



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

January 7, 2016

The Council of Park City, Summit County, Utah, met in open meeting on January 7, 2016, at 1:15 p.m., in the City Council Chambers

Council Member Matsumoto moved to close the meeting to discuss property, personnel, litigation and security at 1:16 p.m. Council Member Beerman seconded the motion. Motion carried.

CLOSED SESSION

Council Member Beerman moved to adjourn from closed meeting. Council Member Gerber seconded the motion. Motion carried.

WORK SESSION

1. Bob Wells Memorial Plaza Dedication Ceremony:

Patti Wells paid tribute to her late husband, Bob. She expressed appreciation on behalf of her family to the Council and staff for their efforts with regard to the Bob Wells Plaza as a memorial/tribute to him. Mayor Thomas noted all the work Wells did in serving the community, including the time spent serving on the City Planning Commission and Council, and stated many were excited for this memorial.

Scott Loomis, Mountainlands Community Housing, stated Wells was instrumental in starting the community housing program. He noted that at the 20 year anniversary, Mountainlands created a *Bob Wells Award* and Bob was the first recipient. It was indicated that many community members learned more of Wells' service after his death because he never spoke of it.

Jane Patton, Executive Director of Peace House, stated Wells was instrumental in the development and construction of the Peace House Shelter. She stated he was loved and missed.

Bob Wheaton, Deer Valley General Manager, indicated that foresight for the town was important for Wells, and gave the credit of Deer Valley Drive alleviating traffic congestion to Bob.

Brad Olch, former Park City Mayor, also credited Wells for his efforts with Deer Valley Drive and related a story of Bob campaigning to make Park City part of the Weber Water Basin.

Gary Cole, Cole Sport, indicated Wells helped market Park City to make it what it is today. He thought of Bob as a great teacher, supporter and friend.

Bill Coleman reminisced about the Bonanza cut-off and gave Wells credit for that accomplishment.

Mayor Thomas announced that the meeting would reconvene at the plaza for the dedication. Those in attendance left the Council Chambers and proceeded to the plaza.

STUDY SESSION

2. Study Session on 2016 City Council Retreat:

Foster stated it was important to know what the Council wanted from the retreat, and explained this session would help staff prepare for the retreat. Council Member Henney stated he liked the retreat last year because staff handled the retreat as opposed to an outside facilitator. Mayor Thomas agreed, but suggested a facilitator might be used for the governance portion of the agenda, noting that David Church was a great speaker and could be approached to come present. Council Member Beerman also felt that last year's retreat was the best he had attended. He noted David Church would be speaking to the new Council members in orientation, so it might not be necessary for him to come to the retreat. Council Member Beerman also requested that the liaison assignments be distributed at the next meeting, and that assignments should not wait until the retreat to be made. Council Member Matsumoto did not think a governance session was needed, but indicated the liaison assignments might deserve a closed session in order to have some free discussion. She liked volunteering last year at the food bank, and thought a team building activity would be nice.

It was indicated an hour would be given for the Council to discuss what they would like to see happen in the City. Mayor Thomas liked understanding how personalities worked and how different people perceived problems, which was discussed at last year's retreat. Council Member Beerman suggested that the Council members go as a group to different City departments, such as Streets, Water, etc., bring them lunch and learn about their day on-the-job, for each day of the retreat. Council Member Henney liked that idea, and stated that going as a group would be a team-building experience. He also agreed with comments given that having flexible time would be beneficial for brainstorming and goal setting. Council Member Beerman stated the critical priorities were great to work with last year, and felt an action plan could be discussed for those goals this year. Council Member Matsumoto asked to review what had been accomplished and what direction the City would be taking going forward. Foster suggested that Council give timelines for the goals.

Mayor Thomas discussed looking at long-term projects with relation to the City's progress at different points on a timeline. Foster stated this would be beneficial because many City projects were dependent upon the seasons. The Council was also in favor of having a reception with the other City boards. Council Member Worel stated she was anxious to get to know her fellow Council members on a different level.

3. Arts & Culture Initiatives Discussion:

Jenny Dierson, Special Events Coordinator, discussed the Arts and Culture Initiative, which included keeping Arts and Culture organizations in Park City, tourism from Arts and Culture, and as a City being proactive and committed to funding Arts and Culture. Foster stated this issue was not being presented to the Council in order to advocate for the arts, but rather it was presented as an informational source. Council Member Henney asked what cities were compared to Park City as far as Arts and Culture. It was noted that Austin, Aspen, Sun Valley, Breckenridge, and other cities were being compared. Council Member Henney stated that Park City didn't recognize the arts like Austin. It was noted that Austin was recognized for music and Park City was recognized for film. Council Member Henney indicated he was in favor of spending money in a way the art community supported instead of having the City decide how to spend it.

Randy Barton stated Park City did not have the advocates like other cities had. He hoped this Blue Ribbon Commission would highlight everything Park City had to offer. Council Member Henney noted that Park City could be named a summer Music Festival City. He asked why the City had a Recreation Department but not an Arts and Culture Department. Foster indicated the need to provide programs for residents was a reason for a Recreation Department. Dierson asked what an Arts and Culture Department would do. Teri Orr stated she hoped that an Arts and Culture Department would advocate for the arts. Council Member Worel stated she served on the Arts Committee for Summit County and they looked at how best to use the allocated government funds. Some things those funds were used for included banners that advertised events, constructing crosswalks for access to the events, etc. Mayor Thomas thought there was a need to tell others all that Park City had to offer. Council Member Beerman defined a Blue Ribbon Commission appointed by Mayor Thomas, and indicated if these leaders wanted to take charge, a private task force could be formed. He also indicated that the arts should be a focus of the City and it should be marketed. Barton stated there were many options, but however it was formed, the group needed to be focused and results driven.

