

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 17, 2008**

Present: Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; Joe Kernan; and Liza Simpson

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Twombly, Project Manager; Brooks Robinson, Planner; and Ron Ivie, Chief Building Inspector

1. Council questions/comments. Roger Harlan reported on the HPB and Library Board meetings. He spoke about road closures planned for I-80 during the summer which have the potential of falling on Deer Valley concert dates. Joe Kernan expressed his support of the City to continue to provide a spring clean-up program even though the County has decided not to participate. Jim Hier reported that COSAC met and reached a consensus not to use open space funds on the Round Valley railhead. Matt Twombly explained that there is funding in the Trails Master Plan CIP for the project. Mr. Hier reviewed Chamber business and relayed that \$650,000 is budgeted annually for seed money for special events and he updated the group on the Peace House remodel project. Candace Erickson thanked PCMR and Deer Valley Resort for a phenomenal season. She spoke about participating on the Park City Coalition, a new Valley Mental Health program addressing substance abuse. Liza Simpson spoke about the timing of the WALC recommendations. Mayor Williams announced that Chairman Michael O'Hara resigned from the Planning Commission this week after serving 12 years. He discussed National Library Week and business presented at the second workshop on solar energy. He expressed his sympathy to the family of Connie Blunt who was killed when hit by a vehicle. She was attending her first year of college in Kentucky.

2. Quarry Mountain Water Tank Update. Tom Bakaly explained that the lock was broken at the tank site which services about 116 residences in Park Meadows. Because of the potential breach in water quality, residents were notified to boil drinking water. The water was tested and fortunately there were no contaminants found. Trespass is a federal offense and punishable by 20 years in prison and a \$1 million fine. The City has offered a \$1,000 reward for information leading to the arrest of the perpetrators. Staff is exploring solutions on this security issue.

2. Update on 9 Hillside Avenue. Brooks Robinson referred to input rendered by Prospector and Hillside Avenue residents about the renovation and addition at 9 Hillside Avenue. Through a PowerPoint presentation, he explained that this project began five years ago and in August 2005 the Historic Preservation Board heard an appeal on the application from the neighborhood and through several months of work, the owner and architect redesigned the plans. The appeal was upheld in part and denied in part basically because the revised plans were submitted at that time. The revisions addressed the historic stone wall on the west side of the property. There are two historic structures on the property, the Polish Barn and the historic house. The

associated plans were accepted by the HPB on August 10, 2005 and are considered the approved design plans for the property. A pertinent conditional of approval was that the barn not be demolished and any changes from the approved design will be reviewed and approved by the Planning Director. The architect, professional house movers and City staff explored the condition of the barn and agreed that the building could not be safely lifted in place so the approach was to disassemble the structure. It was determined that the north and south end gables could be moved in place and stored off site. The side walls were in very poor condition and it was anticipated that new material would be used. The owner and architect will be searching for other weathered barn wood to reapply to the side walls and this preservation plan was presented to the HPB who agreed with staff's determination. Mr. Robinson illustrated a slide noting elevations and explained the barn will become part of the living space of the house and in May 2007, after the foundation was poured, an adjacent neighbor requested that the barn be moved four feet to the north in order to save an historic lilac bush. The owner and staff agreed and adjusted the foundation but were not willing to redesign the house and barn so the floor and roof elevations remained the same. In August 2007, the full permit was issued. The historic barn's roof pitch was very steep measuring 17'12" but the initial plans did not reflect this. Once the non-compliant roof pitch was discovered and corrected, it was evident that the north and south sides would not match. Ron Ivie emphasized the poor condition of the wall frames and although the panels are stored, he warned not to expect them to be completely rejuvenated because of the rot. As part of the preservation plan, Mr. Robinson stated that a bond has been placed and held by the City on the project. Statements that the barn was demolished is not correct as well as comments that the barn increased in height up to six feet. The barn has been measured several times by the Building Department and the foundation is somewhat lower than shown on the original plans. The construction meets approved plans.

Mr. Ivie added that the property was surveyed by a licensed surveyor. The building foundation is about .413 feet or six inches lower than the approved plans and the total overall height of the building is 23.8 feet above topography and about three feet below the allowed height of the zone. In response to a question from the Mayor about the timing of new ownership, Brooks Robinson explained that there were no changes made to the plans with the change in owners. Mr. Ivie interjected that the only changes he is aware of is the roof pitch at 12'12" from 17'12" which changes the perception of the height of the building and moving the house four feet to the north. He reiterated that there is a bond guarantee for the renovation and the owner has offered to take anyone to the storage site to inspect the materials. Mr. Ivie warned against unrealistic expectations because the condition of building materials and the amount of rot.

