PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 17, 2009

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

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jon Weidenhamer, Economic Development Manager; Max Paap, Special Events Manager; and Sharon Bauman, Analyst

Annette Sneed and Mary Demcowicz, labyrinth proponents

Absent: **Council members Jim Hier and Liza Simpson**

1. Council questions/comments. Mayor Williams thanked Project Manager Dave Gustafsen for completing the Marsac Municipal Building seismic upgrade project. The building looks fantastic. He relayed that he spoke with Mark Fisher who is interested in pursuing a more proactive approach to planning his property and has suggested forming a task force to study Bonanza/Park. He expressed that senor housing is a topic the Council should explore and read Planning Commissioner Jack Thomas' resignation letter into the record. The Mayor announced that he, Tom Bakaly and Candace Erickson will be going to DC to meet with the EPA and our congressional delegation.

Candace Erickson thanked staff for organizing the City Tour this year to Crested Butte. She felt it is a lovely town but discussed on-going conflicts between the city and the resort where by contrast the resorts are part of the community here and communication between everyone is good. Crested Butte is progressive and green but she felt we are ahead of them in the sustainability effort. The Mayor announced that Deer Valley has been rated the #1 mountain resort for the third year in a row, and Park City #4.

Joe Kernan asked when the lower Park Avenue RDA work would begin and asked if there would be future links to Bonanza/Park. Jon Weidenhamer explained that redevelopment was a topic at Council's Visioning Session in January and he understood that Council preferred to first focus on the resort economic base but was intrigued with the Bonanza/Park area. It is intended to extend the term of the current lower Park Avenue RDA and formulate a high level plan. Roger Harlan reported on the business discussed at the School Board meeting he attended and he also noted that he participated on the City Tour. He discussed the distinct quality of the Deer Valley experience. Max Paap reported that the Building Department has approved a fireworks permit for the High School Homecoming Game on September 25. The Fire District has been notified.

2. Direction on creation of permanent labyrinth. Sharon Bauman explained that a group of citizens would very much like a permanent labyrinth within the Park City limits. They met earlier this year with the Recreation Advisory Board about a potential location and RAB was receptive to the concept but reluctant to give up park space. At the same time, the Public Art Advisory Board members reviewed a preliminary proposal and asked for more detail, a location and estimated costs. This plan is before Council. The group has identified the fountain area in front of Miners Hospital as its first choice and an area by the Sound Garden or McPolin Farm are other options. Construction costs are estimated to be around $15,000. Size and maintenance costs have not been identified. Ms. Bauman explained that a temporary chalk labyrinth has been created in Prospector Square which she understands has received a lot of public interest. The group has expressed an interest in partnering in the design and cost of a labyrinth with the City.

Ms. Bauman reported that the PAAB reviewed the most recent proposal last week and recommends not approving the Miners Hospital fountain location and felt the proposal was incomplete as it pertains to art. It is likely that the Board would have reservations about spending Art CIP money on this project. She continued to explain that if a permanent labyrinth is created on City property, it will require additional staff time and resources for maintenance. She asked if members are interested in creating a permanent labyrinth on City property. If so, how much land should be allocated and who will be responsible for managing and maintaining the project. The cost of removing the fountain and preparing the area at Miners Hospital may range from $10,000 to $20,000.

Candace Erickson pointed out that the Poison Creek fish sculptures and the police facility art work are located on City property and maintained by the City and asked why this project would be any different. She was surprised that PAAB did not consider this art and Ms. Bauman explained that the Board felt it was more of a landscape feature. Discussion ensued about the future operation of the fountain and the area currently being used as a daily meeting place for people. Tom Bakaly asked Council if the labyrinth project is something the City should pursue and if so, where and who should be responsible.

The Mayor asked if Prospector Square was interested in a permanent labyrinth. Annette Sneed explained the use of the temporary labyrinth, emphasizing that they do not have permission for anything more permanent. If they could move forward at this location, the labyrinth would be simply painted on the surface. Joe Kernan expressed that before he provides direction on City properties, he would need to know the impact of current uses on proposed locations by the community. Since it is not an urgent project, Mr. Kernan encouraged review during budget time. Ms. Sneed pointed out that the fountain area is currently in need of attention and the surface could be more walk-able. Materials like brick or tiles would work well and people can still walk over it even if an individual is walking the labyrinth. Mary Demcowicz pointed out how well the adjacent meditation garden works with the concept. Annette Sneed pointed out that the labyrinth at Jordan River Park is a piece of art made of mosaic tiles and complimented with decorated benches.

