PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 11, 2007

Present: **Mayor Dana Williams; Council members Marianne Cone, Candace Erickson; Roger Harlan; and Jim Hier, and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Ken Fisher, Recreation Manager; and Eric DeHaan City Engineer

Recreation Advisory Board Members: John Halsey, Jen Franklin, Carol Potter, and Liza Simpson

Laynee Jones, H W Lochner; and Maria Vyas, Fehr and Peers

1. Council questions/comments. Marianne Cone commented on her trip to Turkey and noted her surprise of the widespread use of solar panels throughout neighborhoods there. Roger Harlan reported that Executive Director Scott Loomis was hospitalized for emergency heart surgery. He commented on the large number of kids participating in skating activities at the Fall Festival at the rink last weekend and thanked Stacey Noonan and the recreation staff for hosting the event. He commented on the Historic District design charette held last Monday, and Patrick Putt added that the Historic Preservation Board will meet on Monday to hold a session on the findings from the surveys taken at the two earlier meetings. Joe Kernan commented on his trip to Chicago and the remarkable number of people he met there that own property in Park City. Candace Erickson complimented staff on getting information to her and to the public in a timely manner. Mayor Williams reported that he participated in a panel in Salt Lake on greening cities and stated that the Governor's Blue Ribbon Panel on Climate Change Report is available through the City's Sustainability Office. The study will be formally presented to the Governor on November 9. He is hopeful that it will be introduced to all cities state-wide and felt it worth mentioning that there was no minority report produced despite diverse interests of the committee. The Mayor encouraged the public to attend the professional hockey game at the Ice Arena tomorrow night and commented that he addressed the state-wide mosquito association who met in Park City during the week.

Mayor Williams referred to malicious comments made about Rory Murphy applying for Planning Commission. He is embarrassed and saddened by these personal attacks and the political cartoon featured in the *Park Record* was *over the top*.

2. RAB Visioning. Ken Fisher introduced members in attendance and referred to his staff report. He reported that the Old Town Park's RFP will be published by the first of the year so that the project is completed by the spring. It is currently budgeted at $400,000 in the neighborhood park fund. Members commented on the high estimate and Mr. Fisher explained that this is a very conservative number. Another project is installing lights at the basketball court at City Park, which is currently being engineered;

it is estimated at $50,000 and would be funded through the City Park Fund. He explained that the dirt bike jump park received conditional use approval through May 2008, which extended a prior permit. The Planning Commission was concerned about its temporary nature and staff is proposing that it become a permanent facility at that location. The dirt park could be expanded and restrooms added; it is an ideal location with access to the bike path. The McLeod Creek Home Owners Association is supportive of the dirt bike park with expanded neighborhood park uses. In response to a question from Marianne Cone, Mr. Fisher felt it has good use. Liza Simpson explained that kids don't typically hang out there like users of the skate park, but it is very popular. There was discussion about the $300,000 estimate and possible neighborhood amenities. Carol Potter stated that the International Mountain Biking Association is coming to Park City in June for a conference and it is likely that they will gift a legacy to the community.

Mayor Williams stated that he believes it is the intention of the Council to develop parks in the area on both City parcels adjacent to the fire station. Candace Erickson pointed out the ease in removing the dirt park if it doesn't meet the highest and best use in the future. Joe Kernan supported the project. The Mayor recalled that Council agreed that Parcel 2 should also be a park but Marianne Cone believed discussions focused more on keeping options open. The City Manager interjected that up until now, options have been open, but committing to this project would narrow other potential uses. When the City-owned property inventory list was created several years ago, he specifically remembers not classifying it as a park site because at time, locations for affordable housing were limited. Now that other affordable housing sites have been identified, Mr. Bakaly feels it appropriate to move forward with this project. All members agreed.

Mr. Fisher suggested formed a friends group for the dog park facility at the Recreation Complex where the group could raise funds for its operation. The City could provide infrastructure like fencing, irrigation, etc., however, patrons of the park, not staff, will be responsible for removing dog waste. The project is budgeted at $30,000 to $50,000. Matt Twombly explained the road alignment project and the timing of installing the fence which will be coordinated with IHC.

