



**PARK CITY COUNCIL SPECIAL MEETING
SUMMIT COUNTY, UTAH,
January 20, 2015**

Special Meeting

I. **ROLL CALL**-Mayor Pro Tem Dick Peek called the special meeting of the City Council to order at approximately 8:00 a.m. at the Marsac Municipal Building on Tuesday, January 20, 2015. Members in attendance were Dick Peek, Liza Simpson, Tim Henney and Andy Beerman. Mayor Thomas and Council member Cindy Matsumoto were excused. Staff members present were Diane Foster, City Manager; Polly Samuels McLean, Assistant City Attorney; Marci Heil, City Recorder; Rebecca Gillis, Finance; Shelly Hatch, Finance; Chad Root, Chief Building Official; Kurt Simister, Deputy Fire Marshall/Building Inspector; Michelle Downard, Deputy Building Official.

II. NEW BUSINESS

1. Consideration of all late Type 2 Convention Sales Licenses that have completed the pre inspection and application by 9:00am on Friday, January 16, 2015.

Council member Simpson stated that she felt that Council was clear that if the late applicants had not passed their final inspection that Council would be in favor of looking at a denial. Council member Simpson then inquired about the license application at 628 Park Ave. Downard stated that there will be one event for the first 5 days and a completely separate event the second 5 days. Council member Simpson also commented on 306 Main, stating they had quite a list of violations that should not be present in a 365 day a year building. Simister stated that with each change in applicant and floor plan change staff has to complete a new inspection and give a new occupancy permit.

McLean read from code that the floor plans have to be submitted by the time that the application is submitted and multiple applications on this list have not submitted floor plans.

Staff discussed the current process and the current code requirements. Council member Beerman clarified that Council is looking at not approving those applications that are not complete. Foster inquired if Council has approved applications without floor plans during the past meetings and if they can approve an application contingent on receiving those plans. Simister stated that staff has received 94 applications this year and the MFL's are complete but the tag on applications are severely lacking in completed applications. He pleaded the case that the life/safety is at risk and staff needs a drop dead deadline. Staff also expressed concern that there are multiple loopholes that the applicants have found.

Council member Simpson stated that even if Council has approved incomplete applications in the past that it was done in good faith that there was a significant amount of time prior to Sundance to get them submitted. Now we are two days before Sundance and have run out of time.

Downard stated that staff wants to see Sundance be a success and they try to accommodate all the applicants to make everything a success but when is the line drawn where an accident

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happens and puts people at risk.

Council member Simpson thanked staff for being cognizant of the brick and mortar businesses that need this to keep businesses going during the lean times.

Downard stated that as Harrington stated last week staff is looking for a red light/green light and not leave this at an administrative level.

Council member Henney agreed with Simister that this is a much larger problem and feels that Council and staff needs to look deeper at the "new reality" feels that Council is giving staff the green light to say no as well as the green light to do what is necessary to help those year round businesses.

George Reid, Building, discussed the recourse of the possibility of the denial and the event continues as applies. Stated that if there is a health/safety issue then staff can shut them down but if it is an administrative level staff can only give them a warning.

Council member Beerman stated that there is a bigger problem with this issue that Reid speaks of reflecting on the event last year at the Deer Valley garage and nothing has been done.

Foster complemented the building department for working with HR to get the staffing supplements to help with the workload on staff.

McLean discussed violations. Stating that with A class the \$100 a day fine it is not very effective so Tricia Lake, City Prosecutor is leaning towards criminal justice system. However, staff, just receiving this email this morning, has not had time to discuss the game plan.

Council member Henney asked for more details regarding the floor plans.

Council member Beerman verified that staff inspects with boots on the ground.

Root stated that the biggest advantage with the plan check process is to help both the City and the applicants to have a game plan prior to the event.

Simister stated that the vendors come in with their own promotional items and furnishings etc and staff have to check all the safety points including: occupancy load, exits and a burn test. Each applicant that wants to bring in new material must pass a burn test to determine if the material is toxic. These are items that are difficult to perform on short notice.

