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

**March 29, 2018**

The Council of Park City, Summit County, Utah, met in open meeting on March 29, 2018, at 2:00 p.m. in the City Council Chambers.

Council Member Henney moved to close the meeting to discuss property and litigation at 2:00 p.m. Council Member Worel seconded the motion.

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

**CLOSED SESSION**

Council Member Joyce moved to adjourn from Closed Meeting at 2:30 p.m. Council Member Worel seconded the motion.

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

**WORK SESSION**

Mayor Beerman noted that Council Member Gerber was excused.

**<u>Council Questions and Comments:</u>**
Council Member Henney attended the opening of Lucky Ones Coffee Shop and the Spring Projects Open House and reported there was good turnout from the community.

Council Member Worel attended W. Mitchell's Leadership lecture and the Library Board meeting. She attended March for Our Lives and reported Police presence was active and very engaged. She attended Pink Park City, and reported they raised $80,000 for cancer research. She reported the Mental Health Alliance was working on strategic planning.

Council Member Ware Peek attended the Mental Health Alliance and Communities That Care Steering Committee meetings. She reported the Mental Health Alliance would present a speaker and Yoga Flow the following week. She reported the Spring Projects Open House was fun to attend and the Graphic Representations from the Council Retreat were very popular. She commented on the wide variety of public comment she received at the event.

Council Member Joyce attended the Lodging Four Diamond Awards and congratulated Russ Olsen from Stein Management. He stated City Tour was going to Bozeman and Livingston, Montana and Jackson, Wyoming. He attended the Special Event Advisory Committee (SEAC) meeting and stated events had increased since 'event fatigue' was recognized and SEAC was established in 2016.

Mayor Beerman attended the opening of Lucky Ones, the Spring Projects Open House and the W. Mitchell lecture. He also attended the All Hands Meeting and the School Board meeting. He stated they were committed to coordinating with the City and County on future projects. Mayor Beerman reported he was attempting a ten day, plant-based diet and invited Council, staff and the community to join him.

Council Member Ware Peek added she had received a call from a citizen who had received a parking ticket at the Library. She asked that staff be diligent about noticing the new parking time limits.

Mayor Beerman recognized staff birthdays and Officer Klaus' retirement. Diane Foster, City Manager, invited the Council to attend the LEAD PC graduation.

**Social Equity Innovation Challenge Update:**
Council Member Gerber arrived at the meeting at 3:00 p.m.

Jed Briggs, Budget Operations Manager, presented the premise of the Innovation Challenge. He stated there were a total of 13 proposals. He presented five prioritized recommendations from the community judging panel.

Council Member Worel asked if there was a date set for speaker Erika Sanchez. Council Member Ware Peek asked if her speaking fee would include additional community outreach. Katrina Kmak, Children and Spanish Services Librarian, responded that a date was pending Council approval and Sanchez's fee would include three events.

Briggs briefly presented each proposal. Referring to the Energy Reduction Plan, Council Member Ware Peek asked about rental properties belonging to wealthy landowners. Celia Peterson, Environmental Sustainability, responded that solutions were simple, do-it-yourself fixes. Council Member Worel liked that the project was women powered. Referring to Enspire Hub, Council Member Worel asked who would receive the funds;

Jonathan Weidenhamer, Economic Development Manager, confirmed PandoLabs would. She asked how many students would be included. Juliana Duran, Pandolabs, responded five in the first year pilot program, which would inform improvements and 10-15 students in the next phase. Council Member Ware Peek asked if PandoLabs would contribute additional programming to what they already provided. Duran responded the pilot program would create a blueprint PandoLabs could customize for peer-to-peer programs in other communities.

Referring to the Mobile Recreation Trailer, Council Member Henney asked how examples in other communities were received. Ken Fisher, Recreation Manager, responded he copied the idea from Boise, Idaho, where six vans were running five days a week. Council Member Ware Peek asked which housing complexes would be visited. Fisher recommended Ironhorse, Parkside and Aspen Villas. Council Member Worel suggested renting the trailer as a revenue stream. Fisher responded it was an option while the trailer was not being used for programming. Mayor Beerman suggested adding a mini library in the trailer.

Briggs explained funding was slated to be split between Council and General Contingency Fund budgets at $25,000 each. He presented staff's recommendation to fund Projects One through Four through the contingency funds and Project Five through the budget process to account for ongoing funding requirements. He presented alternative options.

Council Member Henney asked about additional revenue streams for the projects, and wondered if there was value in expanding the funding. Foster stated projects often were implemented by staff even if they were not funded through the Innovation Challenge process. She explained that contingency funding was budgeted for other projects but was not over budget. Council Member Henney asked if the projects could trim their budgets.

Mayor Beerman wished to consider adhering to the call for proposals. Council Member Joyce was in favor of funding the winning top three projects from contingency funding and allowing Projects Four and Five to go through the budget process. The Council agreed. Weidenhamer asked if departments could identify funds within their budgets for Projects Four and Five. Mayor Beerman asked if staff could return with proposals in this case.

