

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 18, 2008**

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Phyllis Robinson, Public Affairs Manager

Craig Elliott, Elliott Work Group; and Shauna Kerr, attorney for Windrift Condominiums

1. Council questions/comments. In response to a question from Joe Kernan about tax revenues, the City Manager reported that overall sales taxes are up slightly from last year. Roger Harlan commended the Leadership selection process and asked the status of the two economic development grants where he understood updates are required to be provided by recipients. The City Manager stated that staff will follow up. Mr. Harlan noted the article on Boise in *USA Today*. Candace Erickson discussed Recycle Utah programs. The County instituted a hazardous waste program for small businesses and she pointed out the good job the landfill is doing in separating waste and recyclable materials. Jim Hier reported on the HMBA meeting who is working on a policy for street closures. Liza Simpson discussed the HPB meeting and her involvement with the seasonal housing task force. Mayor Williams stated that he met with the Park City Foundation and invited the group to update members at a future work session. He referred to a letter emailed to Council members from the American Chemistry Council who were under the impression Park City was banning plastic bags. The Mayor stated that he contacted the ACC with the correct information.

2. Snow Creek community housing design. Phyllis Robinson stated that representatives from the Department of Energy's Building America Program met with staff on the Snow Creek Project. They were so impressed that they are proposing that this project become one of their national models.

Ms. Robinson explained that on August 28, 2008 the Council reviewed a revised unit design that reduced the elevations and eliminated the need for a height exception, previously granted by the Planning Commission. In response to additional direction from members, staff looked at the number of bedrooms to evaluate unit mix, the size of garages, and variation of exterior elevations. The Elliott Work Group designed a two bedroom unit that could be incorporated into three lots within the subdivision, providing ten larger units. The team examined a number of options to incorporate a two car garage but the challenge is the narrow footprint at 26 feet without making the garage element the focal point. She noted that it is staff's position that given the location of the project and its sustainability goals, to limit the size of the garages. If the two car garage is pursued, it is likely that an amendment to the MPD would be required.

Craig Elliott, through illustration of renderings, discussed revised elevations with lower profiles and roofs oriented to capture solar power. The houses with the lowest profiles are located on the highest fill areas and he felt there is significant variation of style and scale on the street. An aerial visual was displayed to better illustrate the scale of the project. He detailed the two bedroom floor plan with a one car garage; the units are just below 1,300 square feet with adequate storage and living space. He then discussed the floor plan for the three bedroom version with a flex room and opportunities for private outdoor space and natural cooling in the house. In response to a question from Shauna Kerr, Esq., Mr. Elliott stated that there is a window in the flex room and a closet. He displayed elevations illustrating variation of design and explained the associated floor plans.

Roger Harlan suggested paving a pull-out space next to the driveway since these are one-car garages. Mr. Elliott stated that this is being considered for units closest to the street. Candace Erickson asked if there is any way to locate a two bedroom across from the Windrift Condominiums and Mr. Elliott explained that there is no way to capture solar power for the two bedroom design. Because the location has the least amount of fill, he felt it is a trade-off with regard to profile. Shauna Kerr expressed that the flex room could be turned into a fourth bedroom because it has a window and a closet and it is likely the unit would have four cars at some point. She questioned if this use works with a single car garage and pointed out the parking problems at Silver Meadows.

Liza Simpson discussed the merit of a flex room which can change as a family's lifestyle changes. Ms. Kerr interjected that affordable housing tenants tend to maximize occupancy and Joe Kernan disagreed pointing out a number of single occupied three bedroom units at Silver Meadows. Mr. Elliott spoke about design changes to accommodate a side-by-side or a tandem two car garage and pointed out that a smart car could actually be purchased for the same price. Jim Hier recommended restricting overnight parking; encouraging fewer cars is a good thing to be doing and there is a big parking lot across the road. Ms. Kerr stated that if a unit has four cars, it will not meet the parking requirement of the MPD and Phyllis Robinson explained that an affordable-MPD requires one space per bedroom and a regular MPD requires two parking spaces per unit equivalent. This was not processed as an affordable-MPD. Ms. Kerr understood that it wasn't, but asked why staff arrived at this *legal fiction* requiring less parking than would be required of an affordable-MPD when it is a housing project. Ms. Robinson disagreed pointing out that low-end properties may draw more people living there especially in rental units. The Snow Creek units are properties selling for \$250,000. There is no *legal fiction* because the City made a conscious decision not to pursue an affordable-MPD because it is a higher density product. There are 13 units and it is impossible to meet everyone's lifestyle and culture, but the project promotes the City's values in terms of sustainability and walkability.

