

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 8, 2009**

Present: Mayor Dana Williams; Council members, Candace Erickson, Roger Harlan, Jim Hier, and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Rhoda Stauffer, Housing Specialist; Matt Cassel, City Engineer; Jon Weidenhamer, Economic Development Manager; Hugh Daniels, Emergency Operations Manager; Wade Carpenter, Chief of Police; and Kent Cashel, Transportation Manager

Katie Mallaly, Summit County Health Department; Tom Pettigrew, Park City Mountain Resort, Mike Todd, Bonanza Drive resident; and Mark Fisher, Prospector land owner

Absent: Council member Joe Kernan

1. Council questions/comments. Roger Harlan reported on the Library Board meeting. Jim Hier attended a special events committee meeting where PCMR reported that summer operations were similar to the previous year while the UOP indicated a 25% decrease. The Park City ice arena had a good summer while Deer Valley realized a significant drop in attendance at concerts, especially the Jazz Festival. Liza Simpson relayed that she was in Amsterdam last week and indicated that she will share her pictures from Amsterdam's new library with staff and also smaller sized fire trucks designed for narrower roads often found in historic districts. Candace Erickson reported that the Recreation Advisory Board is touring facilities and planning to return to Council with its vision. She suggested exploring a long term plan for trails and encouraging direct communication between organizations so that issues can be approached consistently. The groups have committed to meeting quarterly.

Mayor Williams announced that the results from Visioning will be released at a meeting next Tuesday and will be used as the basis for the re-write of the General Plan. Jim Hier asked that the debriefing be scheduled on an upcoming work session. The Mayor thanked staff for the on-going work on Comstock. He stated that a delegation from China will be visiting City Hall on Monday and spoke about the potential of increased tourism from China.

Jim Hier asked about the status of the Farm paving project and Jon Weidenhamer discussed the design review conducted by staff. The outcome was a decision to use an asphalt material which was strongly preferred by the planning staff. He understood that an acrylic material can be applied on top of the asphalt and can be colored and matched to the existing road. Tom Bakaly interjected that this is a regulatory determination by the Planning Department with findings and the plan is to proceed unless a majority of members desire to appeal this determination to the Historic

Preservation Board. Candace Erickson felt that Friends of the Farm will be thrilled with this approach. Members agreed with the determination regarding the change from concrete to asphalt.

1. H1N1 update. Hugh Daniels, Emergency Operations Manager, stated that he is in constant contact with the Health Department, the lead agency. Today, the Health Department gave the City information to share with the public and the City formulated its own sick and flu policy for staff. The two-day doctor's note is waived so local clinics aren't further burdened with requests. He indicated that there is a City plan in progress to address absences without significantly decreasing service delivery. Hand sanitizers will be adequately stocked in all City buildings.

Katie Mullaly, Health Department, advised that the H1N1 has not mutated and remains fairly light in its symptoms and hospitalizations include mainly pregnant women and people with underlying health conditions. Most pandemics arrive, fade throughout the summer and come back in a stronger form which has not happened in this case. She relayed that the Department has heard of clusters of Summit County students and others who have reported being sick but these cases are considered unconfirmed because they were not hospitalized. The first round of the flu mist vaccines have been delivered and the state received about 24,000 doses. Park City received 200 and 60 vaccines were left over yesterday; she reported on other communities. Another shipment is anticipated next week and vaccines are free. The Health Department is setting up a hotline number in English and Spanish and has been working closely with 211, which is the state's hotline system. She relayed that they have also been working with the hospital, the schools and the Chamber to disburse information to the public.

Candace Erickson asked if the City will require some employees to be vaccinated. Hugh Daniels explained vaccinations for all employees are optional. Ms. Erickson explained her concern that bus drivers come in contact with a lot of people and Ms. Mullaly indicated that the private sector can enforce this type of regulation. She emphasized that the only vaccination the Health Department has available is for healthy individuals and not for pregnant women or people with underlying health conditions but the vaccine should be available to the general public by Christmas. There was discussion about an individual becoming immune if previously infected and determining if someone had H1N1 after the illness occurred.