Mr. Fisher described the requests for shade at the skate park which was a feature of the original design, but rejected by the neighborhood. It is also intended to create shade over the playground equipment and patio area at City Park, the Racquet Club Park, and the Recreation Complex. These will not be permanent shade structures and removed in the winter. Mayor Williams asked if it is possible to outfit the skate park so it could be used in the winter and Ken Fisher described the design of outdoor rinks roofs and canvass sides which can be rolled up to keep the snow off the surface. The Mayor acknowledged that this should not be a high priority but something to think about it. Joe Kernan expressed that he has received requests for year-round use and is also interested in exploring this idea. Candace Erickson feared that this improvement would lead to annoying lights and late hours. The Mayor spoke about the success of covering skate parks and keeping kids off the streets and in a facility. Ken Fisher stated that he will research this and continued to describe miscellaneous projects including enhancements to the Boo Radley Forest and the north end of City Park. The Board is suggesting that the sledding hill at the Park City Library and Education Center campus be improved, and a berm and benches added. The Mayor asked that bike racks become a higher priority. Carol Potter stated that there is a donor committed to contributing $7,000 so there may be some opportunities to proceed with installing bike racks. The Mayor hoped this could be accomplished by next summer and there was consensus among Council members. Mr. Fisher discussed continued beautification efforts at Poison Creek and Ms. Cone reported that fish sculptures will be created as a part of the Public Art Program and placed by the stream corridor next spring.

Ken Fisher explained a cooperative effort among local non-profits and a group named, Agencies Coming Together (ACT). Historically, recreation programs and activities have been offered at a facility and ACT helps communities run programs off-site where the kids are. Candace Erickson spoke about the success of the traveling Art Kids program. She emphasized that if Council directs the Board to proceed with the Old Town Park, dirt bike park and the dog park, there are no more funds available. Jim Hier suggested that additional projects could be considered through the capital improvement process and adjustments could be made next year, recognizing that some costs are operational. Tom Bakaly explained that Items 1 through 5 in the staff report are budgeted but there aren't funds for miscellaneous items. There may be some funding for the outreach initiative and the Mayor again felt the bike racks could easily be accomplished sooner. He invited ideas to improve the north end of City Park and Liza Simpson pointed out that initial discussions contemplated reworking Sullivan Road which became a complicated and expensive element. Tom Bakaly interjected that the direction at the time was to address the recreation building and other improvements first, which are being completed. It may be time to look at some of the larger projects for next year. Roger Harlan believes the successes of many recreation projects are due to the outreach programs and inviting neighborhood input.

3. Update on the Bonanza Drive Corridor Plan. On another subject, Eric DeHaan reported that demolition permits have been obtained for the Cattle Company. He briefly discussed the need to study Bonanza Drive and pointed out that in 2009, the water system will need to be upgraded to serve Empire Pass. This will involve upsizing the Boothill transmission line and running it to Woodside and to Empire Pass. He added that the City obtained a $1 million grant for walkability components.

Laynee Jones, H W Lochner, reviewed the scope of the project including a 20 year corridor plan for pedestrian and traffic improvements and they are gathering input from stakeholders. The feasibility of a tunnel crossing at the Rail Trail is being evaluated and there will be recommendations on maintaining traffic flow during the water line construction. This project is funded at $1.8 million and potential funding from the general obligation bond. She noted that Lochner created a website dedicated to the project, comment booths were set up at White Pine Touring and Einstein Bagels, local businesses were personally contacted, and about 50 comment forms have been received. An open house is scheduled on November 12 at Miners Hospital and a stakeholder committee has been established, representing local businesses, the bicycling community, Sundance, and City staff. The corridor plan will be based on public involvement and engineering evaluations. She stated that Lochner will build on the walkability study and Interplan's report on Bonanza Drive produced last year. There are three findings from the walkability study relevant to Bonanza Drive including the unsafe crossing at the Rail Trail, the lack of bike lanes, and lack of access to the Rail Trail from the Ironhorse Condominiums. The Interplan study concluded that adding capacity is not going to reduce travel time. Additionally, it is contemplated that the intersection of Bonanza and Kearns will fail by 2016 and by 2011 the intersection will not be functioning well. The report revealed that the school bus stop creates long cues in both directions. Ms. Jones stated that the number one issue identified by the public is lack of bike lanes, followed by speeding vehicles, pedestrian safety, and difficulty in turning left onto Bonanza from any side street. Alternatives may include adding bike lanes, if standards can be met, additional pedestrian crossings, combining driveways, restricting left-hand turns, etc.