Joe Kernan warned against placing too many limitations on the project; the more people living in units closer to town, the fewer cars on our streets. All members felt comfortable with moving ahead. Candace Erickson stated that she understands Ms Kerr's concerns, but believes discouraging the use of the automobile is the direction the City needs to go.

3. Field trip to Silver Star – State of the Sundance Film Festival. Members attended a meeting at the Sundance headquarters where Sara Pearce discussed the 25th Anniversary of the Festival, community programs, the press, economic activity report, what's new for 2009, and future sustainability.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 18, 2008**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, September 18, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Diane Foster, Sustainability; and Brooks Robinson, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council disclosure - Joe Kernan disclosed that Talisker is among his recycling customers.

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

Snow Creek housing project – Shauna Kerr, attorney for Windrift Condominiums, asked how this current proposal meshes with the previous approval for the police station. The staff report references an eight acre site while the police station is located on two acres with six acres remaining, although the staff reports all calculate open space based on the eight acres. None of the reports addressed what happened at the police station and since this is the same Lot 9B, it is very relevant if part of the open space in the back was part of the calculation for the police station. She felt that some of the police station density relates to this back side. There are two instances on the police station plat where the paved areas are not designated on the plat. She admitted that the areas are small but more area is covered by density and the report refers to just less than 60% open space at that time. Ms. Kerr felt the City must make sure that there is 60% open space which is the same standard for developers, and that the back parcel contains at least 60% as well. She asked that this be re-calculated, remanded back to the Planning Commission and to look at the site in its entirety. Further, the report states that there is no unit equivalent standard for institutional uses so the commercial standard was used, so that the density attached to the police station equals five acres. Ms. Kerr understood the density was reduced upfront but initially she felt the density needed to be reduced by two acres because of lot coverage for the building. But if the density attached to the police station is five acres, a re-calculation needs to be performed. We're not dealing with a plat for a MPD on eight acres, but a MPD that has density of three acres and site coverage of six acres.

With regard to parking requirements on site, because this is not an affordable housing MPD, the City is holding itself at a lower standard with regard to parking. The suggestion to ban parking on site and park in adjacent lots seems inconsistent with what developers are told and another standard that the City is not achieving. Ms. Kerr

stated that no project is worth it if the process was flawed, curious and suspect, and results in hard feelings in the community. She stated that the people she represents are not NIMBYS, but want to make sure that our elected officials are holding themselves to the same standards or higher than developers.

The appeal process that occurred with this body hearing the appeal of its own project as the applicant is at best, curious. Acting in a quasi-judicial body and rendering a decision that is totally impartial and only based on the information presented at the hearing is impossible; we're only human beings. There are members that are invested in the project which is good but not to put yourselves into jeopardy by being the judge, jury and applicant. She stated that the Council should hire an administrative law judge, an independent party, to hear the appeal. As a former city attorney and council member, she stated that this does not pass *the smell test*. Ms. Kerr requested that this project be remanded to the staff to recalculate the MPD based on three acres left with density, six acres left of site coverage, and further remand the appeal to be heard by an independent determiner.