3. Eligibility criteria for Snow Creek Cottages. Rhoda Stauffer invited discussion and input on eligibility criteria for the sale of the Snow Creek Cottages. Resolution No. 20-07 establishes eligibility guidelines and staff is recommending that some items be added to the guidelines. She referred to Item 3, entitled tenure in her staff report and recommended that priority be given to people who have lived and worked in the community for five years or more. Qualified persons would be given extra chances to win in the lottery. Mayor Williams suggested that seniors receive extra consideration and Ms. Stauffer believed seniors are also a possibility. She explained that Council already directed that two units be designated for the City and two units for disabled

persons or for seniors. Members agreed with the five year criteria. Ms. Stauffer continued that first time homebuyers is listed as another category but staff is recommending that it be broadened to households that currently own property. This would provide an opportunity for persons who own in another jurisdiction, primarily because they can't afford to own in Park City, to sell their current home and be able to move here where they work. Ms. Stauffer recommended that seven of the units be set aside for first time home buyers and six be held for persons who currently own homes elsewhere. Mayor Williams pointed out that this conflicts with the concept of living and working here for five years.

Candace Erickson expressed that six units for outside buyers seems too high of a number to her. Liza Simpson agreed that the City should be careful and perhaps conduct some means testing to avoid people profiting from sales and taking advantage of the affordability of the Snow Creek Cottages. Rhoda Stauffer explained that the City is somewhat protected because the property is deed-restricted which is probably not attractive to that type of buyer. Ms. Erickson disagreed because banking profits can cover lower mortgage payments and she felt buyers should not be able to own other property. Ms. Stauffer stated that potential buyers can not own other property, acknowledging that it was not in her staff report. Tom Bakaly pointed out that the same goal can be accomplished by limiting sales to first time buyers.

Jim Hier posed that if there are few first time buyers and unsold units, the City could consider the next level of qualified buyers. Candace Erickson pointed out that some affordable housing owners may own a condo but now have a family and want to move into a larger home. She added that she is inclined to open it up first to people who have been renting and finally have an opportunity to buy. Jim Hier stressed the high number of affordable housing units currently on the market; there needs to be a time frame to allow the market to recover. He feels that requiring first time buyers and not having the property absorbed in the market will be a mistake and some time frame should be set to enact other criteria. He does not want to see them empty but Ms. Erickson didn't feel that will happen. Ms. Stauffer explained that she was the builders' rep selling the Silver Star units and because of the first time buyer regulation, teachers in our District commuting from Salt Lake and Health Department employees commuting from Midway were turned down. Liza Simpson stated that she does not have a problem with reserving some units for people who already own property as long as they don't take advantage of the City's program.

Ms. Stauffer believed some concerns could be addressed in the application process by requiring an asset report. The Mayor asked members if they are comfortable with the allocation of seven and six and Ms. Simpson favored nine and four. Roger Harlan felt that the program can be effectively managed to avoid abuses and Ms. Simpson believed the asset test will be an important element. Ms. Erickson discussed the original intent of the project of providing single family residences to families and would be offended if all 13 units went to people without children. Ms. Stauffer acknowledged that she can not guarantee that won't happen. In response to a question from Jim Hier,

Rhoda Stauffer advised that owners can not rent the units but may rent a bedroom. Mark Harrington advised that sub-rentals can probably be prohibited.

Jim Hier recommended that bedroom rentals be explored and there be further clarification of *net* assets. Ms. Stauffer added that asset tests are common in subsidized housing. Jim Hier reiterated that he would like a time frame set on the most restrictive criterion so that units are occupied. The Mayor noted that many applicants may not qualify as first time buyers but may meet other important criteria. If target sales are not met, he suggested relaxing the standards. Jim Hier posed a minimum of six months, although a year may be appropriate. Ms. Erickson spoke about the time lag with people listing and selling their properties in hopes of purchasing a Snow Creek unit. Rhoda Stauffer confirmed that income targeting is supported by members. Council agreed to designate eight first time buyer units and open the remaining five to applicants complying with other criteria but to add some flexibility to ensure that units are occupied by qualified persons. The Mayor pointed out that an outstanding issue is renting bedrooms and Ms. Stauffer assured members that she will look into the rental issue.

With regard to the City units, Tom Bakaly pointed out that it is likely that many employees won't meet the income requirement but there might be different goals associated with these units. If the goal is to attract recruits to hire and live in Park City, like the Police Chief, the income range would not comport and most police officers would not qualify either. Liza Simpson indicated that she would like to know how many City employees would qualify and how many wouldn't before income criteria are changed. Jim Hier relayed that the income standard can be monitored and adjusted to the market. Roger Harlan agreed.

