



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

**October 12, 2017**

The Council of Park City, Summit County, Utah, met in open meeting on October 12, 2017, at 2:45 p.m. in the City Council Chambers.

**WORK SESSION**

**Public Art Advisory Board (PAAB) Interviews:**

The City Council, Mayor Thomas and Jenny Diersen, Public Art Advisory Board Staff Liaison, interviewed Kendra Kahlow and Jennifer Gardner. The applicants were told there was one more applicant that would be interviewed before a decision would be made.

Council Member Henney moved to close the meeting to discuss property, personnel and litigation at 3:27 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

**CLOSED SESSION**

Council Member Gerber moved to adjourn from Closed Meeting at 4:15 p.m. Council Member Worel seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

**WORK SESSION**

**Council Questions and Comments:**

Council Member Henney attended the Summit County Mosquito Abatement District meeting, and he met with Chris Bates from Senator Hatch's Office along with representatives from other entities within the community. He felt Bates left with new information and thought it was a great meeting.

Council Member Beerman agreed that the meeting with Bates was very constructive and suggested building coalitions with other cities, and maybe reaching out to Utah League of Cities and Towns, in support of Deferred Action for Childhood Arrivals (DACA). The Council agreed. Council Member Beerman went to a Lunch with Council, and spoke with the Senior Citizens, and noted their excitement about the new facility. He indicated Council had talked about having stronger construction enforcement and he

asked for a staff report giving Council an update on this topic. Foster said a staff report would be in the next Council packet.

Council Member Worel stated that in meeting with the Seniors, they requested that Council meet with them once a quarter so they could be informed on the happenings in the City. She also attended a Board of Health meeting and a Habitat for Humanity Board meeting.

Council Member Gerber attended the Leadership welcome and farewell meeting. She attended a class on climate change and health, and the Planning Commission meeting.

Council Member Matsumoto asked when construction would be finished on the Central Park Condos. Heinrich Deters stated residents should be in those units by the end of the year.

Mayor Thomas attended the American Planning Association meeting and spoke on a panel with other planners. He and Matt Dias met with Clark Martinez at the Daley West Headframe and noted there was 150 feet of unstable material there. He attended the Park City Arts Board meeting, as well as An Inconvenient Sequel, Al Gore's movie. The mayor in the movie attended, Mayor Ross, and both Mayor Thomas and Mayor Ross participated in a panel discussion afterwards.

**Discuss Triple Crown City Service Contract Negotiations:**

Jenny Diersen, Special Events Manager, Jonathan Weidenhamer, Economic Development Manager, Bob Kollar, Chamber of Commerce, and Carey King, CEO of Triple Crown Sports, presented this item. King stated this event had been in Park City since 2003. Triple Crown coordinated premium sporting events. He acknowledged the event disrupted the lifestyles of some residents, but he noted this was a family friendly event and was therefore attractive to many in the community. He discussed the new contract terms and stated the differences in the contract seemed to imply this event was no longer wanted in Park City. He wanted to keep the event at Park City and have a healthy relationship with the City for many years to come.

Kollar stated the City had this relationship with Triple Crown because the games ended at 5:00 p.m., and then the visiting families ate at the restaurants, shopped at the stores and took advantage of all of Park City's amenities. They also were in the City during the week, which was typically a slower time for hotels and restaurants. This group made a donation each year for capital improvements to the ball fields, so they were vested in staying in the City.

Council Member Gerber asked if the event had grown since 2003. King replied the event went from 100 teams per week for three weeks to 85 teams per week for three weeks that played exclusively in Summit County. Council Member Beerman asked if the reduction in teams was due to market forces, to which King responded in the

affirmative. Council Member Worel asked about the difference between the economic impact data versus the economic impact study that was requested. Weidenhamer stated the City didn't push the economic impact study for the Triple Crown and Silly Market events, so he would have to come back to Council and discuss it further. Kollar stated the economic impact data was collected because room stays by team members were tracked.

Mayor Thomas opened the meeting for public comment.

Rhonda Sideris, Park City Lodging, stated Triple Crown participants in the past booked lodging through VRBO, but Triple Crown made a requirement that participants had to book at a hotel where Transient Room Tax (TRT) could be tracked. She indicated another fulltime employee could be hired because of the revenue generated from this event.

Josh Hobson stated he lived across the street from the north end of City Park. He liked that the event was held at City Park and thought it was appropriate to keep the event at all three locations.

Teri Whitney, Snow Flower Condominiums, asked if other events would pay for the fields. Diersen clarified that Triple Crown paid the fee instead of the taxpayer. Kollar indicated that if Triple Crown left Park City, nobody would be paying that fee.

Michael Barille, Executive Director of Historic Park City Alliance (HPCA), stated he issued a survey about events in the City and there were 30 respondents so far. The parade received high approval, but questions on the events in town received a variety of responses.

Mike Sweeney indicated he took the HPCA survey and expressed his support in having the sporting teams come to the City. The tenants in his building all noted revenue increases for the week that this event was in town, and he felt events like this made people want to come back again for vacations. He also explained the agreements he made with his tenants were long term agreements because losing a good contract could be hard to replace. He suggested the City enter into long term agreements with Triple Crown and other valuable events.

William O'Leary, All Seasons Resort and Lodging and resident, stated he did not want this event to go somewhere else. The properties at his resort went to 100% occupancy during this event, and he supported this event continuing to come to Park City.

Carole Fontana stated this event was nice, but residents expressed event fatigue so cutting back had to start somewhere. She encouraged the Council to cut back a little bit.