Maria Vyas explained that Fehr & Peers' focus was collecting information on bicycle and pedestrian activities. Counts were conducted on Tuesday, August 28 from 2 p.m. to 8 p.m. and Saturday, September 8 from 9 a.m. to noon at six locations on Bonanza, Kearns, Prospector, Munchkin, upper Iron Horse and Deer Valley Drive. Not only are cars and pedestrians counted, but also jaywalkers to determine crossing patterns and the highest numbers were collected at the crosswalk. They are gathering information about specific characteristics of Bonanza Drive like the widths of lanes, shoulders, and sidewalks, traffic volumes, speeds, and drainage grates and/or other obstructions. Ms. Vyas noted that they examined accident information over the past five years to look specifically at bicycle and pedestrian incidents where there seems to be a general theme of motorists not seeing cyclists. Ms. Jones interjected that trucks represent about 25% of the volume of traffic. She added that at the open house a range of alternatives will be presented and evaluated by the public and there is another stakeholders meeting the next week. The corridor plan will be completed in December. In response to a question from Joe Kernan about round-abouts, Laynee Jones stated that there was only one comment rendered on rotaries, that it was incompatible with the area. Mr. Kernan recalled that the NOMA business group expressed an interest in installing a round-about. Ms. Jones explained that the Interplan study suggested that the most feasible location would be at Kearns because there should be an equal volume of turning movements from all directions and this will be explored as an alternative.

4. Review of regular meeting. There were no comments or questions.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 11, 2007

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 11, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Project Manager; Brooks Robinson, Planner; Max Paap, Special Events Manager; and Eric Nesset, Transit Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

<u>Park Silly Sunday Market</u> – Kimberly Kuehn thanked Council for its support throughout the season and she specifically acknowledged the assistance of Max Paap and other staff members who were critical in making their event successful.

<u>Wildlife Protection Society</u> - Judy Perry, Sharon Lilly and Jackie Fair, Wildlife Protection Society, reported to the Council that 180 miles throughout our trail system have been marked and two electronic signs will be installed to alert people of migration season on Park City's entry corridors. UDOT is installing warning signs at Parleys Summit and on US40 and the state will earmark funding for wildlife warning signs in next year's budget. Marianne Cone thanked the group for moving so quickly on this issue.

IV NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. <u>Consideration of approval of a Sublease and Restated 99 Year Lease of Lot 1, Museum Subdivision, 514 – 528 Main Street, Park City, Utah to the Park City Historical Society</u> – See staff report. Jon Weidenhamer explained that Items 1, 2 and 3 represent the final three actions to allow the Historical Society to expand their operations onto City property. The sublease was discussed on August 30, and has been modified to reflect Council's comments. Jim Hier, "<u>I move we approve the sublease and restated 99 year lease of Lot 1 as outlined in the staff report</u>". Marianne Cone seconded. <u>Motion unanimously carried</u>.

2. <u>Consideration of approval of a Memorandum of Understanding with the Park City Historical Society for the finance and construction of $3.6 million of Private Activity Bonds, the use of Swede Alley parking, and construction terms</u> – See staff report. Jon Weidenhamer explained that approval of the MOU ratifies the financing piece previously

authorized by the Municipal Building Authority. Subsequent contracts will be reviewed by the Legal Department to address public art, artifacts, green building, and construction parking. He suggested a modification to language Subsection H, "*The City has approved up to ten parking spaces on the west side of Swede Alley immediately adjacent to the Museum expansion area for construction, storage and mitigation. The Park City Council shall review and approve any request to use additional City land for this purpose. Additional requests shall be received in writing and contain at a minimum a description of the amount and duration, as well as the overall needs from a construction schedule and impact standpoint. PCMC agrees not to charge a fee for additional land, if agreed for use.* Richard Pick, Historical Society Board Chairman, stated that this language is agreeable to the Historical Society. Jim Hier explained that the new language will maintain public parking spaces while providing additional space on an as-needed basis. Jim Hier, "I move that we approve the Memorandum of Understanding with the Historical Society for the finance and construction of the $3.6 million private activity bonds with the construction terms as amended". Roger Harlan seconded. Motion unanimously carried.