Mayor Williams commented on the rock wall and Mr. Ivie explained that the Planning Commission stipulated that the rock wall be preserved which changed the access to the property. He is unaware of any damage to the wall and again mentioned the bond

guarantee. The Mayor noted that he received comments from the neighbors that the building should have been lower since the barn was moved four feet to the north, and the Chief Building Official restated that the foundation had already been poured when the request to save the lilac bush was made and it was important that the two buildings interact on the same grade. Moving the building four feet was not a simple change in plans. The relationship of the roof line is substantially the same, but the dimension is different because 2x4s were used in the original structure. Mayor Williams relayed that the project complies with the regulations of the LMC and Historic District Guidelines and as a result, it is unlikely that elements would be torn down and rebuilt.

Peter Marth, Hillside Avenue resident, stated that the neighborhood has come to Council for justice and answers to questions. He apologized for his outburst at the last meeting which he regrets. He alleged that the process was seriously flawed and restorable structures were demolished with a backhoe for personal gain. It demonstrates incredible ignorance on the part of the owner, the City and the real estate community. He relayed a sequence of events beginning with the listing of the property and contacting the new owner. The owner discussed his plan to subdivide the property and to move the historic structures otherwise he couldn't afford the \$500,000 sales price. Mr. Marth advised him of the difficulty in completing his plan but the owner stated that he would do what he wanted to do. Mr. Marth spoke about the encroachment of his and Paula McGee's property on 9 Hillside and that the owner wanted them to sign a legal document giving their property to him. The project was stalled by the encroachment issue and the easements were noted on the plat which worried the neighbors. Skirting the steep slope requirements, the owner and his architect David White, member of the HPB, and City staff came up with one LMC guideline, minimum setback requirements for a new lot, to support their argument to wreck the neighborhood and the historic cluster of buildings. He read the preservation policy in the LMC Chapter 11, Section 9 encouraging the preservation of historic buildings and sites based on the level of significance and he then read the section on historic significance. Peter Marth quoted LMC 15-1-2 regarding preserving the character of the Historic District and protecting vistas. Knowing this, staff still recommended approval of the subdivision to the Planning Commission where there was no mention of LMC conflicts and specifically protecting the rock wall. This historic link to our past was tossed into a dumpster and he expects tonight that Council members will only offer excuses and will not administer justice. Justice is to red-tag the project tomorrow, (owner) relinquish any security bonds, (owner) pay fines, (property) lose historic significance and give-aways such as sewer and water, (not) waiving hook-up fees and tear down and rebuild the barn reproduction to the correct height.

Alan Schueler stated that when they first meet with the owner Steve Stanton at the HPB meeting, their appeal included sections of the Historic Guidelines which they felt were in conflict. He read the introduction of the Guidelines which discourages modernizing

structures. The Mayor interjected that members have copies of the appeal points and didn't see the modernizing element. Mr. Schueler clarified that the neighborhood met three times with the HPB and maintaining the visual unity of building clusters on individual sites was not achieved. Peter Marth explained that they dismissed this argument although it was important to them. Mr. Schueler stated that the front façade was altered and the original roof was not preserved. The Planning Department has four sets of approved plans worked out between Planner Kirsten Whetstone, David White, and Ron Ivie which were never publicly discussed. The positions of the windows have changed. The roof line has changed. He again relayed the instance where he was cited for changing his front door which held up his siding permit. Their appeal asked that the soils be tested since the property sat on an old millsite but that was dismissed because the HPB did not feel it was within its purview but it was never addressed in any other format. He strongly disagreed with the comment in a staff report stating that two professional house movers determined that the barn could not be moved in its present condition. Mr. Marth described the sturdy construction of the structure and Mr. Schueler stated that the neighborhood knew the owner was going to throw the barn in a dumpster even though it was suppose to be restored. They were clear in their appeal points which were denied. They were lied to and he didn't feel that saving two walls is historic preservation. He displayed illustrations of properties throughout town where historic preservation is not being achieved. This has been incredibly frustrating and Mr. Schueler emphasized that he has no quarrel with Ron Ivie or the Building Department.