Mayor Thomas expressed his enthusiasm for the arts in Park City, and offered his support of a commission or task force. Council Member Beerman felt the key was the Chamber of Commerce, and noted that oftentimes the marketing focus was on skiing. He thought the Chamber should include the arts in its branding message of the City. Further discussion ensued. Barton requested that a Blue Ribbon Commission be formed that could interact between the City and County. Council Member Matsumoto asked if Barton already had a group of people in mind that would serve in this capacity. Council Member Gerber asserted there were so many different forms of art that could be represented.

Council Member Henney was supportive of moving this item forward. Foster indicated Barton was willing to form the group, and the City could have a representative participate in the meetings. It was noted this item would be discussed at next week's work meeting.

REGULAR MEETING

I. Roll Call

Attendee Name	Title	Status
Jack Thomas	Mayor	Present
Andy Beerman	Council Member	Present
Becca Gerber	Council Member	Present
Tim Henney	Council Member	Present
Cindy Matsumoto	Council Member	Present
Nann Worel	Council Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	City Recorder	Present

II. Communications and Disclosures from Council and Staff

Council Member Worel stated she would abstain from voting on the Planning Commission items on the agenda tonight since she was part of the Planning Commission when they recommended these items for Council approval.

1. Manager's Report -- McPolin Farm Preservation Grant Award:

2. Manager's Report -- Community Outreach:

3. Manager's Report -- Bus Stop Play Project:

4. Manager's Report -- Prepare60 Informational:

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

Liz Tippet expressed concern about the intersection of Aerie Drive and Deer Valley Drive. She stated it was impossible to cross the street there, and was especially concerned with Sundance coming up since many cars parked on Aerie and people tried to cross Deer Valley Drive. She hoped a temporary access could be put up until a solution could be achieved.

IV. Consideration of Minutes

1. Request to Approve the City Council Meeting Minutes from December 10, 2015:

Council Member Beerman moved to approve the City Council Meeting Minutes from December 10, 2015. Council Member Matsumoto seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Matsumoto

ABSTAINED: Council Member Worel

V. Consent Agenda

1. Council Approval of Type 2 Convention Sales Licenses:

2. Authorize the City Manager to Enter into an Agreement Between Park City and Utah Department of Transportation (UDOT), in a Form Approved by the City Attorney, in an Amount Not to Exceed \$85,000, for Construction and Maintenance of Four Variable Message Signs:

3. Consideration of the 2016 Meeting Schedule for City Council:

Council Member Henney moved to approve the Consent Agenda. Council Member Matsumoto seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

VI. New Business

1. Consideration of an Ordinance Amending Land Management Code Section 15-2.6-3(D) Balconies in the Historic Commercial Business (HCB) District, Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Anya Grahn, Planning, and Bruce Erickson, Planning Director, presented this item. Grahn stated that in June, the Council asked staff to create a pilot program for restaurants that faced Main Street who wanted their balconies to be temporarily enclosed during the winter months. She indicated that the Planning Commission forwarded a negative recommendation because they felt the enclosures would take away from the look and feel of Main Street. After extensive research, Grahn recommended to put Temporary Winter Balcony Enclosures on the list of allowed uses for the Historic Commercial Business District.

Council Member Matsumoto asserted that since this item was discussed in June, it did not appear that the issue was followed through in a timely manner. Grahn stated this item was first approved in Work Meeting and the Planning Department needed the pilot program to be approved in Regular Meeting before they could implement the program. The applicants then submitted their applications in September, which were reviewed in October and November, and that was the timeline leading up to this item being presented tonight. Erickson added that this issue was discussed in the Planning Commission twice and the Historic Preservation Board and needed to go through the noticing process as well, which added to the delay for this program.

Grahn explained that the pilot program with the sunset clause and insurance requirements would be included in the balcony agreement for dining on balconies. Council Member Beerman indicated he was supportive of these enclosures because he was not in favor of heating the outdoors. Grahn indicated the enclosures would be more energy efficient than a white tent, but these temporary enclosures would not meet the State Energy Code. Mayor Thomas expressed his concern that the enclosures would not meet the State Energy Code. Erickson suggested that the approval of this item could be conditioned on reviewing the energy standards in the balcony agreement and/or meeting the State Energy Code. Council Member Henney felt that enclosures kept the heat in better than having outdoor heaters on without any enclosures, and felt this was a step in the right direction. Mayor Thomas stated that there were means available to make these enclosures State Code compliant. Council Member Gerber thought meeting code was possible, but it was not timely for applicants to go back and refit their enclosures at this time of year. Erickson noted that since this was a pilot program, it could be established in phases, so meeting the State Energy Code could be upgraded for next year.

Council Member Henney asked about the structure being semi-permanent. It was noted that the materials would attach to the building, unlike a tent that was usually free standing. Council Member Henney indicated a tent could be attached to a building as well. Erickson asked if the Council wanted this to be an energy saving project, and noted that if they did, this element could be incorporated into the pilot project, but it would not be included in the LMC code. He added that if this was approved, the Planning Team would establish a set of review criteria, of which one thing would be to establish an energy standard that would meet the State Energy Code. Mayor Thomas opened the public hearing.

Seth Adams, Riverhorse, indicated he worked very hard for the past two years to bring this item to this point. He also noted he was conscious of being as energy efficient as he could, by having a thicker roof and insulated floors.

Ruth Meintsma, 305 Woodside, stated she supported the pilot program and noted the Legislature was going to discuss the energy standards again this year. She hoped a measure would be looked at to determine how close the restaurant comes to meeting the Energy Code. She also asked what the difference was between patios and balconies, because it should be defensible if necessary.