3. Consideration of approval of a Restated 10 Year Lease with the Park City Historical Society for Room 220 at the Park City Library and Education Center, 1255 Park Avenue, Park City, Utah – Jon Weidenhamer explained that this lease provides storage for the Museum through 2013. Marianne Cone, "I move that we approve a restated ten year lease with the Park City Historical Society for Room 220 at the Park City Library and Education Center". Jim Hier seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation plat amendment located at 200 Ridge Avenue, Park City, Utah – Brooks Robinson explained that this application was continued at the Planning Commission meeting and he requested that it be continued to November 15, 2007. The Mayor opened the public hearing; there was no public input. He requested a motion to continue. Marianne Cone, "I so move". Roger Harlan seconded. Motion unanimously carried.

5. Consideration of a Master Festival License for The Main Street Music Crawl to be held October 20, 2007 in Miner's Park including amplified music from 9:30-9:45 pm - Mountain Town Stages – See staff report. The Mayor remarked that the license is only for 15 minutes and it was explained that the duration is correct and part of a ten year anniversary celebration for Orion's Music. The Mayor opened the public hearing and with no comments from the audience, closed the hearing. Roger Harlan, "I move approval of a master festival license for The Main Street Music Crawl to be held October 20, 2007 at Miner's Park". Marianne Cone seconded. Motion unanimously carried

6. Consideration of Resolution establishing a Walking and Biking Advisory Liaison Committee in Park City, Utah – Jon Weidenhamer explained the recommendation to approve based on Council direction. If the bond passes, staff will return in November to appoint members and to formulate a work plan. In response to a question from Joe Kernan about the ex officio Council position, Mr. Weidenhamer explained that this is a non-voting and a liaison member because in most instances, Council will vote on issues. The non-voting status is consistent with other boards.

Mr. Kernan expressed concerns about language in the draft specifying that recommendations only be based on elements identified in the Landmark Study which, in his opinion, considerably limits the ability of the committee to review other options. The study contains valuable information, but he suggested that members also be able to review alternatives outside of the document; there may be other solutions. Candace Erickson acknowledged Mr. Kernan's point, but felt that the voters are relying on information contained in the walkability study, but recognized that alternatives are likely to arise. She recommended that other alternatives could be reviewed by the committee with the understanding that they will be funded from the capital improvements budget rather than from bond proceeds. Joe Kernan felt that the committee could distinguish between types of projects and associated funding. For the benefit of Marianne Cone, Jon Weidenhamer relayed that the Bonanza Drive study would be applied as well. Mark Harrington advised modifying Paragraph B by stating *these issues shall be the primary basis of project alternatives considered by the committee. . . .additional recommendations may be forwarded*. Members agreed not to include language about identifying funding sources. Jim Hier felt that the highest priority of the committee is to explore projects in the study which was a substantial investment. Joe Kernan agreed and felt the language is broad enough to accomplish everyone's intent. Mayor Williams invited public input.

Carol Potter, Mountain Trails Foundation and Recreation Advisory Board, thanked Council for establishing the committee and pointed out that having an oversight group may help promote the bond. Marianne Cone, "I move that we adopt the Resolution to establish a Walking and Biking Advisory Liaison Committee contingent on passage of the walkability bond on the November 6 ballot, with the change to Paragraph B with additional language from our City Attorney". Roger Harlan seconded. Motion unanimously carried.

