PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 24, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Matt Cassel, City Engineer; Michael Kovacs, Assistant City Manager; Jed Briggs, Budget Analyst; Matt Twombly, Project Manager; Joan Card. Environmental Regulatory Affairs Manager, Jason Christensen, Legal Intern; Jon Weidenhamer, Economic Development Director; Bob Kollar, Joint Venture Manager

Mike Sweeney, property owner; Nichole Squires, legal counsel for UPCM; Steve McComb, Ciseros Restaurant; and Andy Beerman, HPCA

Absent: **Council Member Candace Erickson**

1. Council questions/comments. Alex Butwinski discussed a Summit County public art program. He encouraged the promotion of cultural tourism and suggested forming a cultural tourism team with a number of stakeholders. He noted that he attended the Planning Commission meeting last night. Cindy Matsumoto presented the Council with a petition from a 7th grade student concerned about parking in the Round Valley area. She spoke about visiting Trailside Elementary this week to celebrate the first school in Utah receiving the Healthier Schools Program bronze award. The open house on Main Street improvements was productive and she asked about the completion of the Bonanza Tunnel. Matt Cassel advised that the opening is still scheduled for the middle of April and stream flows will continue to be monitored. Joe Kernan thanked Hugh Daniels for providing emergency response information. He discussed attending Leadership and the HPCA meeting focusing on Main Street improvements. When reviewing proposed Main Street improvements, it would be helpful for him to have some comparisons with other parts of town regarding property tax revenues, elevated City services provided, and improvements already in place. Liza Simpson thanked the HPCA for organizing the meeting where many good ideas were presented. Potential limitations on types of improvements at the trolley turn-around regulated by a conservation easement were discussed. Ms. Simpson spoke about KPCW's fund-raiser and meeting a group from Croatia. She attended her first Fire District meeting.

Mayor Williams applauded the HPCA meeting and commented on meeting the Croatia group. Some council members met with the School Board over lunch this week. He described meeting with the Utah National Guard regarding the Utah Community Covenant Program encouraging cities and towns to formally commit to supporting service members.

2. Update on DABC meeting. Michael Kovacs felt the meeting was positive where a list was presented which includes 45 stores subject to hour reductions and closures. The Swede Alley store is on the list but the ULCT has stepped in and has volunteered to coordinate efforts with the DABC to mitigate impacts. The DABC formally asked the Governor to veto the bill and some of the ethics restrictions included are targeting a couple of Huntsman appointees, specifically board members Granato and Strachan. He assured Council that all efforts to maintain the Swede Alley store will be explored.

3. Monthly budget update. Jed Briggs stated that finances have not changed dramatically since Visioning. The sales tax numbers are in from December which was a really good month. Property tax revenue has slightly increased and building, planning and engineering fees were up last month. Recreation fees are considerably down due to the recreation center project and ice fees have increased somewhat. He spoke about intergovernmental revenue which is represented by grants awards. Matt Twombly indicated that the new recreation center is anticipated to open in November. Mr. Briggs interjected that recreation revenues will be fully realized by 2013 when all programs are on-line. Ms. Simpson suggested that these monthly updates be available to the public on our website. Jed Briggs indicated that it would be easy to do. He discussed teams monitoring their budgets and displayed an interactive table designed for these financial updates. In response to a question from Alex Butwinski, Mr. Briggs clarified that projections are based on historic data going back five years. The Water Fund is slightly under-budget and the Transit Fund is over. Golf Fund revenues are somewhat down but an early opener could make a big difference.