In response to a question from Candace Erickson, Mr. Ivie explained that the house parts were never removed from the site which is consistent with the preservation plan. The barn walls are stored and can be examined upon request. Ron Ivie continued that not all materials could be saved because of their condition and pointed out that the barn was not in tact when the project was approved. Discussion ensued regarding expectations of the neighborhood and Mr. Schueler indicated that it is not his experience that saving a few walls is historic preservation. Joe Kernan suggested a process where historic architectural elements are identified to be saved and Ron Ivie explained that the effort is to save everything possible in the historic building. The debate about "panelization" has been going on for a long time and the same conclusion has been reached on the Watts Property that disassembling the building will save more of the actual historic fabric. Mr. Marth detailed the design of a beautiful historic window on the Hillside structure which was thrown away by the owner.

Paula McGee, former resident, believed that the City placed the burden on them to identify violations of the LMC or the Historic District Guidelines. They were shot down every time while the neighborhood should be thanked for trying to protect our historic character. She claimed that the new roof line is four or five feet higher; it is not completed yet and still *growing*. The streetscape has changed and she talked about the City unfairly penalizing Alan Schueler during his renovation project.

Denise Kent, 9 Prospect, stated that she and her husband Alan Schueler bought their house in the Historic District so that it would be preserved.

Roger Harlan compared the discussion tonight as *dissecting a cadaver* while the focus should be improving the process. Tom Bakaly felt there is an opportunity for public participation now since the Guidelines are being amended and there will be a series of public hearings held. Paula McGee stated that she was offended by the City Manager's comments on the radio that the project was in compliance because it seemed premature since this meeting did not take place yet. Tom Bakaly explained that he was commenting on the staff report which was distributed on Monday. Joe Kernan again suggested that identifying specific elements in the future would be helpful. Peter Marth spoke about ethics of the staff and real estate community. Mayor Williams pointed out that in many instances historic structures are uninhabitable and must be brought up to code as they are restored. He explained that accepted methods have changed through the years but added that sometimes the results of a renovation project are disappointing to some but comply with codes. Mr. Hier believed that the connection of the structures made the project look very different but he recalled when the application was reviewed that some of the reasoning was to maintain one lot and not to subdivide. The restoration of the Watts Property is important and he would like to meet with staff on this project. Alan Schueler believed that the relationship between staff and the public could be improved. This is what went wrong. Brooks Robinson discussed the benefits of pursuing a plan of inventorying historic elements to include in the preservation plan. Tom Bakaly indicated that staff will return to Council with an update on the Watts Property.

Paula McGee again asked about the roof height, and Ron Ivie stated that he will meet with the neighborhood to measure the structure.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 17, 2008**

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 17, 2008. 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; Max Paap, Special Events Manager; and Francisco Astorga, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council disclosure – Candace Erickson stated that she will excuse herself from discussing and voting on 1615 Park Avenue because of her employment with Cole Sport.

2. Resolution proclaiming the Mayor's and City Council's appreciation of 1st Lieutenant Cody James Wheaton's patriotic commitment to serve our Country – Mayor Williams read the resolution into the record and presented a framed proclamation to 1Lt Wheaton's parents Marion and Bob. Mr. Wheaton noted that when Cody learned about the recognition his response was that he was very proud to be born and raised here in Park City and wished that more communities were like Park City in recognizing service men and women.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 27, 2008 AND APRIL 3, 2008

Jim Hier, "I move we approve the minutes of the meetings of March 27 and April 3, 2008 with the adjustment of Ms. Erickson being absent from the vote on April 3". 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")*

The Mayor requested a motion to approve the Consent Agenda. Roger Harlan, "I so move". Liza Simpson seconded. Motion unanimously carried.

1. Consideration of approving a Resolution proclaiming the Mayor's and City Council's appreciation of 1st Lieutenant Cody James Wheaton's patriotic commitment to serve our Country – See Communications from Council.
2. Consideration of approving a Resolution acknowledging the 40th anniversary of the Fair Housing Act and proclaiming April 2008 as Fair Housing Month in Park City, Utah – The Mayor recommends approval.

