



**Park City Council Meeting Minutes
Summit County, Utah
SEPTEMBER 26, 2013**

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, September 26, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Liza Simpson and Dick Peek. Staff present were Diane Foster, City Manager; Mark Harrington, City Attorney; Park City Police Department; Matt Cassel, City Engineer, Sharon Bauman, Senior Recorder and Elections Official; Kayla Sintz, Current Planning Manager; Francisco Astorga, Planner; Chad Root, Chief Building Official; Phyllis Robinson, Communications and Public Affairs Manager; Matt Dias, Assistant City Manager; Marci Heil, City Recorder; Jody Morrison, Assistant City Recorder

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

There were no communications or disclosures made from Council or Staff.

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

No public input was given.

IV MINUTES OF MEETING OF AUGUST 15, 2013, SEPTEMBER 5, 2013 and SEPTEMBER 12, 2013

**Council member Butwinski moved to approve the minutes for August 15, 2013,
September 5, 2013 and September 12, 2013 with the corrections
that have been given to recorder
Council member Beerman seconded**

Approved unanimously on August 15, 2013 and September 5, 2013 minutes

**Motion carried on September 12, 2013 minutes
Council member Beerman-aye
Council member Matsumoto-aye
Council member Butwinski-aye
Council member Peek-aye
Council member Simpson-abstain**

APPOINTMENTS AND RESIGNATIONS

1. Consideration of appointments of Hope Melville and Clayton Vance to the Historic Preservation Board to fill existing terms: July, 2012 – May, 2015 and July, 2011 – May, 2014 respectively.

Council member Peek moved to approve the appointments of Hope Melville and Clayton Vance to the Historic Preservation Board to fill existing terms: July, 2012-May, 2015 and July, 2011- May, 2014 respectively.
Council member Simpson seconded
Approved unanimously

CONSENT AGENDA

1. Consideration of a Resolution proclaiming the month of October as Domestic Violence Awareness Month in Park City, Utah

Jane Patton, Peace House wanted to announce October 1st is the beginning of Domestic Violence Month. She invited the Mayor and Council to the candle light vigil being held on October 1st at 5:45 at the top of Main Street to honor those who have lost their lives and those who have survived.

2. Consideration of payment of claims for water damages at 2164 Little Bessie Drive in the amount of \$25,151.86
3. Consideration of amendment to Convention Licensing resolution reference

Council member Beerman moved to approved items 1-3 on the consent agenda
Council member Butwinski seconded
Approve unanimously

VII OLD BUSINESS

1. Consideration of an Ordinance approving the public improvements for the Echo Spur Subdivision

City Engineer Cassel approached the Council regarding the public improvements of the Echo Spur subdivision, stating this this item is a continuation from the May 2, 2013 meeting.

Council member Butwinski inquired of City Attorney Harrington if we could exclude the maintenance of the retaining wall, Harrington stated that Council would need to accept the entire improvements or renegotiate. Butwinski stated that the wall that is in place is not what Council had originally approved; Cassel reiterated what he had stated in his staff report that due to the changes in the field the wall was modified. Council member Butwinski stated he understood that things change in the field but feels this is a substantially different wall and is very upset about the fact that the City has to accept something that was not approved.

Council member Matsumoto inquired of Cassel if he has gone out and checked the integrity of the retaining wall. Cassel stated that he did check the wall out and said it is still in good shape.

Mayor Williams opened the public hearing.

Mary Winzter, resident, concurred with Council members Butwinski & Matsumoto, the wall has failed and the road has failed and was built to the barest of Park City's standards. As a tax payer she feels it has been a bad situation from the beginning and sees no quality put forth throughout the project. She is concerned as a citizen that Council would be accepting that burden.

No further comments, Mayor Williams closed the public hearing.

