

**PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
OCTOBER 25, 2012**

Present: Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Dick Peek; and Liza Simpson

Diane Foster, Interim City Manager; Mark Harrington, City Attorney; Anya Grahn, Planner; Thomas Eddington, Planning Manager; Jonathan Weidenhamer, Economic Development Manager; Deb Wilde, Code Enforcement Officer; Ken Fisher, Recreation Manager; Michelle Stucker, Business and Marketing Coordinator; Tate Shaw, Recreation Supervisor; Karen Yocum, Recreation Supervisor; Jessica Moran, Recreation Supervisor; Michael O'Keefe, Director of Tennis; and Heather Todd, Recreation Coordinator

Absent: Council member Cindy Matsumoto

1. **Council questions/comments.** Liza Simpson discussed the new update portion of the interagency meeting on projects which is beneficial. Alex Butwinski referred to the productive joint meeting held with the Planning Commission last night on Bonanza Park. Andy Beerman commented on the early snow storm. He attended the Bonanza Park stakeholders meeting and the Empire Avenue neighborhood meeting and commended Matt Cassel on addressing questions and concerns of residents.

Mr. Beerman attended a Summit Lands Conservancy meeting; members requested that Risner Ridge open space be considered by Council in the near future. He believed it is scheduled in November. SLC would like input on the management of the open space next to the Richards Annexation area and there were questions about the Resort Cities Sales Tax initiative. This was also a topic of interest at the Mountain Trails Foundation meeting. Andy Beerman stated that Mountain Transportation is meeting on November 2 and staff will be representing Park City. With regard to hosting the Winter Games again, the recommendation is now to bid on the 2026 Olympics.

Mayor Williams complimented Alison Butz, HPCA, on her radio interview on the proposed Resort Cities Sales Tax increase. He thanked Thomas Eddington and the planning staff on the joint meeting last night and felt that informal meetings are very productive. The Mayor discussed the introduction of the form-based code by the consultants and was excited by the project. He participated in the Peace House Domestic Violence March and thanked the Park City Police Department and the Summit County Sheriff's Office for their support. He met with the Dean of Economics from Shanghai University and a delegation. Master students from China will be coming to Park City beginning in August. Steve Mullins from PCMR was there and was very knowledgeable about accommodating international visitors. The students will spend about seven months in Park City and the next step is bringing this idea to the community.

Alex Butwinski reported that he was appointed to the Quality Growth Commission by Governor Herbert.

2. Seasonal lighting regulations. Thomas Eddington introduced Preservation Planner Anya Grahn. He referred to the study session held a month ago where dark skies and lighting were discussed. One of the goals is to make the Municipal Code section consistent with the Land Management Code section on seasonal lighting. One allows seasonal lights until March 31 and the other April 15; staff is recommending April 15 as the cut-off. Staff is also proposing an extension from midnight to 2 a.m. because many businesses are open through that hour. Dick Peek asked if there is a time to turn them on. Mr. Eddington explained that most come on at dusk but a time could be designated like 4 p.m. Jonathan Weidenhamer felt a start time is not a good idea and urged that Council provide flexibility for merchants.

Mike Sweeney, business owner, explained that his lights are all on photocells and have been for the last five years.

Mayor Williams expressed concerns about spending too much time on this matter, pointing out that seasonal lighting does not affect dark skies or light pollution. Thomas Eddington agreed and noted that the street lights on Main Street are high pressure sodium. Most of the seasonal lighting is off during the day and he suggested an off period of 2 a.m. to 6 p.m. Mayor Williams asked why the City should care and Liza Simpson relayed that she has received fairly negative input from people who live cross canyon to Main Street about lights being on all night on the upper end of Main Street. The Mayor pointed out that lights can be left on all night long on the residential street behind Main Street and it seems like a double standard. He acknowledged that Grappa has its lights on all of the time and is not in compliance with the ordinance.

Deb Wilde, Code Enforcement Officer, explained that seasonal lighting outlines buildings, but pointed out that Wahso has illuminated red and orange balls on its balcony which are not part of seasonal lighting and goes through a different process. Lighting over outdoor dining is a separate issue. Lighting on trees falls into seasonal lighting unless they are part of an outdoor dining plan, like Talisker.