Jim Tedson, Preserve Historic Main Street, was concerned about the enclosures not conforming to the look of Historic Main Street. He stated even though the three buildings were not historic, the enclosures would not fit in. He asserted that the Council needed to decide if they wanted to preserve Main Street.

Michael Sweeney stated if everyone wanted a historic Main Street then Main Street wouldn't be here. This City was a mining town gone bust. Then people came in and changed the town to a skiing town. He felt Main Street could evolve and there were things that could make it better.

Mayor Thomas closed the public hearing.

Council Member Henney stated this project was approved by the Historic Preservation Board (HPB), and noted this was an improvement over the white tents that were usually seen in the winter. Mayor Thomas asserted that if the City was serious about its energy goals, the Council needed to walk the walk. Grahm stated some language in the ordinance needed to be amended. On Page 90 of the Council packet materials, the ordinance title should include "amending Sections 15-2.6-2 Uses, and 15-2.6-3(D) Balconies." Under the "Uses" Section, Number 31 on the list of allowed uses-Temporary Winter Balcony Enclosures would be added.

Council Member Beerman moved to approve an ordinance amending the Land Management Code Section 15-2.6-3(D) Balconies in the Historic Commercial Business (HCB) District, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney with the aforementioned amendments. Council Member Matsumoto seconded the motion.

RESULT:	APPROVED
AYES:	Council Members Beerman, Gerber, Henney, and Matsumoto
ABSTAIN:	Council Member Worel

2. Consideration of a Request to Approve a Winter Balcony Enclosures Pilot Program on Main Street:

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

Erickson noted that conditions to the approval be added; that the pilot program be limited to the three existing balconies over right-of-way with encroachment agreements, that over the three year program, a semiannual review be conducted to determine progress made in meeting the State Energy Standards, with the goal of meeting those standards by the end of the pilot program, and that the Planning staff be directed to establish a set

of criteria for review by the City Council at the completion of the pilot program for its success.

Council Member Beerman moved to approve a Winter Balcony Enclosures Pilot Program on Main Street with the three following conditions: that the pilot program be limited to the three existing balconies over right-of-way with encroachment agreements, that over the three year program, a semiannual review be conducted to determine progress made in meeting the State Energy Standards the first year, with the goal of meeting those standards by the second year, and that the Planning staff establish a set of criteria for review by the City Council at the completion of the pilot program for its success. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, and Matsumoto

ABSTAIN: Council Member Worel

3. Consideration of an Ordinance Amending the Land Management Code (LMC), Chapters 2.5 (Historic Recreation Commercial (HRC) and 2.6 (Historic Commercial Business (HCB), as Well as Chapter 15 (Definitions), Pursuant to the Findings of Fact and Conclusions of Law, in a Form Approved by the City

Attorney:

Kirsten Whetstone, Planning, explained that this amendment would clarify language with regard to vertical zoning, and noted vertical zoning regulated vertical spaces in historic Park City. The street level would be reserved for the highest activity, and the upper floors would be reserved for less active uses, such as professional offices and residential. She also stated this ordinance would require that new construction must provide store front property. She indicated the Planning Commission reviewed this issue a number of times and forwarded a positive recommendation. Whetstone referred to a significant change that the Planning Commission discussed, in which they had previously exempted a few properties from the vertical zoning requirements, but now the recommendation was not to exempt those properties going forward.

After some discussion with regard to event spaces, Whetstone indicated one of the amendments in this ordinance stated private event facilities were prohibited as store front properties. Council Member Henney stated there was a concern about the dark spaces in town, and indicated the need for the City to promote vibrancy. Erickson stated this ordinance would not prevent current dark spaces, but could prevent future dark spaces from occurring.

Mayor Thomas opened the public hearing.

Jana Potter, Principle Owner in 820 Park Avenue property, stated she had been part of many zone changes. She understood the reasoning for vertical zoning on Main Street, but Park Avenue faced a residential zone and was located in a transitional area. Her

property was exempted from being included in the vertical zone in 2007, and she would like it to continue as an exempted parcel. She noted that she advised her properties that went under contract that they were exempt from vertical zoning, and now all of a sudden it was changing. Harrington explained her situation and noted the Planning Department was aware of a potential non-conforming use for one of these units. He noted staff was comfortable with Council moving forward with certain parcel exemptions or approving the zoning as presented.

Mayor Thomas closed the public hearing.

Council Member Matsumoto asked if the Historic Recreation Commercial (HRC) Zone cut into Summit Watch. Erickson stated it did, and noted the area needed economic development help and the current regulations did not support that. Council Member Beerman stated he was a property owner on Main Street and when vertical zoning was introduced, many owners were anxious, but it worked out well and he thought these amendments were timely. He noted that he understood Potter's dilemma.

Council Member Gerber felt it was necessary to have these restrictions in place, but was struggling with 820 Park Avenue because she felt this zone would be isolating that parcel. Erickson stated it was possible to create residence clubs if this zoning was not put in place. Staff supported vertical zoning for 804 Main Street, but not 820 Park Avenue and 875 Main Street because parking was limited, and it would create an economic hardship if retail was created without sufficient parking. Council Member Worel stated the Planning Commission was aware of these limitations but thought it made sense to take the zone down to 8th Street.

Council Member Gerber stated these buildings in question were isolated and it would be difficult for retail to succeed. Mayor Thomas and Council Member Henney agreed and supported exempting 820 Park Avenue and 875 Main Street from vertical zoning.