**Project ABC - Arts, Beauty, Culture - Final Update:**

Jenny Diersen, Special Events Project Manager, Hadley Dynak and Jake McIntyre, Park City Summit County Arts Council, presented this item. Diersen gave an overview of Project ABC Master Plan. She presented staff's recommendation to use the plan as a road map and stated staff would return with project and funding opportunities.

Dynak presented the final results of the plan and a high level overview of the process. She explained how art was inclusive of all creative endeavors, and was not limited to the visual arts. McIntire presented the scope, recommendations and highlights of the plan and explained that the effort would be collective and community wide. He stated the need for administrative support for Arts & Culture whether in the governmental or non-profit sectors. Dynak reported community input had been that the plan would be a helpful tool for implementation.

Council Member Worel congratulated the Arts Council on their opening, bringing stakeholders together, and starting discussions around Arts & Culture. She expressed concern about the Arts Council's role going forward. Dynak responded that the Arts Council had convened the project, and the larger community's role in implementing the plan. She stated governance and leadership were priorities and of interest to their Board, but they did not have the funding to govern Arts & Culture in the manner that the plan recommended. She called for governance and leadership to fulfill the recommendations in the plan.

Council Member Gerber referred to Exhibit D and asked if it considered existing City projects or identified new projects. She asked if Historic Preservation fit into Arts & Culture. Diersen responded Exhibit D addressed both current and potential programs. McIntire stated cultural heritage was included in Arts & Culture.

Council Member Henney identified the question of the City's level of support for the plan and future steps. He identified the difference between commercialized Arts & Culture efforts, which often yielded quantifiable data, and community focused activity, which was harder to quantify and therefore justify funding for. He asked for the Arts Council's input in order to inform the Council's decision. Dynak responded the solution was a hybrid. She stated the importance of quantifiable data to ensure future funding. She added the community had expressed the view that Arts & Culture were central to Park City's identity. She stated there were limited opportunities for local artists and provided examples.

Council Member Henney asserted that the community should be prioritized, with the hope that tourism would follow. He was in favor of facilitating local art as homegrown, rather than imported.

Council Member Ware Peek stated 'heart and soul' was hard to quantify. She mused on art near affordable housing, on buses, and on paths. She stated the Arts Council opened the discussion to continue community wide.

Juliana Duran, PandoLabs, stated she supported the project and shared a story of an artist making her dream of a jewelry business a reality. She stated the need for community support of artists and noted that 37% of PandoLabs entrepreneurs were artists. She reported she sought additional funding opportunities to fulfill PandoLabs role outlined in the plan's recommendations, and reached out to Creative Communities. She shared her excitement to merge PandoLabs' programs with the plan to enhance the lives of artists.

Nan Gray, Park City Professional Artists Association member (PCPAA), stated the Arts Council's master planning process was collaborative with PCPAA. She spoke to Dynak's leadership of the project. She spoke to the value of the plan based on her previous experience. She stated the key to successful implementation was great leadership.

Teri Orr, Park City Institute Executive Director, read a letter in support of the plan and stated she had submitted the letter to the Council the previous month.

Betsy Wallace, Sundance Institute Executive Director, expressed her support for the plan and her desire to remain actively involved. She spoke to how it dovetailed with Park City's non-profits and businesses, and was an economic driver and collaborative area of focus for year-round activities.

**2018 Sundance Film Festival Debrief:**
Betsy Wallace, Executive Director, and Tina Graham, Associate Director of Sundance Festival Operations, Jenny Diersen, and Alfred Knotts, Transportation Manager, presented this item. Diersen spoke to the value of the festival for the community. She presented the 2018 plan and highlighted changes that were implemented in 2018.

Wallace stated traffic mitigation was a priority for the Institute, and The Ray Theater and loss of All Resort Transportation were the greatest challenges in 2018. Graham reported on venue changes. Wallace thanked City staff for their assistance, and thought having a collaborative approach allowed them to overcome challenges.

Diersen presented the results of the Community Transportation Survey.

Council Member Henney asked for clarification on CSL Rate Changes. Diersen responded that fees had increased to account for increased enforcement and safety fees. She stated increased CSL fees would likely be recommended in the future. Council Member Henney asked when increasing fees would de-incentivize participation in the festival. Diersen responded staff would include an analysis, and additionally recommended fines for non-affiliated businesses operating without a CSL. Beth Bynan, Business Licensing Specialist, stated the exact number of unlicensed vendors was unknown. Foster added that space rental costs were a greater financial burden to non-affiliated vendors than CSL fees.

Diersen stated Lyft data was not yet available. Council Member Joyce asked if Lyft could require that vehicles have four wheel drive for safety. Diersen responded Lyft and

Uber had trained with the Police Department on snow conditions, residential neighborhoods, and non-idling laws.

Council Member Ware Peek had anecdotal observations, and asked for staff's overall impression of business vibrancy during the festival. Wallace stated her impression that vibrancy was very active compared to previous years. She stated theaters were active, maybe due to less snow. Diersen added that moving venues off of Main Street to temper congestion lead to an impression of numbers being down.

Council Member Ware Peek added anecdotal feedback she received that the traffic wasn't bad. Diersen recommended that staff and Council consider an hourly rate in China Bridge during peak event times. Council Member Ware Peek highlighted it was important for the City to help and not hinder local businesses to do business during the festival. She reported delivery access to Main Street was problematic. She highlighted the importance of staff engagement with the community.