7. Consideration of an Ordinance approving the amended subdivision for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and training facility, 900 Round Valley Drive, Park City, Utah – See staff report. Planner Brooks Robinson explained that the annexation agreement provided that the applicants return with an amended subdivision creating nine lots of record within the 157 acres. The Planning Commission forwarded a positive recommendation on September 26, 2007.

There is a punch list of items that need to be completed before IHC can pull permits, but Mr. Robinson recommended approval based on the Ordinance. The Mayor opened the public hearing and with no input, closed the hearing. Candace Erickson, "I move we approve an Ordinance approving the amended subdivision for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and training facility, 900 Round Valley Drive, Park City, Utah". Marianne Cone seconded. Motion unanimously carried.

8. Consideration of an Ordinance approving an amendment to the subdivision plat for the Park City Recreation Complex, 600 Gillmor Way, to realign the entrance off SR248, Park City, Utah – See staff report. Brooks Robinson referred to an exhibit in the meeting packet illustrating the realignment into the entrance into the Recreation Complex, NAC, and the medical campus. The Planning Commission forwarded a positive recommendation to the Council as outlined in the Ordinance. The Mayor opened the public hearing and with no comments from the audience, closed the public hearing. Roger Harlan, "I move approval of an Ordinance approving an amendment to the subdivision plat for the Park City Recreation Complex, 600 Gillmor Way, to realign the entrance off SR248, Park City, Utah". Jim Hier seconded. Motion unanimously carried.

9. Consideration of Ordinance amending Title 4 of the Municipal Code of Park City, Utah regulating liquor licensed establishments – Jonathan Weidenhamer explained that in May, the Council amended the Municipal Code to require that memberships be available to the general public to all liquor licensed establishments for under $50 in the downtown core. The vertical zoning process last summer prompted requests to consider this amendment for consistency with the vertical zoning boundaries. The Mayor opened the public hearing.

Mike Sweeney, HMBA, relayed that the Board supports the amendment and thanked Council for its continued efforts and interest in Main Street.

With no further comments, the public hearing was closed. Joe Kernan, "I move we amend the Ordinance within Title 4 of the Municipal Code relating liquor licensed established as outlined in the staff report". Roger Harlan seconded. Motion unanimously carried

10. Consideration of approval of a contract with Gillig, in a form approved by the City Attorney, for the purchase of four 35-foot low floor buses in the amount of $1,267,480; $1,013,948 (80%) to be reimbursed by the FTA, and $253,532 (20%) matched by Park City Municipal Corporation – In response to a question from the Mayor, Eric Nesset explained that the use of bio-fuel has not adversely affected warranties or claims and explained the bus replacement plan. There is a three year option period in the contract,

eliminating the need for an RFP process; most of the fleet was replaced by the previous contract which expired last September. Roger Harlan expressed his confidence in the Gillig product. Eric Nesset added that the City also received a bid from Elderado, but Gillig offered the best price and features. Roger Harlan, "I move approval of a contract with Gillig in a form approved by the City Attorney for the purchase of four 35-foot low floor buses in the amount of $1,267,480". Joe Kernan seconded. Motion unanimously carried.

11. Resolution acknowledging Eric Nesset's retirement from Park City Municipal Corporation and recognizing his many contributions in providing quality transit and fleet services to the Greater Park City Community – The Mayor read the resolution into the record and presented it to Eric Nesset. Jim Hier, "I move we adopt the Resolution honoring Eric Nesset and his years of service". Marianne Cone seconded. Motion unanimously carried.

