PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 11, 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; Denise Carey, Analyst; Pace Erickson, Operations Manager; Jon Weidenhamer, Special Projects Manager; Matt Twombly, Project Manager

Historical Society: Dick Pick, Board Char; Ken Gardner, designer, Chris Wrightman, construction manager; and Sandra Morrison, Director

1. Council questions/comments. Liza Simpson commented on the good ideas learned from City Tour. Joe Kernan commented on the wider sidewalks in Boise to better accommodate outdoor dining. Candace Erickson agreed and reported on a variety of issues that will be addressed by the Legislative Policy Committee. Discussion ensued on the Marsac seismic upgrade. She discussed the progress at the Whiskey Distillery and Jim Hier commented on the Miners Day Parade. He reported on business discussed at the Uniform Building Code Committee and Chamber Board meetings. Roger Harlan pointed out that the Mayor and all members attended the City Tour this year which is significant. He discussed attending the Art Advisory Board, School Board, and Library Board meetings met last week. He encouraged the public to visit the police facility to look at the newly installed art panels. Mayor Williams commented that he was surprised to learn that McCall and Boise don't have sustainability plans. He read a letter from Howard Anderson, representing the Saddleview HOA, thanking the Council for lowering the heights of the Snow Creek housing project. The Mayor suggested that natural gas options be discussed at the Visioning Session in January and he discussed looking at the Code to better accommodate solar applications acknowledging that some CC&Rs prohibit them. There was discussion about the orientation of the *bike-friendly* signs installed by the Mountain Trails Foundation located just beyond the city limits. He suggested that the signs be properly oriented and that the *green power community* sign be added to the pole. Jon Weidenhamer explained that these signs do not meet the City's Sign Code and were intentionally installed on County property but staff will explore this issue further.

2. McPolin Farm Strategic Plan. Denise Carey explained that staff is seeking direction on improvements to this significant piece of property, more specifically making it ADA compliant and more accessible to the public for recreation. In June 2006, the Council provided direction on capital projects which have been completed. Staff and the Friends of the Farm have fostered community use over the past six to eight years by holding events which have become very popular. The use of Farm trails and facilities have increased substantially over the years. She explained that currently she has to meet disabled visitors on site to accommodate them and asked for input on the installation of a paved ADA connection from the SR224 underpass to the barn and shed and an ADA paved trail to the display of the Farm antique equipment,. The third request is directing staff to formulate a plan for maintenance and long-term replacement of facilities in the 2010 budget and the fourth issue involves the interpretive hiking trail.

In response to a question from Liza Simpson about budgeting maintenance for the barn itself, Ms. Carey explained that the capital improvement budget is used for projects which need to be approved by Council when there is a need. Jon Weidenhamer clarified that the building can be included in the asset management program. Jim Hier asked why the building is not part of the program now. Pace Erickson noted that the building maintenance budget provides funding to preserve the structure, but not funding for upgrades or improvements. The barn is regularly painted, the roof inspected for leaks, and that it is structurally sound. There was discussion about budgeting maintenance for all City facilities and including the property in the asset management plan.

Roger Harlan asked if it is more cost effective for staff to continue to personally escort disabled persons onto the property or if the ADA improvements are a good expenditure of tax payer dollars. Ms. Carey acknowledged that the improvements come at an expense but both staff and the walkability team feels it is important to provide better and safer accessibility, not just ADA compliance, but for the public as a whole. The road becomes rutted making it difficult for maintenance, snow removal and fire services. Matt Twombly pointed out that a paved surface is required by the Fire District to access the fire hydrant on the property which is the reason for the recommendation of using concrete for the main drive to the fire hydrant; asphalt could be used for the trails. Candace Erickson expressed that the City should lead by example in making the facility ADA accessible which is also important to the Chief Building Official. She stated that she received a call from a resident concerned about the harsh look of paving against the barn, and she agreed and would like to budget more to make it look really nice. Matt Twombly discussed identifying color concrete as an alternate option in the bid. The Mayor polled members. Jim Hier spoke about the City's use of asphalt, including purchasing equipment to recycle asphalt, and questioned the wisdom of using concrete. In response to a comment from Mr. Hier, Matt Twombly explained that WALC recommended a 10 foot wide paved trail connecting the farm trail above the buildings down along the driveway to the underpass.

Joe Kernan stated that he supports the plan as written and didn't believe the concrete drive will be very visible from the highway. Ms. Carey explained the need for a current cost estimate; $210,000 is budgeted in the CIP for the Farm and another $50,000 is allocated from the Walkability Fund. Mr. Twombly estimated the trails to cost $85,000 to $130,000. The City Manager suggested bidding the project with options like color concrete so that financial data is available.