Rhoda Stauffer stated that 35 people participated in the home buyer training, of which 25% were City employees and all but two or three would qualify under these income restrictions. Candace Erickson stated that she is never in favor of adjusting the rules for City employees; however she feels it imperative that key personnel live within the City limits. Jim Hier suggested that the City purchase a unit for these situations. Mark Harrington cautioned members on adjusting *on the fly*, which may create further expectation problems. If the policy goal is to ensure that fire fighters and police officers are overwhelmingly eligible, then make the criteria fit, not the other way around, and it is okay to establish a different policy for the City's units. The policy should be addressed first and then the criteria set to match it. Tom Bakaly suggested returning to work session with more information.

Ms. Simpson asked about other eligibility requirements for the other deed-restricted projects in the area and Ms. Stauffer explained that the approximate 500 rental properties have much lower income restrictions and the for-sale units are usually targeted to the 150% of Park City workforce wage. The Empire Pass employee units do not have an income restriction, but simply requirements about where the person works and the affordability of the rent. Silver Meadows is not income restricted either.

4. Bonanza Drive truck traffic restrictions. Matt Cassel reported that Bonanza Drive opens tomorrow; Phase 1 is complete. The truck restriction signs were installed on September 17. The impact measure is a reduction of daily truck traffic on Bonanza Drive and the intersection level of service within the Bonanza corridor will not be affected. However, the Park Avenue/Deer Valley Drive intersection could be degraded with an increase in vehicle wait time or travel time and vehicle miles. The restriction would reduce impacts to two pedestrian crossings in the Bonanza area but compromise five other crossings adding more trucks on Park Avenue.

Mayor Williams acknowledged that there seem to be more negatives associated with this proposal and asked about safety. Mr. Cassel explained that staff did not have accident rates to evaluate safety. He continued that the recommendation today is to remove the signs until the proposal can be studied further. The Mayor indicated that he is comfortable with this direction and pointed out that UDOT provided \$1 million toward the Bonanza Drive construction project. Roger Harlan discussed the five other crossings that may be affected and for this reason, favored keeping trucks on Bonanza Drive. Mr. Hier disagreed with the evaluation of the Monitor/Bonanza crossing and the Yarrow crossing. Mr. Cassel admitted that the intersections have been identified but need more study. Jim Hier discussed concerns expressed about the traffic during ski season and suggested that the signs remain in place until Thanksgiving and in the meantime, conduct the study. The truck restrictions should be in place in the morning and/or just enforce it traveling south on Bonanza Drive on an interim basis. With this approach, the afternoon resort traffic is not affected.

Candace Erickson stated that she witnessed a noticeable difference at the corner of Park Avenue and Deer Valley Drive during the closure of Bonanza during Phase 1. She felt an officer is needed there on a regular basis because crossing the road is very dangerous for pedestrians. Restricting truck traffic on Bonanza could create issues in other areas. Liza Simpson discussed Mr. Hier's suggestion of leaving the signs up until ski season to evaluate impacts. If an officer is needed at the Park Avenue/Deer Valley Drive intersection, it should be staffed. Roger Harlan expressed that he is willing to compromise but diverting truck traffic to Park Avenue in the winter, in his opinion, is a mistake.

Chief Wade Carpenter explained that the only code available for enforcing the truck axle restriction is failure to obey a regulatory sign which is a Class B misdemeanor. This means that most of the drivers in violation have CDLs and receiving a moving violation could affect their livelihood. In order to cite trucks in the area, the police have to follow them all the way through the Bonanza corridor to make sure no deliveries or stops are made, then travel through the school zone at the busiest time of the day, and then head toward the ice rink area so a stop can be safely made and traffic isn't affected. Mr. Hier envisioned that the regulatory signs would be enforced periodically as opposed to constant monitoring. The Mayor invited public input.

Tom Pettigrew, Park City Mountain Resort, urged members to refer to the letters from PCMR and Deer Valley Resort about concerns. He encouraged a full evaluation of the impacts rather than experimenting with traffic flows. He agreed with Ms. Erickson's comments about the *balloon effect* of diverting traffic. PCMR believes concerns about traffic flow within town and pedestrian safety should be considered. PCMR, Deer Valley Resort, UHP, UDOT, Park City Police Department and the City Engineer engaged in a proactive effort last winter to formulate a plan for peak load-out times and were able to improve the traffic flow in some ways. Bonanza Drive dramatically influences other areas and he asked that before there are any continued traffic restrictions whether temporary or permanent in nature, that it would make the most logical sense to conduct a quantitative study, evaluate it, and provide the affected parties time to react if there are going to be changes rather than reacting to experimental changes.