Council Member Henney moved to approve an ordinance amending the Land Management Code (LMC), Chapters 2.5 (Historic Recreation Commercial (HRC) and 2.6 (Historic Commercial Business (HCB), as well as Chapter 15 (Definitions), pursuant to the findings of fact and conclusions of law, in a form approved by the City Attorney with the exemption of 820 Park Avenue and 875 Main Street. Council Member Gerber seconded the motion.

RESULT:	APPROVED
AYES:	Council Members Beerman, Gerber, Henney, and Matsumoto
ABSTAIN:	Council Member Worel

4. Consideration of a Request to Amend to the Animal Control Ordinance and Designate City Owned Property as Off-Leash Areas:

Heinrich Deters, Sustainability, and Bryan Bellamy, Summit County, presented this item. Deters stated Bellamy helped with this ordinance and was on the Summit County Task Force. At the County Council meeting held today, some amendments were made, and City staff copied that Code for uniformity (*see attached ordinance at the back of these minutes.*) He continued that Council direction from December was to amend the current code, designate Round Valley and Library Field as off-leash areas, and at a later date to amend other aspects of the code such as licensing. Deters noted that a resident, Chuck Klingenstein, had emailed and requested that the Council slow down with its consideration of this issue.

Deters explained that the current code stated that if a dog was off-leash, it was considered at-large. These proposed amendments would allow e-collars, designate off-leash areas and provide rules for the designated areas.

Council Member Beerman asked if the City could vary from the County ordinance. Deters stated that it was acceptable but it would be harder to enforce. Council Member Gerber asked to define "strictly liable". Harrington explained that even if other factors contributed to the violation, the owner would still be held responsible. Some discussion on the maximum number of dogs allowed off-leash ensued. Bellamy stated the number of dogs off-leash at the same time was discussed at length in the County and the number four was considered the maximum an owner could control. Council Member Matsumoto supported the City code being in sync with the County code, and if there were differences, then the City and County could work together in making amendments.

Deters reviewed the designation of off-leash areas. He stated these areas could not be on private property and must be within the City limits. The Council members were in favor of having a six month pilot program. Deters indicated that the off-leash areas would not be a "run free" area. These areas would be fenced or in the case of trails, a sign would be placed stating "You are now entering an off-leash dog area." Council Member Beerman asked if more time would be needed before beginning the pilot program, to which Deters stated that the stakeholders had been contacted, a task force could be in place within a month, and data could be collected with the results brought back to the Council in July.

It was indicated that the Library Field would be signed but not fenced. Deters displayed the map and noted a smaller area would be reserved for on-leash dogs and children, and the rectangle piece would be reserved for off-leash dogs. Council Member Matsumoto asked if a time limit for this area being allowed as a dog park had been discussed. She suggested morning and afternoon times for that field that wouldn't conflict with other needs. Council Member Beerman stated that when time allotments were discussed with the Recreation Advisory Board (RAB), they requested that the pilot program begin very generally and then specifics could be added at a later time. Council Member Henney favored the Library Field as an off-leash area. Council Member Worel liked having the

off-leash area with the other area reserved for children. Council Member Beerman favored this area as well with few specifics.

Deters stated the other area for the off-leash pilot program was the City-owned portion of Round Valley. Council Member Henney suggested creating a new trail for off-leash dogs, so nothing would be taken away from those who used the current trails. Council Member Worel was concerned with allocating all of Round Valley and asked if data had been gathered on the success of assigning alternating days for off-leash use. Deters stated reports varied depending on who was asked. Council Member Henney stated if these areas were designated as off-leash, intensification of use would be seen, and after the pilot program, other areas could be considered to expand the off-leash designated areas. Council Member Beerman stated he was in favor of this area being off-leash, but would like alternating days to be discussed by the task force. He stated his goal was not to create a dog park but to create an area with multiple uses.

Mayor Thomas opened the public hearing.

Beatrice Beck stated she was here representing Steve Osguthorpe, and indicated that he was concerned with the proposed off-leash area in Round Valley since it was adjacent to his land. There were rams on his property April-November, and there were several instances of dogs chasing the rams. He requested a buffer zone prohibiting dogs in that area between the trails and his property.

Tina Smith indicated she was against unleashed dogs in Round Valley because of wildlife/dog conflicts and poo issues.

Steve Joyce expressed concern with alternating days, asserting that usually, when there were alternating days or times of day, there were multiple sites to choose from; but the choices were very limited here.

Susan Martin was concerned that the wildlife would be impacted in Round Valley if it was designated as an off-leash area. She was an ecologist and gave examples of potential impacts on the wildlife and also the spreading of weed seeds.

Ed Parigian had concerns that Library Field would be designated as an off-leash area, and thought there could be a lot of commotion and a potential for accidents. He stated he wouldn't want to take his child there for those reasons.

Larry Alleva indicated he sent an email to the Council last week. He thought this pilot program was reasonable, and felt dog owners should be educated. Deters stated if this program was approved, there would be public education.

Gincy Plummer stated this program was a great start. She stated the Animal Control officers had backed off from giving fines, and thought fines should only be given for confrontational dogs.

Alison Child stated her dogs had shock collars and they did great.

Debi Scogga asked how much the e-collar would cost because \$150 was expensive and some concessions needed to be given. She was in favor of having off-leash areas in Round Valley and Library Field.

Jennifer Glenn indicated she loved the Library Field. She was not opposed to having off-leash areas, and stated dogs were a pack animal and they felt more comfortable around each other when they were off-leash. She was in favor of the pilot program.

Mitch Cohen stated a major point that had been missed was that there was a people problem, not a dog problem. He noted that if bad owners were punished, the dog problems would go away.

Jennifer Gardner indicated she lived on the edge of Round Valley and walked her dog on a 20 foot leash, which she knew would be an issue. She asked that poop bag dispensers and trash cans be placed around the trails because there were very few receptacles.