Council Member Joyce stated he went on a Police ride along on Saturday night, and noted DUIs were down significantly with transit and ride share availability over past years. He reported the source of congestion on Main Street was transit and rideshare vehicles. He stated staff needed to find ways to enforce alternative transit on Main Street during the festival and year-round; he added it was vastly improved over past years.

Council Member Worel asked what percent of total transit vehicles were brought in for the festival. Knotts responded 12 were brought in in addition to the 43 Park City Transit vehicles. Knotts added that service was leveraged with the Electric Express and Prospector lines. Wallace added that Richardson Flats remaining open during the entire festival helped with the increased ridership.

Mayor Beerman thanked staff. Wallace presented the Council with the 2018 Festival Poster signed by festival award winners. Council Member Ware Peek thanked Institute staff for the community film screenings.

Mayor Beerman opened the meeting for public input.

Ken Davis complimented staff on the changes. He stated every year his business was down during Sundance in the second week. He wished the Council would understand how the festival hurt Main Street businesses. He recommended the City consider business as normal after the first Monday. He stated blocked parking or increased parking rates could be done away with. He indicated Sandra Morrison, Park City Museum, and the Historic Park City Alliance (HPCA) were in favor of his recommendations.

Michael Barille, HPCA, stated pedestrian management and load-in, load-out schedules were improved this year. He stated CSL fees were not hurting local businesses. He noted the Park Record misinterpreted his statement and he clarified that he had stated Main Street revenues, not visitor-ship, was down from previous years. He wished Council would consider the financial perspective of downtown businesses; they were important for vibrancy. He asserted revenues were down due to perception of access and flat rate parking costs. He stated businesses wished to give the impression Main Street visitors were welcome after the first weekend. He wished for an analysis of transit route numbers to establish destinations on transit ridership destinations. He stated he was part of the Taxi Stakeholder Group and felt national data pointed to rideshare programs increasing congestion rather than helping it.

Jeremy Neigher, Lyft, stated the partnership with the City was effective. He stated he heard the feedback and was committed to continuing to work together to be part of the solution, rather than the problem. He also stated his commitment to providing data to the Council to track changes year over year. He stated the company had tried many tactics for snow safety, including trainings.

Mayor Beerman closed the public input portion of the meeting.

Council Member Worel asked if the number of drivers could be limited. Neigher reported there were incentives to bring drivers to an area, but no barriers. He reiterated that the company had educated drivers on the local geography and laws.

Council Member Gerber was appreciative of staff establishing a predictable and consistent transit and parking plan. She asked the Council to consider business as usual after opening weekend. She stated traffic did not equal vibrancy.

Council Member Joyce stated he had canvassed businesses around The Ray Theater and reported that business had suffered. He asked staff to consider how moving venues alleviated congestion in one area but negatively impacted business in other areas. Graham reported Sundance staff had worked with businesses to ensure customer parking. Council Member Joyce responded he had struggled to access his mailbox.

Wallace thanked the Police and security for an outstanding and safe festival.

Council Member Henney was looking forward to discussing China Bridge parking fees. He stated it made sense to consider fees during peak times separately from flat rate daily fees. He wished to eliminate shuttles and vans on Main Street year round, and stated snow tires could not be regulated. He highlighted from the staff report that community engagement and outreach was outstanding. He stated traffic improvements were a good start. He requested China Bridge data to determine if Main Street businesses were suffering. He complimented staff on working through the challenges when All Resort Transportation folded. He was in support of the recommendations.

Council Member Gerber requested parking data from other peak holidays. She appreciated Richardson Flat and Homestake lot parking options. Council Member Ware Peek thought Lyft drivers could receive more education around Old Town geography.

**Hillside Avenue Traffic Discussion:**
Mayor Beerman thanked Matt Cassel, City Engineer, for ten years of service to the City. Cassel, Alfred Knotts, and Corey Legge, Public Improvements Engineer, presented this item. Cassel presented a high level overview of traffic on Hillside Avenue. He stated traffic was increasing but staff did not believe it had exceeded its capacity. He gave a background on the road width and Council's past direction. He spoke to unintended consequences of banning commercial vehicles. He stated Hillside Avenue should not be considered in a vacuum.

Peter Marth stated he had lived on Hillside Avenue since 1987. He gave a history of the road and traffic on the road since 1987. He stated the Council had agreed to reclassify Hillside as a narrowed, low volume local road in 2008. He stated signs currently directed traffic up Hillside into the HR1 zone. He expressed frustration over the public process and City response to his concerns over the years. He stated he made the news when a Montage shuttle accelerated around stopped cars and almost hit him and his friends standing at the bottom of his property. He stated he was extremely angry and confronted the driver, so the driver called the Police.

Clive Bush stated he was Marth's neighbor and he moved in after Hillside was rebuilt in 2008 or 2009. He presented evidence of Council's decision to not widen Hillside in 2009 to deter use of Hillside as another access to Main Street.