The Mayor suggested that nothing be planted in the lower field and pointed out that alfalfa will not grow in the wetlands area. Matt Twombly explained that the recommendation to plant alfalfa was prompted by the desire to preserve agricultural uses. Jim Hier suggested updating the chart and master plan to reflect current direction and Ms. Carey explained that some items, like the alfalfa field, is outdated. Ms. Erickson stated that she was contacted by a resident and shares the same concern about the broad statement of considering private uses at the Farm providing economic benefit. She felt this language should be discussed by members before the plan is finalized. Ms. Carey stated that this wording could be easily removed. Ms. Erickson encouraged staff to be sensitive to disturbing wildlife in the interpretive trail area with the construction of trails. Matt Twombly explained the nature of the trail which would not be paved and would remain a game trail. Tom Bakaly suggested refining the plan to reflect Council's comments and returning to Council for approval.

3. Sidewalk snow removal program, priorities and enforcement. Pace Erickson stated that this discussion is intended to obtain direction on this year's snow removal program and possible ordinance changes. Park City has been augmenting sidewalk snow removal since the early 1980s which has grown over time as more neighborhood connections were built. However, home owners continued to remain responsible to remove snow on sidewalks adjacent to their properties. He explained the priority sequence for trails and sidewalks; streets receiving enhanced service include Park Avenue, Heber Avenue, Main Street, Swede Alley, interior loop around Prospector, and Monitor Drive. Examples of privately maintained sidewalks include the interior of Prospector, Park City School District property, and Royal Street near Silver Lake Village.

The Mayor pointed out that the City may be depositing snow on cleared sidewalks. Liza Simpson asked why the tennis bubble is a third priority and Mr. Erickson explained that if snow is not removed in a timely manner, the structure will collapse and it has to be removed by hand because it is too tight to get equipment there. Hopefully this will be solved with the proposed Racquet Club remodel. With regard to the Mayor's comment, Pace Erickson explained that WALC did not render specific recommendations about existing sidewalks but provided that any new ones be evaluated for augmented snow removal service. However, service is limited with the City's current equipment and resources. Snow removal for new connections would need to be approved by the City Council as a budget option to be funded. Jim Hier believed the Mayor's concern relates to purchasing special equipment to eliminate snow being pushed back on sidewalks after it was cleared by the property owner. The Mayor clarified that if the City is intending to enforce the snow removal ordinance, that we should also be compliant.

Pace Erickson stated that the City's snow crews make an extra effort not to push snow on cleared walkways which is not UDOT's policy for sidewalks adjacent to its state highways. Additional equipment has been purchased to address some of these challenges.

Mr. Erickson spoke about the process for hauling snow involving signs and public service announcements 72 hours in advance. He suggested that hauling be scheduled on set days like garbage collections, acknowledging that this plan would not have worked last year because of the amount of snow and the need to haul more frequently than once a week. Sometimes sidewalks are the only snow storage areas available, like upper Park Avenue for example. Contracting for hauling services was discussed. Joe Kernan referred to a standard in the plan designating service a quarter mile from institutional centers and asked if this applies to Quinns Junction. Pace Erickson explained that the sidewalks are plowed around the facility but there is no trail connection now but once constructed, the area would meet the criteria.

In response to a comment from Joe Kernan about enforcement, the City Attorney explained that the main reason for placing the responsibility of sidewalk snow removal on the home owner was because of limited City resources not because of potential legal liability. Mr. Kernan felt that this provision should be re-examined because he feels it is not an efficient plan.

Pace Erickson continued that currently, the code enforcement staff only responds to complaints about sidewalk snow removal when reported and no one actively monitors the condition of sidewalks. Enforcement often focuses on illegally parked cars but because of walkability projects it is important to look at present habitual problems. Maintaining bus stop areas without shelters was discussed. Pace Erickson emphasized the availability of a process for residents requesting an elevated level of service. The ordinance, as written, is very difficult to enforce because there are so many special circumstances. In exploring amendments, staff identified critical sidewalks, paths and stairways serviced by Park City which ties into the spine concept and those to be maintained by private property owners, for example, the Prospector Square business district. Non-critical sidewalks and/or trails that are exempt from the ordinance because they are considered insignificant will also be designated. He believed that the public and code enforcement staff would be better served setting forth clearer guidelines. Jim Hier asked if staff intends to list exemptions. Mr. Erickson explained that using a color coded trail map is contemplated and Mr. Hier suggested identifying pathways that are required to be cleared, noting that all others are considered exempt. Pace Erickson appreciated the suggestion.