Andy Beerman disclosed that this discussion impacts his Main Street business. He clarified that there is holiday lighting for Grappa and year-round lighting on the trees. Mayor Williams asked if that is a bad thing. Alex Butwinski expressed his support of outdoor lighting. Liza Simpson felt it important to find a balance between vibrancy and not turning into Disney Land. She preferred that the lights be turned off at 2 a.m. and not come on until 10 a.m. because it is a waste of electricity. Dick Peek felt that the few businesses that are open before 10 a.m. should be able to have their lights on earlier but felt they should be off between 2 a.m. and 6 a.m. Lights should be off until businesses open.

Alison Butz stated that the HPCA is definitely in favor of the November 1 to April 15 time period which makes more sense than the end of March. She felt that 2 a.m. is more reasonable than midnight but agreed there should be consistency in the residential district. The lights add character to the street and she suggested that the lighting processes be simplified. The majority of the lights are not tacky or a problem but she worries about having more regulations. The ordinance does not allow lights to be in trees year-round yet many outdoor dining establishments have them.

Dick Peek believed building code lighting requirements should be clearly delineated from seasonal lighting and Mr. Eddington stated that they are differentiated. Andy Beerman supported the 2 a.m. time and looser laws in general makes sense when supporting vitality on the street. In theory, it makes sense to turn off lights but enforceability will be difficult. Ms. Simpson felt that it is easy to put lights on timers and midnight is already on the books. Thomas Eddington suggested 2 a.m. to 6 a.m. but a business has to be open.

Mike Sweeney felt there are tremendous opportunities to make Main Street unique because of new technology. He explained his lighting plan for the bridge which is managed with a photocell since buying timers isn't as practical. There were no complaints about the bridge and he urged the Council to allow businesses to be more creative. He pointed out the other commercial districts in town; the City's lighting plan should be comprehensive.

Stephanie Johnston, Summit Watch, pointed out that she is open 24 hours a day and guests arrive at any time. Adding vibrancy to Main Street is huge.

Deb Wilde stressed the importance of safety and lights should be UL listed. Many lights are lit for months, wear out and become unsafe.

Mayor Williams expressed that these lights do not create a foot candle issue and Mr. Eddington noted that this matter is tied to a specific code enforcement issue to rectify both the Municipal and Land Management Codes and to obtain Council's direction on permanent displays of lights on Main Street. This is more of an enforcement problem than dark sky matter.

Discussion ensued on the meaning of foot candles and lumens. The Mayor stated that he doesn't support turning lights off between 2 a.m. and 6 a.m. because some businesses are open 24 hours a day and he feels that the lights enhance the street. The Mayor suggested tabling this matter and inviting business owners to a meeting. Mr. Butwinski believed that the rush to do this is prompted by current non-compliance. Mr. Beerman pointed out that this is a proposal for a trial period but the Mayor felt this will upset many businesses. Andy Beerman clarified that this is what businesses are asking for and Thomas Eddington explained that currently seasonal lights in trees are not allowed. Main Street (HRC and HCB Zones) would be exempt from the restriction on dates for seasonal lighting which would be allowed year-round subject to criteria and

could be processed through a Historic District Design Review. Trees could be added to the HRC and HCB Zones but this is not recommended City-wide. The amendment would extend the time from midnight to 2 a.m. and allowing the HRC and HCB Zones go year-round subject to certain criteria. Mr. Eddington acknowledged that there might be problems with other commercial districts which are non-compliant.

Andy Beerman suggested that LEDs be mandatory for year-round lighting plans because of energy savings and heat issues. He felt that annual permitting makes sense but was unclear about annual inspections by owners. Thomas Eddington explained that the inspections will ensure that owners examine their lights for damage. Mr. Beerman suggested that the permit fee include enough money so they can be City inspected every year. It may be a hassle chasing people down and inspections will be inconsistent. Other commercial districts should be addressed and he pointed out that Deer Valley has many lighting plans. Liza Simpson asked why lighting has not been addressed City-wide. Thomas Eddington felt that the ordinance is strict right now and staff felt that creating vitality in the downtown area made sense and the HDDR is already in place. He recognized that other areas may be non-compliant but the HDDR could not be utilized in those zones and a set of standards would need to be crafted.

