PARK CITY MUNICIPAL CORPORATION
HISTORIC PRESERVATION BOARD
MINUTES OF JANUARY 5, 2022

BOARD MEMBERS IN ATTENDANCE: Randy Scott-Chair, Lola Beatlebrox, Puggy Holmgren, John Hutchings, Douglas Stephens

EX OFFICIO MEMBERS: Gretchen Milliken, Planning Director; Aiden Lillie, Planner; Mark Harrington, City Attorney; Luke Henry, Assistant City Attorney; Julie Schultz, Executive Office Administrator

1. ROLL CALL

Chair Randy Scott called the meeting to order at approximately 5:13 p.m. Chair Scott confirmed the presence of all Board Members, with the exception of Board Member Jack Hodgkins, who was excused. He also noted that former Board Member Tana Toly was no longer on the Board due to her appointment to City Council.

Chair Scott read the following statement:

> The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location.
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> Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

2. MINUTES APPROVAL

A. Consideration to Approve the Historic Preservation Board Meeting Minutes from October 10, 2021. Consideration to Approve the Historic Preservation Board Meeting Minutes from November 3, 2021.

MOTION: Board Member Puggy Holmgren moved to APPROVE the Minutes of October 10, 2021. Board Member Lola Beatlebrox seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

MOTION: Board Member Lola Beatlebrox moved to APPROVE the Minutes of November 3, 2021. Board Member Puggy Holmgren seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

3. PUBLIC COMMUNICATIONS

No ecomments were submitted and no hands were raised on Zoom.

4. STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reported that based on her discussions with Chair Scott, Staff recommended continuing with virtual meetings given the current spike of COVID-19 cases. They want to ensure that people feel safe and comfortable participating in the meetings. Director Milliken also stated that they had planned to include the Grant Program Work Session as part of this meeting, however, it was rescheduled to the February 2, 2022, meeting.

5. CONSENT AGENDA

A. Adoption of 2022 Meeting Dates.

There were no issues raised with the adoption of the 2022 Meeting Dates.

MOTION: Board Member Holmgren moved to ADOPT the 2022 Meeting Dates as published in the Packet. Board Member John Hutchings seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

6. WORK SESSION

A. 2022 Annual Cindy Matsumoto Historic Preservation Award Work Session -- Staff recommends that the Historic Preservation Board choose up to five nominees for the 2022 Annual Cindy Matsumoto Historic Preservation Award and select three members to form an Artist Selection Committee. GI-21-00481

City Planner, Aiden Lillie reported that the Award started in 2011, and a few years later named after former City Council Member Cindy Matsumoto who contributed significantly to historic preservation in the City. The intent of the Award is to honor a project or projects that utilize the Design Guidelines adopted in the Land Management Code (“LMC”). She added that properties are selected for this Award based on the following categories:

- Adaptive Re-Use;
- Infill Development;
- Excellence in Restoration;
- Sustainable Preservation;
- The embodiment of Historical Context; or
- Connectivity of Site.

Planner Lillie stated that Staff recommended that the Historic Preservation Board ("HPB") identify up to five nominees for the 2022 Cindy Matsumoto Award. At the February 2, 2022, meeting, the Board would select one awardee for an art piece to be commissioned and displayed on the second floor of City Hall. Four awardees would be honored with a plaque.

Staff recommended three projects as potential awardees. She reiterated that the Board could choose up to five. Planner Lillie explained that Staff did not include any residential sites in their recommendations because the current Design Guidelines were adopted in 2019, and many of the completed residential projects were completed under the prior 2009 Design Guidelines. The Board could discuss whether they wish to nominate a project completed under the prior Guidelines. She noted that as a result of the pandemic, many projects that were approved prior to 2019 were still under construction.

Planner Lillie stressed that the Board was not limited to the nominees recommended by Staff and if the Board felt that a project approved under the prior Design Guidelines met the criteria for the Award, she encouraged the Board to highlight it so that she could provide further information at next month's meeting.

Planner Lillie reported that the first recommended project was the Silver King Spiro Tunnel Portal. She noted that this site is listed as a Significant Site on the Historic Sites Inventory as the Silver King Consolidated Spiro Tunnel Complex. The tunnel provides much of the City's drinking water and has had a significant life beginning with its initial construction as a drainage tunnel. It was subsequently used for the Mine Sites, as a ski lift, and several other significant uses.

The City began a Tunnel Rehabilitation Project in 2019 that involved the creation of a plaza to allow the community to learn about the history and see the tunnel. Staff noted that this site was a great example of Excellence in Restoration. Planner Lillie presented images of the Tunnel's interior and exterior.

Planner Lillie stated that the second nominee recommended by Staff was the Star Hotel at 227 Main Street. This is also a Significant Site on Park City's Historic Sites Inventory. She reported that the original structure was a residential cottage that underwent alterations in the 1920s and was converted into a Spanish Mission-style hotel. The hotel was demolished in 2019 and reconstructed in 2021. Staff felt that this project was a great example of Embodiment of Historical Context. Planner Lillie noted that the photograph of the Hotel did not show the replication of the pinholes across each porch; those elements would be installed before completion of the project.

Planner Lillie reported that the third nominee was the Thaynes Mine Conveyor Gallery, which is also listed as a Significant Site on the Historic Sites Inventory. She noted that in 2013 many of the structural elements were failing and the site was collapsing. In 2020, Friends of Ski Mountain Mining History rehabilitated the Gallery. The City and a Historic District Grant funded the project. Staff believed this project to be a great example of Excellence in Restoration.

Planner Lillie reiterated that the Board was not limited to these three recommendations and could nominate a total of five projects.

She next addressed the Artist Selection Committee and reported that Staff recommended that the HPB select three members to serve on the Artist Selection Committee. The Committee would include City Staff, the HPB, and potentially a member of the Public Art Advisory Board ("PAAB"). The Artist Selection Committee would choose finalists for the commission of the art piece for the winning site. The Committee would meet several times during the month of March to select and interview potential artists. She estimated that the time commitment would be here to five hours.

Chair Scott clarified the reasons for the lack of residential nominees for the Award. He stated that he would like to know of any significant homes that were finished over the past two years. He stated that such homes would be worth considering even if they used old Design Guidelines. If these homes were done right, he imagined that they would match today's Design Guidelines.

Board Member Beatlebrox stated that based on her review of prior packets, none of the completed residential projects stood out as being worthy. Board Member Holmgren echoed this sentiment. Chair Scott agreed that no completed project stood out to him and noted that there would likely be some projects discussed during the past year that ideally would be completed next year and provide fantastic opportunities for this award.

Board Member Stephens also did not recall any residential projects completed over the past two years that he felt would be worthy of a nomination. He noted that this program was initially intended to help encourage residential restoration and stated that it would be nice to find a residential project to be one of the five nominees. He added that considering only commercial and industrial projects would not encourage the restoration of single-family homes in the community. He suggested that prior to the next meeting, they look at some of the residential projects that were completed.

Board Member Hutchings commented that a brick house down the street from him might warrant some consideration. He assumed that the home's address was in the tens on the east side of Park Avenue. In response to a question from Board Member Beatlebrox, Board Member Hutchings felt that the home was located next to the condominiums. He added that there is one home under construction currently, but one just down the street had been completed. He would provide the address to the Board.

City Attorney, Mark Harrington opined that the Board could consider potential projects incrementally before the next meeting. Planner Lillie confirmed her understanding that the Board could vote on the nominations at the next meeting.

Chair Phillips stated that he would revisit the 2018 Packets, and if he felt there was something worth considering, he would email the other Board Members. Board Member Stephens asked if the Board could consider a project prior to the last year. He stressed that this Award is all about encouraging restoration and the notoriety attached to what owners have done to take care of these homes. He felt that it made sense to look at projects that pre-dated 2018. Board Member Holmgren agreed.

Board Member Hutchings confirmed that the home he referenced earlier is located at 1062 Park Avenue. Planner Lillie presented a Google Maps view of the home. Chair Scott agreed that this home would be a good candidate.

The Board requested that Planner Lillie include this site for analysis for next month's meeting. Planner Lillie added that Staff ran a report that showed Building Permits issued over the last three years to determine other potential nominees and there were a few residential projects that were approved under the prior Design Guidelines. She understood that the Board would be agreeable to considering those projects.

Chair Scott asked Planner Lillie to provide the list of those homes for consideration. Planner Lillie asked if the Board wanted to nominate any of the three projects recommended by Staff during this meeting. Chair Scott and Board Member Hutchings felt that all three were good examples. Chair Scott questioned whether the Star Hotel was sufficiently complete to be considered. Board Member Stephens noted that the Star Hotel opened at the end of last year.

Director Milliken added that the photograph of the Hotel presented during the meeting was taken during the inspection. Planner Lillie reported that the Hotel passed inspection conditioned on incorporating the design element on the porch. She confirmed that the Star Hotel was 99% complete. Board Member Holmgren agreed that all three sites were excellent examples. Board Member Beatlebrox expressed her agreement as well.

Chair Scott asked if the Tunnel Portal site was an example of Excellence in Restoration, considering it was blown out and made larger. Planner Lillie offered that Adaptive Re-use would be an appropriate designation for the project and stated that the Board could make that determination.

Board Member Beatlebrox stated that the Tunnel Site has had a rich history of being adapted repeatedly. Chair Scott reiterated his thought that Adaptive Re-use was the proper designation.

Planner Lillie stated that the Board would need to select three members to serve on the Artist Selection Committee. She reiterated that it would be an estimated three-to-five-hour time commitment during the month of March. She stated that they would discuss how to meet and conduct the interviews, given the ongoing COVID-19 situation.

Board Member Beatlebrox volunteered to sit on the Committee and noted that she had been involved with this Committee in the past. Board Member Holmgren also volunteered and stated that it was interesting to meet the artists and a joy to see their work.

Chair Scott stated that he served on the 2018 Committee with Board Members Beatlebrox and Holmgren. He might be a late entrant if no one else offers to join and noted that he would be traveling quite a bit in March. Board Member Hutchings stated that he would be traveling in March as well, but if the interviews and discussions could be held virtually, he could serve. Board Member Stephens stated that he would take himself out of consideration for the Committee.

Board Member Beatlebrox liked the idea of having a member of the PAAB or the Park City Artists' Association on the Committee. Planner Lillie stated that Jenny Dearson, who oversees the PAAB, felt that one of their members would be a beneficial addition to the Committee. Planner Lillie added that the PAAB was unaware that these pieces were adopted into the City's art collection. Board Member Holmgren agreed that the inclusion of someone from PAAB would be beneficial.

In response to an inquiry from Board Member Hutchings, Planner Lillie explained that many of the members of PAAB are artists, and the PAAB is a local Board that meets to make decisions on the City's art collection or public art that is done within the City. The PAAB gets involved when there are grants for public art or when the City looks to purchase or commission a piece of art.

Board Member Beatlebrox explained that the PAAB members are not all artists. She served as Chair of the Summit County Public Art Board for several years, and Park City's Public Art Board is a sister Board. She explained that the PAAB is comprised of citizens who are not all necessarily artists.

Board Member Holmgren highlighted that some of the projects that the PAAB was involved in include the bus stops and the metal fishes near Poison Creek.

Chair Scott remarked that the Committee would be in good hands with Board Members Beatlebrox and Holmgren, as well as a member of the PAAB.

Planner Lillie asked if the HPB wanted two or three Board Members on the Committee. Board Member Hutchings stated he would enthusiastically volunteer but was also comfortable having two Board Members serve on the Committee.

Chair Scott confirmed that they would appoint three Board Members and that he would be an alternate should Board Member Hutchings become unavailable at any point.

Board Member Beatlebrox asked about the artists' fee and explained that the last time they commissioned an artist they increased the fee. Planner Lillie explained that she had been meeting with the Budget Department to determine the increase that they could implement but had not yet received a final number. She suggested discussion on what minimum fee the Board would like to propose. Currently, the fee is $1,200.

Board Member Beatlebrox explained that $1,200 was the fee in 2018. She stressed that the Request for Proposals ("RFP") should not ask for the submission of actual treatment, plan, or sketch; rather it should ask for qualifications. She suggested that the request should be properly titled a Request for Qualifications ("RFQ"). She explained that asking artists to provide sketches ahead of time, as opposed to photographs of their previous work, was using up much of the $1,200 fee.

Planner Lillie explained that the current RFP does not ask for sketches but rather requested the artists' portfolio to include 10 pieces of work as well as references and a resume. Board Member Beatlebrox felt that this description would be an appropriate request.

Board Member Stephens stated that he looked back at some of the prior awardees and wondered if the call for artists could go out to the Art Colleges at the University of Utah, Brigham Young University, or others. Planner Lillie could not state where the RFP had been posted. She asked Ms. Dearson to assist in posting the RFP in a manner similar to what they have done for Public Art. She added that if the Board wanted the RFP to be posted at the art schools, they could accomplish that.

Board Member Beatlebrox added that they have had several applications from several people outside of the community. She reiterated that the $1,200 fee would be at the low end, to which Board Member Stephens agreed.

Planner Lillie explained that the HPB has a budget that could cover Board expenses and added that the funds have not been used much since the pandemic.

Planner Lillie requested clarification of the minimum fee. Board Member Holmgren felt the fee should be at least $2,000. Board Member Beatlebrox commented that they would receive higher-quality applicants with a higher fee. It was agreed that the artist deserved to be compensated at more than $1,200.

7. <u>REGULAR AGENDA</u>

A. <u>Open and Public Meetings Act Training.</u>

Attorney Harrington introduced Assistant City Attorney, Luke Henry and provided information on his background.

Assistant City Attorney Henry began by stating that the Open and Public Meetings Act ("OPMA") is about public transparency. The purpose of OPMA is to ensure that public bodies conduct the public's business openly and transparently. OPMA provides that meetings of a public body are open to the public unless an exception is available under the Act that allows the meeting to be closed. Meetings are defined as a convening of at least a quorum of a public body to discuss, receive comment, or act on a matter over which the Board has jurisdiction or advisory power. He explained that the HPB has seven members, so a quorum would be four members.

Meetings would also include retreats, workshops, field trips, and electronic meetings. It does not include chance meetings, social gatherings, or when no quorum is present. He explained that a Public Body is any local administrative, advisory, executive, or legislative body consisting of two or more persons that spends, distributes or is supported by tax money and has the authority to make decisions about the public's business.

OPMA requires public notice be posted at the principal office or the location where the meeting will be held, except for electronic meetings without an anchor location. The notice must also be published on the Utah Public Notice website.

Assistant City Attorney Henry explained that once per year, notice must be given of the annual meeting schedule and must include the date, time, and place of regularly scheduled meetings. For every meeting, the date, time, place, and agenda of each meeting must be published at least 24 hours in advance of the meeting. The agenda must be reasonably specific to allow the public to know what will be discussed so that they can make an informed decision about whether to attend. If something is not listed on the agenda, the body cannot take action on that item.

He explained that emergency meetings are allowed with less than 24 hours' notice, however, there are very specific requirements that must be met to conduct an emergency meeting. He stated that the public body would usually have 24 hours or more to provide notice and suggested contacting the City Attorney's Office if a meeting with less than 24 hours is required.

Records must be kept of open meetings, which includes an unedited and labeled recording and written minutes. The written minutes must include the date, time, and place; the members present; the substance of all matters proposed, discussed, or decided; a record of each vote; the name of anyone who provided testimony or comments and a summary of those comments; and any other information that any Board Member asks to be included on the record.

The records must be made available to the public. Recordings should be made available within three business days after the meeting. The written draft minutes clearly marked "pending approval" should be made available within a reasonable time. Once the written minutes are approved, they should be made available to the public within three business days by posting them to the Utah Public Notice website. A copy of the approved minutes must also be made available at the primary office and posted on the public body's website.

Assistant City Attorney Henry explained that meetings could only be closed to discuss specific topics. These topics include an individual's character, professional competence, or physical or mental health; pending or reasonably imminent litigation; certain matters involving the acquisition or sale of real property; deployment of security devices, criminal misconduct investigations; or advice of legal counsel.

He explained that closed meetings must begin with an open meeting with a quorum present. A two-thirds vote of members present is required to close the meeting. The closed meeting must be publicly announced, and the minutes must reflect the reason for closing the meeting, the location of the meeting, and the vote to close the meeting that identifies the names and votes of the Board Members. He stated that generally, the recording device must remain on during a closed meeting, but written minutes are optional. If written minutes of the closed meeting are prepared, they should include the date, time, and place, and the names of all present and absent, unless disclosure of that information would impair confidentiality.

An exception to the recording requirement would exist if the Board discussed character, professional competence, or physical/mental health of an individual, or the deployment of security personnel, devices, or systems. Assistant City Attorney Henry recommended turning off the recording when discussing these topics to avoid inadvertent disclosure of such information. Any record of a closed meeting is protected under the Government Records Access and Management Act ("GRAMA") and not available to the public.

He explained that the rules for electronic meetings changed significantly during 2021, and OPMA allows two different types of electronic meetings. Before holding electronic meetings, a rule or resolution must be adopted to govern the use of electronic meetings for the public body. There are no real requirements for holding an electronic meeting with an anchor location, which is a meeting where a location is provided for the public to join.

Assistant City Attorney Henry explained that if the Board were to hold an electronic meeting without an anchor location, the Chair must make a determination that conducting a meeting without an anchor location is justified by the health and safety of attendees. The public notice should detail the Chair's determination, the facts supporting the determination, and clear information on how members of the public can connect to the meeting. The chair must renew this determination every 30 days.

While the public must be allowed to watch any public meeting, there is no requirement to allow public comment unless the meeting is a public hearing where the Board is required to allow public comment. The public has the right to record public meetings as long as they can do so without interrupting the meeting. He offered the example of a member of the public recording a public meeting with a camera, noting that would be allowed.

If public comment is allowed and someone wishes to comment on an item not on the agenda, the Chair has the discretion to either allow the comment or stop them and redirect them to the topic at hand. If public comment is allowed on a non-agenda item, it is at the discretion of the chair to open that topic up for discussion with the rest of the Board Members. If the topic is not on the agenda, however, no final action may be taken on it. He added that the Chair is not required to allow people to talk about items that are not on the agenda. Disruptions do not have to be tolerated and persons may be removed from a public meeting if they willfully disrupt the meeting, and the orderly conduct of the meeting is seriously compromised. He recommended using this power only when necessary.

Assistant City Attorney Henry reported that private individuals can enforce violations of the Act by way of a lawsuit, and any final actions taken during the meeting can be voidable. A knowing violation of the closed meeting provisions can result in criminal sanctions.

8. ADJOURN

MOTION: Board Member Holmgren moved to adjourn. Board Member Hutchings seconded the motion.

VOTE: The motion passed with the unanimous consent of the Board.

The Historic Preservation Board Meeting adjourned at approximately 6:05 p.m.

Approved by ________________________________
Randy Scott, Chair
Historic Preservation Board