Joe Kernan believed that if an area is critical, the City should remove the snow. Not all commercial areas have the benefit of a property owners association and the local government has the ability to remove snow more efficiently than any individual. Jim Hier felt that once the list is prepared and presented to Council, the extent of snow removal services for sidewalks will be clearer. Roger Harlan believed that more of the public are walking and supported purchasing the best equipment for snow removal, specifically for sidewalks. All members supported staff's recommendation on developing a sidewalk plan, a strategy for regulating contractors, and a promotion to keep fire hydrants clear.

4. Historical Society – solar array and waiver of parking for Museum. The Mayor polled members who were all in favor of the parking waiver request. Jon Weidenhamer explained that the Historical Society received a grant from Rocky Mountain Power to install a solar panel on 528 Main Street. The first issue is ensuring that the present roof is not damaged with the installation; the second is requiring the Historical Society to provide some type of supporting educational component; the third is conditioning approval on compliance with planning and building regulations; and the fourth is the responsibility of on-going maintenance and replacement. He explained that the building maintenance staff is concerned about being responsible for removing snow from the panels. Long term replacement costs are not as much of a concern. The city has agreed to be responsible for maintaining all mechanical systems which is memorialized in the 99 year lease, however, the Historical Society pays the City $9,250 a year with increases based on the CPI. Mr. Weidenhamer suggested that the mitigation payment could be amended or the solar system could also be exempted from the lease.

The Mayor pointed out that the City's ordinance limits applications to be flush with the roof lines which is not efficient and defeats the purpose. He asked if there is a better accentuation for this installation and Ken Gardner explained that it doesn't change the efficiency that much. In response to questions from Lisa Simpson, he explained that snow is removed with a rake and it comes off easily. She brought up the option of installing a ballast mounted adjustable panel on another part of the building. Mr. Gardner noted that this idea was discussed which would be ideal because the system can be adjusted three or four times a year and the cost difference was discussed. Ms. Simpson stated that she is supportive of the project and if it is more efficient for a little more money, it may be worth it. Mr. Hier appreciated Ms. Simpson's comments but pointed out that it may cost a lot more to gain a little more power and none of this is really cost effective because it is primarily an educational demonstration. It was pointed out that the cost difference is $3,600, which may make maintenance easier, but the adjustable type does not currently comply with Code. In the interest of expediency, Mr. Hier suggested focusing on the original request for a flush mount, because amending the Code will take some time. Sandra Morrison added that a structural engineer has not evaluated an adjustable mount on the old library portion of the roof. Mr. Gardner stated that the gain in efficiency is about 10%. In response to a question from Liza

Simpson regarding the need to make a decision so quickly, Mr. Gardner explained that the urgency comes from running conduit. Warranty and replacement provisions were described. Jim Hier emphasized that this is a demonstration project and not significant enough to be placed in the City's asset management or replacement program.

All members were supportive of the installation of the flush mount and that the solar panel would be exempted from City maintenance to be outlined in an amended lease agreement. Pace Erickson felt that the exemption is consistent with other leases. Representatives from the Historical Society indicated their acceptance of the maintenance of the panel.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 11, 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 11, 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; Ken Fisher, Recreation Director; Brooks Robinson, Planner, Tom Eddington, Planning Director; and Matt Twombly, Project Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

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

2. Planning update - Tom Eddington, Planning Director, reported that staff is working on a strategy for revisions to the historic inventory which is scheduled for discussion on October 2. With regard to the TZO, he pointed out construction activity at 601 Sunnyside which has received an approved historic preservation plan for the structure on site.

3. Tribute to Gary Hill – The Mayor congratulated Mr. Hill on his appointment as City Manager for the town of West Point, Utah. The Mayor noted his promotions and accomplishments over the years from 2000, specifically his lobbying skills and dedication to the community.

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

Election reform – Kathy Dopp, resident, explained that Utah's voting system is flawed because it drops entire touch-screen memory card counts and the problem will not be fixed in the short term. She referred to and detailed her hand-outs describing opportunities for potential fraud and she pointed out that several states are scrapping touch-screen machines entirely. Utah election procedures are among the most secretive because the open records law does not apply to election records so the public has no oversight. She stated that Alice Steiner, League of Women's Voters, has been helping her with the effort to change the election laws so there is public oversight, manual audits, and an independent expert study of Utah's voting system. She requested Council's assistance in arranging meetings with state legislators. Candy Erickson and the Mayor agreed to meet with her and Ms. Steiner.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF AUGUST 21, 2008

Roger Harlan made a minor correction, "I move approval of the work session notes and meeting of August 21 with the noted correction". Jim Hier seconded. Motion unanimously carried".