Council Member Matsumoto indicated that when this contract came up for renewal, residents told her they had event fatigue, but they didn't suggest not renting out City Park, so she was in favor of having this event in City Park.

Council Member Gerber stated she heard some negative comments that residents couldn't take their kids to the park because of the continuous games. She liked that lodging was near the park so cars wouldn't be needed to travel to the park. She stated the magnitude of events had grown from small town events to enormous events and a way needed to be found to mitigate some of these events. She also stated that so many events had requested fee reductions that it had reached a breaking point with the City. This was a difficult balancing act, but she felt the City was moving in the right direction.

Council Member Matsumoto was fine with reducing the fees but noted this event worked with many partners and ways could be found to get support from other partners as well as the City.

Council Member Worel asked how the traffic would be mitigated, and requested a plan from the sponsor to keep the cars off the street. Kollar stated there was not a bus route to Quinn's Junction, but he would make an effort to meet with Transit for options. Council Member Worel supported having the event at City Park

Council Member Beerman stated Triple Crown was not being singled out or pushed out, but the community was at a maximum for events and the impacts needed to be pared back. He felt three years was a good commitment and that might be enough time to figure out the transit dilemma. He did not support opening the event up at City Park.

Council Member Henney stated the transportation issue was a big one and if it was solved, that would be better than paring back the event. His issue was all the support vehicles that came with the event. The streets were small and couldn't accommodate an overwhelming amount of vehicles. He stated there would be a very different conversation for the next contract renewal if Triple Crown could resolve this congestion concern within the next three years. He supported Triple Crown playing at the City Park.

Rhonda Sideris stated the traffic problem could be the result of other events that were in the City at the same time Triple Crown was in town because this event came and stayed for a week.

Chris Eggleton, Lodging Board with the County and Chamber Board, stated the Chamber sent out a survey that received 1800 responses. Of resort towns listed, Park City was voted the easiest to get to, the most family friendly, and easiest to get around within the City.

Mayor Thomas closed the public input portion of the meeting.

Mayor Thomas felt the City had come a long ways. He knew the fee reductions were being reduced, but it was a family friendly town. He liked having the youth come for their sporting events. He supported having this event at City Park as well.

Council Member Matsumoto reiterated her support for City Park saying the City was the biggest supporter of the event, with its \$50,000 contribution, so she wanted the attendees to stay in the City.

King expressed appreciation to the Council and stated he would work on the transportation problem over the next three years.

**Main Street Plaza Uses:**

Council Member Beerman recused himself due to the proximity of his property to the plaza. Jonathan Weidenhamer and Jenny Diersen presented this item. Weidenhamer stated the plaza was geared towards passive events. He recommended having the current event process in place for this plaza. He thought noise was an issue but indicated there was a noise ordinance in place that addressed noise levels.

Council Member Gerber asked if, under Option 1, amplified music would be allowed only in the Plaza or would it also be allowed on the street. Weidenhamer stated this would be a discussion point, but if Silly Market was held in the Main Street Plaza, the music could be limited from 12:00 p.m.-5:00 p.m., and the acoustic might go past the 65 DB. Diersen stated staff was trying to determine the activities to include at the plaza to make it vibrant. Weidenhamer didn't include amplified music in the staff report because the noise levels were already controlled by the code. Council Member Matsumoto stated the City spent a lot of money on the revitalization of Main Street. The business community asserted the number one priority was the plaza. Residents wanted grass, a water feature and other green spaces and the City listened. She thought events should be held there but not new events.

Council Member Worel stated a traffic study was supposed to be part of this project, and she didn't understand how the number of events held there could be determined prior to getting that study back. Weidenhamer stated that the specific uses outlined would not change the existing conditions. He knew there could be improvements, such as signage, traffic flow, etc. Diersen indicated the special event process mandated that any special event wanting to use the plaza would be required to come before the Council for approval. Also, each event had a specific transportation plan and that would continue as well.

Mayor Thomas indicated public comment would be taken in the regular meeting and then this item would be continued to the October 24<sup>th</sup> agenda.

**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**  
Staff Communications Reports:

- Construction Report October, 2017:
- 2018 Budget Report - First Quarter:
- Annual Integrated Utah Pollutant Discharge Elimination System (UPDES) Plan Submission:

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

Mayor Thomas opened the meeting for those who wished to address the Council regarding the Main Street Plaza.

Clive Bush said he was shocked by the report. He lived in the area of the plaza and thought the plaza would be more park-like rather than the proposal to make it event oriented. He stated if restrictive covenants weren't put in place, the plaza would see constantly increasing events. He wasn't saying all events should be prohibited, but limit the use to an occasional event. The report discussed moving the events from lower Main to the plaza, but there wasn't a traffic study to support it. He encouraged the Council to take a step back for further consideration, since the plaza was surrounded by residential neighborhoods on three sides.

Peter Marth indicated the HPCA requested this plaza in 2011 in order to bring people to the top of Main Street, but it didn't request this result. The current plaza had low noise uses and he was concerned about the impact to residents with the proposed plaza.

There was a 100% increase in commercial traffic on Hillside, and this plaza would increase the traffic even more.

Doug Stephens wanted to make sure the City didn't construct itself into a corner. The City was trying to promote the historic structures on Upper Main Street. He hoped all these projects could work well together. He moved to Old Town for some activity so he was in favor of some events being held there.

Michael Barille, HPCA, stated the HPCA initiated an event subcommittee and he hoped they would be functioning soon. He wanted the plaza to be an amenity and not just a passive park. He felt programming the plaza was necessary and would benefit the business district. He hoped policies could be set so events could be held without closing down the street. Programming could include Level One and Level Two events, which would still create a draw to the plaza. In response to the staff report, HPCA supported staff in their work to mitigate impacts, and their Option One and Two. He hoped the plaza could remain a vibrant and active place.