Council Member Worel asked for clarity on the difference between a collector and a low-volume residential street for future discussions. Council Member Ware Peek asked about the provision on Hwy 248 prohibiting access to Wyatt Earp Road during school load in and out. Mayor Beerman and Council Member Gerber suggested convening a stakeholder group.

Council Member Henney questioned the effectiveness of a stakeholder group and was in favor of regulatory action. Mayor Beerman stated that the shuttles had not been asked to not use Hillside. Council Member Worel requested that construction and homebuilder companies be included in the stakeholder group. Council Member Joyce recommended construction companies be given recommended routes, rather than enforcement. Mayor Beerman suggested the stakeholder group be administered by Matt Dias, Assistant City Manager, and include Police, City Engineer, residents, Alfred Knotts, and representatives from the Park City Area Lodging Association (PCALA), HPCA, Council and the Taxi Stakeholder Group.

**REGULAR MEETING**

**I. ROLL CALL**

| Attendee Name | Title | Status |
|---|---|---|
| Andy Beerman | Mayor | Present |
| Becca Gerber | Council Member | Present |
| Tim Henney | Council Member | Present |
| Steve Joyce | Council Member | Present |
| Lynn Ware Peek | Council Member | Present |
| Nann Worel | Council Member | Present |
| Diane Foster | City Manager | Present |
| Matt Dias | Asst. City Manager | Present |
| Mark Harrington | City Attorney | Present |
| Minda Stockdale | Deputy City Recorder | Present |



## II. PUBLIC INPUT *(ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)*

Mayor Beerman opened the continuation of the Work Session.

Clive Bush continued his input for the Hillside Avenue Traffic Discussion. Bush asked for ratification of the 2009 Council decision to disallow access to the Commercial District. He presented evidence of challenges walking, driving and of conflict on the road. He presented his recommendations for signage.

Rob Slettom stated he was on the Board of Directors of the PCALA and a Park City resident for many years. He stated he understood the traffic on the road and the road was narrow. He expressed interest in the PCALA participating in the stakeholder group.

Kathy Decker, Hillside resident, asked how the City was able to circumvent the conditions of the Land Management Code (LMC), which prohibited commercial traffic in a residential area.

A citizen stated he lived on another street but Hillside was a problem for all residents. He asked why the residents were being held to a standard the City could not uphold. He wished his neighborhood was safe and walkable. He asked the Council to take this issue into consideration.

Mayor Beerman closed the public input.

Mayor Beerman stated the discussion would be continued to a future date. He stated the Council and stakeholder group was committed to solutions and to broadening the conversation to include other streets. Council Member Henney added that the Council would create the committee with strong direction. He stated the road should be repurposed to the original intention. Mark Harrington, City Attorney, clarified Council could provide direction other than the recommendations presented in the staff report.

Council Member Worel stated she was in favor of a committee to develop solutions with key stakeholders. Council Member Ware Peek was in favor of moving forward with the committee.

Council Member Joyce stated this road presented a unique safety concern and was in favor of developing unique solutions for Hillside to avoid it getting lost in a larger discussion. Council Member Gerber was in favor of moving forward with signage as soon as possible. The Council agreed. Foster clarified that staff would proceed with signage, bulb out and convening a stakeholder group. Mayor Beerman wished to discuss shuttle circulation in the broader area. Council Member Joyce cautioned against focusing only on lodging shuttles.

Mayor Beerman opened the meeting for public input on any items not on the agenda. No comments were given. Mayor Beerman closed the public input portion of the meeting.

## III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

**Staff Communications Report:**

- Season Two: Summit Bike Share

Council Member Gerber asked how and why the station site was chosen in a low use area at North City Park when other neighborhoods were excited for bike share options. Julia Collins, Senior Transportation Analyst, stated the site was chosen anticipating development of Lower Park Avenue and the project was funded by a grant that required they be on City-owned property. She added that events and trail access contributed to the location proposal, and stated size and access to the stations was also a consideration. Foster added the station was near low income housing and was busy during the summer. Collins stated there was time to consider other locations.

Mayor Beerman asked if the stations could be moved after being installed based on use. Collins responded an environmental clearance process was required but they could. Mayor Beerman asked about bike use in other isolated stations. Collins stated staff was working on wayfinding and the stations would possibly be moved.

- Park City Transit Spring Service Change Day

Council Member Henney asked if the Homestake Lot would be impacted by Spring service changes. Knotts responded hours would be adjusted from 11:00 a.m. to 3:00 a.m. instead of noon to 4:00 a.m. Knotts added that the Electric Express would continue to operate until midnight.

## IV. CONSIDERATION OF MINUTES

**Consideration to Approve the City Council Meeting Minutes from March 2nd and 8, 2018:**
Council Member Gerber clarified on Page 71, Line 29 of the packet that she was joking. Council Member Joyce stated he would be absent at the April 5th Council Meeting.

Council Member Worel moved to approve the City Council Meeting minutes from March 2 and 8, 2018 as amended. Council Member Gerber seconded the motion.

