PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 29, 2010

Present: **Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson**

Tom Bakaly, City Manager, Mark Harrington, City Attorney; Tyler Poulson, Environmental Analyst, Diane Foster, Environmental Manager

Environmental update. Tyler Poulson spoke about creating the framework for a local Hero's Award acknowledging the efforts of individuals, businesses, or non-profits creating positive environmental results in helping further the goals of City Council. It is proposed to select one or two awardees a year by a selection committee, consisting of two elected officials. Frequency and number of awards were discussed. Liza Simpson suggested reviewing nominations in tandem with environmental updates which occurs twice a year, and setting a goal of two awards per six month period, unless a different number is recommended by the committee. Council members selected Cindy Matsumoto and the Mayor to serve on the committee.

Diane Foster updated members on the local Summit County Beef Program which was successful. The City was involved in getting it started but Uinta Headwaters and RFC&D offered to take it over and started the Summit County Food Coalition. Tyler Poulson described joint efforts with Summit County and the potential for on-going cooperation on policies and programs. He asked if members would like to enter into a Letter of Intent or interlocal agreement to formalize our relationship on environmental issues. Members were supportive and this feature was added to the strategic plan.

He displayed a graph on the City's 2009 carbon footprint report on emissions where buildings were down 9.3%, partly due to the Johnson Controls project, moving to other buildings, and general weather fluctuations. The emissions footprint for water treatment and distribution was down because of the decline of 9.7% in overall community water usage relative to 2008. Overall, vehicle fuel numbers declined by about 3% between 2008 and 2009 and trends are favorable for meeting the 2012 goal. Staff completed a grant application for some energy efficiencies and conservation block grant funding which are given by the Department of Energy and administered through the state energy program. Park City was able to apply for up to four energy efficiency upgrades limited to municipal facilities. Mr. Poulson explained that most funding will be allocated toward a solar array on City Hall. Federal and state historical guidelines are becoming more accommodating to sustainable upgrades and no problems are anticipated. The City was awarded funding for its energy audit and a possible project is assessing the technical potential for renewable energy generation. Other grant funds are intended to be used on direct digital control systems to achieve energy savings and reporting expenses. Ms. Foster interjected that Mr. Poulson received funding on everything applied for, and there is no matching requirement.

He described a number of reasons for creating a revolving loan fund to finance and track municipal energy renewable projects and reported that there is a $127,000 surplus from the Johnson Controls contract. These savings are recommended to be redirected into the fund for other building energy and fuel projects and would be monitored by the Budget Department. Projects would be assessed on their financial and environmental parameters and pursued based on their qualifications. In response to a comment from Liza Simpson about Johnson Controls, Ms. Foster explained the reasons for the $127,000 contract balance.

Mayor Williams suggested using some of the surplus to offer cash incentives for renewal energy projects to citizens. Candace Erickson agreed that it is a good concept but many details would have to be worked out and Liza Simpson recommended a matching grant program, like the Historic District Grant Program. Joe Kernan expressed the importance of considering the cost and benefit ratio for awards. Diane Foster emphasized that there is no revolving element with the grant program and limited cash. Additionally, program administration may be significant. She advised that Utah Clean Energy may be offering a program where the state would bond for loans for upgrades. UCE has $327,000 in grant funds available for residential solar photovoltaic and $500,000 for solar thermal with no matching portion required. Alex Butwinski warned members about adding more work to the Sustainability Department without considering prioritizing projects and hours. Staff was directed to explore incentive programs and return to Council. Members supported the revolving loan program in the amount of $100,000.

Mr. Poulson explained that an action plan was designed after the municipal carbon footprint was completed in 2007. In November 2009, a community forum Save Our Snow was held on energy, transportation, waste and water and a task force resulted to develop the Save Our Snow Action Plan. The Brindle Group facilitated the public process. The group identified the need to involve HOAs and property management companies, reduce dependence on fossil fuels, particularly electricity generation, decrease our airline footprint and encourage recycling. Transportation and water were discussed but not quantified as other groups are working on these issues.