John Hulse stated he agreed with Larry Alleva's comments.

Missy O'Neal asserted that she agreed with those in support of the pilot program.

Richard Sheinburger thanked the Council for addressing this issue. He was in support of this program.

Joe Ray appreciated this proposed program. He stated the e-collar was only as good as the person working with their dog that used it. He also indicated the issue of dog waste was separate than the off-leash area issue.

Roland Gilmore thanked the Council for considering this issue and thought the program was a step in the right direction.

Lisa Sayes stated her dog only got enough exercise when it was off-leash. She also asked that dogs be allowed on the buses. Deters stated the "dog on the bus" issue would be brought back to the Council at a future date.

Sharon Christiansen stated it would be a disaster if there were too many dogs on the Library Field, but currently people self-regulate, and she thought the field shouldn't be partitioned off.

Lynn Morrow stated her leg was shattered while skiing, so she hiked with a cane. But she had to stop hiking because of dogs that jumped on her. She stated that she paid

taxes but dogs had more rights than she did. She asked that a "no dogs allowed" area also be designated. Deters stated the task force would look at "no dog areas" as well as heightened enforcement areas.

Myra Strauchn noted that she and a friend walked with a group of dogs and now they couldn't walk in Round Valley because they had been knocked over by loose dogs. In fact, it was difficult to walk anywhere except certain neighborhoods because of dog attacks on them or their dogs by loose dogs.

Judy Hale stated in the past she didn't leash her dogs but now she does, and indicated the Library Field was too confining for children and dogs.

Carolyn Frankenburg stated if dogs were prohibited on trails, then mountain bikers should be banned as well. Also, buildings impacted wildlife too, but they were still being constructed.

Lisa Wilson thought it was important that dogs were walked without a leash. She felt injuries on trails were due to those coming here from outside Park City.

Candace Sabey (via City website) wrote to ask the City Council to amend the current ordinance allowing off-leash areas in Round Valley and Library Field areas.

Mayor Thomas closed the public hearing.

Deters stated this time had been well spent with a great conversation. He asked that the community be patient while the program was enacted.

Council Member Matsumoto asked if the ordinance required that a poop bag be tied to the leash, and was informed it did not have that requirement. She asked if the owner needed to carry a leash if a dog had an e-collar, to which Deters responded in the affirmative, noting the dog needed to be within sight and voice control of the owner. Council Member Matsumoto expressed her support of off-leash areas and hoped the City could find other designations for off-leash sites as soon as possible.

Council Member Gerber asked if a few loops of Round Valley trails could be reserved for no dogs. Council Member Beerman clarified that the area owned by the Osguthorpes would be for users without dogs because the Osguthorpes did not give their permission for their land to be used as an off-leash area. He also stated he was in favor of the pilot program, and felt the problems were caused by people.

Council Member Worel felt Round Valley should not be designated as an off-leash area, but was amenable to other areas having that designation.

After some discussion with Harrington, it was noted the amended ordinance would be approved and would take effect on January 15th.

Council Member Beerman moved to approve the amended Animal Control Ordinance as presented tonight and to designate City-owned property as off-leash areas. Council Member Worel seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

5. Consideration of a an Addendum to the 2016 Sundance Supplemental Plan:

Dave Gustafson, Sustainability, and Eric Shroeder, General Manager of Uber Utah, presented this item. Gustafson explained that this agreement with Sundance was possible because Uber had entered a Master Festival License (MFL) with Sundance. Uber would be using the flagpole lot as their headquarters so they wouldn't be driving up and down Main Street. All Uber vehicles that weren't carrying passengers would be in the lot with the engine off. It was clarified that public parking would not be allowed in the flagpole lot. Harrington indicated Uber would be the only one authorized to use the lot and they would have no right to purchase it.

Council Member Worel asked if the number of Uber cars would be limited since this lot only held 40-50 vehicles. Gustafson stated it was anticipated that most of the vehicles would be in operation and not waiting in the lot. Shroeder stated this was a logistical solution to ease traffic congestion. A lounge would also be there for customers to come and get warm, and use Uber. Council Member Gerber asked if other transportation companies would have corrals as well. Gustafson stated taxis would be on Main Street but would not be allowed to idle.

Mayor Thomas opened the meeting for public comment. No comments were given. Mayor Thomas closed the public comments portion of the meeting.

Council Member Beerman was in favor of this idea and asked to keep the lot open for a couple weeks after Sundance to see if taxis would use it.

Council Member Matsumoto moved to approve an Addendum to the 2016 Sundance Supplemental Plan. Council Member Henney seconded the motion.

RESULT: APPROVED

AYES: Council Members Beerman, Gerber, Henney, Matsumoto and Worel

6. Approve an Extension to the Memorandum of Understanding (MOU) Between the Park City Chamber of Commerce and Visitors Bureau and Park City

Municipal Corporation for the Destination Tourism and Community Events Joint Venture:

Jonathan Weidenhamer, Economic Development Manager, stated this extension was a one year agreement and explained the language was cleaned up so that there would be automatic renewals unless there was intent not to renew.

Council Member Beerman struggled with subsidizing St. Regis because they resided in Wasatch County. Foster stated the City would recoup this money in transient room tax revenue. She also indicated another reason for this extension was that St. Regis would be building part of the hotel within the City limits.

Council Member Beerman asked what the impact would be if the City did not pay. Foster stated the Chamber could not take FAM tours (familiarization tours) there as well as group business. It was also considered to be in the City's advantage that the Montage, St. Regis and Stein Erickson was marketed together.