Mike Sweeney indicated the plazas at Lower Main and Upper Main would be bookends. He felt the big events that required road closures would still be held on Lower Main. The Main Street Plaza would be meant for the local people.

Carole Fontana stated amplified acoustic instruments were not horrible, but electric instruments were a different story. She would be in favor of programming that prevented amplified electric instruments. She presented a video of a Level Three event that she could hear from her home.

David Constable indicated he heard the same concert as Fontana from his home, which was located 300-400 yards away from the event. He urged Council to keep the residents in mind and limit these events.

Patricia Constable read a prepared statement noting that residents wanted a good quality of life. Businesses liked the events because events added to the business owners' quality of life, but the residents had invested in this City as well. She was in favor of Main Street Plaza, but suggested the events begin at a slow pace, with only acoustic music allowed. She stated residents were no less important than the Main Street businesses.

Ed Parigian agreed with the comments given and stated Council needed to consider what they wanted Old Town to be: a party, historic, or something else. He indicated there was not a lot at the top of Main Street and residents should have the first priority.

Susee Williams stated traffic had increased on Hillside immensely over the years. Her neighborhood was saturated with events and the residents had enough.

Chris Dixon stated she loved the City and loved sitting outside and listening to the stream behind her home. The big events would affect her life in a negative way and she didn't support it.

Mayor Thomas opened the meeting for those who wished to address the Council on items not listed on the agenda.

Sanford Melville discussed the planned event space located at the historic Kimball Garage. After the appeal to the Council in April, he asked for an update but his questions were unanswered. The Planning Commission held a work session on the remand of the issue and it would be on the Planning Commission agenda on October 25<sup>th</sup>. The Council's next meeting after that was November 9<sup>th</sup> and he didn't know if that was enough time to appeal to the Council if needed. He asked that Council not let this item fall through the cracks.

Council Member Matsumoto asked if Melville would be required to make another appeal. Harrington indicated another appeal would need to be made, and indicated the Council could not schedule this on an agenda before the results of the Planning Commission were known. Council Member Worel asked if the Planning Commission could push the item to another meeting. Harrington stated Council would have the opportunity for a call up or an appeal if necessary, and a special meeting could be scheduled in order to meet any requirements.

Mayor Thomas closed the public input portion of the meeting.

#### **IV. CONSIDERATION OF MINUTES**

##### **Consideration to Approve the City Council Meeting Minutes from September 14 and 21, 2017:**

Council Member Beerman referred to Page 150 in the packet and stated he had indicated that Halloween and the Shot Ski events were for the community so he didn't want to eliminate all off season events. Council Member Worel referred to Page 137, Line 27 of the packet and clarified that the Mental Wellness Alliance had a strategic plan. She also referred to Page 142, Line 25 and noted the Farmer's Market was held in front of the Summit County Health Department.

Council Member Beerman moved to approve the City Council Meeting minutes from September 14 and 21, 2017, as amended. Council Member Gerber seconded the motion.

##### **RESULT: APPROVED**

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

**V. CONSENT AGENDA**

**1. Request to Accept Moose Sculpture as a Donation into the Public Art Collection:**

Council Member Worel moved to accept the Moose Sculpture as a donation into the public art collection. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

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

**VI. OLD BUSINESS**

**1. Consideration to Approve Ordinance No. 2017-53, an Ordinance Amending Title 6, Health, Nuisance Abatement, Noise; Chapter 3, Noise, of the Municipal Code of Park City, Utah:**

Michelle Downard, Deputy Chief Building Official, and Tricia Lake, Assistant City Attorney, presented this item. Downard stated that this noise code amendment would be specifically geared towards special events. The proposed ordinance was discussed with Planning Commission and the Council, and the intention was to maintain the noise levels throughout the City. In preparation for the amendments, two new decibel meters were purchased for enforcement purposes. Joint code enforcement shifts with Public Safety occurred on uneventful event days to see what the standard was.

Lake stated staff recommended to use the least restricted use in the City and apply it to the City. Currently the use was set at 65 decibels so residents bordering a commercial district would be held to the acceptable commercial decibel level. Council Member Beerman stated the decibel level of a commercial area should be at the residential decibel level when the noise hit the residential area. Downard stated the business would be allowed to comply with the least restricted use in that zone.

Council Member Worel asked if the noise ordinance would apply with the new changes for Sundance, specifically load-in and load-out times. Downard indicated the allowed load in/out times would comply with the specific permitting process.

Lake stated the proposal was to move from a Citywide decibel level to a reduced level for residential areas and simplify it. Council Member Henney asked if the Main Street businesses would be out of compliance if the more restrictive decibel level was enforced. Lake stated that would be a possibility, but businesses were currently abiding by 65 DB.

Mayor Thomas stated the residents adjacent to the commercial zone would have to have a 10 decibel tolerance, but the neighbor across the street would expect a lower

decibel level. Council Member Henney clarified it was not the adjacent resident but rather the district the resident was in.

Council Member Matsumoto stated people spoke at 65 decibels. Foster indicated staff would like to get a sound engineer to give numbers on distance on the decibel level. Downard stated the proposed ordinance would allow enforcement officers to measure the decibels from the affected property.

Council Member Beerman suggested being more restrictive since Main Street was generally compliant, noting he would prefer to err on the conservative side of the issue. Harrington recommended the Council attend a field test in order to keep the issue pragmatic. The Council agreed that a field test would be beneficial.