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

1. Consideration of approving a Master Festival License for A Day at the Races– to be held on May 10, 2008 and approval of a partial street closure of Main Street between Heber and 9th Street – Men of McPolin – Special Events Manager Max Paap explained that the Men of McPolin submitted an application to hold an event to raise money in support of school programs. This first year event proposes racing soap box type carts, built by students and parents, on lower Main Street which is hoped to create a Park City event that provides exposure for a positive celebration that invites, inspires and includes the entire community. This event was discussed at an HMBA meeting where the Board had no dissenting comments or concerns. He explained that the event requires a MFL due to amplified music and the use of City property. The Mayor opened the public hearing but there was no input and the hearing was closed. Jim Hier, "I move we approve the Master Festival License for A Day at the Races, as conditioned on May 10 on lower Main Street between Heber and 9th". Roger Harlan seconded. Motion unanimously carried.
2. Consideration of approval of an Ordinance approving the request to amend zone change conditions of approval located at 1615 Park Avenue, Park City, Utah - At this point in the meeting, Council member Erickson left the Chambers. Brooks Robinson introduced Planner Francisco Astorga and the City's newest puppy guide dog, Foxboro. Planner Astorga emphasized that this application is not for a zone change and the zoning map will not be amended in any way. The property was zoned General Commercial in 2000 and this request is to change the conditions of approval as a part of that action. Jim Hier pointed out that the property is identified incorrectly on the zoning map as RM-MPD and Mr. Astorga explained that he is aware of the problem and the map is being updated.

He continued to explain that the property was zoned from ROS to GC in 2000 with three conditions of approval as outlined in the staff report. The first condition was that the setbacks of the property be established at 47 feet on Park Avenue, 40 feet on Empire, rear and west 78 feet, side and north 84 feet with no further expansion allowed beyond the existing building edges. The second condition is that any expansion in height will

meet the height requirements of the underlying zone and three, in the event of damage or destruction of the existing building, any new structure would be required to meet the setbacks of the existing building as depicted on the site plan dated October 11, 2000. Currently, Cole Sport is seeking to amend the conditions of approval to allow an underground warehouse to be constructed to support all Cole Sport stores. He detailed the plan for each level and noted that the Planning Commission forwarded a positive recommendation on March 26, 2008 where there was no public input. The staff finds that the GC zone development standards and the frontage protection overlay are adequate regulation for this location, because the setbacks permitted in GC Zone are in harmony with the overall character of adjacent properties. The setback standards of the GC for Park Avenue is 20 feet, 30 feet for the frontage protection zone, 20 feet for Empire and 10 feet for the sides. He referred to an email in opposition which was received before the packet was prepared. Members acknowledged that the email was received online. In reference to a concern expressed in the email, Mayor Williams asked if blasting is contemplated for the excavation. The architect explained that blasting is not anticipated at this site because it hasn't been needed historically in the area. Mark Harrington explained that the Building Department provides a process for blasting including a mitigation plan. In response to a question from Jim Hier about encroaching in the 10 foot setback during excavation, the architect explained that the limits of disturbance fence will be placed inside the property line and the excavation material will be stored within the area. The Mayor opened the public hearing.

Alex Butwinski, WALC, referred to the existing 47 foot setback on Park Avenue and relayed that WALC will be making recommendations to the Council in a couple of weeks. The plan is based on a spine concept from the Olympic Park to Cole Sport and he suggested that this 47 foot setback be kept in place with a sunset provision of three years. This would provide the opportunity to review walkability projects. Mark Harrington asked how the setbacks would impact the recommendations, and Mr. Butwinski indicated that he didn't exactly know. The City Attorney clarified that setbacks and rights-of-way are very different and Mr. Butwinski admitted that he wasn't sure how the spine project would be affected. He reiterated his two suggestions and his concern that the WALC study is in place. Mark Harrington explained that applications should not be considered separately in context with proposed recommendations and acquiring rights-of-way for a City-wide trail system is very different than determining if the setbacks defined in a zone are appropriate. Francisco Astorga added that the Planning Commission will hold a hearing on the CUP because of the FPZ issue. With no further comments, the public hearing was closed.

Mr. Astorga pointed out a minor word change suggested to be made to the ordinance. Joe Kernan, "I move approval of the amendment changing the conditions of approval for property located at 1615 Park Avenue and replacing the word "revising" with "removing". Jim Hier seconded. Motion carried.

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

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 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; and Mark Harrington, City Attorney. Jim Hier, "I move to close the meeting to discuss property". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 4:45 p.m. Candace Erickson, "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