Roger Harlan suggested that the Prospector location try a more permanent labyrinth so that it can be monitored over a longer period of time. He expressed concern about significantly altering the entrance to the historic Miners Hospital and spending money to retrofit the fountain on an unproven activity. He asked if other locations have been explored because if two boards have not supported the fountain site, it may behoove us to wait another year to ascertain support. Ms. Sneed explained that the group does not expect the labyrinth at Prospector will be used much in the winter. Their goal is to begin a project in the spring but to get the ball rolling now in the event there are matching funds or other opportunities to partner. She emphasized that a labyrinth will not preclude a Christmas tree there. One of their other choices was Coalition Park and Ms. Erickson explained that PAB preferred to have a labyrinth installed in a paved area to preserve existing green space and felt that the use of a labyrinth will increase over time. There was discussion about the risk of people tripping on the uneven surface around the fountain.

Mayor Williams noted that input from two Council members is missing tonight and more information can be obtained through the winter, including design and costs. The group was asked to select two locations so that a design and costs can be discussed in the future when all members are present. They were encouraged to continue the use of the temporary labyrinth in Prospector to evaluate community interest. He agreed with Council member Kernan that it would be more appropriate to consider a new project during budget time.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 17, 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, September 17, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, and Joe Kernan. Council members Jim Hier and Liza Simpson were excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Max Paap, Special Events Manager; Todd Touchard, Project Manager; Bret Howser, Budget Manager; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

<u>Deer Valley Drive cabin</u> - Michael LeClerc, resident, relayed that he emailed City Council members a few months ago on this matter and explained that he owns a small old cabin on Deer Valley Drive which has been condemned by the City. Plans to construct a new house have been approved but he would rather have the property restored for public use. He encouraged Council members to share any ideas they may have, spoke about the concept of a community garden, and acknowledged that maybe the property just needs to be maintained to be enjoyed by the public.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF AUGUST 20, 2009 AND SEPTEMBER 3, 2009

Roger Harlan, "<u>I move approval of the work session notes and minutes of the meetings of August 20 and September 3, 2009</u>". Candace Erickson seconded. <u>Motion carried</u>.

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

V CONSENT AGENDA ***(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under "Additional Discussion – Agenda Items")***

Mayor Williams requested that Item 2 be removed and discussed under New Business. He read the Resolution for the Celebration of Women Day in Park City. Joe Kernan, "I move approval of Consent Agenda Items 1, 3 and 4". Candace Erickson seconded. Motion carried.

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

1. Consideration of a Resolution proclaiming September 26, 2009 as Celebration of Women Day in Park City, Utah – Staff recommends approval.

2. Consideration of a Resolution authorizing the issuance and confirming the sale of Water Revenue Bonds; authorizing the execution and delivery of Supplemental Indentures of Trust, a Bond Purchase Contract, and other documents required in connection therewith; authorizing the taking of all other actions necessary for the consummation of the transactions contemplated by this Resolution – See New Business.

3. Consideration of a Service Agreement with Data Prose for water billing and mailing services in the amount of $28,650.24 per year in a form approved by the City Attorney – See staff report.

4. Consideration of purchase agreement in the amount of $161,167 with SimplexGrinnell for purchase and installation of emergency call boxes and video surveillance camera system in Richardson Flat, in a form approved by the City Attorney – See staff report.