V RESIGNATIONS AND APPOINTMENTS

Reappointment of Rob Lea for a term expiring July 1, 2011; appointment of Kraig Moyes for a term expiring July 1, 2011; and appointment of Kathy Kahn to fill an unexpired term from January 1, 2009 to July 1, 2009 to the Recreation Advisory Board – Candace Erickson, "I move we reappoint of Rob Lea and the appointment of Kraig Moyes and Kathy Kahn to fill terms on the Recreation Advisory Board". Jim Hier seconded. Motion unanimously carried.

VI OLD BUSINESS *(Continued public hearings)*

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 amending the Official Zoning Map of Park city to zone the property in the Community Transition Zoning District (CT) – The Mayor invited the public to comment and opened the public hearing. With no comments, he asked for a motion to continue to September 18. Jim Hier, "I so move". Roger Harlan seconded. Motion unanimously carried.

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

1. Consideration of an Ordinance amending the Risner Ridge Subdivision Plat, Park City, Utah – and

2. Consideration of an Ordinance approving the Risner Ridge No. 2 Subdivision Plat Amendment, Park City, Utah – Brooks Robinson explained that amendments are requested for two plats to add plat notes relating to setbacks and protective covenants. The Planning Commission reviewed the applications and forwards positive recommendations based on the ordinances. The Mayor opened the public hearing and with no input from the audience, closed the hearing. Jim Hier, "I move we approve the amendment to the Risner Ridge plat amendment and the Risner Ridge No. 2 Subdivision Plat based on findings of fact, conclusions of law, and conditions of approval as found in the draft ordinances". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the 1185 Empire Avenue plat amendment, located at 1183, 1185, and 1195 Empire Avenue, Park City, Utah – Brooks Robinson stated that the request is to combine three and three-fourths platted lots into two lots of record. Two structures exist on the property, neither of which are historic, and the single family home has an approved demolition permit. The underlying lot lines intersect the buildings and the amendment would correct the non-compliant situation, including the remaining duplex on the property. The Planning Commission forwards a positive recommendation; there was no public input at the meeting. The Mayor opened the public hearing and with no comments, closed the public hearing. Jim Hier, "I move we approve the 1185 Empire Avenue plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance". Joe Kernan seconded. Motion unanimously approved.

4. Consideration of an encroachment agreement with the Snyderville Basin Water Reclamation District for the Old Town Park, in a form approved by the City Attorney – Matt Twombly explained that the Old Town Neighborhood Park project has been in the works for a couple years and the conceptual plan was reviewed and accepted by the neighborhood. Staff has been working with IBI Group to develop construction drawings. In order to provide public and ADA access to the park, a bridge over the creek needs to be constructed. Two sewer easements exist on the property and an encroachment permit is needed from SBWRD who requested an access agreement from the City when the encroachment permit is granted. The access agreement is contemplated for the purpose of accessing the sanitary sewer easement paralleling Main Street for pedestrian access and not for vehicles. The Mayor invited public input; there was none. Jim Hier, "I move that we approve the access easement and encroachment agreement with the Snyderville Basin Water Reclamation District for the purpose of accessing the sanitary sewer within the existing easement paralleling Main Street on City and private property". Roger Harlan seconded. Motion unanimously carried.

5. Consideration of a construction contract in the amount of $121,913 to DRD Paving LLC, in a form approved by the City Attorney, for the construction of the Old Town Park – Matt Twombly stated that the project was put to bid and five contractors responded. Staff recommends award of contract to the low bidder DRD Paving. In response to a question from Candace Erickson about elements of the project, Mr. Twombly clarified that there will be a wood bridge over the creek, ADA ramp from Main Street, boulder retaining walls, seating area, shade structure, landscaping, and irrigation. The Mayor invited input; there was none. Roger Harlan, "I move approval of a construction contract in the amount of $121,913 to DRD Paving, in a form approved by the City Attorney, for the construction of the Old Town Park". Candace Erickson seconded. Motion unanimously carried.