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

## V. CONSENT AGENDA

**1. Request to Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney's Office, with Advanced Engineering and Environmental Services, Inc., for a Condition Assessment of Water Distribution Meters and Tank Level Sensors, and a Communications Upgrade to Some Distribution Meters, in an Amount Not to Exceed $118,624:**

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

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

## VI. OLD BUSINESS

**1. Strategic Code Enforcement Update**:
Michelle Downard, Deputy Building Official, Dave Thacker, Chief Building Official, Bruce Erickson, Planning Director and Gabe Jaramillo, Code Enforcement, presented this item. Erickson presented the requirements for conditions of approval/construction mitigation plans and spoke about staff's ongoing collaboration with the Planning Commission and Historic Preservation Board.

Downard stated staff would return to discuss the noise ordinance in May. She added the Building and Community Development departments would circulate a newsletter.

Thacker added gravel and parking enforcement was complaint-based and ongoing, and he added that enforcement of trailer parking on private property was a sensitive topic. Erickson explained staff would return in May to present an option to deregulate parking of recreational vehicles in side yards with consideration of fire egress, and pedestrian, gravel, storm drain and snow removal access. Thacker added anonymous complaints could now be submitted online.

Council Member Joyce asked about proactive enforcement. Erickson stated staff used Google Earth to observe neighborhoods when reviewing zoning in the Planning Department. Downard stated proactive enforcement was happening at gravel based lots. Erickson stated enforcement could shift as it did for the noise enforcement project. Council Member Joyce asked if there were mitigation plans for City-owned gravel trailheads. Deters and Erickson responded that they would pursue code changes, and Council Member Joyce was supportive of the City setting an example with gravel management.

Council Member Worel thanked Downard for including conditions of approval in the construction mitigation plan and asked if it could be posted. Thacker confirmed they were included in the permit that was required to be posted, but they were sometimes posted inside the house. He stated staff was working toward site-specific digitized conditions of approval that would be available online. Erickson expressed staff's desire to improve signage and respond directly to the public's concerns while online recourses were being developed.

Council Member Worel asked if frequent offenders received proactive site visits. Erickson stated they did in the Historic District. Thacker confirmed they did and would continue to do so with increased staffing. He mentioned enforcement vehicles were better marked and inspection staff was encouraged to work collaboratively and proactively. Council Member Worel asked if frequent offenders could be held responsible for inspection staffing costs. Downard responded that fines for violations could be assessed and Erickson added these could be increased in the LMC.

Council Member Ware Peek thanked Downard for her attention to hawking on Main Street. She asked about gravel and Erickson confirmed future code amendments would allow gravel with a mechanism to prevent it from migrating into a public right of way.

Council Member Henney asked if direction made sense to staff in if they felt supported. Downard responded that they had the ability to adjust their approach with strategic enforcement.

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

## VII. NEW BUSINESS

**1. Consideration to Approve Resolution 05-2018, a Resolution Recognizing April 2, 2018, as World Autism Awareness Day, and the Month of April as Autism Awareness Month in Park City, Utah:**

Mark Tourangeau stated he had recently moved to town with his family including a son and daughter who attended Park City High School. He stated he had a son on the Autism spectrum. He indicated he supported the City Social Equity critical priority and felt that this action supported that mission. He presented the resolution to Council.

Mayor Beerman opened the meeting for public input.

Matt Brown stated his child was 21 years old. He stated he was grateful and excited for the support and awareness in Park City for his son. He stated that sometimes his son's community was invisible, but the National Abilities Center (NAC) and the opening of Lucky Ones was special to them. He stated his goal was to create a neighborhood for all abilities in 84060. He expressed his support for the resolution.

Mayor Beerman closed the public input portion of the meeting. Council Member Ware Peek thanked the Library for the Autism Awareness book display at the Library.

Council Member Joyce moved to approve Resolution 05-2018, a Resolution recognizing April 2, 2018, as World Autism Awareness Day, and the month of April as Autism Awareness Month in Park City, Utah. Council Member Worel seconded the motion.

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

**2. Consideration to Authorize the City Manager to Execute the Loan Purchase and Sale Agreement Between H & B Partners, LLC, and Park City Municipal Corporation in the Amount of $1,050,000.00 in a Form Approved by the City Attorney:**

Tom Daley, Assistant City Attorney, presented the conditions for the sale. He stated the goal was to gain control of the units and Talisker was supportive. Daley reported the units were in poor shape, and had back taxes and HOA fees.

Council Member Henney asked about the obligations of a defunct entity. Daley clarified that Talisker was not defunct. Dayley explained the deed restrictions were subordinate to the loan, and would be lost in the event of a trustee sale. Council Member Henney asked if the obligations could be reestablished with Talisker. Daley responded that staff could follow up. He added the process would be difficult because the process involved a development approval in exchange for Average Unit Equivalents (AUE) going back to 2008.

Council Member Gerber noticed rent and HOA fees were the same amount and was in favor of the Council discontinuing the HOA fees.

Jason Glidden, Housing Manager, stated the housing would be used as transit housing and would be subsidized.

Mayor Beerman opened the public input.

