PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 21, 2011

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

Tom Bakaly, City Manager; Mark Harington, City Attorney; Thomas Eddington, Planning Manager; Katie Cattan, Planner; Diane Foster, Sustainability Manager; Jed Briggs, Budget Analyst; Bret Howser, Budget Manager; Franciso Astorga, Planner; Jon Weidenhamer, Economic Development Manager; Max Paap, Special Events Manager; and Heinrich Deters, Trails Coordinator

Chris Crowley, Kimball Art Center Arts Festival Director; Steve McComb, owner of Ciseros and Bistro 412; Alison Butz, Director of HPCA; Bob Murphy, owner of 501 Main; Rob Sunderledge, Horracks Engineering; Craig Elliott, Elliot Workgroup; Michael Barelle, Powdr Corporation; Mike Sweeney, MPE Inc.

1. Council questions/comments. Alex Butwinski reported on Public Art Advisory business. Liza Simpson reminded members of the Fire Ops Course on June 4 and discussed participating in the Donnelly Foundation/PC Foundation teacher awards. Diane Foster introduced Mark Clews from New Zealand who is participating in an ICMA Fellowship Program focused on sustainability and climate change. Mr. Clews will be in Park City for two weeks.

2. 1st Quarter update of 2011 goals and targets for action. In response to a question from Alex Butwinski, Katie Cattan explained that it is anticipated that the General Plan will be completed and reviewed by the Planning Commission within a year. The new format for general plans considers different features of sustainability and how the general plan elements fit within those parameters. Staff will analyze individual elements which will be integrated under economics, environment, etc. Thomas Eddington interjected that the challenge is categorizing elements under the Visioning levers. The City Manager advised that next week's manager's report will detail the General Plan project. Staff was on hand to answer questions on Historic District and transportation projects. The Park and Ride lot is being used by large employers until improvements are made on SR248 to accommodate public parking. Kent Cashel pointed out that it might be used for special events like the Arts Festival but there is a lot of parking in town and moving people is expensive. Alex Butwinski asked about the Utah State University electric trolley project and Diane Foster explained that no funds have been expended at this point. There are some technical issues regarding charging times and an alternative proposal, not involving the trolley, will be returning to Council. In response to a question from Mr. Butwinski, Tom Bakaly reported that the City is working on acquiring Red Maple. Matt Cassel discussed the Bonanza Tunnel which is now open. Liza Simpson stated that she liked the new format and made a correction to the liaison table included with goals this quarter.

3. Monthly financial update. Jed Briggs referred to General Fund revenues and commented that sales and property taxes are healthy but fees and interest revenues are down. He displayed a graph of sales tax revenues on a calendar year basis for Park City which far exceeded Colorado resort towns. Mr. Briggs explained the $2 million projected surplus which is typically allocated to the Capital Improvement Fund. Bret Howser emphasized that the surplus has already been budgeted toward capital projects at the beginning of the year. It was pointed out that financial updates are on-line. He explained that the enterprise funds are slightly lower than what was budgeted.

Joe Kernan referred to the property tax discussion on April 7, 2011 and requested a more complete analysis of the City's property and sales tax burden using information from communities participating in the pay plan comparison. The Mayor felt that level of services provided needs to be considered in the comparison.

4. Main Street dining. Franciso Astorga stated that the City approved four decks last year and three decks were installed; overall comments have been positive. Accommodating street dining decks was a recommendation in the 1998 Downtown Action Plan and driven by restaurant owners. This year, five more restaurants would like to participate in the program. He referred to criteria for decks regarding hours of operation and the policy for the parking fee. Alex Butwinski pointed out that 25% of the parking fee, which is recommended, calculates to $4 a day per space which he felt is too low. Mr. Astorga stated that the fee was actually lower and set at 10% and staff is seeking direction from members. Liza Simpson asked what constitutes a parking space as it appears that spaces vary in size and suggested charging by the foot based on a standard parking space. Mr. Astorga explained that the map is conceptual and fees will be based on a per linear foot basis. The fee is based on the maximum revenue the City could receive based on $16 per day per parking space for 180 days for a total of $2,880 and 25% of that is $720. A parking space is 20 linear feet and the parking fee is prorated if a space is partially occupied.

In response to a question from the Mayor, Max Paap explained that there shouldn't be any conflicts with the decks for the 4th of July and Miners Day Parades. However, there are potential conflicts with Savor the Summit and the Art Festival. Thomas Eddington understood that the Kimball Art Center has worked with restaurants to accommodate the decks during the Festival as long as they agree to pay the festival fee to participate like all vendors. Jon Weidenhamer emphasized that the City has a contract with KAC until next year and is committed to those terms. KAC has agreed to accommodate the decks so they won't have to be removed, but they displace approximately 50 to 55 of the art booths. Thomas Eddington added that applicants are informed about the possibility of removing their decks during Arts Festival.

Chris Crowley, Arts Festival Director, described the difficulty in selecting and rejecting local restaurants and made concessions to create opportunities for everyone to participate in the Festival. It is important to understand that they are included in the Festival program and will replace outside concessionaires arranged in the past. This will result in reducing competition on the street and increasing exposure to local restaurants. Mr. Crowley stated that it was a significant challenge for KAC and emphasized again that about 50 booths were displaced. The scope of the Festival area will be expanded but it is likely that not all artists will be happy with their booth location. The Mayor opened the public hearing.

Steve McComb, owner of Ciseros and Bistro 412, alleged that in 1995 he made a deal with City Planner Janice Lew during his remodel to give the (parking?) fund for Ciseros to the City and (in exchange) he doesn't pay the $7,000 (fee) for 200 square feet of office space. This came out to $28,000. When he tried to get his certificate of occupancy, Ms. Lew couldn't make that deal and he had to pay $28,000 for in-lieu of parking funds. He felt he already paid his parking funds for the dining deck. He also understood that he had a three year no fee lease with the City which now is getting changed. Mr. McComb stated that he is not against paying the fees but he has other issues. Last year, he went through eight offset umbrellas and wants to use a double sided awning. The Planning Director stated that he would work with him but now he has been told that he can't use them. Although Mr. Eddington did not approve the custom awnings, he ordered them but can not use them. He spoke with Roger Durst and Michael Kovacs who think they are okay. Alison Butz from HPCA has no problem with them. He can not send back the awnings and Mr. McComb detailed problems with wind and having a post in the middle of the table. He asked the Council to allow him to use the awnings and disagrees with staff that they are not historic and obstruct views. He would pay some portion of the parking fee but feels he has already paid for parking and is the only person who has contributed to the in-lieu of parking fund for a project. No one else paid $28,000 for 800 square feet.

Tom Bakaly stated that he and Thomas Eddington are scheduled to meet with Mr. McComb regarding the awnings and will report back to Council. He noted that he is very familiar with the parking in-lieu fund where $95,000 was collected and allocated for the construction of the Sandridge Parking Lot. The parking fee for decks is a policy question for Council. The Mayor asked about the three year lease and increasing fees and Mark Harrington believed that the lease provided the ability to modify fees which will be further clarified next week. Cindy Matsumoto recalled that the HPCA was not in favor of the awnings.

Alison Butz, HPCA, clarified that the Board was concerned that allowing awnings was a step toward enclosing decks. Steve McComb argued that the awning is a square umbrella and detailed the designs for both restaurants.

In response to a question from Liza Simpson about calculating parking fees, Mr. Harrington explained that there was a floor area exemption for up to 2.0 and a formula used for anything above that. Ms. Simpson pointed out the square footage gained with the decks and Mr. Harrington explained that outdoor dining originally allowed swapping capacity. The Mayor requested feedback on the 25% parking fee and charging $.08 per square foot for the expanded deck area related to the business license.

Bob Murphy, 501 Main formerly Zona Rosa, explained that the outdoor decks are great and act as a *giant open sign*, but do not produce a lot of income to justify the $720 fee. The City has the potential of collecting $23,000 in fees for a single parking space for eight decks. The fees seem excessive to him. $5,700 is 2% (of the revenue) for100 spaces on Main Street and $288,000 is collected for parking fees plus parking tickets. Poor weather is an issue and he netted $100 a day on his deck last year and to tack on another $720 and a square footage fee totals about $4,500 over three years. The deck only adds 12 seats and does not produce much income. He pays in excess of $3,000 a year just to install and maintain the deck. There isn't much income to arbitrarily charge $2,800 for the space and he will burn his deck before paying another $1,400 to put it on the street.

John Kenworthy, Flannigan's, admitted that he missed the deadline for his application for a deck and asked for special consideration. He would be willing to remove it for Arts Festival. Alex Butwinski asked him about fees and Mr. Kenworthy agreed with Mr. Murphy that there is no profit for five years but decks provide a service for patrons. From a business standpoint, it makes no sense but they create ambience.

Steve McComb stated that the decks are filling up the parking spots that have been vacant. Restaurants are generating revenue by bringing people to Main Street.

The Mayor asked if the number of decks this year is manageable and Francisco Astorga felt that eight decks are okay and he will work with Mr. Kenworthy on Flannigan's deck. Discussion ensued on awnings. Thomas Eddington commented that nine decks would not create an issue as the maximum was set at 12. Tom Bakaly stated that based on Council input, Flannigan's' application will move forward. Liza Simpson felt that working with KAC is the most important issue for the additional deck. Part of the reason for the March 14 deadline was providing enough time for KAC for operational planning.

Alison Butz indicated that the HPCA is in favor of a nominal fee for parking. The decks act as signage for restaurants giving them an advantage over retail businesses and to balance that with all HPCA members, there should be a fee. She thanked KAC for working with the owners of the decks.

Joe Kernan felt there should be some consideration for businesses that participated in the 2010 pilot program as they took more risk. He is not inclined to increase the parking fee above 25%. Cindy Matsumoto supported 10% or $280. The Mayor felt the lease clearly states that the City has the ability to reassess fees. He suggested a $300 flat fee (but later referred to it as $300 per space fee). Ms. Matsumoto believed that the parking fee should be based on the number of parking spaces lost and not be a flat fee. Liza Simpson believed 25% is fair given the number of spaces lost on Main Street. Alex Butwinski agreed. Joe Kernan and Cindy Matsumoto stated they are okay with $300. The Mayor broke the tie and clarified that the fee would be $300 per space and prorated for portions of a space. Thomas Eddington confirmed that the Council agrees with the business license fee and deck criteria with regard to hours of operation and other standards.

5. Comstock pathway update. Heinrich Deters stated that on March 3, 2011, Council reviewed concept designs. The project will be bid in a week and an award of contract is scheduled on June 3, 2011 and an open house on June 7, 2011 with the neighborhood and the contractor. The project is contemplated to mobilize on June 13 and is on track. The landscape team is recommending drought tolerant ground cover, shrubs, etc. which may take a little more time to mature. There will be a drip irrigation system. The team also suggested concrete pads to store trash cans, etc. Installation of the Questar gas line is scheduled on May 16 and a contractor has been selected. A mailer will be sent to residents in the greater area two to three weeks prior to the work and a door to door campaign within one to two weeks. Mr. Deters discussed uploading information on a project website.

He noted that the stop sign intended for Gold Dust Lane and Sidewinder was determined unwarranted. As an option, colored concrete crosswalks at the intersection are recommended, as well as lane stripping, raised intersection, etc. The driver feed-back sign will be moved from Comstock to Sidewinder on the eastbound traffic lane. If there is a significant increase of pedestrians within the year another warrant study for a stop sign will be conducted in 2012.

Rob Sunderledge pointed out the significant amount of asphalt on Comstock and in order to get the crown to an acceptable slope, four to five inches of asphalt will have to be removed, leaving a one to two inch section of asphalt which doesn't provide adequate structural support to overlay asphalt. It really makes sense to consider completely removing the asphalt and installing a new four inch base. This is a wash when it comes to cost. Mr. Sunderledge reiterated that the best option is to remove the asphalt, install a clean four inch layer of asphalt and adjust the crown. The current crown is extremely steep. There is no need to remove all of the curb line on the west side; about 2/3rds is required in order to build the bulb-outs and fix some of the waterways and poor slopes in the curb line. In response to a question from Alex Butwinski, Mr. Deters responded that there will always be someone representing the City on site. There are a number of ways to inform the public about the website. Mayor Williams recommended looking at salt tolerant vegetation and invited public input.

Pete Martin, 2189 Comstock, complained about the steepness of his driveway and bottoming out his vehicle. He suggested installing culverts instead of the rolled curb. Rob Sunderledge explained that the biggest problem is not the steepness of the driveway but the slope of the crown of the road because it has been overlaid a number of times. By removing nine inches of street and replacing it with four inches will significantly reduce the problem. Horrocks will take a look at the driveways on the west side.

Faye Melnar, 2148 Sidewinder, asked if asphalt will be removed from Sidewinder. Heinrich Deters explained that Sidewinder will receive a traditional mill and overlay which is part of the pavement management program in the Streets Department. She stated that she has the same problem with cars bottoming out. Mr. Deters again clarified that Sidewinder is not one of the WALC projects. She asked if access will be interrupted and Heinrich Deters explained that there will be impacts and the project website will provide information. Most of the impacts will be on Comstock but one lane of traffic will be open at all times. The Questar portion of the project on Sidewinder was discussed.

5. Treasure Project update. Jonathan Weidenhamer stated that he serves on the City's negotiation team with Thomas Eddington, Tom Bakaly, Dana Williams and Liza Simpson. He explained that from time to time, Powdr Corporation is at the table because of its contracts with the Sweeneys (MPE Inc). He spoke about balancing community, social equity, environment and economy needs which is the framework for making decisions on the project. The Letter of Intent was entered into last September and is scheduled to expire at the end of April. He believed that the team has made a lot of progress and staff is recommending extending the LOI for two months as a way to put some pressure on members to narrow discussions. If that is not enough time, another extension probably through the end of November will be requested which will tie in with a bond election. Mr. Weidenhamer explained that the two options in the LOI are to remove 100% of the density or 50% of the density. He discussed the concept of using transfer development rights. The project area and adjacent properties were displayed using Google Earth and he pointed out the ownership of property including Park City Mountain Resort and the Bambergers. Rather than having density on the front of Treasure Mountain adjacent to Old Town, he asked if it makes sense to move it *around the corner* where it faces PCMR Resort Center. There is existing density and heights, infrastructure, parking and roads and this location may be less impactful to Old Town. All parties feel this is worth exploring. Mr. Weidenhamer indicated that PCMR may be interested in transferring some of its existing parking lot density further up the mountain for ski-in/ski-out development and the Bambergers and Bernolfos are open to discussions.

Mayor Williams felt that moving the development over the hill is a very positive approach. Mr. Weidenhamer acknowledged that assigning property values has not yet occurred but the Sweeney Family will submit an appraisal. The preferred option has not been decided and values need to be discussed which he believes can be accomplished within the next two months. An open house on the Treasure Project is tentatively scheduled on June 7, 2011 where it will be helpful to gain an idea of what the public is willing to pay.

Architect Craig Elliott addressed the 50% development option. An analysis was conducted to identify the issues with the existing concept and options which may change that perspective. Through a computer presentation, he illustrated the original proposal with modifications reducing about 50% of the net residential so all of the hillsides to the south and directly across from the ski run were striped of the design concepts. The initial documents in the MPD placed the bulk of the density between Lowell Avenue and Empire Avenue. He displayed a variety of views illustrating a solution and described a site plan option working within the constraints of the existing MPD resulting in two residential towers pushed up against the mountainside. There are eight stories in some sections on the taller pieces to put the density within the height restraints. Basically, this solution or Concept 1 is within the constraints of the volume of the MPD, but he felt it wasn't very successful. Mr. Elliott noted that Concepts 2 and 3 take the same approach with some variations. The further up the gulch, the less impact on Old Town and he discussed treating the design more like the LMC where there is a constant height above grade, reducing the excavations at the perimeters of the buildings so that the buildings facing Old Town maintain a small elevation. He looked at the possibility of creating mining type architecture and smaller breaks in the building forms and masses. This is the first study showing grades and how they would work. Density on the other side of the ski run is contemplated and connecting those developments without huge underground parking structures, etc. prompted the idea of pedestrian bridges that might cross the ski run. From the corner of Lowell and Empire, he pointed out a road that follows the contours which can be screened with heavy planting and results in a more efficient fire access plan. The development is being moved up the gulch and there is significant vegetation between the ski lift and the primary entry into the hotel spaces. A people mover connects to the cabriolet and the ski lift system from the primary entry at the hotel. He displayed different viewpoints. Moving density from the south actually results in following the contours and using a mining theme ties into the scale of the buildings below.

Michael Barelle, representing Park City Mountain Resort and Powdr Corporation, stated that they want to become a facilitator in helping both the City and the Sweeneys look at some creative outside-the-box options that might help to minimize some of the traffic, disturbance, mass, and other impacts of the project. They are doing so by offering up some land that might help beyond the boundary and will coordinate that effort. In general with regard to the Creole Gulch and Treasure Hill area, PCMR and Powdr have been participants in the area through ski infrastructure. PCMR made about an $8 to $9 million investment in improvements in lifts and runs in the area with a plaza on lower Main Street to benefit the Main Street Business District in general. It was anticipated that there would be a Treasure Project and growth in the area that would benefit PCMR in terms of additional ticket sales and operational revenues. Some of that has happened with the Marriott and the Town Lift Plaza and the investment was predicated on that notion. It was anticipated that there would be additional investment with regard to Treasure with ski infrastructure and run development including a high speed lift, better access to the bed base and a better skiing pod. Mr. Barelle explained that those improvements were anticipated through pre-existing agreements to be funded primarily by the development of the project.

Any time density is moved from the project and outside the PCMR boundary, it has a very real effect on the pre-existing agreements and other funding solutions need to be found for financing ski improvements in the area. Mr. Barelle pointed out that the bed base at the edge of Old

Town and within the PCMR boundary has a different economic effect on PCMR than that which is located elsewhere in town. More revenue is generated by ticket sales and food and beverage than the bed base attached to the mountain. Mr. Barelle noted that because of these things, for several decades PCMR and Powdr have considered the Creole Gulch area to be potentially a secondary and complimentary base to the main base area which would spur the economy for Main Street and PCMR. He felt it important to share this perspective and having bed base tied to the Main Street area is important to the long-term economics of Main Street and PCMR. Whether it is Treasure or any other project, where density and massing gets approved matters in terms of cost to move traffic, provide parking, and to connect visiting guests with the amenities they want to utilize one way or the other. In light of these difficult issues and the things the City has been wrestling with on this project, PCMR is here at the table willing to provide some solutions, including moving density over to a more appropriate location where both the public and private infrastructure for parking, transit and roads can be better handled. From a technical standpoint, they do not know the answer to whether it will work or not, but an answer will be rendered in time to consider within the two month extension. The Mayor thanked PCMR for its willingness to look at options.

Mike Sweeney explained that in 1981, Nick Badami and his father, Jack Sweeney negotiated a deal to bring skiing into Old Town and from 1981 to 1986 when the MPD was approved, the tram agreement was amended to allow for extensions until such time the ski company felt comfortable that there was going to be adequate density at the base where the Town Lift was constructed and understood that it was going to take time. Everyone made investments including Summit Watch, The Caledonian, the Town Lift Plaza, two hotel condominiums and did so under the assumption that we would continue to have skiing into Old Town and that we would always try to improve the skiing experience there. There are people invested and continue to invest money in that location. As articulated by Mr. Barelle, if you take the density away from the location, then you're not going to get the same activity, number of people, and the revenue to the Main Street core. Mr. Sweeney urged the Council to consider this when discussing moving density from this location. The Sweeney Family made a commitment with the negotiating team that they would look at 50% and 100% and are willing to continue to do so. Bed base on Main Street is the most important ingredient to prosper and it brings money to the entire community. Upholding the 1981 agreements with PCMR is important to them. Moving 50% of the density still provides the ability to put the hotel complex in a location that would compliment Main Street and he believed his partners would concur.

The Mayor invited public input.

Steve Swanson, THINC member, stated that on principle members are opposed to the project but moving density from Creole Gulch is desirable. He encouraged the City to maintain a leadership stance and to allow all voices to be heard and to negotiate to benefit the City economically but not lose the invaluable aspect of the hillside. He acknowledged that the City gets pressure from the outside and it behooves us to consider what we do here carefully to set a standard.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 21, 2011

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, April 21, 2011. Members in attendance were Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Joan Card, Environmental Regulations Affairs Manager; Thomas Eddington, Planning Manager; and Francisco Astorga, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Certificates of Appreciation to Cameron Curtis, Tony Oros, Fab Rodig and Phil Wormdahl of Rattle & Hum for their March 2011 Iraq and Kuwait Tour – The Mayor recognized members of the Rattle & Hum rock 'n roll band who recently entertained service men and women overseas. He presented certificates of appreciation to Cameron Curtis, Tony Oros, Fab Radig and Phil Wormdahl. Tony Oros lent the City a flag that was presented to them in Iraq for display at City Hall.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF MARCH 31, 2011 AND APRIL 7, 2011

Liza Simpson, "I move to approve the work session notes and minutes of the meetings of March 31st and April 7th". Joe Kernan 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 under "Additional Discussion – Agenda Items")*

Consideration of addendums to facility leases extending terms to tenants leasing space at the Library and Education Center and Miners Hospital to June 30, 2013:

(a) Mountain Trails Foundation, Miners Hospital
(b) Park City Summit County Arts Council, Miners Hospital
(c) Soaring Wings Montessori School, Library and Education Center
(d) Co-op Preschool, Library and Education Center
(e) Park City Film Series, Library and Education Center

Cindy Matsumoto, "I move approval of the Consent Agenda item". Alex Butwinski seconded. Motion unanimously carried.

VI RESIGNATIONS AND APPOINTMENTS

Appointment to the City Council to fill an unexpired term to January 2012 – The Mayor expressed on behalf of the Council, how deeply members were moved with 14 people applying. No one will fill Candy's shoes and the situation was emotional, but they actually had a good time with the applicants and are deeply appreciative. Joe Kernan commented on the interviews being a great opportunity to meet everyone. All of the candidates were great and hoped that they would consider getting involved on other City boards. Alex Butwinski thanked everyone as well and relayed that it was a rewarding experience. He campaigned on the idea of city involvement and it was an incredibly difficult decision for him based on people's qualifications. Liza Simpson stated she has never been more proud of the community. It touches her deeply that everyone cares so much and is so committed and any one of the candidates could have been selected. Cindy Matsumoto stated that it was a rewarding experience and she enjoyed meeting several new people and getting to know others better. She felt all of the applicants were well prepared for their interviews and she came away from the process with new ideas to explore. She stated that it has been so hard to sit next to Candy's empty chair. She hoped the participants remain enthusiastic about City government, especially during the budget process. The transition will be much easier once someone is seated.

The Mayor recited a list of major projects the Council is considering and the Council realized how important it is to have somebody to fill the seat who could hit the ground running, except perhaps the nuances of the budget. This was the basis of the decision. Alex Butwinski, "I move we appoint Dick Peek to fill the unexpired City Council term to 2012". Cindy Matsumoto seconded. Motion unanimously carried.

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

Consideration of an Ordinance amending Titles 6 and 11 of the Municipal Code of Park City by creating Chapter 4, Title 6 – Mine Shafts and Tunnels, and Chapter 20, Title 11 – Physical Mine Hazard Mitigation – Joan Card stated that at a previous work session, this proposed ordinance as presented to Council to address physical mine hazards in the City. The general direction was to provide some time for public comments. A number of comments were received and she personally met with several stakeholders. The amendment falls under Title 6, Health, Nuisance Abatement and Noise which prohibits the presence of mine hazards in Park City, renders them a nuisance and makes the owners of property responsible for the nuisance. It is important to note that owners of properties are also lessees of properties. This section of the Code includes five specific instances where a physical mine hazard is not a nuisance. These relate to actual mining, public water systems, and a determination by the Chief Building Official that an area is not a hazard, or it has been identified as a hazard and scheduled for mitigation through the state for mining activities. She commented that the focus of the City is on abandoned mine lands and there is no mining currently in Park City. In response to a question from Liza Simpson, Jason Christensen explained that provision four interfaces with the amendment to Title 11 which requires land owners to evaluate their properties for nuisances, not to go after them under this Ordnance until they have had a full opportunity under the second amendment. Ms. Card stated that Title 11 is recommended to be amended to add Chapter 20 designating a mine hazard mitigation area. The map highlights parcels that are currently identified as being 10 acres or more with mine hazards present. The ski areas and mining claims are all captured and the map provides a way for people to see if they are in or out of the mitigation area. The map also includes golf courses and School District lands. She explained that staff would notify individuals in the boundary area and deal with issues to get properties in compliance. United Park City Mines and the mountain resorts are working on identifying mine hazards. She acknowledged that some properties that do not contain mine hazards are included.

Property owners or lessees in mine hazard areas are required to identify physical mine hazards through a robust inspection and evaluation process by November 1, 2012. By December 1, 2012 they are required to provide a report on the identification of those hazards and a plan to address them to the City. Hazards must be mitigated within three years or December 1, 2015. Ms. Card stated that a five year compliance schedule is designated for large land holders who potentially have numerous nuisances on their properties. In response to a question from Liza Simpson, Mark Harrington advised that the City would go after both or either the owner and the occupant. Ms. Card pointed out the obligation to continually update the City of newly discovered hazards. The City has the authority to inspect and enforce provisions that include a fine of up to $1,000 per violation.

Joan Card stated that In response to public comments submitted, some minor changes have been made to the draft. There is clarification of the definition of a physical mine hazard and previously mitigated hazards identified for future mitigation are not an enforcement problem for mine owners. Staff worked with stakeholders to identify requirements that they should follow to most readily identify the hazards on their properties. There is also a requirement that they maintain records to ensure that hazards are addressed and the Code requirements are met. She referred to a letter sent to Council today from Tom Ellison of Stoel Rives who represents United Park City Mines. Staff has met with him briefly before the meeting and recommends a clarification that the City does not intend to enforce when a hazard has been identified, scheduled for mitigation but construction has not been performed. The same change for the same reason would be made in another section in 11-20-2(E) which has been reviewed by the City Attorney. The second request from Mr. Ellison relates to schedules. The Mayor opened the public hearing.

Attorney Tom Ellison, representing UPCM, relayed that staff has been responsive to comments made and progress has been made in one-on-one meetings. It is a highly technical ordinance and the change just discussed was intended to capture a third location in the ordinance where a hazard can be identified and mitigated subsequent to its identification and didn't want to get caught in an enforcement or nuisance trap. The other request deals with the overall five year time period for compliance; two years to evaluate and inspect and three years to mitigate for those identified sites. UPCM is concerned that they may run out of time in the short inspection season to actually get all of the sites inspected but Ms. Card and Mr. Christensen made it very clear that the idea of extending the overall five year period was unacceptable. He is proposing that the Council consider some policy room to fully identify the potential locations during the first two year period. Inspect the ones where we have no hazards identified by the map. He believed there may be situations where UPCM may not complete a project before the snow flies. He would like to have the ability to continue to inspect sites that are identified in the evaluation plan and continue that inspection in 2013 but not be in violation. Mr. Ellison indicated that the trade-off they are proposing is one that does not extend the five year window if that could ease inspections that don't get done, we would treat them as newly discovered sites that have to be mitigated within one year after discovery. That approach gives them the incentive to get all of the inspections done by the end of 2012, but if they can't, they are not in violation but will have to mitigate what was discovered within one year. Mr. Ellison stated that this creates an incentive and also addresses long winter seasons which are unknown. He proposed some language which might not be quite right but the idea is to make sure that the important sites are inspected and on the mitigation plan.

Mike Sweeney, property owner, stated that in general he feels this is a great document. He referred to the 10 acre parcel designation and stated that a mining activity that occurred below the surface can manifest in an area a lot less than that. If we are doing this for the safety of the community, properties less than 10 acres should be considered because there is a possibility of a mining event. It is important that we focus not only on the bigger properties but wherever there are possibilities for hazards. He suggested not including mine tailings because the soil ordinance is in place. Mr. Sweeney stated that the time guidelines seem reasonable.

With no further input, the public hearing was closed. Joan Card emphasized that this is a two part proposal and the first addresses property of any size. Whether a mine tunnel is 15 feet or 1,000 feet, the opening must be gated and properties must be inspected for potential hazards. The Mayor asked if there is an objection from staff regarding UPCM's request. Ms. Card stated that she appreciates that the five year period will still be met; this is a policy decision for Council. Mark Harrington suggested a modification to the first sentence that requires the owner to clearly demonstrate substantial progress and due diligence so that an extension is not requested at the 11th hour. Liza Simpson appreciated the City Attorney's language which addressed her concerns.

Mark Harrington pointed out that mine hazards on smaller properties are usually known which is not the case on large parcels. A motion to approve can be made which incorporates the two changes or a motion to continue. Alex Butwinski, "I move we approve an Ordinance amending Title 6 and 11 of the Municipal Code of Park City by creating Chapter 4, Title 6 – Mine Shafts and Tunnels, and Chapter 20, Title 11 – Physical Mine Hazard Mitigation incorporating the changes requested by United Park City Mines and as amended by the City Attorney". Liza Simpson seconded. Motion unanimously carried. Mark Harrington clarified that Joan Card outlined the two changes with the addition of the suggestion by Mr. Ellison with the additional language in the first sentence, *following in the event that an owner who has demonstrated substantial progress and proceeded with due diligence but is unable to. . .".*

VIII OLD BUSINESS

Consideration of an Ordinance approving the 109 Woodside Plat Amendment located at 109 Woodside Avenue, Park City, Utah – Thomas Eddington displayed the footprint formula in the Land Management Code and explained that when subdivisions and lot combinations are reviewed, the resulting density is always considered as well as size of structure. The current LMC codified a City policy that supports combination of lots because of the reduction in structure size. On a double lot consolidation, 41% of the lot is covered by building as opposed to a single lot with 45% because of larger setbacks and more open space. The current LMC reflects the philosophy that a larger house is better with increased setbacks than two smaller houses crammed in the same area. About a year and a half ago, the steep slope CUP revisions were made and at that time, part of the initial recommendation was a 25% reduction in footprint formula and/or 10% which wasn't very popular at both the Planning Commission or City Council meetings. If the policy needs to be changed staff should be given direction to make recommendations. He acknowledged that at the past couple of Council meetings, there have been questions on lot combinations. The new Historic District Design Guidelines are more stringent that the old ones and the revised LMC provides that the more restrictive of the two prevails.

Joe Kernan strongly felt that construction on individual lots should be encouraged and combinations discouraged. Mayor Williams pointed out that the goals of lot combinations is to lessen density and traffic and to get more off-street parking. He prefers looking at reducing the overall size as lots are combined. Mark Harrington cautioned on getting into a full debate on this tonight but direction can be given to staff to return with a broader discussion on lot combinations and maximum house sizes. Liza Simpson thanked staff for the graphic as it was beneficial for her to see that there was not a big jump in size. Members were interested in discussing this in the future.

Francisco Astorga stated that this application was continued on April 7, 2011 so staff could provide an analysis regarding compatibility of house sizes and footprints within the neighborhood. He explained the methodology and the type of data obtained and compared. Mr. Astorga emphasized that these are remnant lots. In response to a question from Liza Simpson, Mr. Astorga indicated that the analysis took some time to perform. Ms. Simpson stated that the study answered all of her questions and may be requested for other applications. Other questions were answered. The Mayor opened the public hearing; with no comments, the public hearing was closed.

Liza Simpson, "I move we approve an Ordinance for the 109 Woodside plat amendment located at 109 Woodside Avenue". Joe Kernan seconded. Motion unanimously carried.

IX ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

X ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Alex Butwinski "I move to close the meeting to discuss property, litigation and personnel ". Cindy Matsumoto seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Alex Butwinski, "I move to open the meeting". Joe Kernan seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder

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