agreed with Parker. He didn't support the plan submitted. He submitted a plan that had none of the impacts as the proposed plan. He stated he didn't get contacted by the Engineering Department. He lived adjacent to Main Street and he could see the traffic but only three of the nine adjacent owners had spoken with staff. He showed an alternative plan for this project.

Mayor Worel closed the public hearing.

Council Member Gerber appreciated hearing different perspectives. She indicated that although these residents hadn't heard about it, the City was very far along on this project.

Council Member Rubell asked if the team assessed impacts from the project. Shields stated lighting was not part of the project, but conduits would be put in for future lighting. There was currently one streetlight at the location. Council Member Rubell asked if there were car headlight changes, to which Shields stated the headlights would point on a garage at one point.

Council Member Dickey moved to authorize the City Manager to execute a construction agreement in a form approved by the City Attorney's Office with Staker & Parson Companies dba Parsons Materials & Construction for the Upper Main Street Improvements Project not to exceed $1,168,796.00. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

Council Member Gerber asked that the commenters be involved in future phases.

7. Consideration to Authorize the City Manager to Execute the following: a Construction Agreement with Beck Construction & Excavation, Inc. in a Form Approved by the City Attorney, Not to Exceed $1,980,562 to Construct the Site Improvements; a Construction Agreement with Dimensional Innovations in a Form Approved by the City Attorney, Not to Exceed $274,228 to Fabricate and Install Bus Shelters; and a Design Professional Services Agreement with WCG in a Form Approved by the City Attorney, Not to Exceed $112,244 to Provide Construction Management:

Gabe Shields, Transportation Engineer, presented this item and reviewed the history of the project. The design was finalized in late fall. There were two sources of federal money and some County money that the City received for the project. The procurement would include the shelter, the site improvements and the construction management.

Mayor Worel asked if the column at the shelter had a screen for route information. Shields affirmed and explained the purpose of all the screens on the column and within the shelter.

Mayor Worel opened the public input. No comments were given. Mayor Worel closed the public input.

Council Member Rubell moved to authorize the City Manager to execute the following: a construction agreement with Beck Construction & Excavation, Inc. in a form approved by the City Attorney, not to exceed $1,980,562 to construct the site improvements; a construction agreement with Dimensional Innovations in a form approved by the City Attorney, not to exceed $274,228 to fabricate and install bus shelters; and a design professional services agreement with WCG in a form approved by the City Attorney, not to exceed $112,244 to provide construction management. Council Member Doilney seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

8. Consideration to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney with HNTB Corporation Not to Exceed $1,066,200.94 for the Program Management Services of Transit Site Improvements:
Gabe Shields, Transportation Engineer, presented this item and clarified transportation programs ran for a long time. Bus stops were ongoing and complicated and having a third party manage them would be beneficial. There were 150 bus stops in the City. The program was modeled after the Utah Transit Authority (UTA) program. It would provide strategic alignment, and improvements could be ongoing in an efficient manner. This contract would include public outreach, surveys, procurement, construction management and the assurance of FTA compliance.

Council Member Gerber stated it seemed like a great plan. She heard the stops needed garbage cans and asked if that could be included. Shields stated there would be many simple stops that would be matched with ridership, but many stops would include additional amenities. Mayor Worel asked if snow removal would be included. Shields stated that was up to Public Works, but the stop would be designed to include a space for snow storage.

Mayor Worel opened the public input. No comments were given. Mayor Worel closed the public input.

Council Member Dickey moved to authorize the City Manager to execute a professional services agreement, in a form approved by the City Attorney with HNTB Corporation not to exceed $1,066,200.94 for the program management services of transit site improvements. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

9. Consideration to Approve Ordinance No. 2023-20, an Ordinance Approving the 2460 Iron Mountain Drive Plat Amendment, Located at 2460 Iron Mountain Drive, Summit County, Park City, Utah:
Lillian Zollinger, Planner, stated all the lots in the subdivision had a 4,000 square foot building pad. This lot didn't have that building pad and the amendment would correct that.

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

Council Member Doilney moved to approve Ordinance No. 2023-20, an ordinance approving the 2460 Iron Mountain Drive Plat Amendment, located at 2460 Iron Mountain Drive, Summit County, Park City, Utah. Council Member Dickey seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

10. Consideration to Approve Ordinance No. 2023-21, an Ordinance Approving the 2426 Iron Canyon Drive Plat Amendment, Located at 2426 Iron Canyon Drive, Summit County, Park City, Utah:
Jack Neidermeyer, Planner, stated the plat amendment would reduce the building pad from 4,000 square feet to 3,998 square feet to accommodate a deck expansion. This would resolve the nonconformity.

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

Council Member Dickey moved to approve Ordinance No. 2023-21, an ordinance approving the 2426 Iron Canyon Drive Plat Amendment, located at 2426 Iron Canyon Drive, Summit County, Park City, Utah. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

11. Consideration to Approve Ordinance 2023-22, an Ordinance Approving the Kings Crown Condominiums, Second Amended Combining Units B302 & B401, Located at 1271 Lowell Avenue, Park City, Utah:
Rebecca Ward, Assistant Planning Director, presented this item and stated the amendment would combine the condo units, but it would not reduce the number of required affordable housing units. She noted one Planning Commissioner didn't agree with the proposal and another Commissioner wanted a report on the affordable housing obligation.

Ward reviewed the housing requirements for the development and noted the development exceeded the number of affordable units required. It was indicated the affordable units were deed restricted.

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

Council Member Gerber moved to approve Ordinance 2023-22, an ordinance approving the Kings Crown Condominiums, Second Amended combining Units B302 & B401, located at 1271 Lowell Avenue, Park City, Utah. Council Member Dickey seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

12. Consideration to Sign the 20-year Appendix with Rocky Mountain Power for the Elektron Solar Project I:
Luke Cartin, Environmental Sustainability Manager, reviewed the history of the project and noted the deadline was missed. Because of this, the appendix was restated and would be signed this week. The project was expected to be completed by late fall.

Mayor Worel opened the public input. No comments were given. Mayor Worel closed the public input.

Council Member Gerber moved to approve the signing of the 20-year appendix with Rocky Mountain Power for the Elektron Solar Project I. Council Member Rubell seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Doilney, Gerber, Rubell, and Toly

IX. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder