PARK CITY COUNCIL STUDY SESSION
SUMMIT COUNTY, UTAH
MAY 30, 2013

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; and Dick Peek**

Diane Foster, City Manager; Joan Card, Environmental and Regulatory Manager; Matt Cassel, City Engineer; and Jim Blankenau, Environmental and Regulatory Program Manager

Soils Commissioners Chris Cherniak, Bran Suhadolc, Rory Murphy, Chuck Klingenstein, Hans Fuegi, Katie Wright, and Tom Ward

1. Soils Commission. Mayor Williams thanked the group for taking the time to serve on the panel and providing a fresh look at soil issues. Joan Card stated that the Mayor and City Council appointed the Blue Ribbon Soils Commission because contaminated soil in town has no repository access. During 2005 to 2010 all contaminated soil that required excavation and disposal was sent to the Richardson's Flat Repository but in May 2010 it was no longer an option based on an EPA directive. The City worked on this problem with the EPA and the mine company for a couple of years which did not result in a solution. The Commission discussed Park City's mining history, EPA's history in Prospector, today's environmental impact, the purpose of the Soil Ordinance, human health effects, and what EPA's plans seem to be. Ms. Card stated that eight Monday morning meetings were held with almost 100% attendance demonstrating the members' commitment. They spent 16 hours of training on one topic making the group even more helpful for Council and all related information is on-line. She reviewed acronyms common in the industry. The final recommendations are as follows:

1. <u>Develop a segregation program in the Soil Ordinance that EPA and UDEQ can support</u>. Joan Card pointed out that in Park City there are non-contaminated soil and two classifications of contaminated soil, hazardous and non-hazardous and the first recommendation of the Commission reflects that fact. Liza Simpson, as liaison, commented that through all of these meetings, it became very clear to members that one of the basic flaws in our current Soil Ordinance is that perfectly good clean soil is being disposed of. Regardless of the end solution for the contaminated soil, there is no sense in disposing good soil with bad. In response to a comment from Cindy Matsumoto, Ms. Card explained the three classifications of soil. Clean soil has no disposal requirements, contaminated non-hazardous soil must be disposed of properly in a typical landfill, and contaminated hazardous soil can't be disposed of in a landfill and has to go to a repository. Dick Peek understood that contaminated soil can be reused in a trench on a job site but hazardous couldn't. She stated that within the Soil Ordinance Boundary, that is correct and Rory Murphy added that hazardous soil can be hazardous stay on site. He believed the point Ms. Simpson is making is that there may be contaminated soil on the top but good soil underneath it but the way the Soil

Ordinance is written now, all of that soil has to be transported to Tooele. This is an example of the benefits of separating the soil.

Andy Beerman asked about the mechanics and where soils are segregated. Ms. Card explained that an environmental engineer would be hired to develop a plan to be conducted on-site and to manage it. Segregation is a significant effort and this kind of program would benefit big projects. Chris Cherniak explained that soils are examined and compared for the concentration of lead and the project is managed based on those concentrations. The testing can be out in the field or in a lab but the money spent on testing and management may be beneficial instead of trucking soil to Tooele. Rory Murphy added that in most cases soil types are very distinct. Mr. Cherniak explained that a property owner may not have to bring anything to Tooele because if the the soil is excavated and separated, the good soil can go to High Star Ranch and the bad soil can be disposed of in a hole and filled with concrete.

2. <u>Rename the Soil Ordinance to better reflect the nature and purpose of the Ordinance</u>. The Mayor didn't feel Council would have a problem changing the name and noted that he was on the committee who wrote the disclosure for the Board of Realtors in the 80s. Perhaps the Soils Commission could review the language and the name and he spoke about the boundary changing over the years. Ms. Simpson added that the disclosure tends to get lost with all of the other paper work when property is being acquired. The idea is to highlight its importance so people will remember it. The Mayor stated that this is not something people should be afraid of because there is no history of high levels of lead in testing. Rory Murphy emphasized the level of lead is not harmful unless ingested and no matter what is done today, it has to be ratified by EPA and DEQ. This issue is not really confined necessarily to the soils district in Prospector and there are probably similar soils in places that are considered very pristine. Mr. Murphy stated that this is a community-wide issue.

3. <u>Revisit the Soil Ordinance Boundary</u>. The Mayor pointed out the discovery of soil issues at PC Heights which stopped the project and Liza Simpson identified the base at PCMR as another site. Joan Card agreed that it may expand but it may contract in some places where there are voluntary clean-up programs on-site. Alex Butwinski asked about the exclusion of open space and Katie Wright explained that open space is intended not be disturbed so it is not necessary to include it. The Mayor spoke about a collapsed mine near the pond areas where readings varied and Ms. Card explained that may be more appropriate as a voluntary clean-up program situation and there are ways to address these locations which are not in the Soil Ordinance per se. Tom Ward stated that there is some historic data that should be included as an island within the boundary.

4. <u>Do not change the clean cover head (Pb) standard for occupied property of 200 parts per million at this time</u>. The Mayor stated that when Prospector was archived, it was not 200 ppb. It was 500 or 1,000 when Prospector was tested but when it was archived and turned over to the City he didn't think it was 200 ppb at that point. Joan

Card explained that it was in the Ordinance but it may have not been the basis for EPA's decision to archive Prospector but she would have to research this. The Mayor asked if the read is over 200 ppb, would the property be out of compliance. Ms. Card clarified that that is technically true under the Ordinance but another recommendation points out that the Ordinance is not very enforceable in certain aspects. It is fair to say that the Ordinance has been administered differently over time which happens based on policy approaches.

The Mayor expressed concerns about those who have addressed their properties. Mr. Ward interjected that the Commission didn't consider lowering the level from 200 ppb; it's at 200 and the CDC is now proposing 150 which could be problematic. Katie Wright added that the CDC recently made a recommendation that the EPA should lower its standard. The CDC is looking at health and science and the EPA is falling behind in regulation.

Mayor Williams expressed that residents have paid hundreds of thousands of dollars to come into compliance and now there may be an ordinance that may put people who were in compliance, out of compliance. There has been no lead testing or any science and it's a changing number. In the 80s, it was 1,000 ppb and it's a moving target and the problem is the City keeping residents informed with the best information at certain times which changes. The EPA archived us because so many people had come into compliance which he believed was set at a level of 500 ppb. Tom Ward emphasized that the intent is to maintain it at 200 ppb, not to raise it, and the Commission is not considering lowering it at this time. The Mayor asked if people will be grandfathered and Mr. Ward and Ms. Wright indicated that this question was not something the Commission explored. Joan Card interjected that it would require a lot of review with EPA about why they archived Prospector. She was not aware that the EPA archived it based on a certain number and she believed that EPA archived it on a general policy basis.

Andy Beerman understood that 200 ppb is our standard and Park City has decided not to change it and the group indicated yes and Chuck Klingenstein further explained because the ppb level is a moving target. If it is 500 ppb that the Mayor remembers and 400 ppb is the current EPA threshold, and the CDC wants to go to 150 ppb, the Commission felt that having an Ordinance specifying 200 ppb was appropriate. Members did not address the question the Mayor is asking and it may be a legal matter. Mr. Klingenstein stated that he is less than clear what happens if the EPA drops its number.

Rory Murphy stated that it might get lowered whether we like it or not and shared the Mayor's concern. Dick Peek understood the Ordinance to provide that once a lot is compliant, it can't be determined non-compliant. Jim Blankenau agreed that it is written in that sense. If an owner were to be tested above the 200 ppb, the property is considered non-compliant according to the current Ordinance. Mr. Peek interjected that there are no triggers for testing. Mr. Blankenau agreed that there is no trigger to return and test the property; it is up to the property owner to maintain the cap.

Dana Williams felt that the problem occurs when an owner sells a house and if the property tests high at that point. He believed this discussion can occur at another time, but it seems like the City spent a lot of time and effort eight years ago to get people in compliance by offering $500 grants to property owners. This resulted in 79 properties coming into compliance within two years. Most of those people today might not be in compliance at 200 ppb.

Joan Card reiterated that in fairness to the Soils Commission, this was not discussed. Tom Ward believed that buyers would be satisfied with a certificate. Kate Wright didn't feel the Commission's purview should include real estate transactions. The Mayor countered that this is a big deal for owners in Prospector. Joan Card stated that if there needs to be a separate conversation on this, the Commission has agreed to reconvene if necessary and this issue can be addressed. Rory Murphy felt that it is more a matter of the quality of the cap material because if it was clean, it should be clean; if not, it may come back and bite the home owner. Chris Cherniak stated that there is plenty of historical information to help settle the Mayor's issue.

5. <u>The City should consider permitting and operating a temporary staging facility or transfer station for the consolidation of contaminated soil from small residential projects</u>. Joan Card commented that the Commission talked about segregation on being a *bone* to big projects but also wanted to help small residential projects. Rory Murphy explained that the group considered what happens when somebody does a small landscaping project which only results in three yards of contaminated soil. Rather than making someone in this situation spend $3,000 to haul three yards of material to Tooele, it seemed reasonable to provide a consolidation station where for example, eight landowners consolidate, use it, and pay considerably less. Mr. Murphy understood consolidation stations are not supported by EPA. Ms. Card clarified that it would require a permit from the state. Discussion ensued that if there is no incentive for small jobs like fences or planting a tree, people will just try to bury contaminated soil or try to dispose of it improperly. Mr. Murphy stated that people will do the wrong thing is there isn't an alternative. Dick Peek asked if other communities provide transfer stations and Ms. Card advised that they are very common in the municipal solid waste field and could be a subcontracted business.

6. <u>The Soil Ordinance should be enforceable and include appropriate permitting requirements for the spectrum of projects involving soil management in the Soil Ordinance Boundary</u>. The Mayor asked if the landscaping booklet needs to be updated. Ms. Card stated that the main thing in the context of this recommendation is that there are several projects that involve soil excavation that don't require a building permit so the City doesn't know about them. It is possible that a home owner conducting a huge landscaping project can have soil testing higher after the landscaping project than

before. A permitting program would involve the City to assist in making sure projects are compliant.

Liza Simpson emphasized that the group is very invested in making sure that the education is available for home owners so that they understand that if they are hiring a landscaper out of SLC, there are certain steps that have to be taken. Mr. Klingenstein added that it is hard for Park City businesses to compete with SLC contractors when home owners are uninformed and there needs to be an outreach program.

In response to a question from Cindy Matsumoto, Ms. Card explained that the group recommends a permitting process that is not onerous and is focused on people becoming more informed of the issues. Liza Simpson clarified that the permit is not intended to generate income but to make sure that landscape professionals receive the necessary information. Dick Peek suggested educational outreach for home owners, but more punitive standards for contractors. Mr. Beerman asked what *duty to comply* means. Ms. Card responded that it is a technical term but we need people to come to us in order to test and to issue certificates of compliance the way the Ordinance is drafted. There is no requirement, but owners come to the City voluntarily.

Alex Butwinski recommended that since SLC landscapers need a business license, information could be distributed when they apply. Ms. Card noted that other ordinances exempt one cubic yard of material or less from a permit or notification process. Mr. Murphy suggested letting people know in the Ordinance area that the fine grain sand is probably contaminated soil. The Mayor commented on Prospector yards being covered with rock as a cap but it is ugly and migrates making a mess. Joan Card stated that small projects can be reviewed and discussed in the future.

7. <u>When considering disposal options after implementing and evaluating changes to the Soil Ordinance, especially the segregation program, the City may consider a qualitative study on the feasibility of siting, permitting, operating and closing a landfill for the non-hazardous contaminated soil</u>. Ms. Card explained that this relates to operating a landfill. Rory Murphy added that the challenges of doing this are so overwhelming and it may take decades to get a disposal facility approved. A community may spend millions of dollars and end up exactly where it was. Chuck Klingenstein emphasized that a segregation program can be significantly efficient. Chris Cherniak expressed that a qualitative study can be a desktop exercise in evaluating pros and cons. It doesn't require intensive intrusive work. Ms. Simpson commented that the group discussed not knowing the level of volume and the segregation program may give the City a better idea of the amount of contaminated soils. Mr. Murphy added that the EPA may determine that the facility built is half the capacity needed and getting information may require an enormous amount of money.

The Mayor referred to the property from Richardson's Flats to I-80 that is going to be excavated when considering sites. Transportation costs would be significantly reduced if a facility existed there. Joan Card stated that the group discussed the difference between an EPA repository and a regular landfill. This recommendation is about landfills not CERCLA repositories.

Mr. Butwinski asked about the technique for segregating soil and Jim Blankenau responded that an area could be grid off and test holes sampled to profile the soil. The tricky part is determining the spacing. Another option is to excavate and sample.

8. The current Topsoil Assistance Grant Program should remain in place, especially if the Soil Ordinance Boundary is expanded. Jim Blankenau believed there is some funding left. Mr. Murphy believed this program is a good incentive for home owners and the group agreed that it should stay in place as long as there is funding.

The Mayor referred to the transfer station and discussion ensued on who would run the facility. Joan Card stated that there are options, including contracting, and those will be brought back to Council.

9. Communication, education and outreach on the Soil Ordinance and related issues should be a top priority. Chuck Klingenstein stated that members believe that the substation can't be a money maker or the purpose of creating an incentive for the property owner is defeated.

10. The recommendations of the Blue Ribbon Commission on the Soil Ordinance and Soil Disposal Options s should be shared with EPA and other partners at an appropriate point in the City's process. Rory Murphy believed that success is dependent upon a good and trusting relationship with the EPA. It is clear that things broke down at some point. UPCM is the Primary Responsible Party right now with the deepest pockets. The mining company was not the only one responsible and it is not necessarily fair. There were two mills at Deer Valley and the Marsac Mill. The Mayor stated that there is no point going after companies who have been out of business for over 50 years. The City has never heard from UPCM about the EPA being unfair.

Liza Simpson clarified that the Commission's recommendation is that there is no point in chasing down an illegal PRP chain because there is a communal obligation to involve all of the partners. Dana Williams believed that has been happening but EPA has changed its approach with different directors. More property has been archived and cleaned up under the first director than the City has with the second two directors combined. Ms. Simpson discussed the focus on maintaining a good relationship with the EPA regardless of the past.

Hans Fuegi felt strongly that we need to be careful of who ends up paying for clean-up and the cost of big projects should not be a taxpayers' burden. The Mayor believed that it depends on the elements of the project and Mr. Fuegi emphasized the benefit of making clean-up less costly for anyone. Katie Wright commented that there will always be a cost for programs and just education alone creates costs. Alex Butwinski felt that the City has a responsibility with regard to outreach and education but believed Mr.

Fuegi's concern is that the City not dispose soil for developers. The Mayor spoke about jeopardizing things like affordable housing because of the costs associated with contaminated soil at PC Heights.

11. <u>The Blue Ribbon Commission on the Soil Ordinance and Soil Disposal Options ought to remain in place for the foreseeable future to meet from time to time as requested by the Mayor and City Council</u>. Joan Card stated that staff will start working on the content for a work session so the Commission can receive specific direction from the City Council.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
MAY 30, 2013

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; and Dick Peek**

Diane Foster, City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Manager; Tommy Youngblood, Special Events Coordinator; Rick Ryan; Police Captain; Clint McAffee, Water Manager; Jed Briggs, Operating Budget Manager; Jennifer Danowski, Budget Analyst; Brian Anderson, Parking Manager; Heinrich Deters, Trails and Open Space Manager; and Chad Root, Chief Building Official

Planning Commissioners Nan Worel, Stew Gross, Charlie Wintzer, Brooke Hontz, and Adam Strachan

Joel Fine, Park City Ambassadors

1. Council questions and comments and Manager's Report. Alex Butwinski reported on participating on a conference call with the Governor regarding the loss of funding for the Utah Quality Growth Commission. Andy Beerman attended a COSAC meeting and members will have some information to share with Council soon. The group will be discussing conservation easements versus deed restrictions next. He attended the *Abundance of Hope* breakfast and a Regional Trails open house. He and Myles Rademan hosted a meeting on economic development which was good for networking. Mr. Beerman stated that he attended the Planning Commission meeting as an alternate which focused on the form-based code. Dick Peek also attended the Peace House luncheon and the HPCA meeting. Sixty national crew drivers are coming to Park City in September. Liza Simpson commented on the interagency task force meeting where dogs in public parks was the main agenda item. There was good representation of County agencies and it was a spirited discussion.

Cindy Matsumoto spoke about Recycle Utah holding a Water Camp for 400 students; it is a big effort and they did a great job. The clean-up event is handled again by Recycle Utah on the last Friday and Saturday of every month. The landfill now sorts green waste. The Chamber Board met and the TRT revenue is up and members are looking to expand by hiring another sales person. She encouraged the public to tune into UEN TV PBS on June 1 at 8 p.m. as it will be airing a 30 minute marketing piece on Park City. The Chamber is holding some workshops on the Affordable Health Care Act.

The Mayor commented that he will debrief members on his trip to China next week. He spoke about visiting with three deans from China who work with filmmakers in the Shanghai area and he is setting up a meeting with them and Sundance. The Mayor discussed an article from the Smart Cities Council on the cities that would be hardest hit by climate change, listing Park City last. Diane Foster noted that it was the headline story on Utah Policy.com. There were no comments on the Manager's Report.

Heinrich Deters announced that tomorrow is Bike to Work and School Day and the Chamber and the City are sponsoring a breakfast at the Yarrow. The Police Department will be shepherding children from the MARC and Prospector Park to schools. National Trails Day is this Saturday and Mountain Trails Foundation will be working on City's trails. *Outside Magazine* has selected Park City as a finalist in the *Best Ever Town* and voting is open until June 10. It would be a great achievement.

Mayor Williams commented on the loss of Carol Rixey who was very generous to less fortunate people by making sure they had a place to live in her boarding house on Main Street. A memorial celebration will be held on June 8 at the Star Hotel.

2. General Plan Task Force scope and participation. Mark Harrington explained that at the joint work session on May 16 with the Planning Commission, he was asked to provide an alternative. He emphasized that this is not the ideal alternative but simply an option to take advantage of some dead time between receiving the draft to resuming review given other priorities. This is triage and he warned members not to take this route, if they want the ideal process. This is an alternative to make the best of a tough situation and he offered his services and his department to augment a lack of resource capability primarily in the Planning Department. He advised that having an attorney project manage anything is not ideal which will have its own nuances of consequences, but he is committed if that is Council's desire.

Council also requested that a schedule be proposed and both the Planning Commission members and Council members had different expectations and ideas of the end product. He intentionally didn't address them because with Thomas Eddington's leadership, a format of the Executive Summary that blends with the overall desire to keep the existing draft of the General Plan in tact but yet provides an efficiency for review, can expedite the meeting process and is outlined in the staff report. Also outlined in the staff report, is a process with a goal of a year-end decision by the City Council.

Mr. Harrington proposed that he be directed not to waive meetings or deadlines for individual schedules so that the project is moving ahead every week. The Planning Commission has a number of concerns with this as well and rightfully so, in terms of public participation and the responsibility to deliver a comprehensive recommendation on the General Plan to the City Council. However, this process is suggested to augment that responsibility and not supplant it and he believes it can be efficiently done to preserve the integrity of that role moving forward. He reiterated that the process is not ideal and it depends on the end goal of the process and he spoke about rotating membership participation. A smaller group is better and meetings can be held off-site or in the building. Meetings must be noticed but disturbances minimized because it is a technical working group, and members will not be making substantive changes unless directed to. The work is refining and editing to reduce the review in the fall. The second component is collating edits for the Planning Commission which may require staff management; few have access to the document because of software licensing. This will add to another problem at the time of formal review and the task force can get a head start on that process.

Mark Harrington understood some feel that a traditional review process should be used which is equally valid. But if members want to get it done and prioritization is the completion date as opposed to the process, he encouraged support of Option 1. If the priority is a more traditional review process and time doesn't matter, Option 2 or 3 may be more appropriate. He is only recommending Option 1. If Option 1 is selected, he asked that Council confirm the scope and the rotation of Council participants.

Chairman Nan Worel designated Commissioners Strachan and Gross to work with the group at the first meeting. Adam Strachan understood one of the discussion points at the last task force meeting was whether an Executive Summary should be created because it has the potential of adding pages to an already 500 page document. This is not refining the General Plan but enlarging it. He asked if this creates problems in and of itself. Secondly, doing that may just postpone the inevitable of going through the document substantively and conducting the traditional review but there is not enough time. Hence the task force was formed. He understood that the task force would *do the heavy lifting* and return to the City Council with a General Plan that had the Planning Commission's full buy-in and hopefully speed up the Council's review, especially with rotating members serving on the task force. Mr. Strachan asked for clear direction from the Council because every Planning Commissioner is willing to do whatever to achieve the goal. Other Commissioners in attendance indicated their support of his comments.

Mayor Williams asked if there is buy-in from the Commission on this process or should the General Plan not be expedited and traditionally reviewed. Mr. Strachan expressed that since there is no choice based on the realities, we should expedite it and conduct a task force review. While it is not ideal, it is what we have to do. Liza Simpson clarified that it seems that the Planning Commission supports Option 1b outlined in the staff report and Mark Harrington confirmed. He added that 1 and 1b have subtle differences relating to the process and asked for clarity on an Executive Summary. Consolidation forces members to clarify and helps the editing process but it is a different type of efficiency by editing the document first and then writing the summary at the end of the process.

Ms. Simpson recalled suggestions to move pieces of the General Plan to appendices because they may not be as germane as other information. Thomas Eddington explained that based on information from the Commission and the Council, about 220 pages were removed including the trends, some of the case studies and other information that was not goal or strategy oriented. About 100 pages cover the General

Plan document and 100 pages for the neighborhood piece which may be an easier portion to review.

Adam Strachan pointed out that Option 1b reflects the decision of the Planning Commission except for the Executive Summary. He envisioned the task force submitting substantive edits, review, and at the end there will probably be a cover letter detailing changes which will act as an Executive Summary to some degree, it just won't be the heart of the General Plan. Andy Beerman referred to a discussion on completing the summary first or after the group made its conclusions. By reducing the document to a more manageable size, there is probably less need to write a summary at this point because it is an easier form to review. It makes sense to do the Executive Summary at the end of the process.

Diane Foster pointed out that members will rotate meetings and asked if the Planning Commission is cohesive enough to support a recommendation because these will not be revisited. Adam Strachan believed this is the tough position Commissioners are placed in because of the timing issue. He trusts his fellow Commissioners but if members have a problem with some decisions, those will be discussed and resolved. So far, members have been unanimous in many of the issues and the statements in the General Plan which are rather amorphous and tend to please more people. The Mayor pointed out the work session and three public hearings scheduled before the Planning Commission and the City Council and if there are issues of concern, they can be addressed and resolved during those meetings. There will also be public input on individual elements. It was clarified that Planning Commission members will rotate in twos.

Andy Beerman pointed out, Executive Summary aside, that redlines be maintained so readers can track any changes. Mark Harrington advised that there will be check-ins along the way and a separate chart illustrates this. In response to a question from the Mayor about updates on the project, Mark Harrington did not feel it would be done incrementally and would be left up to the individual liaison participants to update their fellow members on issues of importance but will defer to group consensus. If everyone starts shifting drafts back and forth incrementally, it may disrupt efficiencies. Liza Simpson voiced her preference in seeing the end product before the public hearings are held. Thomas Eddington stated that members will receive the smaller version of the General Plan.

Alex Butwinski mentioned that shortening the document is a good beginning and supports the task force approach, specifically Option 1b but was not sure about the Executive Summary. The General Plan can be amended later to include appendices when there is more time. A more comprehensive General Plan should be a direction the City is going and the task force can accomplish this. He is frustrated with the amount of time this project has taken and this is an opportunity to get to a point where there is good framework to arrive at an adoptable General Plan by the end of the year. He would not call it an Executive Summary but a work product that is fairly adoptable by the end of the year. There seemed to be some agreement how that would work in the minutes. He likes the idea of a task force and would not add a Summary to the document.

Dana Williams believed the Council should do the same thing as the Planning Commission and rotate members in various sessions so that the time the General Plan is complete, everyone has participated in the process. Ms. Simpson believed staff did the right thing by removing 200 pages from the document. Dick Peek agreed and felt it should keep going that direction so members have a lean document to review and appendices or an Executive Summary added later. He considers the General Plan editable until the final meeting where action is taken. Council members unanimously agreed to form a task force, Option 1b with no Executive Summary. The Mayor confirmed that Alex Butwinski will represent Council at the first meeting and other rotating members will be determined.

Thomas Eddington announced the resignation of Katie Cattan who will be working for the city of Capilito, California.

3. 4th of July Event. Tommy Youngblood explained that the main changes include limiting parade entrants to 70 and volunteers from parade floats are asked to help with the management along the course to keep it tight. Also, police patrols will be increased in the Park outside the liquor licensed area because there was a problem with underage drinking behind the basketball courts last year. Cindy Matsumoto expressed that she doesn't know how to get the word out, but about 100 volunteers are needed. She asked if there is any data on where attendees come from, i.e., Heber or Salt Lake City. Joel Fine, organizer, stated that it depends upon the day the 4th falls. If it falls during the week, the crowd seems to be more locals but if it is a weekend date, there will be more people from the Valley but it is anyone's guess. Tommy Youngblood suggested that a survey could be distributed on that day and there was discussion that the results would probably not be very useful. Mr. Fine clarified that application and administrative fees are allocated toward expenses.

Dick Peek understood that the problem was a high school graduation celebration last year. Captain Rick Ryan pointed out that there were 17 scattered arrests of underage drinkers last year. He felt that tightening up the beer gardens will be helpful. Joel Fine understood that there was bad language with little kids around and the event needs to be family-friendly.

4. Western Summit County Master Agreement – Clint McAffee explained that staff had planned to present some detail on the Agreement today, but is still working with Weber Basin trying to get a few issues addressed. Staff will continue to work with Weber Basin and all of the other parties to work toward an agreement that can be presented for adoption by the City Council.

5. Budget – Operating Expenditure – Jed Briggs stated that staff is looking for direction on business license cost recovery percentages, the fee schedule, and some operating budget changes.

Jennifer Danowski addressed the recommended change to the business license administration fee. In 2009, an inspection fee was added which bumped the cost from $87 for lodging and nightly rentals and $95 for all other business as part of the administrative fee. Taxis are charged differently. The direction at the time from Council was to try to reach a 40% cost recovery; 2009 was the last fee increase and costs have risen quite a bit. When analyzing data, staff found that the cost recovery level was far below Council's direction, averaging about 25% depending upon the type of license. A chart is included in the meeting packet. She explained that to achieve 40%, the administrative fee portion would be increased to $149 for new businesses only, not renewals.

Liza Simpson did not recall the discussion on the 40% in 2009. Mr. Briggs explained that some of the other parts of the business license fee which included enhanced enforcement, transportation, and festival facilitation average about 40%. From previous studies conducted by consultants it is about 45% and the idea was to be consistent with that percentage. Cost recovery for fees varies in Departments and he explained that going to 60% or 70% seemed like too much and 40% seemed a lot more reasonable at the time.

Alex Butwinski stated that he is comfortable with 40% recognizing that it is a delicate balance of creating a friendly environment and the subsidy of taxpayers' dollars. He did not think any of the proposed fees are onerous enough to affect businesses' profitability. He noted that 50% would be a good goal, but is comfortable with 40%.

Andy Beerman believed there is an ability for some streamlining, specifically individually licensing 50 hotel units in one building. It seems like there could be an umbrella license for hotels that would significantly reduce the administrative costs and he hoped there could be a future discussion on this. The concerns of the lodging community have not really been resolved which mainly deal with the software switch. Ms. Simpson interjected that units have to be individually inspected and Mr. Beerman explained initially but not annually and every year 50 different forms need to be filled out. There should be more efficiencies. He recalls Deer Valley Lodging showing up at the Finance Department with a stack of paper about a foot high and he imagined it is difficult for the Department to process all of that paper.

Dick Peek agreed with Mr. Butwinski with staying with 40% now with a goal of 100% and to achieve economies of scale with certain classes of businesses. The Mayor asked if other resort communities were contacted and Ms. Danowski stated that around five communities were contacted and none of them based licensing fees on cost recovery. The staff report includes a fee comparison of other cities. Ms. Foster believes that cost recovery is a good business approach in covering costs of providing services. The Mayor relayed that the consensus is to remain at 40%.

Dick Peek asked about using cell phone technology to pay for parking and Brian Anderson explained that many of the pay by phone providers included a convenience fee as part of the service and the City can exclude it, which is .$25 per transaction. He explained that staff wanted to include this technology in the fee resolution, and it will take some time to catch on. Aspen uses the same technology where cell phones are used for 19% of transactions. About 70% use credit cards in Park City for the parking meters which represents about 90,000 transactions and Dick Peek pointed out that the City will spend about $4,300 before it will cost the user $.25. Andy Beerman noted that the phone system has a minimum of one hour and asked if the City could benefit from parking less than one hour but paying for an hour. Mr. Anderson expressed that it is definitely a possibility but it is also a credit card based service and Aspen absorbs the $.25. Diane Foster pointed out that Council should consider if it is worth $4,300 to introduce a new service.

Jed Briggs stated that FIAR represents the balanced budget which was presented on May 6, 2013 and since then changes have occurred. In achieving zero sum status, staff balances overall increases with decreases and since this is the off year of the budget, staff wanted to focus on not having any increases at all. When a department asked for something new, the Budget Department encouraged funding it with existing resources as much as possible to build efficiencies. Mr. Briggs acknowledged knowing about losing sales tax revenues three months ago and staff looked at any decreases available from departments where service levels were not being impacted. BFO programs that scored low is another area being explored.

He stated that the first recommendation of the City Manager is to add more funding to the Planning Department. There are many big projects in the works, and the Department needs more resources. Planning applications have increased 30% over last year and an average of 13% increase in the last couple of years. Although this is a good thing, it drains resources. For the tentative budget, the City Manager recommended the addition of the current Planning Manager with long-range and special projects; however, the Department is losing resources. The City Manager is now recommending bringing the contract planner back as well as adding a Planner II. These two positions would focus mainly on processing planning applications so that the other planners and Planning Manager can focus on getting projects completed. Mr. Briggs noted that this is zero sum because some money was found in the Planning Budget and other sources in order to pay for the positions. In response from a comment from Alex Butwinski, Mr. Briggs clarified that staff found a mistake in the City's favor in the budget for Planning. In Ice and the Streets Departments, the budgets were higher than they should have been and they were adjusted downward and the Planning Department's increased. Mr. Butwinski appreciated assigning costs to projected hours in completing projects. Andy Beerman asked if the projection for planning fee revenues has been adjusted. Mr. Briggs advised that planning fees are fairly small.

Mr. Beerman commented that if planning applications are up, it should also affect building and engineering fees which are in the millions. Mr. Briggs acknowledged that staff did not focus on building and engineering but it is something that can be studied. Diane Foster stated that an increase of activity in the Building Department is apparent and turn-around times are not being met. Vacation schedules, training, etc. are being adjusted to better staff the Department and some contingency money is set aside for contracted assistance. Building fees can provide an offset and Council may see a recommendation as early as next week. According to one of the local architects, business has come back to Park City in a huge way; it is bigger than it was before the recession and all at once. Mr. Beerman encouraged looking at fee revenues in a balanced manner and growth in property tax was also recognized.

Mr. Briggs discussed changes in the City Council Department which will better describe expenditures. The conference travel line item was decreased to zero and moved into meetings, conferences, travel as well as adding a mileage reimbursement and professional consulting line items. The general contingency fund contains about $130,000 and it is proposed to use $30,000 from that fund to increase the City Council Budget. Liza Simpson requested the numbers for the last five years for these funds. Andy Beerman discussed the desire to better track consultants for Council that were being paid from other departments. Ms. Simpson stated that her interest lies in the funds that exist.

In response to a comment from Dick Peek, Chad Root explained that flatwork, sidewalks, and driveways will require permits and is more stringent than the state code. Other types of building permits were discussed. Mr. Root described the double fee penalty for not obtaining a permit after a warning which is also in the state code. Mr. Peek asked about the handy home owner being penalized for not obtaining a permit and Mr. Root explained that they would have to pay the fee but it is not criminal. The first ACE citation results in no fee but after the second, it is a $50 fee and if not paid, could become a criminal action.

The City Manager is not recommending increased snow removal on Main Street for downtown walkways at $40,000 or increased snow removal on the street for about $50,000, including the purchase of a new loader. The Results Team did not support these requests which is consistent with not elevating levels of service during the off year of the budget. Next week, special service contracts will be presented to Council. Liza Simpson appreciated the BFO exercise in the report and stated that she agrees with the City Manager Recommended Budget and other members indicated their support.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
MAY 30, 2013

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, May 30, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, City Manager; Mark Harrington, City Attorney; Heinrich Deters, Trails and Open Space Manager; Nte Rockwood, Capital Budget Manager; and Mat Evans, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

State Legislature - State Representative Kraig Powell introduced himself and expressed his appreciation of Council and staff for good communication with him throughout the last legislative session regarding several bills which were of interest to the City. He hopes this will continue and explained the legislative process and the benefit of reviewing bills in their early stages. Representative Powell emphasized that this is a partnership and he doesn't believe in micromanaging counties and cities.

IV MINUTES OF VISIONING SESSION OF APRIL 18, 2013, MEETING OF MAY 9, 2013, AND JOINT MEETING OF MAY 16, 2013

Alex Butwinski and Liza Simpson submitted minor corrections to the Visioning Session and the Joint Meeting minutes, respectively. Alex Butwinski, "I move to approve the aforementioned minutes, as corrected". Andy Beerman seconded. 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)*

1. Consideration of acceptance of the 2013 Pavement Management bids and authorization to staff to enter into agreements in a form approved by the City Attorney with:
   (a) Staker Parson for milling and pavement overlays in the amount of $375,470
   (b) Morgan Pavement for slurry seals in the amount $46,999

(c) Kilgore Contracting for crack seal and trail seal coat in the amount of $93,732
(d) Morgan Asphalt for utility adjustments in the amount not to exceed $57,900

2. Consideration to authorize the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with Carollo Engineers, Inc., for Quinn's Junction Water Treatment modifications, Phases I and II engineering services in an amount of $394,707 - The City Recorder clarified that the amount for Item 2 should read $394,707 not $304,707. Andy Beerman, "I move we approve the Consent Agenda, as amended". Liza Simpson seconded. Motion unanimously carried.

VI NEW BUSINESS

1. Consideration of an Ordinance approving a plat amendment for 1450-1460 Park Avenue, Park City, Utah – The Mayor opened the public hearing; there were no comments and he requested a motion to continue to a date uncertain. Liza Simpson, "I so move". Cindy Matsumoto seconded. Motion unanimously carried.

2. Consideration of Resolution recognizing the Yellow Dog Public Awareness Program in Park City, Utah – Heinrich Deters introduced Annie Ellis, organizer, who thanked the City and Mountain Trails for support of the program identifying unfriendly dogs with yellow bandanas. She explained the outreach efforts and the donation of yellow bandanas; the input she has received has been very positive.

Mr. Deters added that SBSRD and the County are aware of the program and are supportive. Implementation will basically involve signs at trail heads and posters around town. Ms. Simpson suggested using KPCW and other local media outlets for publicity. Mr. Deters referred to the heated discussions on the leash law at the County level but emphasized that the Yellow Dog Program is an awareness effort and does not conflict with the Animal Control Ordinance. This is intended so everyone can enjoy our open space safely and enjoyably. He mentioned that the County will be forming a task force on dog issues. These programs work best when they come from the community rather than government. Andy Beerman asked if there are similar programs in other towns and Ms. Ellis didn't believe so and discussed the educational piece which will hopefully promote more considerate dog ownership. The Mayor invited public input.

Ruth Meisma, Woodside Avenue resident, believes there are many people who fear dogs that don't really want to announce it so she can't see them wearing a yellow flag announcing it. She is unsure this will work because the program is based on the fact that every dog is leashed and in control and may provide a false sense of security. It shouldn't be up to people afraid of dogs to wear a yellow marker. The Mayor clarified that the bandanas are for dogs not people. She commented on the possibility of difficult dogs not being identified. All dogs should be leashed and in control at all times.

Heinrich Deters stated that staff will monitor the effectiveness of the program. Liza Simpson, "I move that we approve the Resolution recognizing the Yellow Dog Public Awareness Program in Park City". Dick Peek seconded. Motion unanimously carried.