Council member Beerman inquired of staff what advantages or obligations would the City have to accept the road. Cassel stated one main concern is the fire turn around, it is also a very visible drive and staff wanted to enforce the no parking and the management of the street to Park City's standards

Council member Peek inquired if the City would have to vacate the right of way if it was a private street. Cassel stated that the City would maintain a public right of way if it was a private drive.

Council member Butwinski inquired about posting no parking signs so that the City can enforce the laws. Cassel stated that it has just been chained off up to this point and will continue to be until further time when no parking signs were needed. Butwinski stated that he feels if the City has to take responsibility for this road they should be able to enforce the no parking on the street.

Council member Matsumoto felt that when the item was first brought to Council there would be loftier goals other than just enforcing parking. Felt there is no compelling reason to move forward.

City Attorney Harrington addressed the concerns of Council stating that there were two different issues. One, should there still be a public right of way or not and two, should you accept dedication built to public standards.

Council member Butwinski reiterated his distress about accepting that wall in that condition.

Cassel addressed Council member Butwinski's concerns regarding the two tier rendition that was part of the original approval stating that the wall had to be altered due to a service line that caused unevenness in the wall and had to be pulled.

Council member Simpson stated that she has struggled with this project due to her proximity; however, she really hates the idea of one more private road in town. She is upset with the results but would like to have the control to maintain and keep it in good repair within the City.

Council member Simpson moved to approve the Ordinance accepting the public improvements for the Echo Spur Subdivision

**Council member Matsumoto seconded
Approved unanimously**

2. Consideration of an Ordinance renaming the section of McHenry Avenue extending from Rossi Hill Drive north to the name of Echo Spur Court, Park City, Utah

Mayor Williams opened the public hearing. No comments were made. Mayor Williams closed the public hearing.

Council member Simpson inquired of staff if we could just call it Echo Spur.

Council member Peek stated his concern with calling it something it's not where as the old railroad grade was named Echo Spur and was historic.

Discussion ensued around other name changes.

**Council member Simpson moved to approve the Ordinance renaming the section
of McHenry Avenue to Echo Spur
Council member Matsumoto seconded
Approve unanimously**

3. Consideration of an Ordinance approving the Plat Amendment Extension of the 573 Main Street Plat Amendment located at 573 Main Street, Park City, Utah

City Planner Astorga stated this item is a continuation from the September 12, 2013 Council meeting. Since that date staff has reviewed the plat extension and staff still finds that there have been no changes. As per Council's request staff had invited Building Official Root to weigh in on this amendment. Root is also available for questions. Astorga reiterated the issue the applicant is having regarding removal of the parking lot. Astorga stated that the Planning, Building and Engineering departments got together and outlined staff's recommendation for the project stating that the issue that staff recognized through the contaminated soil's ordinance, that once the parking lot is removed it would need to be capped. Staff suggested that the property owner file a bond with the City that if the parking lot is not removed by May 31st the City would use that bond to remove the parking lot.

Mayor inquired about the requirements that were suggested by Council during the Sept 12, 2013 Council meeting stating he felt the suggestions of Council were not reflected in the current ordinance.

Council member Matsumoto stated that she remembered that the parking lot was suggested to be removed by December 31, 2013; however, if it is a safety issue she would be ok with locking the parking lot up after December 31, 2013 until landscaping can be completed as long as the staging issue be resolved.

Building Official Root stated staff recommended the parking lot be cleared of all debris and equipment. Then as of December 1, 2013 the lot would be locked off and there would be no access until spring when they could remove the parking lot.

Council member Simpson apologized for missing the last Council meeting. She then inquired why staff has approved multiple building permits without a full set of plans as per the Land Use Management Code.

Building Official Root stated that staff has eliminated the temporary certification of occupancy for the purpose of eliminating problems like this when owners would fix them up enough for Sundance so people could come in and pull permits for 10 days and then walk away. From here on out it will be a full Certificate of Occupancy which should eradicate this issue in the future.

Council member Simpson inquired the amount of the landscape bond. Building Official Root stated the amount has not been determined but would include the removal of the parking lot, six inch soil cap, landscape plan, vegetation and the emergency egress.

