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2
3 **PARK CITY COUNCIL MEETING MINUTES - DRAFT**
4 **445 MARSAC AVENUE**
5 **PARK CITY, SUMMIT COUNTY, UTAH 84060**
6

7 **July 30, 2020**
8

9 The Council of Park City, Summit County, Utah, met in open meeting on July 30, 2020,
10 at 3:30 p.m. The meeting was a remote, electronic meeting due to the declared public
11 health emergency.
12

13 Council Member Henney moved to close the meeting to discuss property and litigation
14 at 3:30 p.m. Council Member Joyce seconded the motion.

15 **RESULT: APPROVED**

16 **AYES:** Council Members Doilney, Henney, Joyce, and Worel

17 **EXCUSED:** Council Member Gerber
18

19 **CLOSED SESSION**
20

21 Council Member Joyce moved to adjourn from Closed Meeting at 4:00 p.m. Council
22 Member Doilney seconded the motion.

23 **RESULT: APPROVED**

24 **AYES:** Council Members Doilney, Henney, Joyce, and Worel

25 **EXCUSED:** Council Member Gerber
26

27 **WORK SESSION**
28

29 **COVID-19 Update by Summit County Health Department Director Rich Bullough:**

30 Rich Bullough stated the Summit County data looked good right now, noting these
31 results took a lot of effort and compliance to the mask order from residents and visitors.
32 He discussed contact tracing and stated it honed in on areas of risk, but the data
33 reflected most the cases were family-spread. Having this data was good because the
34 County didn't need to apply broad restrictions, but could apply restrictions on a narrow
35 basis. He indicated there were no cases connected to an exercise facility, for which
36 restrictions were eased recently. The County received CARES Act money specifically
37 for contact tracing, so they could be better prepared for COVID surges. He was hiring
38 personnel that would track the cases, and other personnel would be gathering data and
39 testing efforts. Antigen testing could produce results in 15 minutes, and could help
40 reduce the spread from people who were still out in the community while waiting for test
41 results.

1 Council Member Worel asked what would determine reopening senior centers. Bullough
2 indicated the State had designated at-risk populations in the red category. He thought a
3 vaccine would be ready by winter and at-risk populations would be a priority for
4 receiving that vaccine.

5
6 Council Member Joyce asked Bullough to compare the PCR test with the antigen test.
7 Bullough indicated the antigen tests had quicker results, but they had a 20% false
8 negative, which was a concern. If a test was given and the tester had been around the
9 virus, that person would be given a PCR test as a backup and would be asked to
10 quarantine until the results came in.

11
12 Bullough noted he was asked if there were problem businesses. Bullough stated
13 Walmart was no longer a problem because they were now requiring masks. Another big
14 chain was not requiring masks and he was working with that manager. He struggled
15 more with mask wearing compliance from the small businesses. He also indicated
16 gatherings were a risk and he was pleased that so many events had been cancelled. He
17 stressed that people who attended events should wear masks if they were in close
18 contact with others.

19
20 Bullough reviewed COVID data and stated there were only three hospitalizations in
21 Summit County. There was a recent uptick in travel-related cases. He displayed charts
22 of COVID cases since March and was pleased to see the decline as a result of the
23 mask order. Council Member Joyce asked if Utah overall would see an impact now that
24 big chains required masks. Bullough thought so and noted it was positive that the LDS
25 church came out in support of masks as well as mask support on the national level.

26
27 **Discuss Public Safety Initiatives:**
28 Police Chief Wade Carpenter, Lt. Lealaitafea, Captain Leatham, and Captain Kirk
29 shared the Police Department's (PCPD) community initiatives in light of the recent anti-
30 policing sentiment. Captain Leatham stated PCPD sought to be proactive with the
31 community. Lt. Lealaitafea reviewed the State required that officers had 40 hours of
32 training per year and indicated most PCPD officers exceeded that minimum training
33 requirement. They had additional training for de-escalation skills, implicit bias and more.
34 Captain Kirk indicated the Department contracted with Lexipol, which gave policy
35 recommendations and standards. The Human Resources Department also reviewed
36 Police policies to verify they were appropriate.

37
38 Captain Leatham stated transparency was important and PCPD put their policy online
39 so all could see it. They also put Police incident statistics online. Use of force was a
40 concern and at times it was necessary to use some form of force. Only one officer had
41 shot at an armed robbery suspect in 2002 and missed the suspect. He reviewed other

1 incidents where use of force was required. He noted PCPD had a Police Complaint
2 Review Committee and in 2019 there was one complaint for excessive force and that
3 was investigated.

4
5 Captain Kirk indicated there were two community outreach employees, and they had
6 many projects including a training course that prepared Spanish speakers for the State
7 driver's license test as well as the Citizens' Academy. They also had involvement from
8 other officers in the Department for events such as Shop with a Cop, Camp Safety, and
9 a new program which prepares young adults for a career in law enforcement. He also
10 noted PCPD had a victim advocate since 2013 who worked with victims of violent
11 crimes.

12
13 Chief Carpenter discussed the Police associations that PCPD was involved in that
14 helped officers in the Department become leaders. He noted his officers also worked on
15 processes to improve PCPD services. He discussed Utah House Bill 5007, which
16 prohibited neck restraints. This procedure was never taught at the Police Academy as a
17 procedure and now it was illegal. PCPD added to its policy that any officer had the
18 ability to intervene if they witnessed something outside of policy. He displayed a video
19 by PCPD on its community initiatives.

20
21 Council Member Henney was pleased these initiatives had been in place for a long
22 time. The improvement program showed the community PCPD's commitment to keep
23 all safe. PCPD was a great example of what community policing was about. He knew
24 there were anecdotal examples of people not being treated as well as others, and he
25 hoped there would be continued efforts for improvement. Chief Carpenter stated they
26 put a lot of effort into reaching out to people of color.

27
28 Mayor Beerman opened the meeting for public input. No comments were submitted.
29 Mayor Beerman closed the public input portion of the meeting.

30
31 Council Member Worel noted Chief Carpenter mentioned mental health and indicated
32 there was a training program through Comprehensive Psych that was for police officers.
33 Captain Leatham stated mental health was missing for a long time in training and
34 testing, and now when an officer witnessed something horrible, they were more willing
35 to seek help. PCPD had trained officers that could identify when a fellow officer was in
36 crisis. This program was an ongoing training and support tool for officers. The
37 Department sought funding so they could start this program as soon as possible.
38 Council Member Worel felt this was a tool to help officers. It was indicated the program
39 would cost \$30,000 per year and the training would be analyzed for effectiveness after
40 six months. Mayor Beerman stated this had been a very difficult time for PCPD. He
41 hoped to see this training implemented. Dias stated the City thought the program was a

1 great investment and would help the Police, and noted funding could be found to begin
2 this program.

3
4 **Discuss Small Wireless Facilities in the City Right-of-Way:**

5 John Robertson, City Engineer, presented this item and indicated the State required all
6 agencies to permit providers the ability to deploy small wireless facilities with a utility
7 pole within a right-of-way under certain conditions. Certain documents were needed
8 before the applications could be accepted. An ordinance would need to be passed with
9 requirements for providers. A master license agreement, design standards, and a permit
10 application would also be required.

11
12 Council Member Henney asked if the City had received applications. Robertson stated
13 two providers had applications with the City for multiple locations. Council Member
14 Henney stated 5G needed multiple locations because it travelled only a short distance.
15 He asked Robertson's opinion on how many sites would be needed and how the City
16 would handle this request. Robertson felt all the light poles would be converted to small
17 cell facilities. Council Member Henney asked if the City had the capacity to
18 accommodate the need. Robertson indicated State and Federal legislation required the
19 City to allow the requests if conditions were met. Providers would be allowed to build
20 their own poles. Council Member Doilney stated the proposed requirement was a pole
21 could not exceed 50 feet and he wanted to modify that to no taller than 25 feet. He also
22 thought facilities should be on rooftops where they were not as visible. Robertson stated
23 the Historic District had requirements that light poles be consistent with the surrounding
24 features, but outside that area, there was more latitude. Council Member Doilney also
25 requested the meter be included on the pole so there was not a separate obstacle in the
26 right-of-way.

27
28 Council Member Worel discussed the health concerns associated with the small cell
29 facilities. She asked if there were protections the City could put in place to protect the
30 community. Robertson stated the frequency levels were approved by the Federal
31 Communications Commission (FCC). The City required a radio frequency report with
32 the installation to ensure the levels were within the standard. Amy Kochert, Legal
33 Assistant, stated an indemnity was implemented to protect the City and any legal
34 actions would have to be with the providers.

35
36 Mayor Beerman asked if applications were for commercial areas. Robertson stated they
37 were for the Historic District. Mayor Beerman asked if small cell facilities could be
38 restricted from school areas in order to give some protections. Robertson stated the City
39 would have to give a valid reason for not allowing them in certain areas. Council
40 Member Henney stated he referred concerned residents to the Health Department.

1
2 Mayor Beerman opened the meeting for public comment.

3
4 Ed Parigian via Zoom asked if the 5G reach went in a straight line or radius. Robertson
5 stated it was radial and there was only 200-250 feet between each small cell. Parigian
6 asked if the City could collect rent on the facilities. Robertson stated the fee was set,
7 and it could be collected from each provider on an annual basis. Parigian stated there
8 would be a lot of poles and the City could collect a lot of money.

9
10 Mayor Beerman closed the public input portion of the meeting and indicated the other
11 comments that were submitted on this item would be read during the public input portion
12 of the regular meeting.