Jim Hier felt that the open space for the police station and this project should be recalculated and all members agreed. Ms. Kerr explained that the time for the appellants to appeal this matter to District Court is impending and if a recalculation is going to be conducted, she asked for an extension or a waiver of the deadline to file an appeal. Mark Harrington explained that the decision is final with regard to the application and the Council does not have the ability to remand as the decision-maker. As the property owner, the City could subject itself to a voluntary remand, but the decision is final and there is no opportunity for reconsideration. Shauna Kerr requested 30 to 60 days so there is time to analyze the information. Joe Kernan suggested providing an extension until the calculation is available and the matter could be extended further at that time, if needed. She asked for an extension of two weeks from the time the analysis is received. After continued discussion, it was decided to provide a two week extension or September 29 after members receive the analysis of open space in the form of a Manager's Report.

With no further comments, the public input session was closed.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 28, 2008

Roger Harlan, "I move approval of the work session notes and minutes of the meeting of August 28, 2008". Liza Simpson seconded. Motion unanimously carried.

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

Consideration of a Resolution declaring September 21-28, 2008 as “Bag the Bag” Week in Park City, Utah and promoting the use of reusable shopping bags – Diane Foster introduced David Gerber and Megan Fernandez from the Leadership Class. Ms. Fernandez on behalf of the Leadership Class, thanked Recycle Utah, Park City High School Environmental Club, Sustainability Team and all of the residents who have supported the Resolution. The goal of the Class project is to promote the use of reusable shopping bags which could have a huge positive impact on the landfill. She introduced the Bag Monster, wearing close to 500 bags, which is the number used by the average American citizen every year and ends up in the landfill polluting the environment. She discussed Leadership researching sustainable practices in other communities and concluding that the best strategy for Park City is a voluntary approach to change and they would like to revisit it in a year to evaluate its success.

David Gerber discussed Bag to Bag Week where the Bag Monster will make special appearances. A local business donated 4,700 reusable bags that will be distributed throughout the week. He discussed programs targeted for elementary school kids and a media push. The group will have a table at the Park City Film Festival over the weekend with informational pieces and the High School Environmental Club will be passing out reusable bags on Saturday, September 27. Mr. Gerber asked that the Council waive the fee for temporary special use signs; all members agreed.

Liza Simpson, “I move we adopt a Resolution declaring September 21-28, 2008 as “Bag the Bag” Week and promoting the use of reusable shopping bags within Park City”. The Mayor expressed his appreciation of the Leadership’s Class efforts. Jim Hier seconded. Motion unanimously carried.

VI OLD BUSINESS (*Continued public hearings*)

1. 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 City Attorney stated that the petitioners requested a motion to continue to October 2, 2008. The Mayor opened the public hearing and with no comments from the audience requested a motion to continue to October 2, 2008. Candace Erickson, “I so move”. Roger Harlan seconded. Motion carried unanimously.

2. Consideration of an appeal of the Planning Commission’s denial on June 25, 2008 of a Steep Slope Conditional Use Permit for 158 Ridge Avenue, 162 Ridge Avenue and 166 Ridge Avenue – Brooks Robinson explained that a hearing on these properties was conducted on August 21, 2008. The appellant must prove the Planning

Commission erred in its decision. At the meeting, Council requested information regarding the visuals presented at the plat amendment stage last October and a survey of heights of the surrounding buildings because it was critical in the Planning Commission's decision and relevant to some discussions on compatibility in the Historic District. He referred to the PowerPoint presentation in the meeting packet prepared by the appellants and the plat amendment meeting information prepared in October.

Mr. Robison referred to a concern expressed by Commissioner Peek at the last meeting regarding one of the garages measuring 23 feet, but it actually met the plat requirement at 21 feet. The Planning Commission found non-compliance with the setback shown at the plat stage and the applicant has expressed willingness to correct that to 58 feet consistent with the plat. If the Council decides to overturn the Planning Commission's decision, staff asks that the findings be prepared and ratified by the City Council. Final findings to deny for all three properties have been prepared and are available.

Spencer Viernes, Ray Quinney & Nebeker attorney for Silver King Resources LLC, referred to their presentation made on August 21 and asked for an opportunity to rebuke any comments or analysis tonight with respect to the Code, if needed.