Mayor Thomas opened the public hearing.

Mike Sweeney indicated the 65 DB could not be met and said traffic on Main Street would exceed that level. Downard clarified that ambient noise was different from sustained noise. Sweeney also thought any noise, whether stationary or not, would be held to the same standard.

Michael Barille commented that this ordinance had come a ways, but from the conversation tonight, it needed to be clarified and made easier to read and understand. He was concerned that the time would come where a business would not be able to be managed responsibly. He felt a balance should be struck with residences that were adjacent to business districts. One suggestion would be to have community policing or officers that were familiar with the ordinance.

Mayor Thomas closed the public hearing.

Council Member Worel moved to continue Ordinance No. 2017-53, an Ordinance Amending Title 6, Health, Nuisance Abatement, Noise; Chapter 3, Noise, of the Municipal Code of Park City, Utah, to a date uncertain. Council Member Gerber seconded the motion.

**RESULT: CONTINUED TO A DATE UNCERTAIN**

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

**2. Consideration to Approve the Proposed Library Field Preservation Easement and Grant the Easement to Summit Land Conservancy, in a Form Approved by the City Attorney:**

Heinrich Deters, Open Space Manager, Kate Sattelmeier, Legal Counsel, and Joe Cromley, President of Summit Land Conservancy, presented this item. Deters asked that the Council approve the easement as well as grant the easement to Summit Land

Conservancy. He noted the red line language in the preservation easement would remain in the easement.

Mayor Thomas opened the public hearing.

Ed Parigian thought the easement was a great thing and thanked Council for their support.

Sharon Christianson thanked Council for granting this park for the enjoyment of the residents.

Mayor Thomas closed the public hearing.

Council Member Beerman thanked the COSAC members, Deters, and Summit Land for all their hard work.

Council Member Beerman moved to approve the Library Field Preservation Easement and grant the easement to Summit Land Conservancy, in a form approved by the City Attorney. Council Member Worel seconded the motion.

**RESULT: APPROVED**

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

**3. Public Hearing to Receive Input with Respect to (A) the Issuance of Approximately \$40,000,000 of Sales Tax Revenue Bonds and (B) Any Potential Economic Impact that the Project to be Financed with the Proceeds of the Bonds May Have on the Private Sector:**

Nate Rockwood, Budget, Debt, and Grant Manager, stated Council authorized the issuance of the bonds and the associated agreements on September 21<sup>st</sup>. Since that time, the date of the sale had been adjusted. He expected the interest rate on the bonds to be 2.7%.

Mayor Thomas opened the public hearing.

Michael Barille stated there were concerns that there would be competing impacts for the Arts and Culture District, noting businesses related to visual arts, culinary arts, performing arts, etc., included much of the town. He hoped to be part of the stakeholder group that would be organized for this project.

Mayor Thomas closed the public hearing.

**VII. NEW BUSINESS**

**1. Consideration to Authorize the City Manager to Enter into a Contract, in a Form Approved by the City Attorney’s Office, with Webb Management Services, Inc., for Arts and Culture District Specialist Consultant Services Contract Award:**

Nate Rockwood stated hiring a consultant was the first step of the public outreach process and the first step of what an Arts and Culture District would mean in Park City. The consultant would go through a visioning process, meeting with stakeholders and performing outreach via public meetings. The design RFP would also be sent out. He clarified that all three phases of the scope would total \$97,955. Rockwood also stated the consultant had experience all across the country and had the expertise, timeline, and quality the committee was looking for in a consultant.

Council Member Worel asked where traffic would be studied in the timeline. Rockwood stated three different consultants would be hired for this project. A traffic study would be performed and would be part of the project timeline. Council Member Worel stated all residents were stakeholders and should not have to wait until week Four to give input. Rockwood stated they were doing as much as possible and no proposals would be made until after the information gathering period. Council Member Beerman stated the traffic study would evaluate existing conditions, yet a transit center would be in there. Rockwood stated the study would also evaluate future conditions with the transit center as well.

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

Council Member Gerber moved to authorize the City Manager to enter into a contract, in a form approved by the City Attorney’s office, with Webb Management Services, Inc., for Arts and Culture District Specialist Consultant Services Contract Award. Council Member Beerman seconded the motion.

**RESULT: APPROVED**

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

**2. Consideration of Aerie Drive and Deer Valley Drive Crosswalk Appeal by Residents of Aerie Subdivision:**

Corey Legge, Engineer, stated this appeal was due to a denial of a crosswalk across Deer Valley Drive at Aerie Drive. A traffic study was performed and the recommendation was to not have a crosswalk at this point. In order to collect additional data, a camera was set up to collect data on pedestrians and bikes crossing at that point during different days where events were being held. Legge displayed the data collected from the camera, and noted the volume did not meet the requirements needed for a crosswalk. He indicated before and after the Fourth of July parade there were large numbers of crossings, but this could be addressed by placing an officer at the intersection to help out during this event.

Legge stated since the pedestrian volume did not warrant a crosswalk, the appeal was denied by the Neighborhood Transportation Management Plan (NTMP) committee. He indicated staff would support examining public transit routes with pick up locations at Aerie Drive during special events, looking at new trail routes to connect the Prospector Trailhead to the spine on Deer Valley Drive, and implementing micro transit, which could benefit that area, as well as Uber and Lyft.

Three options for Council would be to deny the appeal, which was staff's recommendation, continue the evaluation with more reliance on UDOT, or approve the appeal and direct staff to make an application to UDOT since it was their right of way.