13
14 **REGULAR MEETING**

15
16 **I) ROLL CALL**

17

Attendee Name	Status
Mayor Andy Beerman Council Member Max Doilney Council Member Tim Henney Council Member Steve Joyce Matt Dias, City Manager Margaret Plane, Special Counsel Michelle Kellogg, City Recorder	Present via technology
Council Member Becca Gerber Council Member Nann Worel	Excused

18
19 **II) APPOINTMENTS**

20
21 **1. Consideration to Appoint Jane Campbell, Mike Cohen, Kraig Moyes and Ed**
22 **Parigian to the Recreation Advisory Board for a Term Expiring July, 2023:**

23 Ken Fisher, Recreation Manager, stated he and Council Member Doilney interviewed
24 the candidates and found them very qualified for the board. Council Member Doilney
25 explained the strengths of the candidates and some different proposals for future
26 recreation programs.

27
28 Mayor Beerman opened the meeting for public comment.

1 Ed Parigian via Zoom stated he was grateful to be on the board and looked forward to
2 three more years. He also noted the library field was always busy and preserving that
3 property had been great for the community
4

5 Council Member Doilney moved to appoint Jane Campbell, Mike Cohen, Kraig Moyes
6 and Ed Parigian to the Recreation Advisory Board for a term expiring July, 2023.
7 Council Member Joyce seconded the motion.

8 **RESULT: APPROVED**

9 **AYES:** Council Members Doilney, Henney, and Joyce

10 **EXCUSED:** Council Members Gerber and Worel

11
12 **III) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

13
14 **Council Questions and Comments:**

15 Council Member Doilney commented that people were outside in spite of COVID and it
16 was nice to see people getting creative as they socially distanced.
17

18 Council Member Joyce was happy to see the COVID cases decreasing and to see
19 people wearing masks. Council Member Henney agreed with the previous comments.
20

21 Mayor Beerman stated the Town of Hideout announced they were trying to annex the
22 Richardson Flat property up to the Park City limits, in an area that was in the Park City
23 Annexation Declaration Boundary. The challenge was they didn't have permission from
24 Summit County, didn't discuss it with Park City and Wasatch County was against it.
25 They proceeded with the annexation process because of some small legislative
26 changes made during the last legislative session at the State Capitol which were
27 explained as "cleanups" to the annexation law. In reality the changes allowed for broad
28 powers to reach across county boundaries and annex land without regard for regional
29 partners. The State senate wanted the new law repealed and work was being done to
30 that end. Council Member Henney asked how Representative Quinn and Senator
31 Winterton responded. Mayor Beerman stated they were both supporting Park City and
32 wanted to repeal the law. Dias indicated the City was actively working with stakeholders
33 and with the legislators to resolve this, noting that the City, County and residents felt
34 they had been misled. Mayor Beerman indicated the City was calling for a full repeal
35 and noted there should be discussion and full transparency to the process.
36

37 **Staff Communications Reports:**

38
39 **1. Electric Assisted Mountain Bike Courtesy Tag Program:**

1 Mayor Beerman had a citizen request that a qualification reason be added to the tags,
2 and that the tags be a bright color to be easily seen. Dias stated he would check on the
3 qualification reason.
4

5 **2. City Manager Intent to Execute Assignment of Professional Services**
6 **Agreement for Audit Services:**
7

8 **IV) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON**
9 **THE AGENDA)**
10

11 Mayor Beerman opened the meeting for anyone who wished to submit comments to the
12 Council on items not included on the agenda.
13

14 Ryan Sternagel: "Hi all, I'm writing in to say I'm extremely disappointed to see the small
15 cell wireless facilities rollout on the agenda, given the fact I wrote a very detailed letter
16 several weeks ago, trying to inform you there are many factors pertaining to this
17 situation you aren't aware of, and it was dismissed. In that letter I stated that an attorney
18 specializing in these situations has offered to have an introductory conversation with
19 you, free of charge, so you can be made aware of these factors by someone with the
20 legal expertise to speak to them at a level you'd appreciate. Why would you not at least
21 speak with him, given you've clearly got a highly concerned group of citizens within your
22 community about this issue, before pressing forward? Just because you're not officially
23 allowed to consider the increase in everything from cancer to learning disabilities we
24 know will ensue from these installations, doesn't mean you can't at least educate
25 yourselves on all the pertinent issues and your options, especially when we've done the
26 work and are handing you the resources. Some of these issues include, again for the
27 record: 1) Insurance the licensees are required to carry does not cover pollution nor
28 health effects. This leaves the city open when someone is able to demonstrably prove a
29 health condition started after a tower was installed near to them. 2) Applicants for
30 facilities may be required to prove a significant gap in 4G coverage, which there is none
31 3) Applicants may also be required to prove the least obtrusive location possible. In that
32 letter I also noted the following number of studies pertaining RF effects on children: 119
33 on leukemia 69 on pregnancy outcomes 68 on other health effects 62 on brain / CNS
34 tumors 31 on other types of cancer 18 on cancer (unspecified) 18 on lymphoma I will
35 resend the letter with full detail. There are more and more municipalities pushing back
36 on this and/or taking the time to make sure they get it right. Please, follow their lead."
37