Jonathan DeGray, architect, presented information through a PowerPoint presentation about building types in the neighborhood which was requested from Council last meeting. A variety of vantage points were photographed from Ridge Avenue, King Road, Sampson Avenue, Woodside Avenue, Prospect Avenue, and Ontario Avenue and Mr. DeGray pointed out a number of three and four storied buildings which were identified on the graphic by a marker. He also displayed newer three and four level construction at the end of Ridge Avenue as it meets Daly Avenue.

Mr. DeGray illustrated a slide of the building section presented during the plat process for this project. He stated that he did not produce the drawing; it was prepared by Gus Sherry. The rendering shows the building hanging out above the grade line about eight feet and four levels although the bottom level is elevated about a half flight and the building does not meet the ground. In comparison to the actual architectural section, the building falls within the height limit and the multi-storied section is further up the hill. Another difference is his building is two feet lower in grade than the plat section shows. He explained that a number of levels result in the significant vertical change. The CUP for the driveway, serving all three structures, was approved in February 2008. Additional building sections were provided to the Planning Commission at that time showing four stories on all of the plans which were displayed. The overall site plan also shows four stories for the three properties.

Mr. DeGray emphasized that he relayed to the Planning Commission that if the additional setback of five feet on Lot #3 is an issue, they are willing to increase it from

53 feet to 58 feet. The dimension of the garage on Lot #2 was an oversight on the steep slope CUP information as 23 feet but will be 21 feet and has been corrected. The incorrect drawing seems to continue to be circulated.

Joe Kernan pointed out references to four story buildings throughout the findings and the retaining structures on the side of the buildings which are not at natural grade but are a manipulation of grade in order to bury the lowest story which is not counted toward gross floor area. He asked if the use of retaining walls is typical and acceptable. Mr. DeGray responded that the Code defines stories and basements and what is allowed for the manipulation of grade. The project has taken advantage of the allowance in the LMC to bring the grade up and around those lower levels to pull them out from the building. The retaining walls allow the buildings to step back rather than result in a vertical façade and he relayed that the Code requires stepping to tie into the natural topography. The plat was approved with constraints on square footage and footprint which resulted in this design with the basement. Brooks Robinson interjected that over the past 15 years, maximum house sizes have been noted on plats and it has been more common to see the retaining wall to accommodate the basement design to acquire the maximum square footage, since the basement is not counted. He suggested that this be addressed in future amendments to the Code, if desired by Council. Roger Harlan expressed concern if this practice encourages large four story construction accomplished with changing grade with an artificial retaining wall. Jim Hier acknowledged that the basement square footage is not counted but there could still be a four story building on the site with less square footage, but it would still look like a four story building. The fact that some of the square footage is buried underground wouldn't change the above-ground impact. He did not believe that any of the arguments in the findings for denial indicate that the square footage is too high; the focus is that the buildings are four stories. Mayor Williams asked if the intent was to include the basement square footage in the maximum 3,030 square foot maximum and Brooks Robinson responded, no and added that it was never pertinent to the Planning Commission. The staff tried to be very clear, especially in compiling neighborhood house size information, that basement square footage was excluded so that comparisons were effective and compatibility was based on the same criteria.

Jim Hier believed that at the meetings of September 27 and October 26, 2007, Lot #2 was presented as three floors with a step-down area; the floors changed from a four foot separation to a ten foot separation. Jonathan DeGray explained that the graphic of the building above-grade shows that it's hanging out in space. It needs to touch ground or the grade needs to be artificially built up. He reminded members that Mr. Sherry developed the sections based on the footprint requirements and the elevation changes between his road work and the existing grade on the lower part of the site. He couldn't explain the graphic but pointed out that even if it was a three story structure, it would have the same volume above ground. Jim Hier recalled that the other two buildings

were always shown as four stories. Liza Simpson agreed that following the changing plans was confusing and pointed out that the engineer's drawing showed the buildings exceeding height limitations. Mr. DeGray interjected that this occurred prior to the restriction on the plat. Ms. Simpson continued that she contemplated the design dropping down so the height was compliant.