Members discussed the huge impact air travel has on the City's carbon footprint as both resident and visitor data are included in the calculation. Ms. Erickson spoke about ways to offset this number with the use of public transportation instead of rental cars and carbon offsets were explained. Mr. Poulson described reaching out to the commercial sector which accounts for 57% of electricity and 35% of natural gas consumption and creating a voluntary program using the Park City Green website as the cornerstone. He will be meeting with the HMBA and the Chamber on the effort.

Tyler Poulson pointed out the enormous amount of coal used in Utah which is 48th out of 50 states in terms of highest level of carbon emissions produced per kilowatt hour generated. Displacing some of the current generation with the use of renewals and non-carbon emitting sources is a solution and out of all of the projects the task force looked at, cutting into carbon emissions intensity yielded the biggest net environmental benefit. He discussed cutting emissions significantly through the use of wind power and the financial benefit over time. This is the number one priority identified by the task force and staff is committed to the research. Members expressed their support.

In order to maintain the positive momentum, staff will return in January and conduct another community engagement session targeted at stakeholders. He discussed details of the Utah State and Energy Dynamics Lab projects, and specifically a potential partnership with EDL on transit technology.

Tyler Poulson updated members on the anti-idling program and asked if staff should pursue an anti-idling ordinance. Ms. Erickson felt it depends on whether the City is still receiving complaints; an ordinance may not be necessary. Council members agreed. Diane Foster recognized Save Our Snow task force members in attendance.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 29, 2010

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, July 29, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Francisco Astorga, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

Speeding on Deer Valley Drive - Walt Stone, Deer Valley Drive resident, spoke about a Letter to the Editor in the *Park Record*, critical of the Police Department's traffic enforcement. He felt that the Department is doing an excellent job however there is a speeding problem here and in other areas of the community, but he didn't believe there are effective options other than enforcement. He understood that about 20% of traffic stops result in citations which is indicative of good public relations. Mr. Stone relayed that despite what was written in the *Park Record*, residents are appreciative of the efforts of the Police Department.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JULY 1 AND JULY 15, 2010 – Liza Simpson, "I move we approve the work session notes and minutes of the meetings of July 1 and July 15". Cindy Matsumoto. Motion unanimously carried.

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")***

With regard to declaring Blue Sky Week, Mayor Williams reported that Park City ranks among the top 15 cities in the United States for the purchase of renewable energy credits. Alex Butwinski, "I move we approve Consent Agenda Items 1 through 7". Liza Simpson seconded. Motion unanimously carried.

1. Consideration of Resolution designating September 6 – 10, 2010 as Blue Sky Week in Park City, Utah – Staff recommends approval.

2. Consideration of Resolution proclaiming July 29, 2010 as March of Dimes Day in Park City, Utah – Staff recommends approval.

3. Reconsideration of a service agreement with Questar Gas for design and construction services for the SR-248 and Comstock Pedestrian Tunnel Project not to exceed of $100,000, in a form approved by the City Attorney – See staff report.

4. Consideration of execution of the Impact Fee Assessment and User Fee Payment Agreement with Synderville Basin Water Reclamation District for payment of $342,824 for the Quinn's Water Treatment Plant along with an agreement to pay monthly user fees, in a form approved by the City Attorney – See staff report.

5. Consideration to execute a Construction Agreement Amendment for Change Order 7 in a form approved by the City Attorney, with Allied Construction for the construction of the Quinn's Raw Waterline for a lump sum amount of $29,101 – See staff report.

6. Consideration of reappointment of John Halsey and Meg Steele to the Recreation Advisory Board for terms expiring June 30, 2013 – The Mayor recommends approval.

7. Consideration of grant an easement (revision) to the Snyderville Basin Water Reclamation District (SBWRD) for the purpose of construction and maintenance of the sanitary sewer at the Creekside Subdivision – See staff report.