38 Erica Smith: "As a mother of four and full time Park City resident, I am in favor of faster
39 and better internet, it is our future! I am requesting that you please speak to and meet
40 with Andrew Campanelli who is an expert 5G attorney. I have personally spoken to his
41 office and they are willing to help our Park City community understand all the legal

1 issues that WILL come up with the 5G roll out in Park City. He is already helping several
2 other cities around the country. What happens after the towers are installed and our
3 community cancer rates go up? What if the towers are put on schools and our children
4 get cancer or suffer many of the other documented and studied health effects? Have
5 you each personally reviewed the health effects of 5G on animals and what it will do to
6 our environment? Have you each read the study done on 5G and plants and how it was
7 shown to make crops more flammable? Do each of you know the fire risk and the fires
8 that have been caused from 5G and the towers? I have spent a lot of time studying all
9 these issues after a 5G site was placed across the street from our home and the dishes
10 were pointed directly into my girls windows. No one notified us they were being
11 installed. Why was it a secret? Why was the location not reviewed and why did no one
12 from park city consider the health effects of pointing dishes and radiation into childrens
13 windows? You have the opportunity right now to do the right thing and study these
14 issues before it is too late. Does the counsel realize parents, grandparents and families
15 will hold each of you personally responsible if people and pets get sick for not stopping
16 this and waiting till the Technology is proven safe for all humans, animals and
17 vegetation. I would encourage each of you to really think about the fact the NO
18 insurance company in the world offers or will ever offer 5G insurance. Why is that? And
19 if there is no 5G insurance who do you think will become liable if someone in our
20 community gets sick from 5G?"

21
22 Jennifer Mulholland: "Please immediately consider talking with the attorney that the
23 Summit County Council has obtained to better understand the implications, options, and
24 potential solutions regarding what appears to be a mandatory 5G installation. As a local
25 Parkite and business owner, I am very concerned about 1) The potential health impacts
26 to our children and citizens that other counties and countries are investigating and, 2)
27 The aesthetics of where these towers will be placed. It seems prudent and practical to
28 educate ourselves about all of our options to keep our beloved town healthy, thriving,
29 and naturally beautiful. The installation and placement of the towers matters. I ask that
30 the council and all those in powers of leadership please talk to the recommended
31 attorney that Summit County is speaking with (I believe it is Andrew Campenelli),
32 involve the public more proactively, and slow down so we can ensure our approach is a
33 thoughtful, careful, and considerate one for us all. Thank you."

34
35 Zoe Berg, Project Director Americans for Responsible Technology: "Americans for
36 Responsible Technology (ART) is a national science-based environmental health non-
37 profit organization based in New York representing over 150 community organizations
38 across 43 states. We work with municipalities to protect residents' interests when
39 dealing with the telecom industry's deployment of wireless equipment in public rights-of-
40 way. There are effective local measures that the Park City Council can take to protect
41 constituents, particularly in residential areas, from 5G small cell antennas. While the

1 council cannot limit telecoms from placing equipment that complies with FCC limits on
2 health concerns alone, here are some provisions we'd encourage the council to include
3 in its small cell ordinance and any master agreements being considered: • Requiring the
4 telecom applicant to demonstrate a significant gap in personal wireless coverage at the
5 desired installation site using dropped call data; • Implementing antenna installation
6 setbacks from residences, schools, daycare facilities, and other sensitive areas due to
7 historic preservation rules, aesthetics, and property devaluation risks; • Requiring
8 randomized radiofrequency radiation emissions testing of all wireless sites on an annual
9 basis at the expense of the applicant; • Instituting a compliance bond to ensure that the
10 applicant is complying with all conditions of the city's ordinance and all relevant federal
11 regulations. I will be sending a copy of our organization's carefully crafted sample small
12 cell ordinance to each city council member for review, as well as a partial digest of
13 independent, peer-reviewed scientific research documenting various disease endpoints
14 associated with exposure to radiofrequency microwave radiation. I would be happy to
15 discuss any of these issues with you at a later date and, again, very much appreciate
16 your time and consideration of this urgent matter.”