Sean Marquardt, agent for appellant, explained that he worked with the engineer, Gus Sherry, and discussed the definition of floor area which became a focus at the time. Because the building was hanging out, they assumed there would be a basement. He stated that they looked at Anchor Development which has a maximum above-ground square footage of about 3,025. The lot allows for a 2,200 square footprint and access off of Kind Road. Mr. Marquardt pointed out that the formula will yield over 5,000 square feet and other undeveloped properties around them will likely be in excess of 5,000 square feet as well because of the plat notes.

Jim Hier stated that Findings Nos. 7, 8, 11, and 13 all address an issue four stories, but there isn't a finding that explains the problems and why they should be prohibited which should have been the basis for other findings regarding four stories. He finds it difficult to support those findings for denial. Finding No. 9 deals with the terrace, Finding No. 10 with building location, Finding No. 12 with setbacks, and Finding No. 14 is not specific. He understood that Finding No. 16 relating to the garage dimension issue has been remedied.

With regard to Finding No. 9, Mr. Viernes explained that the Planning Commission argued that the retaining structures were a manipulation of grade. His analysis of the LMC is that the finding is not relevant to the criteria in the LMC. Section 15-2.1-6(b) (4) provides that terrace retaining structures are allowed to retain natural grade. The June 11, 2006 staff report indicates that the retaining structures maintain natural grade. The Planning Commission finding is not supported by any factual evidence provided to them. Finding No. 10 regarding the natural topography of the site where the criteria in the Code indicates that the buildings act as infrastructure must be located to minimize cut and fill that would alter the perceived topography. There is no language in the finding of fact that indicates the natural topography has been altered, in fact the previous Finding No. 9 from the original June 11, 2006 staff report indicates that natural grade is maintained similar to the topography. Criteria No. 5 goes on to indicate that the site design and the building footprint have to coordinate with adjacent properties to maximum opportunities for open areas, preservation of natural vegetation, and minimize driveway and parking areas. Extensive discussions with the planning staff in preparing the design of the site planning for the original plat approval were lengthy and focused on site design, lot size, building footprint size, maximum square footage, inclusion of a non-disturbance area to preserve natural vegetation and the design of the driveway CUP in order to minimize the driveway and parking areas. Spencer Viernes explained that the

discussions with the planning staff in preparing the designs and site planning for the original plat approval were lengthy, including the design of the driveway CUP. The Planning Commission's finding that the natural topography is very steep and the building does not correspond to the natural topography is not tied to the LMC.

Sean Marquardt commented that the Planning Commission's Finding No. 11 again states that the scale of the building is not in keeping with the Historic District, indicating that four stories are achieved only through the manipulation of exterior grade. There's no mention whether four stories is appropriate or inappropriate in the LMC nor is there any mention of number of stories in the Historic District Guidelines and is therefore irrelevant. Jonathan DeGray also pointed out that the presentation documents a multitude of existing four storied buildings within the neighborhood.

With regard to setbacks, Mr. Viernes expressed that the applicant has demonstrated a willingness to comply. The setbacks are intended to minimize a wall effect along the street and the rear property line and the size and architecture of the structure is largely a function of the restrictions placed from the plat approval process. Jonathan DeGray added that with the setbacks of 37 feet on Lot 1, 55 feet on Lot 2 and 58 feet on Lot 3 significantly exceed the normal setbacks for the zone.

Liza Simpson expressed that she is not in agreement with the appellant's argument about findings relating to four stories. She believes that the Planning Commission found that the project does not fit within the neighborhood and the findings are still valid when omitting the words "four story". Although she appreciates the visuals, examples exist that support incompatibility and she agrees with the findings.

Mr. Viernes pointed out that under the LMC, the factual findings are actually for de novo review so there's no reason to rely solely on findings. In response to a comment from Joe Kernan, Mr. Viernes felt there needs to be an objective standard that can be applied uniformly to each new development because without uniformity, actions lead toward ad hoc legislation and the general public doesn't know what to expect. He felt that compatibility should be measurable criteria so proposals can be evaluated. Jonathan DeGray added that they moved forward with discussions with staff based on the criteria of the LMC.