John Juarez, attorney for Prospector Square Condominiums, stated the association was concerned about the units which were not addressed in the staff report. He stated the units were problematic due to smoking, noise and occupancy that had accelerated over time and the Health Department had issued a violation report. He addressed the financial issues for the administration. He stated the units had no market value hence why Talisker abandoned them. He stated the homeowners were negatively affected. He felt he had been excluded from information and staff had not challenged his legal concerns regarding the enforceability of the deed restriction. He cautioned the Council against taking a risk. Juarez stated the deed restriction stigmatized the Association and was unfair to those owners who had other deed restrictions. He requested the Council get rid of the deed restrictions.

Helen Swan, President, Prospector Square Condominiums Association of Unit Owners Board of Directors, spoke to the disparity between the dues and rent noted by Council Member Gerber. Swan stated the issue had created a burden on the other owners in the building. She stated a financial burden had been placed on the homeowners due to Talisker's negligence. She stated the property had been renovated and a default from the units would jeopardize the bank loan for the renovation.

Bob Hughes was an HOA operator and stated the owners were non-responsive and tenants were dealing with serious maintenance issues. He stated the units had been poorly maintained and were affecting surrounding units. He requested the Council get rid of the deed restriction.

Mayor Beerman closed the public input portion of the meeting.

Daley stated staff had considered Juarez's legal opinion and did not find any legal issue with setting the deed restriction. He reported Talisker had agreed to the sale.

Mayor Beerman asked about the timeline for the purchase and remodeling. Daley responded the sale would be final in three weeks, and Glidden stated the units would be remodeled to address the health concerns when the sale was final. Foster stated the City was a good landlord.

Council Member Gerber asked who maintained the City's existing rental units. Glidden stated it was City staff. Council Member Ware Peek asked if the housing would be for transit drivers in perpetuity, and Glidden responded it would be.

Juarez asked the Council to consider removing the deed restriction in the event they sold to another entity in the future. Council Member Joyce could not commit to dropping the deed restrictions in a future sale. He mentioned the City was currently rewriting deed agreements to re-sell them and it was a good indication of the City's commitment to modernizing deed agreements to fit a working model and avoid past mistakes. He added they would be used as a hiring tool and maintained in that manner.

Mayor Beerman was sympathetic to mixed use housing and assured the Board that this was a reliable, fast and low impact solution. Council Member Worel asked if there was a time limit on the health violation. Glidden and Hughes responded that the violation was appealed by Talisker and was therefore extended to a date uncertain.

Council Member Gerber moved to authorize the City Manager to execute the Loan Purchase and Sale Agreement between H & B Partners, LLC, and Park City Municipal Corporation in the amount of $1,050,000.00 in a form approved by the City Attorney. Council Member Henney seconded the motion.

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

**3. Consideration to Approve a New Level Three Event, Avalanche Invitational Soccer Showcase, to be Held June 14-17, 2018, Based on Findings of Fact, Conditions of Approval and Conclusions of Law in a Form Approved by the City Attorney's Office:**
Tommy Youngblood, Special Events Coordinator, Diersen, and Joanna Barney and Scott Butler, Avalanche Invitational Soccer Showcase representatives, presented this item. Youngblood presented the details of the all-girls event with the associated economic benefits. Youngblood read a letter from Shelley Gilwald, Executive Director of the Park City Soccer Club and Tournament Director for the Park City Extreme Cup in support of the event.

Council Member Ware Peek asked why the previous Council gave it the thumbs up in light of event fatigue. Diersen responded that the focus on women's sports at elite and amateur levels was a priority and other events that weekend would include Savor the Summit, Tiny Triathlon, Arte Latino, and Park Silly Sunday Market. Foster added staff was focused on mitigation.

Council Member Joyce expressed concern about discussing an event three months in advance to approve in a very short timeline. He recommended approving events on a timeline that was not disruptive to applicants. Diersen responded the deadline was 90 days in advance, and added that staff was confident that there was adequate geographical distance between events to mitigate the impacts to allow them to happen on the same weekend. Council Member Joyce expressed concern about so many Level

Three events on the same weekend and about events happening off of Hwy 248 at 8:00 a.m. on workdays.

Council Member Gerber expressed concern that Council approved any event that pulled at their heartstrings. She stated the event was economically viable. She was in favor of approving the event. She wished for a limit because the Council would approve all events if they were presented on an event by event basis. Mayor Beerman thanked staff and stated Council continued to approve events despite a stance to take their foot off of the gas.

Council Member Worel doubted if the event would bring positive economic impacts to Park City. Bob Kollar stated lodging data economic impact reports could be generated from this event. Council Member Joyce stated the event filled a shoulder season slump. He added residents valued a slow shoulder season. He asked if Council wished to protect or fill shoulder seasons.

Council Member Henney reminded the Council that there was a policy in place to program the slow seasons. The Council was in favor of a Work Session to address their goals for Special Events.

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

Council Member Gerber moved to approve a new Level Three Event, Avalanche Invitational Soccer Showcase, to be held June 14-17, 2018, based on findings of fact, conditions of approval and conclusions of law in a form approved by the City Attorney's Office. Council Member Joyce seconded the motion.

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

**4. Consideration to Approve March for Science, a Level Three First Amendment Event to be Held on Saturday, April 14, 2018 from 10:30 A.M. to 2:00 P.M., and Fee Reduction in the Amount of $ 7,361.00, Based on Findings of Fact, Conditions of Approval and Conclusions of Law in a Form Approved by the City Attorney's Office:**

Tommy Youngblood, Special Events Coordinator presented this item with Josh Hobson, the applicant. Youngblood stated the event was requesting a route change from the previous year and fee reductions.