17
18 Marcela Mueller: “As a full time Park City resident and homeowner, mother of two and
19 full time worker at a local business, I am requesting that you please listen to Mr.
20 Campanelli who is an attorney to help your staff to better understand all the legal factors
21 at play with the roll out of 5G and the massive increase in electromagnetic fields (EMF)
22 that Will affect children if these towers are placed near by schools. Doctors and
23 pediatricians warn of potential hormone disruption, cancer risk, mental health problems,
24 dizziness, tinnitus, rashes, trouble sleeping, and Moreover, Insurance companies will
25 not insure these Telecom companies why would you allow it in our city?”

26
27 Carlyn Kinn: “Hello - I would like to voice concern for the potential health and safety
28 risks associated with the widespread roll-out of 5G technology (particularly for the kids
29 in our town). As I understand it, the city has been offered a free consultation with
30 Andrew Campanelli, an attorney specializing in helping municipalities understand their
31 rights and liabilities in this matter, and would like to urge consideration of learning more
32 before making any decisions about this technology roll-out. Thank you for your time and
33 service!”

34
35 Heather Eddy: “As a mother of three young children, I am extremely concerned about
36 the 5G roll out. While I understand the council is denied to consider adverse health
37 effects due to 5G, the council may not be fully aware of the impending detrimental
38 consequences of turning a blind eye to the available power the council does have. I am
39 concerned that there is not full comprehension of all the legalities within the situation
40 and I would urge the council to meet with an attorney who specializes in helping cities
41 clarify the power they do have in unique situations such as this.”

1 Bill Johnson: “This appears to be a good start with Design Guidelines, but I have a few
2 questions/comments: 1. Section 2.4 references the poles shall not exceed 50'. 50' is too
3 high for this community. The current Small Cell poles being installed in SLC are 35' for
4 Residential zones and 45' for Commercial Zones. Park City should consider a maximum
5 height of 25' in Residential and 35' in Commercial. The carriers do not need 50'. 2.
6 Section 6.4 - Figure 6-2 references 250' of spacing for standalone poles. 250' is quite
7 close considering each carrier is going to want to install their own pole. Imagine 4 poles
8 in a 1000' span. 3. Section 5.0 - Figure 5-3 shows a meter housing pedestal. Are there
9 any size specifications referenced for that application?”

10
11 Rebecca McHaas: “I echo the sentiments of concerns for the health of all Park City
12 residents, yourselves included, with regards to the 5G rollout. As a resident of over 12
13 years, I have always watched Parkites put our community first. And health and fitness
14 have always been at the top. Our lifestyle is key to our happiness here. Anything that
15 impacts our health and lifestyle will additionally impact our tourism. Needless to say,
16 2020 will be a year for the record books in economic terms. What if we were a safe
17 haven from the EMF’s that are proven to cause headaches, fatigue, lack of focus and a
18 host of diseases including cancer. Please take a moment and consider the ramifications
19 of this mandatory rollout. There is much more here than meets the eye. Thank you for
20 your time, public service, and consideration.”

21
22 Mayor Beerman closed the public input portion of the meeting and stated he had not
23 heard from Campanelli and he would welcome referring him to the City's Legal
24 Department and would welcome sample ordinances and other resources.

25
26 **V) CONSIDERATION OF MINUTES**

27
28 **Consideration to Approve the City Council Meeting Minutes from July 9 and 16,**
29 **2020:**

30 Council Member Henney referred to the July 9th minutes, Page Four, Line 33, and
31 specified that all the merchants they spoke to except one were doing better than their
32 new COVID assumption projections and two of the seven merchants were doing better
33 year over year.

34
35 Council Member Joyce moved to approve the City Council meeting minutes from July 9
36 and 16, 2020 as amended. Council Member Doilney seconded the motion.

37 **RESULT: APPROVED**

38 **AYES:** Council Members Doilney, Henney, and Joyce

39 **EXCUSED:** Council Members Gerber and Worel

1 **VI) CONSENT AGENDA**

2
3 **1. Request to Authorize the City Manager to Execute the Second Addendum to**
4 **the Professional Service Contract, in a Form Approved by the City Attorney, with**
5 **Cascadia Partners, LLC. in an Amount Not to Exceed \$8,480.00 for Additional**
6 **Consulting Services:**

7
8 **2. Request to Authorize the City Manager to Execute a Construction Agreement,**
9 **in a Form Approved by the City Attorney, with Stratton and Bratt Landscapes,**
10 **LLC, to Install Landscaping on Prospector Avenue and Gold Dust Lane for an**
11 **Amount Not to Exceed \$230,693.00:**

12
13 **3. Request to Approve a One Year Extension to the Current Contract with Kane,**
14 **LLC Security, for Transportation and Security Services during Special Events and**
15 **Peak Time Periods, in an Amount Not to Exceed \$255,501, in a Form Approved by**
16 **the City Attorney:**

17
18 Council Member Doilney noted a technical typo in Item One. Plane stated Legal would
19 check that for accuracy.

20
21 Council Member Joyce moved to approve the Consent Agenda. Council Member
22 Doilney seconded the motion.

