PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
SEPTEMBER 3, 2009

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; Linda Tillson, Library Director; Heather Reynolds, Youth Services Librarian; Christine Youngblood, Library IT Specialist; Marlene Ligare, Library Board Chair

1. Council questions/comments. Liza Simpson thanked Public Works crews for their help in moving books for the Friends of the Library book sale and commented on the Save our Snow event on Saturday. Candace Erickson reported on Recreation Advisory Board and Historical Society business and thanked Public Works for re-working the gutters in the Park Meadows neighborhood, after improvements were made, to continue to deter high speeds through streets. Joe Kernan noted that he will not be in attendance at the regular meeting. Roger Harlan commented on the hospital open house and the quality of the facility. He attended a long-range UDOT planning session for Wasatch and Summit Counties where the counties were asked to submit priorities. Mr. Harlan spoke about the Board of Education meeting where a drop in registered students and associated state funding and a new after-school program to replace the defunct Boys and Girls Club were discussed.

Jim Hier referred to the manager's report on Bonanza Drive truck restrictions and Matt Cassel reported that the signs are anticipated to be installed by September 14. Mr. Hier added that this is the appropriate time to try this restriction. Mayor Williams noted that he attended the Save Our Snow event which was very well attended. He thanked Senator Hatch and Congressman Bishop for their work over the last eight years on acquiring Gambel Oak Park for the City. The Mayor commented on the success of the Little Kate sidewalk project and suggested that more humane ways to control beavers be explored. The Boys and Girls Club has folded in Park City and the school has initiated an after-school program which is filled to capacity. The City has already granted the schools a $5,000 grant and the group is asking for an additional $5,000 to maintain the after-school program.

2. Library update. Linda Tillson stated that the Park City Library is experiencing a national trend where use has significantly grown during hard economic times and the challenge becomes servicing more patrons with less resources. She spoke about moving library offices into the vacant University of Utah office space in the building to provide study spaces for the public. Marlene Ligare addressed the process for the long range plan formulated by the Board and pointed out the use of the community survey which was a very helpful tool. Christine Youngblood described the significant upgrade to the library software. Downloading books was discussed as well as the statistics for Telluride's library. Liza Simpson commented on the quality of the staff report. Heather

Reynolds reported on library programs and acquiring Spanish materials. Roger Harlan reminded the public of the Book Fair this weekend and the Friends of the Library luncheon next month.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
SEPTEMBER 3, 2009

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 3, 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; Kirsten Whetstone, Planner; Brooks Robinson, Planner; Max Paap, Special Events Manager; Heinrich Deters, Project Manager; Denise Carey, Analyst; Thomas Eddington, Planning Manager; and Diane Foster, Environmental and Sustainability Manager

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Liza Simpson thanked Public Works employees for their assistance in moving books for the Friends of the Library book sale this weekend. The Mayor announced that UDOT is conducting a program for kids on Wednesday and Friday promoting walking and biking to school.

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

None.

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

1. <u>Consideration of an Ordinance approving a plat for Gigaplat, 1897 Prospector Avenue, Park City, Utah</u> – Planner Kirsten Whetstone explained that this matter is still before the Planning Commission and should be continued. The Mayor opened the public hearing and with no comments, requested a motion to continue. Roger Harlan, "<u>I move to continue to October 1st</u>". Jim Hier seconded. <u>Motion carried</u>.

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

2. <u>Consideration of Master Festival License for Florida State University Pep Rally in City Park on September 18, 2009</u> – Max Paap explained that the proposed pep rally is being organized to support the Florida State University football team who is playing BYU on Saturday, September 19. The event will be similar to the USC and Notre Dame events held a few years ago. The space in City Park will be programmed from 5 p.m. to

9 p.m. on Friday, September 18 and is open to the general public as well. The applicant is actively promoting Park City as the holder of all official events and recommending lodging and recreation options in town. The event requires a master festival license because of the requests for amplified music and use of City Park. The Mayor opened the public hearing and with no comments from the audience, closed the public hearing. Candace Erickson, "I move that we approve the Master Festival License for Florida State University Pep Rally". Roger Harlan seconded. Motion carried.