Council Member Gerber asked if this would be an annual event. Hobson responded plans for next year's event would exclude the public rally. Council Member Gerber asked that anticipated annual events become self-funded and recommended a science-based sponsor.

Council Member Joyce expressed concern about mitigating impacts on Main Street for the march. Diersen reported the event would occur after the resorts closed for the season, the road closure would be rolling, and HPCA was not concerned about impacts. Council Member Joyce requested the Special Events work session address Main Street mitigation.

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

Council Member Ware Peek moved to approve March for Science, a Level Three First Amendment Event to be held on Saturday, April 14, 2018 from 10:30 a.m. to 2:00 p.m., and fee reduction in the amount of $7,361.00, based on findings of fact, conditions of approval and conclusions of law in a form approved by the City Attorney's Office. Council Member Gerber seconded the motion.

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

**5. Consideration to Approve Ordinance 2018-12, an Ordinance Approving the Second Amended Silver Strike Lodge Condominium Plat, Combining Units 201 and 203 with an Adjacent Hallway, Located at 8902 Empire Club Drive in Park City, Utah**:
Kirsten Whetstone, Senior Planner, presented with Birk Larson, Architect. Whetstone presented the plat proposal.

Council Member Worel referred to Page 143 and asked where in the photograph the hallway would get cut off. Whetstone clarified where the photographer was standing.

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

Council Member Henney moved to approve Ordinance 2018-12, an ordinance approving the second amended Silver Strike Lodge Condominium Plat, combining Units 201 and 203 with an adjacent hallway, located at 8902 Empire Club Drive in Park City, Utah. Council Member Joyce seconded the motion.

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

**6. Consideration to Continue an Ordinance Approving Park City Heights Phase 2 Subdivision, Located at 3900 Calamity Lane, South of Richardson Flat Road and West of US Highway 40**
Staff recommended this item be continued to May 3, 2018.

Council Member Gerber moved to continue an ordinance approving Park City Heights Phase 2 Subdivision, located at 3900 Calamity Lane, south of Richardson Flat Road and west of US Highway 40 to May 3, 2018. Council Member Joyce seconded the motion.

**RESULT: CONTINUED TO MAY 3, 2018**
**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek and Worel

**7. Consideration of a Courchevel Municipal Employee Exchange:**
Dias stated the Sister Cities partnership had been revitalized in the last five years and Courchevel was eager for this exchange with Park City. He stated staff could handle this administratively. He presented areas of interest for eligible employees. He also presented a preliminary plan for the exchange program. He stated contingency and City Manger funds, as well as community support, would fund the exchange.

Council Member Henney guessed the criteria to apply would pertain to few employees. Dias responded he had been approached by a number of interested staff. Council Member Joyce asked about the challenges telecommuting would present. Dias responded that the employee could come to an agreement with their supervisor on a thirty or forty day basis. Mayor Beerman said it was a benefit with unavoidable disruption and it would bring ideas to Park City.

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

Council Member Ware Peek moved to approve a Courchevel municipal employee exchange. Council Member Gerber seconded the motion.

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

**VIII. ADJOURNMENT**

With no further business, the meeting was adjourned.

Minda Stockdale, Deputy City Recorder

# Strategic Code Enforcement

- **Proactive Code Enforcement**
  - Regularly conduct visual surveys throughout the community to identify and resolve code violations
- **Strategic Code Enforcement**
  - A mixture of proactive and reactive enforcement allowing a focus on specific community concerns
- **Reactive Code Enforcement**
  - Complaint based

**<u>Sample Re-formatted Conditions of Approval for Inclusion with Construction Management Plans</u>**

**<u>Date Sent to Building Department</u>**

**<u>Sender</u>**



1. **This approval will expire on January 10, 20XX** if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.

2. All **<u>Standard Project Conditions</u>** shall apply. (Attached)

## CONSTRUCTION MITIGATION

1. City approval of a Construction Mitigation Plan is a condition precedent to the issuance of any building permits.
   a. <u>No construction related parking or material storage shall be allowed on the street.</u>
   b. <u>There shall be no construction vehicle staging on the street and deliveries shall be "just in time" to the satisfaction of the City Engineer and Building Department.</u>
   c. <u>Two separate traffic control personnel will be onsite for any construction related deliveries.</u>
   d. <u>These requirements shall be shown in the Construction Mitigation Plan.</u>

2. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

## CONDITIONS FOR LAND USE

1. One unit, either the main Dwelling Unit or the Accessory Apartment, shall be occupied by the Owner of the Structure and the Accessory Apartment shall not be sold separately.
2. A deed restriction "Notice to Purchaser" must be filed with the County Recorder, which states:

   "A permit for an Accessory Apartment was issued to ____________________, the current Owner of this Property on _______________. This permit runs with the land and is automatically transferred to the new owner by the sale or Transfer of this Property, provided however, if the Use by the new Owner does not continue to comply with the conditions of approval, the permit may be invalidated by the Planning Department pursuant to Section 15-4-7(B)(1). Prospective purchasers should be advised that only one (1) unit on the Property may be rented; the other must be occupied by the Owner. The Owner shall strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than thirty (30) days."