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

1. Consideration of an Ordinance approving a plat amendment for Ridge Overlook, located at 200 Ridge Avenue, Park City, Utah – The Mayor opened the public hearing; there were no comments from the audience. Cindy Matsumoto, "I move that we move the 200 Ridge Avenue plat amendment to a date uncertain". Joe Kernan seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the 6808 Silver Lake Drive Plat Amendment, combining Lots 16 and 27 of the Amended Evergreen Subdivision Plat, Park City, Utah – Planner Francisco Astorga explained that the request is to remove a property line sitting under a structure, combine two lots and create one lot of record. A retaining wall encroaches into the public right-of-way and an encroachment permit is identified as a condition of approval. In response to a question from Alex Butwinski about a legal non-conforming use, Mr. Astorga explained that there are certain restrictions with regard to modifications to the structure. Mr. Butwinski pointed out that approving the plat amendment may result in a bigger house. Mr. Astorga agreed but it has to comply with current development standards; there was discussion about the house originally not being built to the maximum allowed.

Alex Butwinski suggested limiting house size through an additional condition of approval. Mr. Astorga advised that the house is currently 10,123 square feet and the maximum is 11,250 square feet. Mark Harrington explained that adverse impacts of a bigger home need to be determined and a condition of approval should be based on those impacts. Cindy Matsumoto stated that she shares Mr. Butwinski's concerns. The City Attorney clarified that if Council decides to lower the square footage allowed by the Code, the basis for the condition should be clearly defined. Candace Erickson appreciated the discussion but warned members about singling out a property; the lot combination will make it more compatible with the size of adjacent properties. The Mayor opened the public hearing; there was none and the public hearing was closed. Joe Kernan, "I move we approve New Business Item 2". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of a Resolution approving an amendment to the Park City General Plan changing the name of the Park Bonanza Planning Area to the Bonanza Park Planning Area – The Mayor opened the public hearing; there was none and the public hearing was closed. Liza Simpson, "I move we approve the amendment to the Park City General Plan changing the name of the Park Bonanza Planning Area to the Bonanza Park Planning Area". Cindy Matsumoto seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving the Snow Country Condominiums Amendment to Record of Survey Plat, located at 1150 Deer Valley Drive, Park City, Utah – Planner Francisco Astorga explained that the property is located in the General Commercial Zone and the request is to convert 556 square feet of common area into a private area. The proposed amendment will also clarify the discrepancy between the built area and the area located in the northwest corner of the site. The Homeowners Association is the applicant and has indicated that it received over 66.6% approval from its membership to move ahead with the application. He noted that the common area was originally platted as a laundry and the HOA claims that it hasn't been in service for the last six years. The new private area is intended to be a one bedroom unit available to the on-site manager and owned by the HOA. The Planning Commission held three meetings on this project and rendered a positive recommendation this month. In response to a question from Joe Kernan, Mr. Astorga explained that an on-site manager's unit would have been allowed in terms of density in the original 1976 approval. There is adequate open space to support the density under the current Code however, the design would be significantly different. He confirmed that there is enough parking to support the number of units at Snow Country and referred to the analysis conducted supporting that finding.

Brandon Bertagnole, HOA President, discussed working with the Planning Department staff on calculating parking. The laundry room also had an office, a bathroom and a designated parking spot. It is now proposed to be an on-site manager's unit to save the HOA some money.

Mark Harrington asked how the use as a manager's unit will be preserved. Mr. Astorga responded that he wasn't sure the City has the ability to restrict use and if the unit was proposed to be sold, 100% of the membership is needed to support the sale. Liza Simpson expressed that use is not important to her. The Mayor opened the public hearing.