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

3. Consideration of authorization to proceed with the McPolin Farm ADA Access and Driveway Project and to enter into a construction contract, in a form approved by the City Attorney, with DRD Paving LLC in the amount of $97,581 – Heinrich Deters described the aspects of the project, specifically pointing out that the recommendation is to use regular colored concrete for the driveway treatment. There was discussion on the reasons for not considering asphalt and Denise Carey explained that Friends of the Farm prefer the concrete because it ties into and matches the patio concrete surface. The Mayor acknowledged that the planning staff has a differing recommendation. Thomas Eddington, Planning Manager, explained that they were looking for a more historically compatible driveway material like aggregate asphalt. Candace Erickson discussed her recollection of the majority of the group deciding to support concrete. The Mayor invited public input; there was none. Candace Erickson, "I move we approve the authorization for the McPolin Farm ADA Access and Driveway project and to enter into a construction contract, in a form approved by the City Attorney, with DRD Paving in the amount of $97,581". Jim Hier seconded. Motion carried.

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

4. Consideration of an Ordinance approving the Second Amendment to the Royal Plaza Condominium Record of Survey Plat, located at 7620 Royal Street East, Park City, Utah – Planner Kirsten Whetstone explained that the Royal Plaza Condominiums are located on Lot A of the Silver Lake Village No. 1 Subdivision, subject to the requirements and restrictions of the Deer Valley Master Planned Development. Lot A was approved in the MPD for seven residential units or seven unit equivalents. Thirteen residential units were developed under the unit equivalent option as nine one-bedroom units, two two-bedroom units, and two three-bedroom units. In reviewing the condominium plat and condominium declaration of unit sizes, staff discovered that the

existing residential condominium unit configuration currently equates to 7.269 residential UE. The total residential square footage, based on the "as-built" condominium record of survey, is 14,538 square feet (7.269 UE at 2,000 sf per residential UE). She explained that a total of 16,805 sf of office, commercial space, meeting space and support commercial exists within the building, including 15,757 sf originally built and 1,048 sf added for expansion of the Cole Sport commercial space (Unit 101) with a plat amendment in 2003. The first amended Royal Plaza record of survey plat, recorded on April 30, 2003, addressed commercial space but there was no review or analysis of the residential density.

Ms. Whetstone indicated that on April 13, 2009, the City received a completed application for a second amendment to the Royal Plaza record of survey. This application consisted of the following: 1) convert 150 sf of limited common deck area appurtenant to Units 301 and 309 into private space for Unit 309, 2) convert 425 sf of common area (within the existing walls and roof of the building) to private area for Unit 402, 3) convert 346 sf of limited common deck area appurtenant to Unit 402 as private area for this Unit, and 4) convert 151 sf of private space currently within Unit 402 to limited common deck area. On July 7, 2009, following an initial discussion with the Planning Commission, the applicant modified the application to reduce the converted area of Unit 402 to 555 sf (0.2775 UE). The application was also modified by not including an enclosure of 216 sf of the westerly deck as originally proposed and by eliminating the conversion of the 151 sf of private area to deck space. The proposed remodeled space is all contained within the existing building and located under the existing roof structure.

The proposed plat amendment includes a 150 sf increase in floor area for Unit 309 and a 555 sf increase in floor area for Unit 402 for a total increase of 705 sf (0.352 residential UE.) The Royal Plaza owners association voted to approve and consent to the transfers of common and limited common space to private space for Units 301, 309, and 402. The proposed plat amendment does not change Unit 301 in terms of floor area; it only decreases the associated deck area for this unit. She explained that on May 22, 2009, Bob Wells, representative of Deer Valley Resort, submitted an application for an amendment to the Deer Valley Master Plan requesting a transfer of 1,038 sf of unallocated commercial from Silver Lake area to Royal Plaza to be utilized as 0.654 UE of residential. The amendment was a request to correct the existing residential non-compliance plus allow the proposed density increase.

On July 7, 2009, the MPD and plat amendment applications were revised to reduce the amount of converted limited common deck area for Unit 402 by 65 sf to 555 sf (0.2775 UE) resulting in a net increase of 0.352 residential UE for the Royal Plaza condominium project. The revised MPD amendment transfers to Royal Plaza condominiums 1,243 sf (1.243 UE) of the undeveloped and unallocated Silver Lake commercial density allowance. This commercial density is transfered as 0.621 UE of residential to cover the 0.352 UE increase due to conversion of common area to private area and 0.269 UE increase approved with the 1991 recorded as-built Royal Plaza record of survey plat.