Mayor Dana Williams expressed that his concern dealt with compatibility acknowledging that this finding is difficult to defend through the LMC. He recognized the Council's philosophical beliefs about compatibility in the Historic District but felt that this is another discussion for another night. Candace Erickson agreed stating that she does not like the project and felt there is a *loophole* in the Code that needs to be changed. Discussion continued regarding the belief that the design of the structure without manipulation of grade would look similar above-ground because there is no height limit.

Mr. Hier also noted that the Planning Commission did not seem concerned about square footage but compatibility in the neighborhood. Brooks Robinson agreed with Mr. Hier's comments about above-ground square footage. He explained that philosophically, the square footage that is buried is not an issue because it doesn't affect the visual mass and scale of the above-ground building.

Mark Harrington explained that in consideration of the previous comments and if the manipulation of grade doesn't violate the standard to minimize cut and fill that would alter the perception of natural grade it is not material to Council and therefore, the Planning Commission finding can not be supported for denial. He emphasized that this is not a *loophole* in the LMC, but a deliberate amendment to the Code.

Liza Simpson stated that she does not accept the statement that compatibility has to be completely quantifiable because it is visual. Mark Harrington agreed that it does not have to be as quantifiable as expressed by legal counsel, because the result is *cookie-cutter* designs. However, at the same time, the Code must articulate incompatibility or describe the adverse impact that can not be mitigated. The finding must be objective and if it is visual, members need to distinguish between the appellant's presentation on existing three and four storied buildings from the facts of this case. Through use of a project model, Jonathan DeGray explained the look of the structure if it were pushed back into the hillside with no terrace or retaining wall and he described a building with less square footage but a more vertical look because of no stepping. There could still be a basement.

Brooks Robinson noted that if the far north end was kept close to existing grade, then some square footage would have been counted on the lowest level (200 to 300 square feet). The Mayor invited public input.

Carlene Riley, 84 Daly, stated that this development is too big and allowing three and four storied structures on Ridge Avenue will set a precedent for the Historic District. Steep slopes should be analyzed and she wished that a smaller scale would have been determined early in the process.

With no further comments, the Mayor closed public input.

Roger Harlan brought up measuring compatibility objectively and Mark Harrington added that the compatibility analysis was submitted at the subdivision level which focused on above-ground mass. He felt providing this study is fairly objective and part of the staff's practice when faced with these questions. The problem in this instance is that the basement exception allows approximately 1,200 to 800 additional square feet depending on the application, of buried area. In terms of the finding of compatibility and how it compares to the presentation is the crux of the issue. Finding No. 1 was clarified

as being the criteria in the Code for a steep slope CUP and there was discussion about the intent of terracing to avoid steep flat building facades. Brooks Robinson pointed out that steep slope criteria encourage that the building be broken up into smaller components. Jim Hier stated that in his opinion, four stories are allowed by the footprints dictated on the plat with no restriction on total height. If it is not compatible with the neighborhood it can't be because of total square footage and it's not because of manipulation of natural grade because the resulting structure would be similar. Liza Simpson did not believe that the project follows the natural topography. The presentation photos show houses on hillsides while the Ridge Avenue structures are on a bench area. The Mayor emphasized that if the design followed natural topography, the look and visual impact of the resulting buildings would not be very different.

Jim Hier, "I move that we direct staff to prepare findings for approval of the CUP for 158, 162, and 166 Ridge Avenue based on modifying the findings based on the initial findings prepared for approval in a prior packet". Joe Kernan seconded. Roger Harlan believed that the project will be most visible from Prospect Avenue but not other viewpoints. Motion carried.

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

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

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 2:30 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Jerry Gibbs, Public Works Director; Kathy Lundborg, Water Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property, litigation and personnel". Jim Hier seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Jim Hier, "I move to open the meeting". Candace Erickson seconded. Motion unanimously carried.

Page 10
City Council Meeting
September 18, 2008

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