3. Consideration of an Ordinance adopting the Revised Budget for Fiscal Year 2013-2014 and the Proposed Budget for Fiscal Year 2014-2015 for Park City Municipal Corporation and its related agencies – The Mayor opened the public hearing; there was no input. He requested a motion to continue to June 6th. Cindy Matsumoto, "I so move". Liza Simpson seconded. Motion unanimously carried.

4. Public hearing to receive input from the public with respect to (1) the issuance and sale of the City's general obligation bonds for the purpose of acquiring, constructing, improving and modifying pathways, roads and related improvements for use by pedestrians and cyclists and (2) the potential economic impact that the facilities will have on the private sector – Nate Rockwood explained that the bonds were presented to Council on May 2, 2013 and the closing will occur on August 5, 2013. Approval will issue the remaining walkability bonds just under $7.2 million and will refund some general obligation bonds. Alex Butwinski asked if the bond language is specific to walkability and Mr. Rockwood answered yes. Mr. Rockwood pointed out the wording qualifying road-related improvements for pedestrians and cyclists. Simply replacing a sidewalk does not make it more walkable; it has to be an improvement affecting walkability or biking. The Mayor opened the public hearing and there were no comments from the audience. No action is required.

5. Consideration of an Ordinance approving The Parkview Amended, Consolidated and Restated Record of Survey Plat, located at 2260 Jupiter View Drive, Park City, Utah – Mat Evans explained that the applicant is proposing to amend the plat to correct several existing plat errors, delineate the wetland setback line, allow the additions of square footage on 14 of the 36 units, and allow rear deck extensions for units that parallel the creek. This project was approved as part of a MPD in 1997 and over the years there have been changes to this property. A trail was installed as part of a requirement and because of that, McLeod Creek was straightened through this area and the setback line moved. With the setbacks adjusted, additions can be added to extend decks with conditions. There is no increase in density of the overall development or an increase in square footage because as recorded, there are basements that were never built. He stated that the square footage being proposed as a result of the plat amendment is a wash. The Planning Commission made some changes to the proposed conditions of approval which are noted in the Ordinance and staff recommends that the City Council approve the amended plat.

Liza Simpson asked if Conditions of Approval Nos. 8 and 9 sufficiently cover owners landscaping by the creek. Mr. Evans explained that the area between the units and the creek now is in a natural state. Dick Peek asked how Condition No. 9 would be enforced and Mr. Evans acknowledged that the prohibition against using pesticides is difficult. The applicant discussed the focus on xeriscaping and residents do not want chemicals used in the area and prefer environmental friendly methods.

The Mayor understood the pesticides and herbicide arguments but fertilizers do not need to be organic because it really doesn't make any difference. The applicant discussed planting trees near the creek and fertilizing them doesn't seem to be necessary. He detailed the type of trees in the project. With no further input, the public hearing was closed.

Alex Butwinski, "I move we approve The Parkview Condos amended, consolidated and restated Record of Survey Plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft Ordinance". Liza Simpson seconded. The Mayor suggested dropping the wording *non-organic* from the condition to allow fertilization of the trees. Alex Butwinski, "I move we amend the motion to reflect the Mayor's removal of non-organic from the condition". Liza Simpson seconded. Motion unanimously carried.

6. Consideration of an Ordinance approving the 206 Grant Avenue Plat Amendment located at 206 Grant Avenue, Park City, Utah – Planner Mat Evans explained that the request is to combine Lots 21 and 22 of Block 72 of the Millsite Reservation. These are partial lots with double frontage on Grant Avenue and Sandridge Avenue. The owner wishes to combine the remnant parcels for future development of a small home or garage. The lot is of sufficient size to meet the current zone designation. The shape of the parcel does not lend itself to a large structure and the conceivable building form is about 500 square feet. This is also the location of the Swede Alley Stairs going from Swede Alley to Sandridge, located within the required setback area. The City owned this property at one time which was associated with the purchase of the Imperial Hotel but there is no implied parking arrangement for the Hotel. However, he pointed out the partial parking lot easement for 210 Grant Avenue which is noted on the plat, but will not impact any potential development.

In response to a question from Dick Peek, Mr. Evans explained that the total required setback is 14 feet with a minimum of five and in theory construction could occur up to the easement but he assumes the setback will be shifted to the north property line to accommodate a building form. Dick Peek acknowledged that this amendment will result in a buildable lot.

The Mayor opened the public hearing; there was no input and the hearing was closed. Liza Simpson, "I move that we approve the proposed plat amendment for 206 Grant Avenue, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft Ordinance". Dick Peek seconded. Motion unanimously carried.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a closed session convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, City Manager; Clint McAffee, Water Manager; Tom Daley, Deputy City Attorney; Jonathan Weidenhamer, Economic Development Manager; Hugh Daniels, Emergency Operations Manager; Thomas Eddington, Planning Manager; Nate Rockwood, Capital Budget Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 4:20 p.m. Alex Butwinski, "I move to open the meeting". Andy Beerman seconded. Motion unanimously carried.

The City Council met again in closed session at approximately 6:45 p.m. All members were in attendance. Staff present was Diane Foster, City Manager; Tom Daley, Deputy City Attorney; Jonathan Weidenhamer, Economic Development Manager; Thomas Eddington, Planning Manager; Nate Rockwood, Capital Budget Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Dick Peek seconded. Motion carried unanimously.

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, City Recorder