Ms. Simpson acknowledged that she is more sensitive to an architectural review for the Main Street area than other commercial areas. She agrees with Mr. Beerman about the use of LEDs and with the Mayor about the inconsistency of enforcing different regulations in the residential area adjacent to Main Street which she feels is more of a zoning issue.

Thomas Eddington understood consensus to be matching the Municipal Code with the LMC and staff can research what time frame other cities are allowing. Liza Simpson believed that if the Council allows the lights to be turned on all night, there will be much less of an enforcement burden.

Mike Sweeney interjected that the City requires him to keep the lights on his deck on all night. Lights on parking lots are also required to be on all night long.

The Mayor polled members in attendance. Andy Beerman and Alex Butwinski favored all night while Liza Simpson and Dick Peek preferred the 2 a.m. time. The Mayor broke the tie by supporting lights on all night. Mr. Eddington acknowledged Council support of the HDDR requirement. He added that staff will explore potential criteria for City-wide lighting plans.

3. Recreation Annual Report. Ken Fisher presented the ICMA Voice of the People Award for Excellence the City received. Awards were based on a survey from the National Research Center in 2011 for the highest ratings in city parks, programs and classes. Awardees had to rank in the top three of all of the communities surveyed in 2011 and within the top 10% of ICMA's database with 500 communities. Mr. Fisher relayed that staff is looking for feedback on the content of the Annual Report as well as

providing answers to any questions members might have. The PC MARC was opened on December 30, 2011 and one of the goals of the facility was to provide a community gathering spot and to create a place where all ages, ethnicity, and/or physical abilities can go. He emphasized that the diversity of the user is so much greater than experienced at the Racquet Club. There are many more Latinos working out at the facility than at the Racquet Club. He stated that the success of the facility has been amazing and something the City Council should be proud of, acknowledging the controversy of building the facility given the economy and the scope of the project at the time.

Michelle Stucker addressed the new branding associated with the facility and the outstanding work of artist Linden Leader on logo designs. Changing the name was a positive move and everything was rebranded like Play Magazine which is distributed to residents and Snyderville Basin. On-line registrations have dropped off slightly but many people are registering in person while at the facility. Staff is exploring ways to make on-line registration friendlier. Liza Simpson asked why the Department is using Constant Contact instead of eNotify. Ms. Stucker explained that eNotify is used when there are updates to the website but Constant Contact is a tool for newsletters and there is a link to eNotify. In response to a question from Andy Beerman, Ms. Stucker responded that in person and phone registrations are not tracked. Jessica Moran interjected that staff is researching new software products as the current software is about 12 years old and doesn't meet current needs. Phone-in registration is probably the bigger number because it is more convenient. Mr. Beerman asked about providing a computer at the facility for registrations. Ms. Moran relayed that it has been done in the past but it complicates the operation at the front desk and Ms. Stucker pointed out that the recreation staff often helps patrons chose the right program for them. The recreation site receives 40% of the City website visits. She spoke about joint marketing with the ice arena, library and golf course whenever possible and free advertising on KPCW is a great benefit. Staff is working with the Park Record on digital marketing which is cost effective and will target visitors.

Michael O'Keefe reported that the growth of tennis programs at the MARC is record-setting. Over the last year, the youth program was redefined with USTA for 10 year olds and under and the court lines were adjusted for younger players which has excelled their learning curve and made efficient use of the courts. The boy's high school team won the state title and the girl's high school team came in second; these kids are great athletes and sportsmen. The men's national tournament is held in Park City and tournaments have jumped from Level 5 up to Level 2 because entrance numbers have been so high. Laurie Lambert just administered a tournament with over 200 attendees and 250 matches over a six day period. He noted that many junior aged players have been attracted to the sport which is a testament to the quality of the teaching. The top recreation players in the nation will be participating in a tournament next week and he discussed the wheel chair tennis program. The Pro Shop has been very successful and is subsidizing itself. He spoke about receiving a grant in the amount of \$450,000 to rebuild the outside tennis courts next spring.

Heather Todd pointed out that the Recreation Department went from one and a half spaces to having three beautiful fitness rooms, a spin studio, aerobics room and a soft arts room. This has allowed going from 52 classes a week to 74 classes and participation has grown substantially. The spin classes are very popular and 20 new bikes have been purchased and installed increasing capacity to 25 participants. Other classes have been added to broaden the demographics, to keep up with industry trends and to meet the requests of the recreation survey last spring. In addition to fitness, a wellness component has been introduced to patrons at the facility.