4. Proposed mine hazard ordinance. Joan Card pointed out the large number of holes in the Park City area due to ore mining activities years ago in the form of shafts, tunnels or adits. These present safety hazards and injuries or deaths have been associated with them. Ms. Card stated that there is no federal or state regulation that requires that abandoned mine hazards be abated but there are voluntary programs and federal money available for property owners to fill the holes. It has been reported that there are still a number of holes in Park City and it is intended to target recreational areas, specifically trails. Staff has drafted an ordinance that recites that mine hazards are nuisances and owners are required to abate the hazard. It provides for a proactive regulatory program where property owners are required to evaluate properties for mine hazards and to submit a mitigation plan to the City. Plans must be submitted by December 1, 2012 and plans would need to be executed within the next three years. The City must be contacted when new hazards are discovered. Ms. Card advised that there are fines for violations and staff meet with affected parties and received some initial feedback. Overall, stakeholders agreed that human safety is paramount. A public hearing is scheduled for April 21, 2001 before the City Council, and if the ordinance is approved, steps can be taken to address these hazards this spring and summer.

Alex Butwinski asked if the process will change if the draft ordinance is modified in the meantime. Mark Harrington explained that staff will address issues raised by owners and incorporate agreed language. The staff report would delineate any differences of opinions for Council. In response to a question from Joe Kernan, Ms. Card indicated that if a new hazard is discovered after the evaluation has been submitted, the applicant has 90 days to notice the City and another year to address the hazard. Mr. Kernan asked that after the three years, will there be an on-going requirement to check for new hazards and Ms. Card advised not the way this ordinance is drafted. Owners are required to update the City as they become aware of a new hazard. She further explained that comprehensive evaluations would be conducted initially which is why owners have two seasons to survey their properties. In response to a question from Mr. Butwinski, Ms. Card explained that the Building Official has the authority to inspect properties. Mark Harrington interjected that the Division of Oil, Gas and Mining has the resources to perform these types of inspections as well. Discussion ensued on some owners not allowing an evaluation team on their properties. The Mayor invited public input.

Mike Sweeney explained his participation in the process and he felt that most stakeholders have addressed major issues and have liability insurance. He believed the group would like to continue to meet to make sure the program will work for the community.

Nichole Squires, legal counsel, stated that UPCM is supportive of an ordinance protecting residents and visitors however it is felt the ordinance is too broadly drafted and should be narrowed. Additionally, UPCM is working on a red-lined version of the ordinance and will submit it at a future date. A draft ordinance was provided only a few minutes before the meeting and she felt UPCM did not have sufficient time to review it before commenting.

5. Review of special event policy. Jon Weidenhamer advised that staff is seeking feed-back on Main Street closures and associated criteria. Staff understands Council's current direction of populating the event calendar as special events help the City meet economic goals. From 2006 to 2009, 20 events were added representing 100 additional event days and from 2006 to 2010, closures increased from 22 to 67 on Main Street. He spoke about special events affecting the Snyderville Basin Special Recreation District's day-to-day operations. The current ordinance encourages events and denials are based on health, safety, or welfare reasons. It is difficult for staff to deny an application. He felt it is time to prioritize events that are more consistent with Council's goals and to have the ability to deny a reoccurring event if it hasn't performed well. He referred to changes in the administrative application process. Staff is reviewing its inter-local agreements with SBSRD and the School District. Trails have been defined as a facility.

Mr. Weidenhamer stated that the current policy promotes 100% cost recovery and provides the ability to waive fees. The City spends in the neighborhood of $1.2 million to host, produce, and staff special events and this year City costs and economic return will be further analyzed which will help set policy. He suggested using a review committee and ranking system to prioritize events and pointed out that event venues need to be treated differently with their own use policies. He emphasized the difference between special events and outdoor sales or temporary uses.

Alex Butwinski believed that sales tax revenue data related to the event should be made available to Council members. He emphasized that the stakeholders group is very large and conducting an in-depth analysis on every event may be unrealistic and feared that this may delay processing applications. He referred to invoicing applicants after the event but suggested collecting a deposit in advance at the time of application. Mr. Weidenhamer appreciated the suggestion which may be a good way to manage temporary licensees. In response to a question from Cindy Matsumoto, Mr. Weidenhamer stated that staff will return to Council with the annual cost associated with fee waivers. The PSSM added 15 street closures on Main Street per year. The Mayor invited public input.