Neal Krasnick, Snow Creek Unit 1031, referred to the materials he already distributed to members. He argued that the laundry didn't have assigned parking, there were just three additional parking stalls. He understood that the City does not enforce CC&Rs but it shouldn't do anything contrary to covenants which is addressed in the LMC. He explained that the Planning Commission denied the application a couple of times and the HOA resubmitted plans. The Commission asked for more snow storage, to fix lights, and for more compatible signs. The snow is stored on a hard surfaced area so there is run-off and he spoke about how parked cars will need to be moved so the plow can move snow on the grass. He detailed the historic snow storage areas for the project. Mr. Krasnick alleged that the Planning Commission directed the HOA to take down the 40 foot high lights in the parking lot which are non-compliant. There was never a parking stall for the laundry room and he spoke at length about the design of the parking lot. The HOA has been renting four stalls for $50 per month, but could ask for much more. The laundry room was always making money. The City has been misled and he urged members to consider the impacts of storing snow on a hard surface. Mr. Krasnick criticized the HOA for poor management of projects in general.

Alex Butwinski asked about the calculation and adequacy of the snow storage. Francisco Astorga responded that staff determined that the area provides readily accessible snow storage.

Brandon Bertagnole added that he is in the snow removal business and has removed snow from Snow County and adjacent properties for many years. Snow County has more snow storage than anyone. Francisco Astoraga stated that this site is typical of other properties in Park City.

In response to a question from Mr. Butwinski regarding the lights, Mr. Astorga explained that the Planning Commission recommended the lights be changed during a review of a different application. He is currently working with the HOA on a new plan. Lighting is not currently a condition of approval.

Neal Krasnick encouraged members to consider what *readily accessible* really means and decide whether the CC&Rs should be considered, that amenities or common areas are not allowed to be changed without 100% of the vote.

Kathryn Knight, condominium owner, stated that she represents owners who are supportive of the amendment. The membership is working hard to be better neighbors by making upgrades to the property. The laundry room was a target for an enormous amount of vandalism and as a board member at the time, she agreed to close it. Having an on-site manager will help to maintain positive momentum. Installing better lighting will help Snow Country look better and she is not opposed to the condition.

With no further input, the public hearing was closed.

Discussion ensued on the 100% provision referred to in the CC&Rs and Mark Harrington explained that an approval of the plat amendment does not take away Mr. Krasnick's ability to enforce the contract. Mr. Bertagnole stated that the HOA hired an attorney specializing in association law to conduct an analysis of the CC&Rs. Mr. Butwinski expressed his interest in bringing the lights into compliance and Brandon Bertagnole again stated that the HOA is amenable to an added condition on lighting.

Alex Butwinski, "I move that we approve an Ordinance for Snow Country Condominiums Amendment to Record of Survey Plat, located at 1150 Deer Valley Drive, subject to the findings of fact, conclusions of law, and conditions of approval and requiring compliance with the current (outdoor lighting) code". Joe Kernan seconded. Motion unanimously carried.

5. Consideration of an Ordinance approving the 114 Hillside Replat, located within Lots 31 – 35 of Block 72 of the Park City Survey and portions of vacated Chambers Street, Park City, Summit County, Utah – Francisco Astorga stated that the property is located in the HR-1 District and considered as a significant site, including a structure and accessory building. Sandridge Avenue intersects the site and the request is to clean up property lines. The property owner can remodel the accessory building or rebuild it within one year. If the deadline is not met, the City receives an easement for the garage area. Cindy Matsumoto asked if the plat amendment will result in a larger house and Mr. Astorga indicated that the footprint calculation mandates the size of the house and the triangle addition is insignificant. Ms. Matsumoto felt that the garage should be required to be shored. Mr. Francisco explained that provisions are in place and if the building fails, it has to be replicated. Mark Harrington relayed that the owner loses the right to use City property if the out building is not protected. The Mayor opened the public hearing; there were no comments from the audience. Joe Kernan, "I move we approve New Business Item 5". Liza Simpson seconded. Motion unanimously carried.

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 1:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Diane Foster, Environmental Manager; Kathy Lundborg, Water Manager; Roger Evans, Interim Chief Building Official; Michael Kovacs, Assistant City Manager; Matt Cassel, City Engineer; Katie Cattan, Planner; Tom Eddington, Planning Manager; Jon Weidenhamer, Economic Development Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property, personnel and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Candace Erickson, "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

Janet M. Scott, City Recorder