3. Nightly rentals are not allowed. Neither the main Dwelling Unit nor the Accessory Apartment may be rented for periods of time less than thirty days.
4. The density cannot increase on this lot. If the use is approved and the applicant wants to apply for an accessory apartment, the duplex will need to be converted to a single-family dwelling.
5. Parcel A is appurtenant to Lot 1. This lot can never be further subdivided or sold separately. The property on both sides of the road will always be 277 McHenry Avenue as noted on the 277 McHenry Avenue subdivision plat.



## CONDITIONS FOR ARCHITECTURAL REVIEW

1. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
2. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District Design Review.
3. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

## CONDIOTIONS FOR UTILITIES

1. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
2. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
3. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
4. No parking is allowed within the 10 foot front yard setback area of the Accessory Apartment parcel. The parking in front of the existing structure shall be maintained adequate for two cars to park parallel to the street consistent with the Land Management Code. This existing parking area shall remain in good repair and private snow removal must be adequate to maintain two parking spaces.
5. A letter of completion for the conversion of the existing duplex to a single unit including the removal of one of the kitchens and demising walls shall be issued before a Certificate of Occupancy can be issued for the Accessory Apartment structure.

# Avalanche Soccer Showcase

- All-Girl College Showcase –boys games in Basin.
- Positive Economic Impact (900K to 1M).
- Event will pay for all city service fees.
- This activity is taking place at facilities that are designed to handle this type and size of event.
- Transportation and parking is mitigated.
- County wide activity use of Basin Rec Fields in addition to Park City.
- Sustainable measures - use of transit, carpooling as well as having a recycling program, digital program (no more paper), no single use water bottles provided.

# Avalanche Operational Statistics

- 4 days of play / 4,500 attendees
- Maximum of 4 games at one time per complex.
- Approx. 110 people per game - approx. 440 people per complex at one time.
- 43 College coaches are currently registered to attend - New York to California

# Additional Event Activities

- There are other city approved events taking place in other areas of town from June 14 – 17 without the addition of the Avalanche.
  - Staff finds that the events will not adversely impact one another and that concurrent scheduling of the events will not adversely impact the public health, safety, and welfare.

# SEAC Feedback for Avalanche Soccer Showcase 2018 – Prioritizing the Calendar

- Pros - The focus on female athletes; Positive economic benefit.
- Cons - Traffic concerns and community carrying capacity; Event is in the off-season; some in the community would not attend; Events should be unique and community based.

# Stakeholder Feedback

- Lodging Association is supportive of this event as it will increase lodging during a slower season.
- Local Soccer club (Extreme) is supportive of the event and believes it provides additional opportunities for local players.
- In coordination with staff, Ken Fisher and the Recreation team is supportive of this event.

# Staff Recommendation

- Approval of the new Level Three event, Avalanche Invitational Showcase, to be held June 14, 15, 16, & 17, 2018 based on findings of the fact, conditions of approval and conclusions of the law in a form approved by the City Attorney's Office

**From:** Shelley Gillwald [mailto:shelleyg@xmission.com]
**Sent:** Thursday, March 29, 2018 4:06 PM
**To:** Tommy Youngblood
**Subject:** Support for Avalanche Invitational

Tommy,
I am trying to work hard on my grant and be there tonight.
In case I am not, I would like to submit the following:

**************************************************
To Whom It May Concern-

My name is Shelley Gillwald, I am the Executive Director of the Park City Soccer Club and Tournament Director for the Park City Extreme Cup. I am writing to voice my support of the Avalanche Invitational to be hosted in Park City. I attended a City Council meeting in November (I believe) to express the sentiment of PC Soccer Club in favor of allowing Avalanche to bring their event back to Park City. Unfortunately, I am unavailable to do the same for the meeting tonight.

Years ago when Avalanche first applied in Park City, we were resistant to their event coming into our back yard. We were concerned that their event would detract from the growth of our tournament and compete with us for sponsors -- ultimately hurting the Park City Soccer Club. Instead, PCSC and Avalanche have developed a strong working relationship, supporting each other's efforts, sharing ideas, and doing a lot to help each other. Avalanche sends multiple teams to our event, and we in turn, send the Park City teams to their event that we feel can compete at that level. Their event has not hurt our event in any way, in fact, the two events have likely enhanced each other.

We believe in the Avalanche event, as it offers our top players a place to be seen by college coaches, without losing those players to other clubs. I am happy to speak directly to any council member who has questions about the event. We whole heartedly support them coming back to Park City, which is a testament to our relationship with this organization. In an arena where most clubs in this state compete and work to tear each other down, Park City Soccer Club and Utah Avalanche have formed a unique relationship of respect, support, help and encouragement.

Park City Extreme supports hosting the Avalanche Invitational in Park City.

Sincerely,

Shelley Gillwald--

Shelley L. Gillwald
Executive Director
Park City Soccer Club
435.901.3715
pcscdirector@gmail.com
www.parkcitysoccer.org