Council Member Worel asked if UDOT would pay for an underground tunnel. Legge said the City would have to pay and negotiate with UDOT.

Mayor Thomas opened the public hearing.

Mike King, Aerie Drive resident, stated it was not safe to cross Deer Valley Drive. He felt having a crosswalk would reduce traffic. There was no sidewalk so the area was not pedestrian friendly. He understood the information presented tonight, but asked Council to find a solution to get people off the hill. He felt if a crosswalk were there, there would be more pedestrian traffic.

Carl Tippit stated when he bought his home there was less traffic, but now he didn't feel like he could walk to town. He thought that if a crosswalk was built, people would use it and the pedestrian numbers would increase. Even if the numbers weren't reached, he didn't understand what the problem would be with having it. He recommended the Council consider Option Three of staff's recommendations.

Mayor Thomas closed the public hearing.

Council Member Matsumoto stated this was a problematic spot to have a crosswalk. There were no trails or sidewalks available once the crosswalk was in place. The project would be large scale and complicated. She didn't think that neighborhood was meant to be a walkable neighborhood to Old Town. She recommended denying the appeal and looking for alternatives.

Mayor Thomas agreed with Council Member Matsumoto and felt a path would be there at some point in the future. Council Member Worel asked what would be involved in talking with UDOT. Legge stated there were discussions with UDOT regarding this crosswalk, but they all had the same result. Council Member Worel asked if a route could be made to the roundabout. Bruce Erickson stated there was a possible route that could lead to the roundabout. Council Member Matsumoto indicated a sidewalk should be installed on the east side of Deer Valley Drive. Erickson stated this project was possible but it would take some time. Council Member Beerman knew this area was

problematic, and suggested a dirt path could go along the wall to accommodate walkers and bikers.

Tippit asked if Aerie residents could donate money for the HAWK crosswalk. Erickson stated the City could not do anything to impact traffic on Deer Valley Drive, so that was the reason for staff's recommendation to discuss alternatives.

Council Member Gerber liked the idea of having a path connect to Deer Valley Drive. Council Member Henney supported a rustic path until an improved path could be developed.

Council Member Matsumoto moved to deny the Aerie Drive and Deer Valley Drive Crosswalk appeal by residents of Aerie Subdivision and direct staff to explore alternatives. Council Member Beerman seconded the motion.

**RESULT: APPEAL DENIED**

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

**3. Consideration to Approve Resolution 28-2017, a Resolution Adopting Net-Zero Energy Performance Requirements for All New or Renovated Buildings and Facilities Constructed Using Funds Allocated by Park City, Utah to Promote Energy Efficiency, Reduction of Carbon Emissions, and Sustainable Design:**

Luke Cartin and Celia Peterson, Environmental Sustainability, presented this item. Cartin indicated this was Climate Week. He reviewed efforts to reduce the City's carbon footprint, including a water surcharge and energy efficiency projects. The goal was to be 100% renewable. He discussed the City's fleet, e-bikes, tree planting, and other programs the City had implemented to attain the goal. Cartin stated the City spent \$2 million per year on energy.

Peterson indicated the proposed resolution would focus on the performance of new buildings and facilities, which would be energy efficient up to net zero. She explained what was involved to obtain a net zero building.

Mayor Thomas asked if buildings were ever planned to be small and efficient instead of as big as possible. Cartin stated the buildings were constructed net zero from the beginning, but the scale of the building was relative and would need to be balanced. Council Member Beerman stated that a lot of projects were going over budget, so being net zero needed to be considered essential to the design or it would be valued out.

Peterson noted that passive house builders reviewed the resolution, and they recommended being as stringent as possible. It was indicated a guidebook resource would be created and staff would be trained. Cartin stated this resolution was the first of its kind, so it would be a learning process. Mayor Thomas indicated he was optimistic

on how the City's net zero goal was unfolding. He knew there were efficient ways of building.

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

Council Member Beerman moved to approve Resolution 28-2017, a resolution adopting net-zero energy performance requirements for all new or renovated buildings and facilities constructed using funds allocated by Park City, Utah to promote energy efficiency, reduction of carbon emissions, and sustainable design. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

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

**4. Consideration to Approve Ordinance No. 2017-54, an Ordinance Approving the Echo Spur Subdivision Amending Lots 2 and 3 Located at 441 Echo Spur and 449 Echo Spur, Park City, Utah:**

Tippe Morlan, Planner II, and Bruce Erickson, Planning Director, presented this item. Morlan stated the applicant requested that two separate lots be combined to one lot.

Council Member Worel asked how big the home could be on the lot. Erickson replied a house on that lot could be a little over 4,000 square feet.

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

Council Member Gerber moved to approve Ordinance No. 2017-54, an ordinance approving the Echo Spur Subdivision amending Lots 2 and 3 located at 441 Echo Spur and 449 Echo Spur, Park City, Utah. Council Member Henney seconded the motion.

**RESULT: APPROVED**

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

**5. Consideration to Approve Ordinance No. 2017-55, an Ordinance Approving the Iron Canyon Subdivision Lot 42 Building Pad Adjustment Located at 2463 Iron Mountain Drive, Park City, Utah:**

Tippe Morlan stated the applicants requested a plat amendment to change the shape of the building pad. There was a stream running on the west side of the lot, and the applicants showed that the building pad would not encroach into the stream area.