23 **RESULT: APPROVED**

24 **AYES:** Council Members Doilney, Henney, and Joyce

25 **EXCUSED:** Council Members Gerber and Worel

26
27 **VII) OLD BUSINESS**

28
29 **1. Special Event Update:**

30 Jenny Diersen, Special Events Manager, presented this item and reviewed the Special
31 Events discussion from last month. Staff worked on mitigating risks, but they weren't
32 able to eliminate them. She indicated Miner's Day, Howl-o-Ween on Main, and Autumn
33 Aloft had been cancelled, but some smaller events were being held. She stated the
34 Historic Park City Alliance (HPCA) requested to extend the Shop, Dine and Stroll event
35 to October 25 and add Saturdays on August 1st, September 5th, and October 3rd. They
36 requested a fee waiver in the amount of \$100,000. She gave statistics that supported
37 extending the car-free event. Diersen asked Council to approve the car-free extended
38 calendar and increase the fee reduction limit to \$120,000.

1 Mayor Beerman asked who requested the later closure of 10:00 p.m. Diersen thought
2 HPCA requested the car-free time of 11:00 a.m. to 10:00 p.m. and the City agreed to
3 that request. In June, there was a request to close the street at 7:00 a.m. to include
4 breakfast on Main Street as well.

5
6 Council Member Henney talked about the goal for event attendees and thought Park
7 City was marketing to those living within 600 miles, but Council wanted locals only.
8 Council Member Joyce stated there was a difference between people coming and
9 staying at a hotel or condo, and people attending an event. He didn't mind people
10 coming, but didn't want big events that drew a crowd that was hard to manage and
11 mitigate. Further discussion ensued and it was determined authority to work with the
12 event sponsor to determine the feasibility of an event with mitigations would be
13 delegated to staff.

14
15 Council Member Doilney stated the economic summit that was just held featured
16 marketing Park City for its local amenities and not the events. Mayor Beerman felt the
17 City was doing a good job putting health and safety first while also restarting the
18 community by having local events and outdoor activities. He felt the City had it right.
19 The Council agreed to continue the car-free Sundays into October with the additional
20 associated costs of \$40,000.

21
22 Mayor Beerman opened the meeting for public input. No comments were submitted.
23 Mayor Beerman closed the public input portion of the meeting.

24
25 Council Members Doilney, Henney, and Joyce supported the Saturday, August 1st,
26 Shop, Dine and Stroll Car-Free Main Street activation and extended the Main Street
27 closures for that day. Council Members Gerber and Worel were excused.

28
29 **2. Renewable Energy Project for City Operations Update:**

30 Luke Cartin, Environmental Sustainability Manager, presented this item. He reviewed
31 the City's net zero goals and the current annual energy costs. Last November, the City
32 entered a 15-year contract with Rocky Mountain Power (RMP) to contract with a solar
33 developer for a power purchase agreement in the amount of \$22,000. He indicated as
34 additional resources were brought on, like another solar farm or wind farm, the City
35 would be allowed to do that. COVID brought financing issues as well as issues
36 regarding the devaluation of utility scale solar grid benefit. He proposed increasing the
37 15 year contract to a 20- or 25-year contract, making the cost \$26,280 or \$23,880
38 respectively. He noted Park City and its partners would have to get approval for a new
39 term and asked Council which term was preferable.

1 Council Member Joyce clarified this payment was on top of the City's normal electric
2 bill. He preferred the 20-year term, but was fine with either option. Council Member
3 Doilney agreed. Council Member Henney asked if there was a benefit to having all
4 parties agreeing to the same term. Cartin stated there was no benefit; some would have
5 a 20-year contract and others a 25-year contract. Cartin stated at the time of filing, a
6 partner would have the ability to transfer this contract to a buyer if so desired. Also, the
7 City could bid this resource into the community-wide resource. Council Member Henney
8 preferred having a 20-year contract to show support with County's preference of having
9 a 20-year contract.

10
11 Mayor Beerman opened the meeting for public input. No comments were submitted.
12 Mayor Beerman closed the public input portion of the meeting.

13
14 Cartin noted the solar farm would start in earnest when the filing was finished.

15 16 **VIII) NEW BUSINESS**

17 18 **1. Consideration to Adopt Resolution 17-2020, a Resolution Adopting the Revised** 19 **Personnel Policies and Procedures Manual, Effective July 30, 2020 for Park City** 20 **Municipal Corporation:**

21 Jason Checketts and Brooke Watters, Human Resources Department, were present for
22 this item, and stated they were available for questions on the revised policies. The
23 Council members did not have any questions.

24
25 Mayor Beerman opened the meeting for public input. No comments were submitted.
26 Mayor Beerman closed the public input portion of the meeting.

27
28 Council Member Doilney stated he liked the Peak Time Leave addition to the policy.