Harrington stated Wasatch County rebated part of the tax revenue, and felt this was a short term situation and there were no negative benefits.

Council Member Henney stated he also struggled with this issue. He felt the staff at St. Regis did not support Park City and its rules. He didn't think the residents would support this either, but indicated that if the issue would be resolved within a year or two, he would go with it. It was clarified that the City, Wasatch County, St. Regis and the Chamber would each contribute \$70,000. Foster asserted that if the Council had an issue with this, staff could run the numbers to show the benefit to the City.

Council Member Matsumoto stated the deal was struck when the Chamber was struggling. She thought she would vote in favor of the agreement, but if the rest of the Council needed more information, she was willing to have the item brought back for further discussion. Council Member Henney stated his issue was with branding Park City as a five star entity. Council Member Gerber stated she would like more information.

Council Member Worel stated she had concerns as well. Foster clarified that the hotel was in the Park City limits, but was also within Wasatch County. Mayor Thomas felt this agreement was a relationship piece. Council Member Beerman thought this money was extorted out of the City. He indicated he would be happy to hear new information but did not think he would change his mind.

Foster stated that if this item was tabled, she would have Bill Malone come and speak to the Council. Harrington explained this was the result of parties coming together, but was not extortion; it was more of an attempt to implement revenue sharing.

Council Member Matsumoto moved to table an extension to the Memorandum of Understanding (MOU) between the Park City Chamber of Commerce and Visitors

Bureau and Park City Municipal Corporation for the Destination Tourism and Community Events Joint Venture. Council Member Henney seconded the motion.

RESULT:	TABLED	Next: 1/28/2016
AYES:	Council Members Beerman, Gerber, Henney, Matsumoto and Worel	

7. Consideration of an Ordinance of the 823 Norfolk Avenue Plat Amendment Located at 823 Norfolk Avenue, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Anya Grahn, Planning, stated this plat amendment would remove the interior lot lines. She noted there had been some public comment on height requirements.

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

Council Member Henney moved to approve an Ordinance of the 823 Norfolk Avenue Plat Amendment located at 823 Norfolk Avenue, Park City, UT, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Beerman seconded the motion.

RESULT:	APPROVED
AYES:	Council Members Beerman, Gerber, Henney, and Matsumoto
ABSTAIN:	Council Member Worel

8. Consideration of an Ordinance of the Fairway Village No. 1, First Amended Subdivision Plat Located at Fairway Village Number 1 Planned Unit Development, Park City, Utah Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney:

Bruce Erickson, Planning Director, stated this amended plat would memorialize the correct building locations from 1979.

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

Council Member Gerber moved to approve an ordinance for the Fairway Village No. 1, First Amended Subdivision Plat located at Fairway Village Number 1 Planned Unit Development, Park City, Utah, pursuant to findings of fact, conclusions of law, and conditions of approval in a form approved by the City Attorney. Council Member Beerman seconded the motion.

RESULT:	APPROVED
AYES:	Council Members Beerman, Gerber, Henney, and Matsumoto
ABSTAIN:	Council Member Worel

9. Consideration of Appointment of Mayor Thomas Pro Tem and Alternate for 2016:

Council Member Henney moved to appoint Council Member Beerman as Mayor Pro Tem and Council Member Henney as alternate for 2016. Council Member Gerber seconded the motion.

RESULT:	APPROVED
AYES:	Council Members Beerman, Gerber, Henney, Matsumoto and Worel

VII. Adjournment

With no further business, the meeting was adjourned.

Michelle Kellogg, Park City Recorder

Ordinance No. _____

AN ORDINANCE OF PARK CITY, UTAH AMENDING TITLE 7 SECTIONS 7-1-1, 7-3-2, 7-3-7 AND 7-8-1 OF THE MUNICIPAL CODE OF PARK CITY PERTAINING TO ANIMAL CONTROL

WHEREAS, Title 7 of the Municipal Code of Park City pertaining to Animal Control was last amended in 2007 by the City Council of Park City, Utah; and

WHEREAS, Title 7 currently does not allow for the designation of off leash areas; and

WHEREAS, Park City strives to provide world class recreational opportunities for its residents; and

WHEREAS, The City desires to provide additional recreational opportunities for dog owners who wish to recreate with their dogs off leash; and

WHEREAS, Park City works in conjunction with the Summit County Department of Animal Control in regulating dog related issues so as to provide for the health, safety and welfare of the community; and

WHEREAS, On December 3rd, after receiving significant public input requesting off leash recreational opportunities from the Community, Council directed staff to return at a later date with information on how to implement off-leash areas; and

WHEREAS, The City Council held a work session meeting on December 17th, 2015 to discuss the item and took significant public input, that supported the implementation of off-leash areas.

WHEREAS, On January 7, 2016, City Council held a public meeting to receive public input on possible amendments to Title 7 of the Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 7 Sections 7-1-1, 7-3-2, 7-3-7 and 7-8-1 of the Municipal Code of Park City, are hereby amended as redlined in Exhibit A as amended.

Section II. Designated off-leash areas. City Council adopts the following City-Owned properties, Round Valley, Library Field and Quinn's Dog Park, specifically identified in Exhibit B.

Section II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and

independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

Section IV. Effective Date. This Ordinance shall become effective on adoption.

PASSED AND ADOPTED BY THE PARK CITY COUNCIL this ____ day of ____, 2016.

PARK CITY MUNICIPAL CORPORATION

Mayor Jack Thomas

Attest:

City Recorder

Approved as to form:

Tricia S. Lake
Assistant City Attorney/Prosecutor

Exhibit A (Amended)

CHAPTER 1 - IN GENERAL 7- 1- 1.

DEFINITIONS.