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

2. Consideration of a Resolution authorizing the issuance and confirming the sale of Water Revenue Bonds; authorizing the execution and delivery of Supplemental Indentures of Trust, a Bond Purchase Contract, and other documents required in connection therewith; authorizing the taking of all other actions necessary for the consummation of the transactions contemplated by this Resolution – This item was moved from the Consent Agenda to New Business for discussion purposes. Bret Howser introduced Dave Miner, financial advisor, who explained that the issuance represents about $24 million for water improvements. He pointed out that the success of its financing is due to the City's foresight in recognizing the need for the projects and the need to expand the tax base. The series of water rate increases, supporting the level of the bond issue, provided a lot of comfort for investors and to rating agencies. The two firms underwriting these bonds have a lot of experience with Utah revenue

bonds and in particular with a new form of taxable bond called *Build America Bond,* whereby the City receives a 35% refund on interest costs from the US Treasury. This has proven to be a cost effective alternative for financing and maturing. He added that City representatives met personally with rating agencies to discuss the Water Fund's strength, because these bonds are not based on the City's general credit. Park City's water bonds have not been rated in over ten years and Moody's rated them at AA2 which is a mid-level AA; and water revenue bonds AA3 one notch below. Standards & Poors rated the City and water revenue bonds the same at AA. He also felt the sale was successful because of the huge State of Utah General Obligation Bonds which sold this week and created quite a *feeding frenzy* for Utah bonds, especially for highly rated bonds. Park City came very close to reaction of the State's AAA rated General Obligation Bonds.

Dave Miner explained that a refunding is part of the issue at an average rate of 2.1%, replacing bonds that were just over 4%, representing a savings of $423,000 which is almost 9% of the full amount. The bond interest rate is 2.58% and for taxable bonds 5.03% but with a 35% subsidy, the rate is effectively 3.27%, resulting in an average of 2.91% fixed for 15 years. In response to a question from Roger Harlan, he discussed other bond issues in the state. Joe Kernan, "<u>I move we approve Consent Agenda Item #2</u>". Candace Erickson seconded.

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1. <u>Consideration of an Ordinance approving the Glory Hole Subdivision, located at 518 Deer Valley Drive, Park City, Utah</u> – The Mayor opened the public hearing and with no comments from the audience, requested a motion to continue. Roger Harlan, "<u>I move we continue this item to October 29, 2009</u>". Joe Kernan seconded. <u>Motion carried</u>.

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

2. <u>Consideration of an Ordinance approving the 593 plat amendment, located at 593 Park Avenue, Park City, Utah</u> – The Mayor opened the public hearing and hearing no input requested a motion to continue. Candace Erickson, "<u>I move that we continue the Ordinance approving the 593 plat to October 1, 2009</u>". Roger Harlan seconded. <u>Motion carried</u>.

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

Liza Simpson	Absent

3. Consideration of an Ordinance approving the 1440 Empire plat amendment, located at 1440 Empire Avenue, Park City, Utah - The Mayor opened the public hearing and with no comments from the audience, requested a motion to continue. Roger Harlan, "I move to continue the 1440 Empire Avenue plat amendment to October 29, 2009". Candace Erickson seconded. Motion carried.

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

4. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to address revisions to Sections 15-2.1-5, 15-2.2-5, and 15-2.3-5 clarifying attic space and Section 15-15, Definitions – The Mayor opened the public hearing; there was no public input. Candace Erickson, "I move we continue the Ordinance approving amendments to the Land Management Code to November 5, 2009". Joe Kernan seconded. Motion carried.

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

5. Consideration of a five year contract, with an option for a five year extension, in a form to be approved by the City Attorney, with Jan's / White Pine Touring to provide a cross country ski venue at the Park City Golf Club and the McPolin Farm – Craig Sanchez explained that Jan's/White Pine was the only business who responded to the RFP issued. Changes from past years include the provision that JWP will be responsible for grooming the track at the golf course and the Farm and the contract is longer term at five years with an option to renew. Roger Harlan brought up potential liability of the City storing JWP's grooming equipment. The Mayor invited public input; there was none. Joe Kernan, "I move we approve a five year contract with an option for a five year extension with Jan's/White Pine Touring to provide a cross country ski venue at the Park City Golf Club and the McPolin Farm". Roger Harlan seconded. Motion carried.