V OLD BUSINESS *(items previously discussed and continued for consideration)*

Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation plat amendment located at 255 Ridge Avenue, Park City, Utah (King Ridge Estates) – See staff report. Planner Brooks Robinson explained that on September 20, 2007, the City Council continued this item with direction to staff to return with revised findings of approval. He pointed out minor changes to the conditions of approval. Properties in the HRL zoning district and on Daly Avenue within the 300 foot noticing radius were analyzed by staff and the applicant and it was found that HRL lot sizes are generally 42% larger and the minimum lot size is twice the size as HR-1 properties. The HRL tends to produce a 25% larger footprint, but the size of the footprint is not increasing at the same proportion to the size of the parcel through lot combinations. Mr. Robinson admitted that some of this is attributable to steep sites. Based on those results and considering neighborhood compatibility, the proposed lot sizes are consistent with the area; the unexposed area is not included in the floor area calculation. The floor area is defined at 3,030 square feet on each lot and the required grade change is incorporated in the conditions. This would have the effect of decreasing the height of the retaining walls to three feet mitigating impacts to adjacent properties. He stated that the final condition relates to adding a note on the plat identifying future house placement and Mr. Robinson displayed other renderings of the proposed project and associated issues which were discussed by members, including the two unbuilt residences of the Anchor Subdivision. The 200 Ridge Avenue application was brought up. In response to a question from the Mayor, Brooks Robinson detailed the routing and installation of utilities; the sewer line already exists.

Sean Marquardt, consultant, stated that the applicants have offered to install conduit at their expense for under-grounding utilities at some point in the future, if needed. The Mayor opened the public hearing.

Carlene Riley, 84 Daly, stated her opposition to the project because the drainage from the project will be located within a foot from her house. The soils are unstable and she requested assurances that any damage to her property will be covered. With no further input, the public hearing was closed.

Jim Hier disclosed a conversation with Evan Russack, Planning Commissioner, where the driveway issue was discussed. Brooks Robinson noted that the CUP for the driveway and the platted unbuilt street has been continued by the Planning Commission which is the basis for one of the conditions. Sean Marquardt, applicant, discussed the six foot easement between Ms. Riley's home and explained that they are working on a safe solution.

Marianne Cone stated that she can't think of another place in town where an extension of the road with retaining walls has been allowed and she questioned if this plan is compatible with the Historic District. Mr. Robinson explained that at the previous meeting, other examples were cited but not in the same zone, but explained that the Marsac parking lot shares similarities. Ms. Cone expressed concerns about setting precedent and the Mayor pointed out the substantial amount of fill dumped on the site, making it difficult to determine the grade.

Wesley Cider, applicant, stated that dirt has been dumped there over the past two weeks and there is about six to seven feet of fill there now. Ms. Cone felt that the extension of the road is artificial, which is not typical in Old Town. Mr. Marquardt pointed out that individual driveways on Sampson Avenue had to be retained on platted Utah Avenue (aka Sampson) in order to access the building pad. There have been discussions about vacating Ridge which would create private access, but he admitted that previous vacations of Ridge Avenue have created problems in the area with regard to placement of utilities because of the loss of the 35 foot easement. Mr. Cider felt it was unfortunate that the Planning Commission did not conduct a field trip because it is difficult to envision the project from the knoll, but the engineering is very feasible, which is supported by the City Engineer. There were concerns expressed by Roger Harlan and the Mayor about the length of the driveway for the first house. Brooks Robinson explained that this is somewhat driven by the dedication to the City and setbacks, and Mr. Marquardt clarified that from a design standpoint, the alignment of the three homes should be staggered. Widening Ridge Avenue can only occur if portions of the street are rededicated to the City and it may not be desirable for compatibility reasons in any event. In response to a question from Jim Hier, Brooks Robinson explained that the LMC provides for a variance process for grades above 10%.

Council member Hier agreed with Ms. Cone's concerns about setting precedent with approving a street ending in a bulkhead. He requested more research on this as it applies to compatibility. Mr. Robinson pointed out that a private driveway with a retaining wall located within the platted right-of-way exists on upper Norfolk Avenue. Mr. Hier requested that a condition of approval requiring a plat note restricting height to 18 feet above grade be added, if the project is approved. Candace Erickson agreed with Mr. Hier's suggestion because of the potential of future ownership and Mr. Robinson felt this is appropriate. For the benefit of Roger Harlan, there was again discussion about the location of the house on Lot 1 affected by the dedication to the City, meeting the required setbacks set forth in the LMC, and considering the topography for placement of the houses. Candace Erickson pointed out the logic in locating the homes on the flattest part of the parcel so the hillside is not excavated. Mr. Marquardt stated that the footprints are located in the area of the historic footings.