Mark Fisher, Bonanza Drive property owner, believes that allowing trucks on Bonanza Drive is appropriate. He spoke with several of his tenants who love the fact that the trucks are gone but on balance, it is probably not fair to Park Avenue. He offered to allow the extension of Munchkin Road through the middle of The Yard over to Homestake if needed during next year's construction. The Mayor thanked Mr. Fisher for his input.

Mike Todd, property owner, felt that prohibiting trucks is a good decision. There are approximately 250 residences adjacent to Bonanza Drive which translates to about 500 people. The majority of trucks use Bonanza which does not seem fair. Residents have to put up with the *problem* every single day; the Mayor asked for clarification of *problem*. He indicated that the problem is constant truck traffic and if truck traffic is going to be allowed, at least study it. Truck traffic should be mixed up throughout town.

The Mayor thanked the public for input and explained that the purpose for designing and building Bonanza Drive was to remove traffic from Park Avenue. Mr. Hier indicated that a comprehensive traffic study would be helpful for the entire town, and specifically in reviewing the lower Park Avenue RDA, and hoped that it could be completed by April. Matt Cassel discussed the transportation study and including pedestrian and bicycle traffic. Liza Simpson emphasized that the information on the two corridors should be available for members to review before next summer. The contract will return to Council for approval. Kent Cashel added that it is important for staff to examine the findings comprehensively and would prefer to return with a suggested time line. Roger Harlan predicted serious traffic flow problems in the winter if truck traffic is diverted to Park Avenue. Tom Bakaly stated that if the signs remain, the restrictions will be enforced. Candace Erickson felt that enforcing this for 30 days and then pulling the signs is not prudent. Liza Simpson believed the Police Department can handle the enforcement. A majority of members agreed to keep the signs up until November 15.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 8, 2009**

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 8, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Liza Simpson. Joe Kernan was excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Diane Foster, Sustainability Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

Homestake Condominiums - Mary Cook, Homestake Condominiums, relayed that she wanted to approach Council when things were going well as opposed to just complaining. She spoke about the overall good condition of the Homestake properties, specifically BKM's improvements to its units.

IV RESIGNATIONS AND APPOINTMENTS

Acceptance of Jack Thomas' resignation and appointment of Richard Luskin to fill his unexpired term on the Planning Commission to July 2012 – Jim Hier, "I move we accept Jack Thomas' resignation and appoint Richard Luskin to the Planning Commission to fill his unexpired term to July 2012 with a term beginning November 1". Liza Simpson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

V OLD BUSINESS (*Continued items*)

Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR248 and US40 interchange in the Quinn's Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and approving a Water Agreement, and amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT) – The Mayor opened the public hearing. With no comments from the audience, he

requested a motion to continue to a date uncertain. Roger Harlan, "I so move". Jim Hier seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

VI NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

Consideration of approval of a Right of First Refusal Agreement between the Osguthorpe Family and Park City Municipal Corporation, and a Fixed-Rate Promissory Note in the amount of \$750,000 secured by a Deed of Trust, each in form approved by the City Attorney, regarding Parcel SS-98, which is comprised of approx. 121 acres in Summit County, Utah – Diane Foster explained that this a right of first refusal where the City would make a down payment of \$750,000 and the interest rate would be 4% compounded annually. The term of the deal is for ten years and during that period, if the Osguthorpe Family wants to either sell or develop the 120 acre parcel, the City would be first offered to buy the development rights or to purchase the property. If Council desires to entertain the offer, both parties would get an appraisal with the highest level of certification. She explained that if the price differential between the two appraisals was 15% or less, the City would pay the lower price for the development rights or for the full parcel. If the certified appraisal differs by more than 15%, then the City would have an opportunity to pay the higher price less 7.5%. At any point, the City can decide not to purchase and the Osguthorpes could then move on. The family has the ability to repay the \$750,000 plus any compounded interest at 4% annually early, however, the deal will remain in effect for the entire ten year period. There is no pre-payment penalty.

Jim Hier, "I move approval of a right of first refusal agreement between the Osguthorpe Family and Park City Municipal Corporation and a fixed rate promissory note in the amount of \$750,000 secured by a Deed of Trust each in a form approved by the City Attorney, regarding Parcel SS-98, which is comprised of approximately 121 acres in Summit County, Utah". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Liza Simpson. Joe Kernan was excused. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney. Jim Hier, "I move to close the meeting to discuss property and litigation". Roger Harlan seconded. Motion carried. The meeting opened at approximately 4:20 p.m. Jim Hier, "I move to open the meeting". Liza Simpson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Absent
Liza Simpson	Aye

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder