**PARK CITY COUNCIL MEETING**
**SUMMIT COUNTY, UTAH**
**APRIL 23, 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, April 23, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Katie Cattan, Planner; and Matt Twombly, Project Manager.

## II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council questions and comments – Mayor Dana Williams congratulated Pace Erickson on his 25th anniversary with the City and the City Manager was pleased to report on Jerry Gibbs' good recuperation progress from surgery. Roger Harlan commented on the enjoyable service award dinner held this week and the passing of Park City resident Larry Horyna. Jim Hier reported on the interagency meeting where updates on Bonanza Drive and Kimball Junction were given. The HMBA met this week and are still debating the lighting project, which is supported by the Board. The membership approved its budget and he understood that the business improvement district will raise fees to cover service levels next year. The HMBA is working on a gift card program and several members are involved in the Visioning Program. Liza Simpson expressed that the awards dinner was beautifully done. She attended the SBWRD meeting and training sessions for public officials on applying historic preservation standards. Ms. Simpson toured the temporary People's Health Clinic at The Yard and relayed that its Board has asked for a Council liaison. Council members Erickson and Simpson expressed interest and will confirm the liaison appointment at a future date. Candace Erickson reported on a meeting of the Friends of the Farm and related business. She discussed the financial challenges of Recycle Utah and noted that unfortunately commodity prices have not risen but Recycle Utah has met its matching grant goal through its April 19 fund-raiser. Voluntary donations were discussed. She also commented on the awards dinner and that having long term employees is a real tribute to the City. Joe Kernan also complimented Human Resources on an excellent event.

Mr. Kernan disclosed that IBI, Talisker and Royal Street are among his recycling customers.

The Mayor discussed the Leadership program and business conducted at a COG meeting. He announced that Park City is the recipient of an award from the Utah Chapter of the American Society of Landscape Architecture for the walkability project process.

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

None.

**IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF APRIL 2, 2009 AND APRIL 9, 2009**

Joe Kernan, "I move we approve the work session notes and minutes of April 2nd and April 9th". Roger Harlan seconded. Liza Simpson disclosed that she was not in attendance at the April 2nd meeting and will be abstaining from voting. Motion carried.

| | April 2 | April 9 |
|---|---|---|
| Candace Erickson | Aye | Aye |
| Roger Harlan | Aye | Aye |
| Jim Hier | Aye | Aye |
| Joe Kernan | Aye | Aye |
| Liza Simpson | Aye | Abstention |

**V OLD BUSINESS *(Continued items)***

Consideration of an Ordinance approving the 71 Daly Ave plat amendment, located at 71 Daly Avenue, Park City, Utah – Planner Katie Cattan explained that the plat amendment will memorialize the ownership of lot lines at this property. Staff recommends approval according to the proposed ordinance in the meeting packet. The Mayor opened the public hearing; there were no comments. Jim Hier, "I move we approve the plat amendment for 71 Daly Avenue based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance. Candace Erickson seconded. Motion unanimously carried.

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

1, Consideration of authorization to execute a change order to the Neighborhood Parks project(s) Professional Service Provider Agreement in a form approved by the City Attorney to IBI Group in the amount of $62,440 – Matt Twombly explained that in August 2008, staff presented Council with plans for Creekside Park and Council modified the concept by removing the gas fire pit. There have been no other changes and the plans received CUP approval from the Planning Commission. The park improvements as outlined, include a permanent black vinyl coated chain link fence around the dirt jump park area, a restroom building to be built according to the green building policy including solar heat and hot water, possibly demonstration elements, eight parking spaces, a variety of playground equipment, a shade structure, walkways, trail connections, a planting of native grasses within the well protection zone area, trees shrubs, bike racks, benches, and a very small grass lawn area outside the well protection area. One of the conditions of the CUP approval was to post the park with

*No Dogs Allowed* for the east side of the driveway by the well protection area. The staff report outlines a budget of approximately $725,000; construction is approximately $640,000 which is within the budget. Staff is seeking direction to proceed with the park and staff recommends that Council authorize the City Manager to execute a change order in the amount of $62,440. In response to questions from Liza Simpson, Mr. Twombly explained that costs will be better defined in the construction drawing phase and that originally staff intended to highlight the well protection zone area as an educational component but the Water Department advised against drawing attention to the facility. The Mayor invited comments from the audience; none were rendered. Liza Simpson, "<u>I move we authorize the City Manager to execute a change order to the Neighborhood Parks Professional Services Provider Agreement in a form approved by the City Attorney's Office, to IBI Group in the amount of $62,440</u>". Jim Hier seconded. <u>Motion unanimously carried.</u>

2. <u>Consideration of approval of a Conservation Easement Release with Co-Grantee Summit Land Conservancy to amend the Grant of Conservation Easement (Ski Area) by United Park City Mines Company and Deer Valley Resort Company dated December 19, 2002, File No. 00643790, recorded in the Summit County Recorder's Office, Book 01502, Page 732-747</u> – Mark Harrington referred to his staff report. The City and Summit Land Conservancy was added to pending litigation between three private parties regarding the ownership of an old mining claim. Through the leadership of Summit Land, a plan was arranged to temporarily remove the area in question from the conservation easement placed on it, therefore allowing litigation to proceed without the necessity of having to burden the City or Summit Land with the cost of litigation and defense. If this property is not maintained, Deer Valley Resort has promised to replace it with comparable property according to the terms outlined by the City and Summit Land. The Mayor asked about Summit Land's position and Mark Harrington understood they have agreed to the release. The Mayor invited public input; there was none. Jim Hier, "<u>I move we approve the release of conservation easement as drafted in the staff report</u>". Joe Kernan seconded. <u>Motion unanimously carried</u>.

## VII 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; Ron Ivie; Chief Building Official; Jeff Schoenbacher, Environmental Specialist; tom Daley, Deputy City Attorney; Jon Weidenhamer, Economic Development Manager; Diane foster Sustainability Manager Tom Eddington, Planning Director; Mark Harrington, City Attorney; and Jody Burnett, outside counsel. Liza Simpson, "<u>I move to close the meeting to discuss property and litigation</u>". Roger Harlan seconded. <u>Motion carried</u>

unanimously. The meeting opened at approximately 6 p.m. Jim HIer, "I move to open the meeting". Roger Harlan 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