6. Consideration of a professional service provider contract with VCBO Architecture, in a form approved by the City Attorney, for architectural services for the remodel and renovation of the Racquet Club located at 1200 Little Kate Road in the amount of $547,000 – Ken Fisher stated that in July 2008, staff advertised for design services and five proposals were submitted. The nine member selection committee recommends VCBO because of its past experience in providing architectural services in recreation planning and its thorough approach to the City's requested scope of services. VCBO also has vast experience in working with LEED certification on new and remodeled structures. The original scope was expanded to include the rebuilding of the seven outdoor tennis courts which will be funded through the asset management fund and expanded to include civil engineering, landscaping, and energy modeling. During the design process, energy usage will be examined and with the increased scope of work, VCBO's fee increased from $480,000 to $547,000, representing about 6.5% of the total budget. By way of comparison, Mr. Fisher pointed out that architectural costs for China Bridge amounted to about 4%, the police station 5.5%, and the Marsac and shell space 9%. The project was reviewed during the capital improvement priority process and allocated $460,000. Jim Hier asked how much of the $67,000 increase is for the design of the tennis courts managed by the asset management fund. Ken Fisher stated that he does not have a break-down on that element. Tom Bakaly stated that if there is a desire, a proportionate share for the tennis courts can be removed from the asset management fund which will not affect the action of awarding the contract.

Mr. Hier asked if fees are based on the project total, what happens if the actual costs come in lower; are the fees reduced correspondingly. Mr. Fisher felt that if the product is a smaller facility or the remodel costs a lot less, the contract would have to be renegotiated. Mr. Hier felt if costs come in less, there should be provision in the agreement about adjusting architectural fees. Matt Twombly clarified that percentages have been discussed tonight but the contract is written to provide a construction amount for the work. Mr. Hier referred to a letter from VCBO referring to costs based on an $8.5 million construction budget.

Joe Kernan expressed the importance of improvements meeting the long-term needs of the community and pointed out desired amenities identified in the recreation survey which will not be considered in this phase. He asked if the layout will be flexible enough and compatible to accommodate new programs. Ken Fisher agreed that flexibility is key which will be considered during the design but the project does not contemplate adding much more square footage. Additional tennis courts or a walking/jogging track would be elements in a future phase. Roger Harlan believed this is an important point, and discussed significant structural problems which will be addressed in the first phase. Mr. Hier clarified that 20,000 square feet of building will be torn down and rebuilt; it is a total reconstruction of the facility.

The Mayor requested that the VBCO conduct public meetings on design concepts and that this responsibility be included in the contract. Ken Fisher estimated at a minimum, three open houses at the Racquet Club. Mr. Kernan explained that he is not concerned about finishing the rooms with expensive materials as long as the construction is functional. Ken Fisher expressed that his goal would be to build to most energy and cost efficient recreation facility possible. At the same time, it is important that the building is compatible with the Park Meadows neighborhood.

Mr. Hier pointed out the not to exceed amount of $547,000 and suggested that the recommendation be modified to include incremental review of costs and status throughout the project and at a minimum at every phase. Ken Fisher responded that it is a fixed price not to exceed $547,000 and any cost increases would require an amendment to the contract. Tom Bakaly suggested additional language relating to the review of the estimated project budget amount for each phase upon the completion of each phase which would provide an opportunity to control the scope of services and the associated cost. Mark Harrington recommended that clarifying language be added; there is flexibility for the Legal Department to work with VCBO without the contract returning to Council. The Mayor invited input.

Alex Butwinski, resident, felt that VCBO should provide a fixed price based upon scope; he has always struggled with percentages and felt the contract should be renegotiated. Based on a $200 per hour architectural fee, the contract represents 2,500 man hours of work.

Jim Hier pointed out that the agreement includes construction management services. The Mayor reiterated that the contract should be amended to include three public meetings in Phase 1 to be hosted by VCBO and Tom Bakaly pointed out that wording can be added to Addendum A so that it is clear that is not a percentage-based contract. Liza Simpson, "<u>I move to enter into a professional services agreement with VCBO Architecture, in a form approved by the City Attorney's Office, reflecting the musings of the City Council at large for architectural services to the remodel and renovation of the Racquet Club, located at 1200 Little Kate Road, in the amount of $547,000</u>". Candace Erickson seconded. <u>Motion carried</u>.

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

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

X 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, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Gary Hill, Special Project Manager; Kent Cashel, Deputy Public Works Director; Kathy Lundborg, Water Manager, Tom Eddington, Planning Director; and Mark Harrington, City Attorney. Candace Erickson, "I move to close the meeting to discuss property and litigation". Roger Harlan seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Jim Hier, "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

Janet M. Scott, City Recorder