Council member Beerman inquired of the intent of the applicant.

Applicant's Attorney Joe Wrona stated that his recollection from the last meeting was that he offered to have the parking lot torn out by December 31, 2013. Now the professional City staff has come back and stated that it would be better to wait until spring. His client wants to get this project completed as well. The intentions are to plat before the New Year.

Billy Reed, contractor, stated that the full Certificate of Occupancy is intended for December. As soon as they have direction they can take care of the parking lot issue.

Council member Beerman stated that he understands the practical need to keep the asphalt in place but also understands if he the applicant wants to plat and get the CO then the parking lot needs to be removed first. Beerman inquired of staff if the applicant could they tarp the parking lot. Planner Astorga stated that they could do that but the concern would be the run off.

Council member Peek stated that we need to determine if the risk is run-off or seepage, a geo technical engineer could design a mitigation plan put in a cap, seed it and put in landscape rocks instead of the fence

Council member Simpson stated that if their intention is to get a C&O by end of year why they would need until June 2014 for the extension.

Mayor Williams stated he loved Council member Peek's idea of the cap with the landscape rocks instead of the fence. Williams did express concern setting a date of May 31, 2013 for the land scape bond in case of a long winter.

Council member Simpson stated that part of the problem with this property is the negative impacts on Park Avenue. City Attorney Harrington stated that the impacts have been related to the parking lot and the use of the rear access so if the lot is removed it would mitigate those impacts.

Mayor inquired if Council was comfortable with a landscape bond if the parking lot being removed by December, the cap in place and rocks to prohibit the use of the lot. Root stated that the bond would not be released until 80% germination was succeeded.

Mayor Williams opened the public hearing.

Joe Tesch, attorney for the neighbors, stated that the neighbors appreciate everything the Council has done tonight in working to understand the neighbors. He would caution the Council to be careful in adopting an ordinance with loose holes. Tesch suggested an alternate number 6, first discussed the additions of 87, 88, 89 to the findings of facts by staff stating. He would suggest that Council allow the contractor to either landscape or cover the lot by December 1, 2013. He stated he would like to see boulder barriers on the Park Avenue side to make it impassible by vehicle traffic. Stated that was against the idea that you could put up a bond to get the plat approved. The City could be left in litigation for years to complete this project. Spoke to the building permits that have been pulled prior to the plat.

Mayor Williams inquired if there were two issues about the restoration of the building and the plat amendment to join the lots. City Attorney Harrington stated that yes there were two issues and tonight's discussion is about the plat amendment.

Council member Simpson inquired about condition of approval #6 to read to the first word vehicles and add access. Remove the rest of #6.

John Plunkett, neighbor, thanked the staff and Council for working together tonight to get the extension approved. He then reiterated the neighbors' concerns in utilizing the emergency exits as daily entrances and feels there is an enforcement issue that should not deal with fences.

Mayor Williams closed the public hearing.

Mayor Williams took a break and directed staff to go to the legal conference room and make the amendments that Council agreed upon during this meeting so they could approve the ordinance tonight.

After a break, staff returned with a finalized version of the ordinance with the incorporated changes including the removal of the parking lot by December 1, 2013 and recording the plat with the County by January 15, 2014.

Council member Simpson moved to approve the amended Ordinance
Council member Peek seconded
Approved unanimously

VIII NEW BUSINESS

1. Consideration of an Ordinance approving the Plat Amendment located at 2519 Lucky John Drive, Park City, Utah

Mayor Williams opened the public hearing. No comment. Public Hearing closed.

Staff requested this item be continued to a date uncertain.

Council member Simpson moved to continue to a date uncertain.
Council member Peek seconded
Approved unanimously

With no further business the meeting was adjourned.

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.

Prepared by Marci Heil, City Recorder.

Marci Heil

Marci S. Heil, City Recorder