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

Council Member Henney moved to approve Ordinance No. 2017-55, an ordinance approving the Iron Canyon Subdivision Lot 42 Building Pad Adjustment located at 2463 Iron Mountain Drive, Park City, Utah. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

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

**6. Consideration to Approve Disposition of City Property Located at 8902 Empire Club Drive, #201, Pursuant to Municipal Code 2-3-11, Along with the Real Estate Purchase Contract (REPC) with Joni Antar, for the City-Owned Property Located at 8902 Empire Club Drive, #201, in the Amount of \$800,000, and Also Approve the Removal of Deed Restrictions, in a Form Approved by the City's Attorney's Office:**

Anne Laurent, Community Development Manager, presented this item and indicated this property was to be sold at market rate and the City would use the proceeds to build two affordable housing units.

Council Member Worel moved to approve Disposition of City Property located at 8902 Empire Club Drive, #201, pursuant to Municipal Code 2-3-11, along with the Real Estate Purchase Contract (REPC) with Joni Antar, for the City-owned property located at 8902 Empire Club Drive, #201, in the Amount of \$800,000, and also approve the removal of deed restrictions, in a form approved by the City's Attorney's Office. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

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

**VIII. ADJOURNMENT**

**IX. PARK CITY REDEVELOPMENT AGENCY MEETING**

**I. ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Jack Thomas	Chair	Present
Andy Beerman	Committee Member	Present
Becca Gerber	Committee Member	Present
Tim Henney	Committee Member	Present
Cindy Matsumoto	Committee Member	Present

Nann Worel	Committee Member	Present
Diane Foster	City Manager	Present
Mark Harrington	City Attorney	Present
Matt Dias	Assistant City Manager	Present
Michelle Kellogg	Secretary	Present

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

Chairman Thomas opened the public input portion of the meeting for those who wished to speak on items not listed on the agenda. No comments were given. Chairman Thomas closed the public input portion of the meeting.

**III. NEW BUSINESS**

**1. Consideration to Authorize the Governing Board of the Redevelopment Agency (RDA), to Approve the Disposition of City Property Located at 1835 Three Kings Drive #25-6, Along with the Real Estate Purchase Contract (REPC) with Todd Bramhall, for the City-Owned Property Located at 1835 Three Kings Drive #25-6, in the Amount of \$139,398, in a Form Approved by the City Attorney's Office:**

Anne Laurent stated this unit was purchased for the purpose of updating deed restrictions and was being sold to a transit employee. The updated restrictions would be presented to Council before closing.

Council Member Worel asked if everyone approved for the affordable housing units would be held to the same standards. Laurent affirmed the qualifications were standardized and also stated the historical deeds of the City's affordable housing units were all different so they would be making them uniform.

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

Committee Member Beerman moved authorize the governing board of the Redevelopment Agency (RDA), to approve the Disposition of City Property located at 1835 Three Kings Drive #25-6, along with the Real Estate Purchase Contract (REPC) with Todd Bramhall, for the City-owned property located at 1835 Three Kings Drive #25-6, in the amount of \$139,398, in a form approved by the City Attorney's Office. Committee Member Worel seconded the motion.

**RESULT: APPROVED**

**AYES:** Committee Members Beerman, Gerber, Henney, Matsumoto, and Worel

**2. Consideration to Authorize the Governing Board of the Redevelopment Agency (RDA) to Approve the Disposition of City Property Located at 1225 W. Black Rock Trail #306, Pursuant to Municipal Code 2-3-11, Along with the Real Estate Purchase Contract (REPC) with Lisa Roadfuss, for the City-Owned Property Located at 1225 W. Black Rock Trail #306/P, in the Amount of \$204,676 in a Form Approved by the City Attorney's Office:**

Mayor Thomas opened the public hearing.

Greg Bellmyer stated he worked in Park City, lived in #38 in Black Hawk Trail, and asked how the deed amendments would be the same. He was not a Summit County resident so he had no say in who sat on the Park City Council. He asked if the amendments affected the residents of this community. Laurent stated the amendments only affected the unit in question. Bellmyer expressed frustration with the lack of information given to the residents. Foster indicated staff could meet with Bellmyer to resolve his concerns.

Mayor Thomas closed the public hearing.

Council Member Gerber asked if there was any ability to set limitations on the HOA for the unit. Laurent stated the HOA could not be controlled and clarified for the record that compliance was to verify that the owners were in the same compliance as when they purchased the unit.

Committee Member Beerman moved to authorize the Governing Board of the Redevelopment Agency (RDA) to approve the Disposition of City Property located at 1225 W. Black Rock Trail #306, pursuant to Municipal Code 2-3-11, along with the Real Estate Purchase Contract (REPC) with Lisa Roadfuss, for the City-owned property located at 1225 W. Black Rock Trail #306/P, in the amount of \$204,676 in a Form Approved by the City Attorney's Office. Committee Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Committee Members Beerman, Gerber, Henney, Matsumoto, and Worel