Steve McComb, Ciseros Restaurant, stated that he would like the PSSM to be set up next to the street dining decks and suggested that traffic be one-way uphill. The PSSM activities on lower Main Street hurts upper Main Street businesses.

Andy Beerman, HPCA, relayed that special events are important for the vitality of the City but there is also too much of a good thing. Adding criteria to events, being more scientific about priorities and including stakeholders are good approaches.

Mr. Butwinski stated that the suggestion of setting up GL codes for each special event will help members better evaluate proposals. He did not feel that first time events should receive less preference than others because each festival should stand on its own. Jon Weidenhamer explained that this deals with applications submitted for the same period of time. Joe Kernan emphasized that if an event employs local residents, for instance, it represents a community benefit, but just having the event organizer living here is not really an economic benefit. Quality of events is important but he is unsure about the appropriate number of events. Mr. Kernan believed that licensing fees should reflect the City's costs but not discourage events. Liza Simpson felt that quotas may not be needed for all venues but perhaps for Rotary Park, for example. She asked how many of the 67 closures on Main Street were considered significant by the HPCA. Tommy Youngblood estimated that about half were complete closures. Ms. Simpson felt there should be more discussion about local preference and agreed with Mr. Kernan's comments. She believed that community benefits should be recognized and spoke about setting quotas to avoid negative impacts in certain areas of town. Jon Weidenhamer commented on setting a limit on events on Main Street which may be a number or a range and provided for in the Municipal Code. Ms. Matsumoto encouraged continuing to work with the HPCA on a reasonable number of street closures. Mayor Williams expressed concerns about a set number of events in the Code as he doesn't want to preclude some good new ideas. Mr. Weidenhamer felt that a use policy may be a better approach than codification in the Municipal Code. Bob Kollar emphasized the need for Code language to give staff the ability to deny an application. Mr. Weidenhamer explained that a Code amendment provides staff with another tool to manage events and Ms. Simpson felt draft language should be provided to members to review.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 24, 2011

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, March 24, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager; Jacquelyn Mauer, Planner; Kirsten Whetstone, Planner; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MARCH 3, 2011 AND MARCH 10, 2011

Alex Butwinski, "I move we approve the work session notes and minutes of meetings of March 3 and March 10, 2011, as corrected". Joe Kernan seconded. Motion unanimously carried.

V RESIGNATIONS AND APPOINTMENTS

Consideration of an appointment of Judy McKie to the Historic Preservation Board to fill an unexpired term to July 2011 – The Mayor relayed that the response to fill the vacancy was very good as there were 13 applicants who were interviewed. Liza Simpson, "I move we appoint Judy McKie to the Historic Preservation Board". Cindy Matsumoto seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

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

1. Consideration of an Ordinance approving the First Amendment to the Silver Baron Lodge at Deer Valley, Phase II, record of survey plat, located at 2800 Deer Valley Drive East – The Mayor opened the public hearing; there were no comments from the audience. Planner Kirsten Whetstone recommended that the continuation be to April 7, 2011 rather than March 31, 2011 as noted on the agenda. Cindy Matsumoto, "I move to continue this item to April 7, 2011". Liza Simpson seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

2. Consideration of an Ordinance approving the 44 Prospect Street Plat Amendment, located at 44 Prospect Street, Park City, Utah – Planner Jacquelyn Mauer explained that this is a request to combine two lots into one lot of record. An existing house was built across the property line in 1973 and the plat amendment removes the lot line so the house is compliant. In response to a question from Alex Butwinski on the ability to build a larger house, Ms. Mauer indicated that it would be allowed as long as the setbacks are met. The lot combination increases the footprint but not square footage and the Planning Commission did not express concerns about increased size. She stated that the house is not historic. The Mayor opened the public hearing. Hearing no input from the audience, the hearing was closed.