Marianne Cone again requested that staff and the applicant explore similar examples in town because of another pending application. Sean Marquardt emphasized the significant amount of research and expense already expended at the City's request. Brooks Robinson identified Marsac parking lot and transit center as other examples of the use of retaining walls in Old Town; the general public will not be traveling on Ridge Avenue access only the occupants of the three homes. Mark Harrington believed Ms. Cone is asking the planning staff to provide other examples, but he cautioned the members of the difficulty in finding a situation with the same physical build-out of vacated rights-of-ways adjacent to existing platted lots. In other words, there may not be another circumstance with these same elements. It may be unique and is distinguishable between 200 Ridge Avenue because use of frontage right-of-way is not requested for the driveways, but rather the application is locating a private drives behind and parallel to public right-of-way. Ms. Cone clarified that her concern relates to the proposal on Rossi Hill to extend McHenry Avenue for the Echo Spur Project. Brooks Robinson explained that the application requests a vacation of McHenry and the City has not heard back from the applicant since the joint meeting. Jim Hier asked if there is or isn't a precedent; it would be helpful to review other examples. Mr. Marquardt stated that they have already analyzed 62 plats and Mark Harrington explained that Council is directing staff not the applicants to perform the work. Mr. Hier clarified that he is asking for a visual analysis.

Joe Kernan pointed out that the retaining walls have been designed to engineering standards and the density has been reduced to three homes as opposed to five or six which reduces traffic and creates more space between parcels. The 2,000 square foot home size and 6,000 to 7,000 square foot lots size are consistent with the zone and seem to be compatible. He felt that the applicants have submitted a reasonable application which complies with Code and he is comfortable moving forward. The

Mayor asked if that is a motion; Joe Kernan, “I move we approve it”. Motion died for lack of second. Jim Hier suggested that this be continued to obtain more information. Discussion ensued about the conversation between Jim Hier and Commissioner Evan Russack about revised driveway plans. Mr. Hier reiterated elements he would like to see by way of example and Mr. Marquardt noted that whether or not there is a precedent for bulkheads, the street terminates as it exists. He pointed out two historic retaining walls in the area and the retaining walls proposed for this project will not be visible. Eric DeHaan stated that upper Norfolk Avenue ends in a retaining wall at its northeast corner and there are examples of roads with retaining walls. Jim Hier felt the issue is ensuring compatibility with historic residential development.

Planner Brooks Robinson expressed that platted rights-of-way dead-end where the Town Run abuts the Sweeney property and there are driveways throughout Old Town with retaining walls adjacent to other structures. Jim Hier explained that for purposes of the analysis, this is a driveway not a street. Through illustration of a rendering, Mr. Marquardt displayed driveways supported by retaining walls on Sampson Avenue.

Blake Bauman, Ray, Quinney & Nebeker, stated that he is attending the meeting for Doug Matsumori in his absence. He quoted an excerpt from an October 4, 2007 letter sent to Mark Harrington from Mr. Matsumori, *when there are not clearly articulated standards, it is unfair and unlawful to attempt to achieve the goal of historic character preservation by referencing that goal and consideration of the current application. We are not trying to circumvent or subvert reasonable regulatory efforts with respect to the development.* Mr. Bauman believes his client has been fully cooperative which has been demonstrated by addressing all concerns raised. Another new issue could be raised in two weeks. Joe Kernan, “<u>I move we approve this project</u>”. Roger Harlan seconded. <u>Motion failed</u>.

Marianne Cone	Nay
Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Nay
Joe Kernan	Aye

Jim Hier, “<u>I move we continue this to our meeting of October 25 with direction to staff to document examples of driveways that are similar in character to the proposed driveway and that we modify the conditions of approval to include a height limitation at garage entry level of 18 feet</u>”. Joe Kernan seconded. <u>Motion carried unanimously</u>;

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:30 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Kathy Lundborg, Water Manager; Gary Hill, Budget Manager; Alison Butz, Environmental Project Manager; and Jon Weidenhamer, Project Manager. Roger Harlan, "I move to close the meeting to discuss personnel and property". Marianne Cone seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Roger Harlan, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott, City Recorder

Janet M. Scott, City Recorder