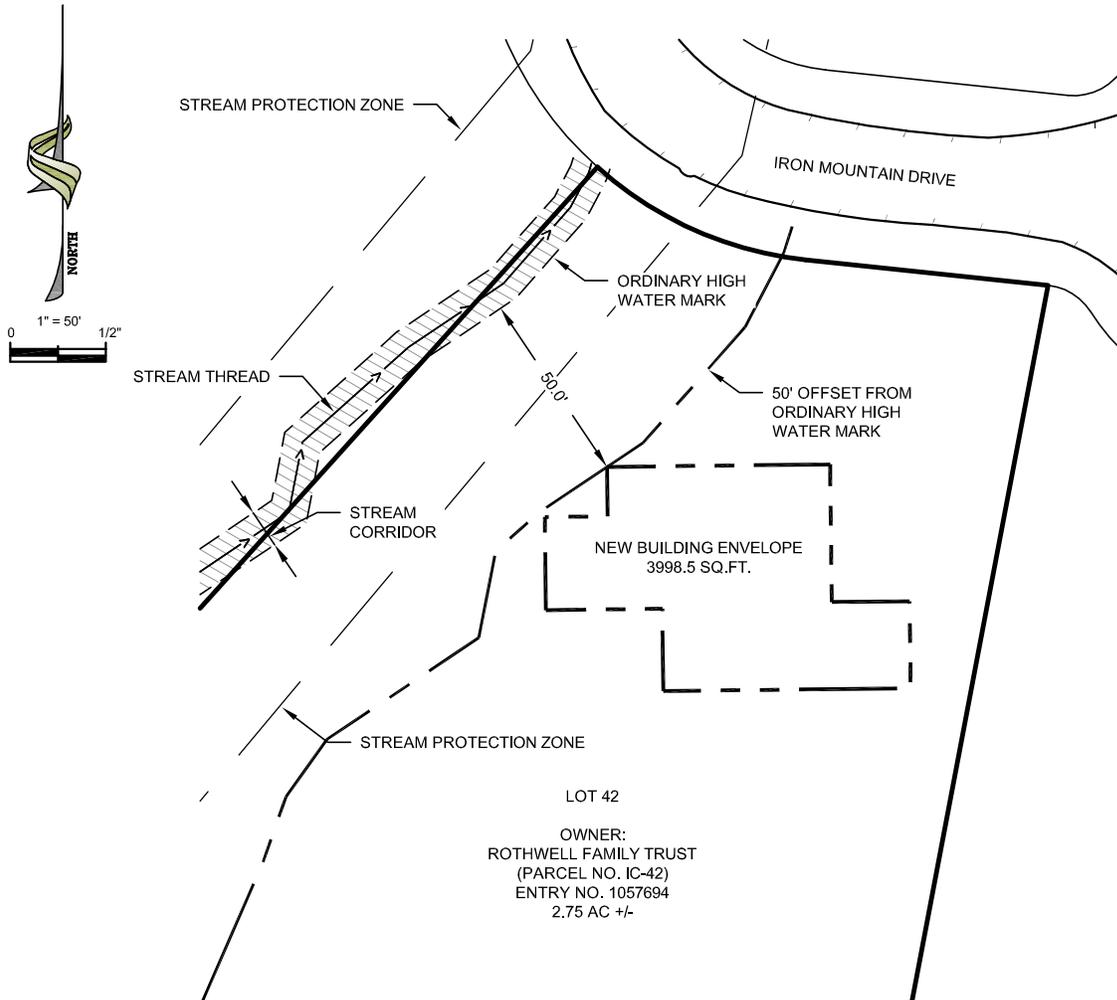
**X. ADJOURNMENT**

With no further business, the meeting was adjourned.

\_\_\_\_\_  
Michelle Kellogg, City Recorder

# IRON CANYON LOT 42 STREAM CORRIDOR HIGH WATER MARK EXHIBIT

LOCATED IN THE:  
NORTH QUARTER CORNER SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



LOT 42  
OWNER:  
ROTHWELL FAMILY TRUST  
(PARCEL NO. IC-42)  
ENTRY NO. 1057694  
2.75 AC +/-

### SURVEYOR'S CERTIFICATE

I, PHILLIP R. CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENCE NUMBER 319686 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE CLIENT, A SURVEY OF THE TRACT OF LAND DESCRIBED HEREIN, WAS PERFORMED UNDER MY DIRECTION.



PHILLIP R. CHRISTENSEN  
P.L.S. 319686  
DATE: OCTOBER 12, 2017

LEGEND	
SECTION CORNER (FOUND)	
SECTION CORNER (CALCULATED)	
SECTION LINE	
PROPERTY LINE	
LOT LINE	
SET MONUMENT	
FOUND MONUMENT	

N:\PROJ\2017 SM PROJECTS\IRON CANYON LOT 42 ROS & TOPOID\GIS\17SHEETS\CREEK EXHIBIT.DWG

**epic**  
ENGINEERING  
3341 South 4000 West  
West Valley, Utah 84120  
(801)955-5605  
50 East 100 South  
Heber City, Utah 84032  
(435)654-6600

<b>PROJECT NAME:</b> <b>STREAM CORRIDOR HIGH WATER MARK EXHIBIT</b>
<b>PROJECT LOCATION:</b> <b>SPARK CITY, SUMMIT COUNTY, UTAH</b>

SCALES	
HORIZ: 1" = 50'	<p style="font-size: 8px;">BAR SCALE MEASURES 1" ON A FULL SIZE SHEET. ADJUST FOR A HALF SIZE SHEET.</p>
DRAWN: JD	PROJECT # 17SM1891.25
DESIGNER: JD	SHEET: 1 of 1
REVIEWED: PC	
DATE: 10/12/2017	

# Noise Ordinance

**PURPOSE:** Maintain the same noise standards that have been in place, while adding language within the City Code to address potential constitutional issues and make minor changes for clarity, consistency and style.