(A) **ABANDON/ABANDONED.** The leaving of an animal without adequate provision for the animal's care by its owner.

(B) **AGRICULTURAL ANIMAL OR AGRICULTURAL DOG.** An animal developed or trained to do useful work such as herd other animals.

(C) **ANIMAL.** Every nonhuman species, both domestic and wild.

~~(A) — (D) — AT LARGE.~~ Any domesticated animal, whether or not licensed, not under restraint as defined below.

- (D) ANIMAL BOARDING ESTABLISHMENT. Any establishment that takes in animals for boarding for profit.
- (E) ANIMAL GROOMING PARLOR. Any establishment maintained for the purpose of offering cosmetological services for animals for profit.
- (F) ANIMAL SHELTER. A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the state of Utah under U.C.A. Section 76-9-305, as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.
- (G) BITE. An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
- (H) CATS. Any age feline of the domesticated types.
- (I) CATTERY. An establishment for boarding, breeding, buying, grooming or selling cats for profit.
- (J) DIRECTOR OF ANIMAL CONTROL. The Director of the Summit County Department of Animal Control who is vested with the power and authority to enforce the provisions of this Title.
- (K) DOG. A canis familiaris over four (4) months of age. Any canis familiaris under four (4) months of age is a puppy.
- (L) DOMESTICATED ANIMALS. Animals accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, goats, and cattle.
- ~~(L) STRAY. Any animal at large as defined herein.~~
- (M) GUARD DOG. A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public. This restriction does not apply to service dogs for people and governmental entities and dogs used for agricultural purposes.
- (N) HOLDING FACILITY. Any pet shop, kennel, cattery, groomer, animal shelter, humane establishment, or any other such facility used for holding animals.
- (O) KENNEL. An establishment having four (4) or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, selling, or agricultural use such as stock herding and guarding.

(P) LEASH OR LEAD. Any chain, rope or device used to restrain an animal.

(Q) NEUTER. A surgical procedure performed on male animals in which its testicles are removed.

(R) OWNER. Any person who is either the legal owner, keeper, possessor or the actual custodian of an animal. Ownership is established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking possession of an animal. Where the 'Owner' is a minor under the age of 18 years, the minor's parent or legal guardian shall be liable for and held responsible for payment of the minor child's citation, fines and/or late penalties.

(S) PET. A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.

(T) PET SHOP. Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

(U) QUARANTINE. The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

(V) SPAY. A surgical procedure performed on a female animal in which its ovaries and uterus are removed.

(W) STRAY. Any animal at large as explained in Section 7-3-2 of this Title.

~~(V) UNDER RESTRAINT. Any animal under the control of its owner or person having charge, care, custody or control. A dog shall be considered under control of the owner when on a leash or lead, confined within a vehicle, or within the real property limits of the owner.~~

(X) VICIOUS ANIMAL. Any animal which is dangerous, aggressive, including, but not limited to any animal which has bitten or in any other manner attacked any person or animal.

(Y) VICIOUS DOG:

(1) Any dog which, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;

(2) Any dog with a known propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or animals; or

(3) Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.

(4) This provision shall not apply to dogs owned or used by governmental entities.

(Z) WILD ANIMAL. Animals including raccoons, skunks, coyotes, foxes, bats, the offspring of wild animals crossbred to domestic dogs and cats and any other carnivorous animal.

(AA) WORRY. To harass by tearing, biting or shaking with the teeth or without provocation to chase any animal or person or approach any person in an apparent attitude of attack when such person is in a place where he/she has a right to be.

7- 3- 2. DOGS RUNNING AT LARGE.

~~It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that the dog is running at large. The dog shall be deemed "at large" unless personally controlled by leash or lead in condo common areas, public parks, parking lots open to public, ski areas, golf courses and shopping centers.~~

A. Under Restraint: It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. Except as provided in subsection B of this Section, a dog shall be considered under restraint of the owner and therefore not "at large" when:

1. On a leash or lead;
2. The dog is under the control of its owner through the use of an electronic dog collar, provided that the owner maintains voice and sight control as outlined in subsection B (1) of this Section and carries a physical leash or lead with them at all times;
3. Confined within a vehicle;
4. Within the real property limits of the owner;
5. Within the real property limits of another with the express permission of the property owner;
6. The dog is an agricultural dog actively working; or
7. The dog is hunting with its owner; or
8. The dog is within the boundaries of a designated off leash dog area adopted by ordinance or otherwise formally approved by the City, or a homeowners' association within the jurisdiction.

B. Off Leash Dog Areas:

1. Voice and Sight Control: With respect to subsection (A)(8) of this Section, dogs within the boundaries of a designated off leash dog area must be managed through the use of "voice and sight control" defined as control of the behavior of a dog which is not leashed or otherwise physically restrained by its owner sufficient that the dog does not, without regard to circumstances or distractions:

- (a) Charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;
- (b) Charge, chase or otherwise display aggression toward any animal;
- (c) Chase, harass or disturb wildlife or livestock; or
- (d) Fail to come to and stay with the owner immediately upon command by such person.

2. Off Leash Dog Area Regulations: The following shall be prohibited or illegal within the boundaries of any off leash dog area within the jurisdiction:

- (a) Failure of an owner of any dog within the boundaries of an off leash dog area to carry a leash or lead no longer than 6 feet in length ~~charged with responsibility~~ for each dog. Electronic dog collars may not substitute for a physical leash or lead.
- (b) An owner having more than four dogs simultaneously unleashed.
- (c) Failure of an owner to exercise voice and sight control at all times.
- (d) Failure of an owner to properly clean up and dispose of dog waste.
- (e) Bringing a female dog in season (heat) into an off leash dog area.
- (f) Failure of a dog to be properly licensed per Section 7-2-1 of this Title and to wear a license tag per Section 7-2-2 of this Title.
- (g) Failure to follow any other posted off leash dog area rules and regulations.