Tate Shaw reported that statistics show that 37% of American adults are obese; 68% are actually over weight and by 2030 at this current rate, 50% of the American population will be obese. The Recreation Department's focus is innovative and ahead of the curve because of its health and wellness approach. He noted that a wide variety of wellness classes and *lunch and learns* are held as well as staff challenges. The facility has equipment for BMI testing and heart rate monitoring and when the PC MARC opened, about \$98,000 worth of new equipment was acquired and the equipment replacement plan was discussed. There is a wide variety of other offerings like fun runs.

Jessica Moran stated that the summer day camp program is one of the longest running and most successful programs. In 2011 Park City became a Utah state licensed out of school program which was important to many parents. Fifty six spots are available and with the exception of four days, the day camp was sold out. The soccer program for youth is the only traditional youth sport Park City offers because Basin Recreation handles so many of the other team sports. She spoke about refining the soccer programs and offering classes for three to five year olds which was missing for this age group. She elaborated on other youth soccer programs and building relationships with REAL Salt Lake, the Park City Soccer Club, and Black Diamond. This has resulted in high level professional coaching and in exchange these organizations get more skilled players coming into their competitive programs.

Karen Yocum explained that another popular summer activity is Adventure Camp. It started out as two single weeks in the year and the program has grown to five weeks. Local partnerships include White Pine Touring, the National Ability Center, Park City Sailing, US Luge, Utah Olympic Park, Park City Yoga Adventures, and the Utah Mountain Association in Salt Lake. These organizations and the Adventure Camp staff make this program successful.

Tate Shaw stated that there is information on outreach but due to time restraints, this will be highlighted at another time. The Mayor commented on branding and marketing the facility which is wonderful. He felt that perhaps more could be offered to people with disabilities but he is very pleased with the success of the PC MARC. Liza Simpson was pleased with the Annual Report; the numbers are mind-blowing in terms of the increase in scholarships and cost recovery levels. She is very proud of the expansion of

programs and commented on the value of the CPR class. Alex Butwinski thanked the recreation staff and felt the new facility has worked really well. Andy Beerman discussed the importance of the continuation of recreation grants for disadvantaged youth. He noticed the corporate wellness program and encouraged staff to get the word out, perhaps through business licensing. Michelle Stucker spoke about a new Silver Sneakers program through Health Wise for seniors.

Dick Peek commented on the project going through the public process including building the facility, responding to public input, and hearing about the programming and how popular group fitness is brings it to full cycle. He congratulated staff on the great numbers in the report.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 25, 2012**

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, October 25, 2012. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Dick Peek, and Liza Simpson. Cindy Matsumoto was absent and excused. Staff present were Diane Foster, Interim City Manager; Mark Harrington, City Attorney; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

Pancreatic Cancer Awareness Month – Bruce Greenwald explained that his wife, Rona, is the head of the Pancreatic Cancer Action Network for the state and thanked the Council for considering the proclamation on the Consent Agenda. Pancreatic Cancer is one of the most underfunded and misunderstood diseases and he discussed the Purple Light Vigil held in Salt Lake City where 200 people attended. The Network has been in existence since 1999 and is headquartered in Los Angeles. Pancreatic Cancer is the fourth leading cancer in the United States and by 2015, it is expected to become the second leading cancer. Seventy-five percent of patients die within the first year and the five year survivor rate is only 6%. The Network has set a goal to double the survivor rate by 2020 to 12% and some headway is being made but this disease is underfunded by the government and he encouraged that citizens contact their legislators. A new Act has just been passed in the US House of Representatives where three Utah legislators co-sponsored the bill funding research. He thanked the Council for bringing awareness to the community by passing this Resolution. Mayor Williams presented Mr. Greenwald with a signed Resolution.