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

6. Consideration of a Construction Agreement Amendment, in a form approved by the City Attorney, with Counterpoint Construction for the construction of the Promontory Raw Waterline for a lump sum amount of $288,195 – Project Manager Todd Touchard explained that as site grubbing and a clearing progressed on the waterline project, unforeseen site soil conditions were identified. Shallow bedrock was not encountered as expected. The contractor excavated test pits along the alignment and identified boulders, with a mixture of sand and gravels along the majority of the alignment. He stated that this changed the project dramatically because of the need to import pipe bedding material, which was not anticipated but the native soils are not acceptable for pipe bedding. He stated that the net cost of importing and placing this material is $239,445. Roger Harlan strongly felt that a $288,195 oversight is significant and that the geotechnical group should be responsible for damages caused by releasing erroneous information to bidders. He asked if the City has any remedy and Deputy City Attorney Tom Daley indicated that the geotechnical contract can be reviewed. The Mayor agreed with Council member Harlan that the type of soil material was misidentified. In response to a question from Mr. Harlan, Mr. Daley reiterated the Legal Department's commitment to follow-up on this issue.

Roger Harlan, "I move to approve the construction agreement with Counterpoint Construction for the Promontory Raw Waterline for a lump sum of $288,195". Joe Kernan seconded. Motion carried.

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

7. Consideration of an Ordinance approving the Quinn's Water Treatment Subdivision, located at 3800 Richardson Flat Road, Park City, Utah – Kirsten Whetstone explained that the request to subdivide is to create three legal lots of record from a 17.382 acre metes and bounds parcel located in the Quinn's Junction area. The application was evaluated with subdivision criteria. An easement for the sewer line is memorialized, Lot 1 is intended for the sewer treatment plant, Lot 2 provides access to Lot 1, and Lot 3 is designated as an open space parcel. The Planning Commission forwards a positive recommendation. She pointed out a correction in Finding No. 7. The Mayor opened the public hearing; there was no input received from the audience and the hearing was closed. Joe Kernan, "I move to approve the Ordinance approving the Quinn's Water Treatment Subdivision at 3800 Richardson Flat Road". Candace Erickson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent

Joe Kernan	Aye
Liza Simpson	Absent

8. Consideration of an Ordinance approving an Amended and Restated Condominium Record of Survey Plat for Deer Crest Roosevelt Gap Resort, located at 2300 Deer Valley Drive, Park City – Planner Kirsten Whetstone explained that the request is to amend and restate the entire record of survey plat for the St. Regis Resort in Deer Crest, Deer Valley. Portions of the resort are considered condominiums and others are condominium suites, complicating the plat but the amendment addresses issues raised through the construction. The Planning Commission forwards a positive recommendation; there was no public input at that meeting.

Roger Harlan questioned the location of the affordable housing being adjacent to the funicular. He felt that the noise from the machinery will create an unappealing living situation. Kristen Whetstone stated that she toured the affordable housing units which are very nice but the funicular was not operating at the time. The architect for Deer Crest explained that the equipment is actually housed in the Roosevelt Gap Building and there is no machinery in the Snow Park area. The system is basically a car on a rope and it is a quiet ride. The units are located off of Deer Valley Drive and the proximity to the funicular is not an issue with regard to noise. The Mayor opened the public hearing and with no comments, closed the hearing. Candace Erickson, "I move that we approve an Ordinance approving the amended and restated Condominium Record of Survey Plat for Deer Crest Roosevelt Gap Resort located at 2300 Deer Valley Drive". Joe Kernan seconded. Motion carried.

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

9. Consideration of an appeal of the Planning Commission's July 8, 2009 approval of a conditional use permit application submitted by North Silver Lake Lodge LLC – appellants, adjacent owner associations represented by Clyde Snow, Attorneys at Law – The Mayor invited the public to comment. There was no input and the Mayor requested a motion to continue to October 15, 2009. Candace Erickson, "I so move". Joe Kernan seconded. Motion carried.

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

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 3 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, and Joe Kernan. Liza Simpson and Joe Kernan were excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jon Weidenhamer, Economic Development Manager; Jeff Schoenbacher, Environmental Specialist; Diane Foster, Sustainability Manager; Ron Ivie, Chief Building Official; and Jessica Winderl, Legal Assistant . Roger Harlan "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried. The meeting opened at approximately 5:15 p.m. Roger Harlan, "I move to open the meeting". Joe Kernan seconded. Motion carried.

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

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