29
30 Council Member Joyce moved to adopt Resolution 17-2020, a resolution adopting the
31 revised Personnel Policies and Procedures manual, effective July 30, 2020 for Park City
32 Municipal Corporation. Council Member Henney seconded the motion.

33 **RESULT: APPROVED**

34 **AYES:** Council Members Doilney, Henney, and Joyce

35 **EXCUSED:** Council Members Gerber and Worel

36 37 **2. Consideration to Approve Ordinance 2020-36, an Ordinance Amending the Park** 38 **City Land Management Code §15-1-11; §15-2.3-2; §15-2.5-2; § 15-2.6-2; §15-2.16-2;** 39 **§15-2.23-2; §15-4-16; and §15-4-20, to Remove Special Event References from the** 40 **Land Management Code and to Remove Special Events from the Zoning District**

1 **Use Sections; and to Update the Land Management Code §15-15-1; §15-15-2**
2 **Definitions and the Municipal Code of Park City - Title 12, Sign Code, §12-7-1; §12-**
3 **12-1; §12-12-2; §12-12-3; § 12-12-4; §12-12-5; §12-12-6 to Replace the Term Master**
4 **Festival with Special Event:**

5 Rebecca Ward, Land Use Planner, and Jonathan Weidenhamer, Economic
6 Development Manager, presented this item. Ward stated this was a code cleanup
7 amendment to make the LMC consistent with the Special Event code. She noted the
8 Planning Director would still review special event permits.

9
10 Mayor Beerman opened the public hearing. No comments were submitted. Mayor
11 Beerman closed the public hearing.

12
13 Council Member Doilney moved to approve Ordinance 2020-36, an ordinance
14 amending the Park City Land Management Code §15-1-11; §15-2.3-2; §15-2.5-2; §15-
15 2.6-2; §15-2.16-2; §15-2.23-2; §15-4-16; and §15-4-20, to remove special event
16 references from the Land Management Code and to remove Special Events from the
17 Zoning District use sections; and to update the Land Management Code §15-15-1; §15-
18 15-2 Definitions and the Municipal Code of Park City - Title 12, Sign Code, §12-7-1;
19 §12-12-1; §12-12-2; §12-12-3; §12-12-4; §12-12-5; §12-12-6 to replace the term Master
20 Festival with Special Event. Council Member Joyce seconded the motion.

21 **RESULT: APPROVED**

22 **AYES:** Council Members Doilney, Henney, and Joyce

23 **EXCUSED:** Council Members Gerber and Worel

24
25 **3. Consideration to Approve Ordinance 2020-37, an Ordinance Amending**
26 **Footnote 2 of the Park City Land Management Code Section 15-2.1-2(B)(1) to**
27 **Establish Additional Nightly Rental Conditional Use Permit Criteria and a Cap of**
28 **12 Nightly Rentals in the Western Historic Residential - Low Density Zoning**
29 **District:**

30 Rebecca Ward, Land Use Planner, presented this item and reviewed the Planning
31 Commission requested a discussion on this item and proposed some amendments for
32 Council consideration. They also recommended Council have a work session on nightly
33 rentals because of the extensive public concern on this issue, especially in the Alice
34 Claim Subdivision area and the Lower Rossie Hill area. She noted some applicants
35 agreed to additional requirements in order to receive a nightly rental license. The
36 additional requirements included on-site parking, having four wheel drive in the winter,
37 providing information on ski access, free transit, and Historic Main Street that was within
38 walking distance, and requiring property management contact information in the rental
39 unit. The Planning Commission also recommended capping the nightly rental units to 12
40 in the western area.

1 Council Member Joyce asked what would happen if more than 12 applications were
2 submitted. Ward stated a code amendment would be requested. Council Member Joyce
3 felt the cap issue needed to be developed with defensible reasons. Ward suggested
4 initiating a waiting list. Council Member Doilney stated this was the only area of town
5 that required a Conditional Use Permit (CUP) with nightly rental applications, and
6 agreed with Council Member Joyce. Council Member Joyce felt this could be approved
7 tonight with the direction that Planning Commission discuss the 13th application and if a
8 CUP would expire if it wasn't utilized.

9

10 Mayor Beerman asked about the public outreach regarding the nightly rental cap. Ward
11 indicated each property owner in the zone received a notice and they supported the
12 cap.

13

14 Council Member Joyce asked about the Alice Claim Subdivision, which was not
15 restricted. Ward indicated the CUP ran with the land and was valid unless the property
16 owner was not in compliance. She asked if the CUP should be tied to an active
17 business license. Council Member Joyce thought that was a good idea. Mayor Beerman
18 noted the chain store model was an example for the Planning Commission to look at.
19 Council Member Doilney suggested notifying neighbors when a permit terminated.