Alex Butwinski felt that lot combinations really need to be studied to limit square footage. Mark Harrington pointed out that there are pending revisions on the lot combination section for better ability to manage the result. Ms. Mauer clarified that the lot combination produces a larger footprint on one lot but eliminates two structures on two lots. Cindy Matsumoto stated that she is also concerned about people building large structures on combined lots. Mr. Harrington relayed that the Planning Commission determined that the lot combination with a larger home will still be consistent with the streetscape. Lot combinations have the potential to provide greater setbacks, more snow storage, off-street parking and a better site plan and the current code is written to facilitate 2:1 lot combinations.

The Mayor pointed out that without the lot combination two lots could be developed and there is less square footage associated with the combination. Liza Simpson, "I move we approve an Ordinance approving the 44 Prospect Street Plat Amendment". Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

3. Consideration of an Ordinance approving the amended, consolidated, and restated condominium plat of the Belles at Empire Pass (formerly known as Christopher Homes at Empire Pass I – IV), located on Lots 1 and 2 of the Silver Strike Subdivision, Park City, Utah – Planner Kirsten Whetstone pointed out that approval of New Business Item No. 4 is dependent on approval of this item. The underlying condominium plats for the Christopher Homes, 18 lots located on Lots 1 and 2 of the Silver Strike Subdivision are under new ownership. The new owners are requesting a reconfiguration from 10 detached units and four duplexes to 11 detached units and three duplexes or going from 18 units to 17 units and changing the name to The Belles at Empire Pass. She explained that these are PUD style units and all underlying conditions of approval from the Silver Strike Subdivision have been incorporated. She indicated that the Planning Commission forwarded a positive recommended on February 23, 2011 and there was no public input at the meeting. Ms. Whetstone stated there is good cause to approve the Ordinance, as it is consistent with the approved Silver Strike Subdivision, the development pattern envisioned for the Village at Empire Pass MPD and the 14 technical reports related to the Flagstaff Development Agreement. It is a reduction in units but the unit equivalents remain the same. The Mayor opened the public hearing; there was none and the public hearing was closed. Liza Simpson, "I move we approve Consideration of an Ordinance approving the amended, consolidated, and restated condominium plat of the Belles at Empire Pass (formerly known as Christopher Homes at Empire Pass I – IV) based on the findings of fact, conclusions of law, and conditions of approval as stated in the Ordinance". Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

4. Consideration of an Ordinance approving the First Supplemental Plat for constructed units at the Belles at Empire Pass Condominiums, amending Units 1, 2 and 12, located on Lot 1 and Lot 2 of the Silver Strike Subdivision, Park City, Utah – Planner Whetstone explained that this amendment creates the condominium plat for the as-built conditions and identifies common, limited and private areas for Units 1, 2 and 12, as stipulated in the conditions of approval of the underlying plats. The Planning Commission forwarded a positive recommendation to the City Council on February 23, 2011 and there was no public input. The Mayor opened the public hearing and upon hearing no comments from the audience, closed the public hearing. Joe Kernan, "I move we approve New Business Item No. 4". Alex Butwinski seconded. Motion carried.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye

Cindy Matsumoto	Aye
Liza Simpson	Aye

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Candace Erickson was absent and excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Diane Foster, Sustainability Manager; Jason Christensen, Legal Intern; Kathy Lundborg, Water Manager; Michael Kovacs, Assistant City Manager; Tom Eddington, Planning Manager; and Mark Harrington, City Attorney. Liza Simpson, "<u>I move to close the meeting to discuss property and litigation</u> ". Alex Butwinski seconded. <u>Motion carried</u>. The meeting opened at approximately 4:30 p.m. Liza Simpson, "<u>I move to open the meeting</u>". Alex Butwinski seconded. <u>Motion carried</u>. The closed session scheduled at the adjournment of the regular meeting was cancelled.

Alex Butwinski	Aye
Candace Erickson	Absent
Joe Kernan	Aye
Cindy Matsumoto	Aye
Liza Simpson	Aye

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

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