## JOINT ENFORCEMENT PILOT PROGRAM:

- Sound Level Meter Training
- Joint Enforcement Shifts with Code Enforcement and Public Safety

# Considerations

**Disputes in Different Use Districts:** When a noise can be measured in more than one land use category, the less restrictive use shall apply at or within the property line of the of the receiving property

## **Complexity:**

- Staff does not recommend a citywide decibel level as it would not adequately account for different uses and times of day
- Simplification of the table

<b><u>Use District</u></b>	<b>10:00 P.M. – 6:00 A.M.</b>	<b>6:00 A.M. – 10:00 P.M.</b>
<b>Residential</b>	50 dBA	55 dBA
<b>Commercial</b>	60 dBA	65 dBA

120  
dB

- Chainsaw, Thunderclap

110  
dB

- Live Rock Music

100  
dB

- Motorcycle

90  
dB

- Dog Bark, Blow Dryer

80  
dB

- Alarm Clock

70  
dB

- Vacuum Cleaner, Coffee Grinder

60  
dB

- Sewing Machine

50  
dB

- Refrigerator, Quiet Suburb

*x2*



## **City Council Hearing - October 12, 2017**

### **General Public Input regarding the Appeal of the Kimball Garage Private Event Facility CUP**

Dear Mayor & City Council,

I wanted to take a few minutes of your time this evening to discuss the Appeal of the CUP for the Private Event Facility on the roof of the Historic Kimball Garage.

On March 30, 2017 you heard the Appeal of the Planning Commission's decision to approve this CUP, and you spent the better part of the evening hearing the applicants and the appellant and taking extensive public input. After deliberating you decided to neither grant or deny the Appeal but instead remanded the issue of the CUP back to the Planning Commission with a number of specific concerns.

On April 13, 2017 at General Public input I submitted a letter (see attached) asking for clarification on the process of the remand and the process related to Council calling up the Planning Commission's decision on the remand. I never received a response on the questions that I submitted in that letter. However, it was apparent from the discussion that Council would never be able to review the Planning Commission's actions on the remand unless that second decision was called up. Also, there apparently is only a 15-day window for Council to act following Planning Commission's decision under LMC 15-1-18 (K), and that Council needs to get the call-up decision on their agenda before action can be taken. Furthermore, I have 10 days to file an Appeal to Council following Final Action by the Planning Commission.

The Planning Commission held a work session on the remand issues on September 27<sup>th</sup>. Planning has informed me that the remand is tentatively on the Planning Commission's agenda for decision on October 25<sup>th</sup>. Of course, I have no idea what Planning is going to recommend or what action the Planning Commission will take. Therefore, I urge you to put the remand issue on your agenda and use your power to call up the Planning Commission's upcoming October 25<sup>th</sup> decision. The procedure on this is very unclear to me. The LMC states that Council has 15 days to "call up" a decision. Looking at the calendar, you will not be meeting on October 26<sup>th</sup> or November 2<sup>nd</sup>, so the next opportunity you would have to review the Planning Commission's October 25<sup>th</sup> decision is November 9<sup>th</sup>. I do not know what Council's intention is with regard to calling up the decision by the Planning Commission. I do know that November 9<sup>th</sup> is outside of the 10-day window for me to appeal the Final Action by Planning Commission. Furthermore, Council neither affirmed or denied the Appeal in March but instead remanded the issue, so it is unclear whether that initial Appeal is still open.

As we discussed in March, this large private commercial event facility will certainly increase the noise, traffic, parking issues in the area and potentially create an unsafe condition on the street. This is an extremely important "livability" issue, particularly to the residents of Old Town. As the elected officials, please don't let this issue fall into a procedural black hole but take the opportunity to call up the Planning Commission's decision and look at it again. If you are happy with the decision, then you can put your stamp of approval on it. If not, then further work will be required. I believe getting this right is very important for all of Park City.

Thanks for your time.

Sanford Melville

April 13, 2017

Dear Mayor and City Council,

On Thursday, March 30, 2017 you heard an Appeal, pursuant to LMC 15-1-18(C), of the Planning Commission's decision on 12/14/16 granting a Conditional Use Permit for a Private Event Facility on the roof of the historic Kimball Garage at 638 Park Avenue. As a result of the Appeal hearing, you remanded the Conditional Use Application to the Planning Commission to a date uncertain.

On April 5, 2017 I sent City Attorney Mark Harrington an email asking about the status of the appeal once it has been remanded and if the City Council would ever review the Planning Commission's action on the remand of the CUP for the Kimball Garage Private Event Facility.

On April 6, 2017 Mr. Harrington responded with the following:

"Jack has 15 days to execute a written order/action letter prepared by Staff pursuant to the Council motion. He is traveling this week so that will be sometime next week, but by the 14th. At that point the appeal is over, and the application is officially remanded to the Planning Commission. Upon re-hearing and final action by the Planning Commission, the Council will not review the results unless by motion they vote to call up the application or you/someone else again appeals. Another appeal will need to be made in the same timing and manner as the last one. LMC 15-1-18."

This response is helpful but it still leaves me uncertain as to how to proceed. If the final action by the Planning Commission does not satisfy the specific concerns raised by City Council, how will Council ever know? According to LMC 15-1-18 (K) Council may call-up the matter within 15 days of Final Action by the Planning Commission, but the call-up requires a motion and a majority vote by Council. How would the call-up ever get on the agenda for vote by Council within the 15 day time frame? Furthermore, I only have 10 days to file an Appeal to Council following Final Action by Planning Commission. Isn't this 10 day window for an Appeal inconsistent with the 15 day window for call-up? How would I know if Council was going to call-up the Final Action? Would I have to pay another \$500 and file an Appeal just to ensure that Council reviews the Final Action by the Planning Commission? To retain appeal rights, would I have to file a notice of appeal even if Council calls-up the Planning Commission's Final Action?

I would appreciate clarification on how the Appeal and City Council Call-up works for this situation.

Thank you all for your service.

Sanford J. Melville

527 Park Avenue

(e) [smelville@outlook.com](mailto:smelville@outlook.com)

(c) 435-659-0573