Mayor Pro Tem Peek reiterate the aspect of safety asking staff to help Council draw the line during the recap session to help Council rewrite the ordinance to insure the success of the festival.

Root stated that last year the best form of reinforcement last year was shutting down a venue with pyrotechnics and it spread like hot gossip that the City had made the stance and was not afraid to shut venues down.

Council member Beerman reassured staff that Council is not second guessing them and completely supports staff in their decisions.

Council member Beerman inquired if there are any applications on the list that staff would deny. Reid stated that it is hard to point out which applications will cause issues. Downard stated that generally the late applications are the ones that cause the most issues because it is usually a thrown together event.

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McLean stated that if it meets the criteria of the code it would be difficult to defend but if the applications do not meet code it would be easily defending.

Council member Beerman stated that he feels that if the only challenge is not having floor plans in then the Council is singling out ones that they don't need to based on the criteria that they may have already approved applications without the floor plans.

Council member Simpson stated that she does not agree. She would also like to look at report cards in the future as well as charging for re-inspections. Gillis stated that staff is looking into amending the fee schedule to include charging for re-inspections.

Council member Beerman inquired if staff is paid overtime for these hours. Root stated that the building department uses exempt employees first and fills in with hourly employees when needed to keep the overtime costs low.

Root reiterated that every year staff has the biggest problems with the late comers throwing events together and are not prepared which was why staff was pushing for the deadline to allow the 10 day window insuring quality events come in for Sundance.

Council looks forward to the Sundance Recap in March to look more closely at these items.

Mayor Pro Tem Peek opened the floor to public input. No public input was given. Mayor Pro Tem Peek closed the public input portion.

Council member Henney asked what will help staff the most during this learning period, if staff would prefer an all-in or go down the list. Root stated that staff prefers that next year the late applications and applicants need to show hardship. As far as this year, in the eleventh hour, staff does not have a recommendation.

Mark Harrington, City Attorney, stated that he would not recommend a hardship clause as the scope is very limited with these administrative forms. Highly encouraged adding on a late fee but would stay clear of the judging area. Stated that the Building department staff has discretion. Polly clarified that Council's discretion should be looking at who meets the code and who does not.

Council member Simpson moved to approve all the applications except the three applications for 950 Iron Horse and one application for 2001 Park that do not have the floor plans submitted. Council member Peek seconded the motion.

Council member Beerman stated that he is not in favor of shutting down those two.

Motion failed, 2 aye (Simpson, Peek) 2 nay (Henney, Beerman)

Council member Henney stated that he feels from a stance of constancy he is willing to leave the list to the discretion of the building department. Foster asked staff to discuss the process if they are approved today and fail the inspection. Root stated that they cannot shut down a venue unless it is a life safety issue otherwise staff can issue a warning.

Council member Simpson stated that she feels that there is justifiable information to deny these applications and believes that it is important for the City Council to draw a line in the sand.

Mayor Pro Tem Peek stated on each of these four applications only the pre-inspection has been asked for, it is unclear if they are even going to submit the final application.

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Council member Beerman stated that he feels that the entire list is an exception and feels denying some would be saying goodbye to another small business.

Mayor Pro Tem Peek stated that they are giving a license to an idea. Council member Beerman stated that Council is giving staff the green light to proceed if they get there items in and meet the criteria.

Harrington gave Council a few different options in this case including: stating a hard deadline by which the remaining items be submitted by, leaving it to staff's discretion to work with the applicant to get the remaining items submitted up until the day of the event, give the applicant one further deadline to submit the items without staff's discretion, or as Council member Simpson proposed they are with the code of authority to deny the four incomplete applications or bifurcate the motions that majority is clearly in agreement regarding the other applications so they could move to approve the completed applications and continue discussing the four incomplete applications.

Council member Simpson amended the motion to approve all the applications, however; the four applications that do not have floor plans must have those floor plans submitted by Noon today or they will be denied.

**Council member Beerman seconded
Approved unanimously**

III. ADJOURNMENT

**Council member Henney moved to adjourn the meeting
Council member Beerman seconded
Approved unanimously**