20

21 Mayor Beerman opened the public hearing. No comments were submitted. Mayor
22 Beerman closed the public hearing.

23

24 Ward stated these were valid concerns. She stated the intention was to cap the CUPs
25 at seven and let them phase out in the neighborhood. In order to be flexible the cap of
26 12 was recommended until it phased out. Council Member Joyce felt the proposed way
27 would be the most effective way to phase out the nightly rentals. Council Member
28 Henney thought this was a good step in the right direction, especially addressing the
29 concerns of the primary residents. He was concerned the community didn't know this
30 item was being considered because of the lack of public input.

31

32 Council Member Joyce moved to approve Ordinance 2020-37, an ordinance amending
33 Footnote 2 of the Park City Land Management Code Section 15-2.1-2(B)(1) to establish
34 additional nightly rental Conditional Use Permit criteria and a cap of 12 nightly rentals in
35 the Western Historic Residential - Low Density Zoning District with the amendment to
36 have the Planning Commission consider what happens when the cap is reached and
37 additional people want to apply for a CUP, and whether CUPs should ever expire for
38 this particular need. Council Member Doilney seconded the motion.

RESULT: APPROVED

AYES: Council Members Doilney, Henney, and Joyce

EXCUSED: Council Members Gerber and Worel

Ward asked if Council wanted to discuss nightly rentals further in a work session. Council Member Joyce wanted to see a staff communications report on what the Planning Commission considered and what they would recommend to do.

4. Consideration to Approve Ordinance 2020-38, an Ordinance Amending the Land Management Code of Park City §15-2.13-2 to Prohibit Nightly Rentals in the Meadows Estates Subdivision Phases #1A and #1B:

Mayor Beerman was excused at 8:05 p.m. and Mayor Pro Tem Joyce opened this item for discussion. Hannah Tyler, Senior Planner, and Jane Campbell, Meadows Estates HOA, requested an amendment to prohibit nightly rentals for this subdivision. Tyler stated the nightly rental regulations were in place before the CCRs were amended to prohibit them. In the future, the City would reserve the right to deny requests if they were not consistent with the General Plan. She noted the City did not enforce CCRs. Campbell thought it was worthwhile to make this amendment.

Council Member Henney supported the neighbors in their request. Council Member Doilney stated the request was in keeping with the community and he was in favor of the amendment. Council Member Joyce indicated it would be in the code so it wouldn't get lost in the CCRs or development agreement. He was concerned there wasn't one place for these restrictions. Tyler stated the zoning map on the City website would indicate if a house was in a nightly rental zone.

Mayor Beerman returned to the meeting at 8:15 p.m. and opened the public hearing.

Clayton Stuard: "I live in the adjacent subdivision known as Fairway Meadows. I support the proposed LMC amendment to prohibit Nightly Rentals in Meadows Estates. I hope that the Fairway Meadows HOA will pursue a similar LMC amendment following the City Council's approval of this proposed LMC amendment."

Mayor Beerman closed the public hearing.

Council Member Joyce asked if the City ever had to enforce CCRs. Tyler indicated the City didn't enforce CCRs, but staff looked to see if a nightly rental had a business license. She noted most of the time nightly rentals were in an area that was allowed.

1 Council Member Joyce moved to approve Ordinance 2020-38, an ordinance amending
2 the Land Management Code of Park City §15-2.13-2 to prohibit Nightly Rentals in the
3 Meadows Estates Subdivision Phases #1A and #1B. Council Member Henney
4 seconded the motion.

5 **RESULT: APPROVED**

6 **AYES:** Council Members Doilney, Henney, and Joyce

7 **EXCUSED:** Council Members Gerber and Worel

8
9 **5. Consideration to Approve Resolution 18-2020, a Resolution Amending the**
10 **Public Art Advisory Board and Public Art Policies:**

11 Jenny Diersen, Public Art Advisory Board Staff Liaison, indicated there was an
12 overwhelming response from people interested in serving on the board. She
13 recommended increasing the membership from seven to eight. The new position would
14 be a three year term. With the larger number of members, it was recommended to
15 increase the quorum to five members. She noted a change in voting rules for purchases
16 and indicated a typo on the board makeup was duplicated and would be removed.

17
18 Mayor Beerman opened the public hearing. No comments were submitted. Mayor
19 Beerman closed the public hearing.

20
21 Council Member Joyce moved to adopt Resolution 18-2020, a resolution amending the
22 Public Art Advisory Board and Public Art Policies with the amendment to remove the
23 duplicate sentence. Council Member Doilney seconded the motion.

24 **RESULT: APPROVED**

25 **AYES:** Council Members Doilney, Henney, and Joyce

26 **EXCUSED:** Council Members Gerber and Worel

27
28 **IX) ADJOURNMENT**

29
30 With no further business, the meeting was adjourned.

31
32
33 _____
Michelle Kellogg, City Recorder