IV MINUTES OF MEETINGS OF OCTOBER 4 AND OCTOBER 11, 2012

Andy Beerman, "I move approval of the minutes of October 4th and October 11th". Liza Simpson seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Absent
Dick Peek	Aye
Liza Simpson	Aye

V CONSENT AGENDA *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under “Additional Discussion – Agenda Items”)*

1. Consideration of a Resolution proclaiming November 1, 2012 as Extra Mile Day in Park City, Utah - and
2. Consideration of a Resolution proclaiming the month of November as Pancreatic Cancer Awareness Month in Park City, Utah - and
3. Consideration of authorization to enter into a contract to purchase a license and five year software maintenance agreement, in a form approved by the City Attorney’s Office, with Azteca Cityworks AMS in the amount of \$64,900 – Liza Simpson, “I move we approve the Consent Agenda”. Alex Butwinski seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Absent
Dick Peek	Aye
Liza Simpson	Aye

VI NEW BUSINESS

1. Consideration of the Richards/PCMC Annexation Petition – The Mayor opened the public hearing; there was no input. The Mayor requested a motion to continue to a date uncertain. Dick Peek, “I so move”. Andy Beerman seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Absent
Dick Peek	Aye
Liza Simpson	Aye

2. Consideration of an Ordinance approving the 264 Ontario Avenue Subdivision, combining Lots 13, 14, 15 and a portion of 16, Block 60 of the Park City Survey, into one lot of record for 264 Ontario, located in Park City, Summit County, Utah – Kirsten Whetstone relayed that Patricia Constable is the owner and David White, the architect. The structure is a historic landmark structure and was constructed over Lots 13, 14, and 15 and a portion of 16 so the applicant is requesting a plat amendment to combine those lots into one lot of record which is needed to accommodate an addition. The house encroaches on the platted Ontario Avenue right-of-way and an encroachment agreement will need to be executed with the City. About 96 square feet of lot area exists on McHenry on the east side of the property which will be dedicated to the City. She stated that staff conducted an analysis of the area, looking at other combined lots,

where there were no restrictions on footprint; staff is not recommending any other restrictions and the formula will be used. The house will not be moved. Ms. Whetstone noted that a Historic District Design Review and steep slope CUP are required. Staff is recommending approval.

The Mayor opened the public hearing; there were no comments from the audience and the public hearing was closed. Alex Butwinski, "I move that we approve the Ordinance for the 264 Ontario Avenue Subdivision combining Lots 13, 14, 15 and a portion of 16, Block 60 of the Park City Survey, into one lot of record for 264 Ontario, located in Park City, Summit County, Utah according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the staff report. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Absent
Dick Peek	Aye
Liza Simpson	Aye

3. Consideration of an Ordinance approving the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest located at 11398 North Snowtop Road, Park City, Utah – Planner Kirsten Whetstone handed out an exhibit of the location of the property. The Snowtop Subdivision is located in Park City, Wasatch County. When this property was inspected, it was found that the driveway would not meet City standards because of its steep grade and a portion of the Snowtop Subdivision was needed to comply. Rather than entering into an easement agreement, the owner is requesting to create Parcel A in Lot 1 for the sole purpose of a driveway, retaining wall, and landscaping. The Planning Commission forwards a positive recommendation to the City Council to create a 3,452 square foot driveway access parcel out of the Hidden Hollow Subdivision with notes on the plat.

The Mayor opened the public hearing; there were no comments and the hearing was closed. In response to a question from Liza Simpson, it was pointed out that the original grade of the driveway was 22%. In response to a question from Dick Peek, Spencer Smith explained that action will affect a very small portion of the buildable area for Lot 1 so that setbacks can be met. There are two building envelopes on Lot 1 and there are no encroachment problems.

Alex Butwinski, "I move we approve Lot 1 Amended Hidden Hollow Subdivision at Deer Crest located at 11398 North Snowtop Road, Park City, Utah based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Ordinance". Liza Simpson seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Absent

Dick Peek	Aye
Liza Simpson	Aye

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Dick Peek, and Liza Simpson. Cindy Matsumoto was absent and excused. Staff present were Diane Foster, Interim City Manager; Brooke Moss, Human Resources Manager; Jonathan Weidenhamer, Economic Development Manager; Joan Card, Environmental Regulatory Manager; Heinrich Deters, Trails Coordinator; Nate Rockwood, Budget and Grants Manager; Thomas Eddington, Planning Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss personnel, property and litigation". Dick Peek seconded. Motion carried. The meeting opened at approximately 4:30 p.m. Alex Butwinski, "I move to open the meeting". Dick Peek seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Absent
Dick Peek	Aye
Liza Simpson	Aye

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

Prepared by Janet M. Scott, City Recorder