On June 24, 2009, the Planning Commission conducted a public hearing on the Deer Valley MPD amendment and the plat amendment and continued the hearing to August 12, 2009. There was no specific discussion regarding the plat amendment other than the related discussion on the MPD amendment and a request for additional information regarding exterior physical changes to the building. Without the concurrent MPD amendment to transfer density to Royal Plaza, the plat amendment request would not be consistent with the Deer Valley MPD.

Ms. Whetstone stated that on August 12, 2009, the Planning Commission approved the 10th Amended and Restated Deer Valley Master Planned Development and forwarded a positive recommendation on the condominium record of survey plat amendment. The Commission added the following language to finding of fact #9, "Visual impacts on the building are de minimus." The Mayor opened the public hearing; here were no comments and the hearing was closed.

Roger Harlan, "<u>I move approval of an Ordinance approving the Second Amendment to the Royal Plaza Condominium Record of Survey Plat, located at 7620 Royal Street East</u>". Liza Simpson seconded. <u>Motion carried</u>.

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

5. <u>Consideration of an Ordinance approving Stein Eriksen Lodge common area amendment to the Condominium Record of Survey Plat, located at 7700 Stein Way, Park City, Utah</u> – Brooks Robinson explained that in May 2009, the Planning Commission approved an expansion to the spa located at the Stein Eriksen Lodge and one of the conditions of approval is that an amendment to the condominium record of survey is required to reflect the improvements to the common area. He relayed that the record of survey amendment is consistent with the CUP approval of the Stein's spa expansion. This approval was consistent with the Deer Valley MPD as amended because the spa and existing restaurant fall within the 5% resort support commercial and maintained 60% open space. The Mayor opened the public hearing; there were no comments from the audience and the public hearing was closed. Liza Simpson, "<u>I move approval of the Stein Eriksen Lodge common area amendment to the Condominium Record of Survey Plat based on the findings of fact, conclusions of law and conditions of approval</u>". Roger Harlan seconded. <u>Motion carried</u>.

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

Liza Simpson	Aye

6. Consideration of an Ordinance approving the First Amended Silver Strike Lodge Condominium Record of Survey Plat located at 8902 Empire Club Drive, Park City, Utah – Brooks Robinson explained that at the time of platting this project, there was an error that was not caught until recently in which the employee housing unit is shown as common ownership. The proposed amendment is for Sheet 3 of 11 only and changes Employee Housing Unit #201 from common to private ownership for the purpose of selling the unit under the City's deed restrictions. The Mayor opened the public hearing and with no input from the public, closed the hearing. Jim Hier, "I move we approve the First Amended Silver Strike Lodge Condominium Record of Survey Plat based on the findings of fact, conclusions of law, and conditions of approval found in the draft Ordinance". Liza Simpson seconded. Motion carried.

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

7. Consideration of Real Estate Purchase Agreement and the License Agreement to purchase approximately 136 acres, parcel PP-25-C, from Herb and Mel Armstrong – Diane Foster explained that discussions on the purchase between the City and the Armstrong Family have been on-going over a number of years. The purchase price is $5 million to acquire approximately 136 acres. She distributed copies of the conservation easement omitted from the staff report. The conservation easement will allow public access to the parcel as is required by the open space bond language. The Mayor opened the public hearing and with no public input, closed the public hearing. He acknowledged the hard work of many people to acquire this pristine piece of property. Diane Foster relayed that Herb Armstrong would have been at the meeting tonight but is out of town. Jim Hier, "I move to approve the Real Estate Purchase Contract for the Armstrong Property as outlined in the staff report". Roger Harlan 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 and with no public input, asked for a motion to continue the hearing. Roger Harlan, "I move to continue to October 8, 2009". Motion carried.

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

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 3:30 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; Diane Foster, Environment and Sustainability Manager; Tom Daley, Deputy City Attorney; Jerry Gibbs, Public Works Manager; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property and personnel". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 5:15 p.m. Roger Harlan, "I move to open the meeting". Liza Simpson 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

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Janet M. Scott, City Recorder