C. Sensitive Areas: Park City recognizes that there are certain sensitive places where dogs should be on leash at all times. Dogs may only be allowed off leash in areas formally designated as off leash areas. Dogs must remain on leash within one hundred fifty feet (150') of an off leash public trailhead. ~~or as posted on-site.~~

D. Liability: The owner of any dog a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he/she knows that the dog is running at large.

7- 3- 7. VICIOUS ANIMALS AND VICIOUS DOGS.

(A) It shall be unlawful for the owner of any vicious animal or vicious dog, as those terms are defined herein, to permit such animal to go or be off the premises of the owner unless such animal is under restraint as defined in Section 7-3-2 (A) of this Title and properly muzzled so as to prevent it from injuring any person or property.

(B) The Summit County Director of Animal Control shall seek a court order for destruction of or muzzling of any vicious animal that is under restraint as defined in Section 7-3-2(A) of this Title defined herein, yet cannot be controlled by reasonable restraints and cannot be effectively controlled by its owner or person having charge, care, or control of such animal.

7- 8- 1. DOMESTICATED ANIMALS.

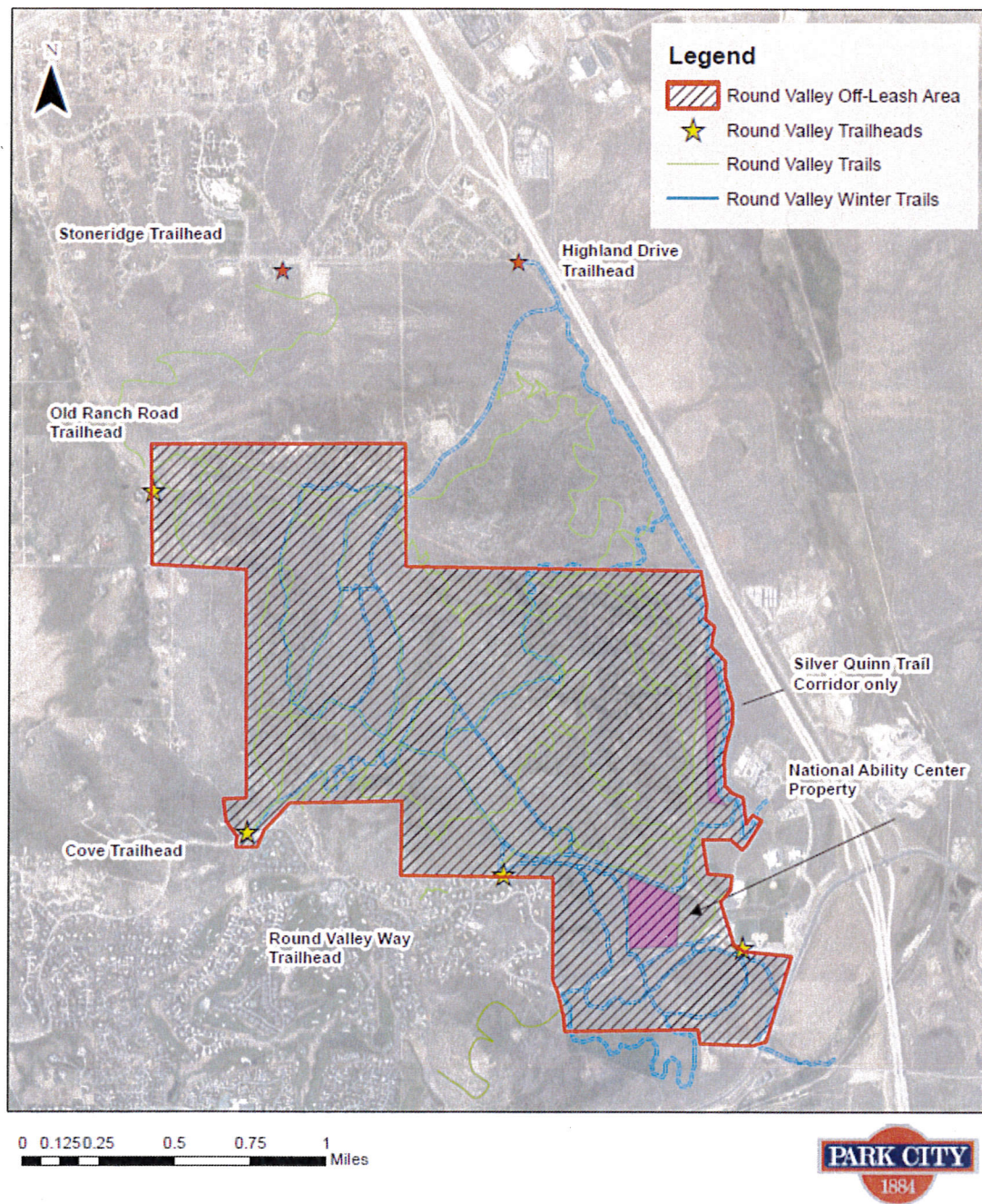
It is unlawful for the owner or person having charge, care, or custody of any domesticated animal to allow such to be at large contrary to the provisions of this Title. Domestic animals include horses, cattle, sheep, pigs, goats, etc.

Exhibit B

The following areas have been designated as 'off-leash' within City Limits

1. Round Valley
2. Library Field
3. Quinn's Dog Park

Round Valley 'Off-Leash' Area within City Limits



Library Field 'Off-Leash' Designated Area



Quinn's Dog Park

