

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 16, 2010**

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Matt Cassel, City Engineer; Michael Kovacs, Assistant City Manager; Bret Howser, Budget Manager; Francisco Astorga, Planner; Thomas Eddington, Planning Manager; and Roger Evans, Interim Chief Building Official

Historic Preservation Members Ken Martz, Roger Durst and David White

Dina Blaes, Historic Preservation Consultant; Sandra Morrison, Director of Park City Historical Society

Tom Fey, Alan Delmoski, John Stafsholt, Scott Gilson and Ruth Meisma, Residents

1. Council questions/comments. In response to a question from Cindy Matsumoto, Matt Cassel updated members on Bonanza Drive improvements. Liza Simpson relayed that the Chamber's new website is up and running. Candace Erickson reported on a number of draft bills on potential immigration legislation. Mayor Williams interjected that Arizona is experiencing huge financial losses in tourism and events because of its position on immigration and he hopes the state legislature takes that into consideration. Ms. Erickson pointed out that another bill is in the works to redistribute the 1% resort cities sales tax. She shared business discussed at a Friends of Cross-Country meeting and asked if the restrooms at Quinns Junction could be open during the winter months. Mountain Trails indicated that it would take responsibility to make sure that it is clean and supplied. Tom Bakaly stated that he will estimate costs and return to Council. The China Bridge Parking Structure was discussed. Mayor Williams commented on the high public interest on MIDA negotiations. He had lunch with Mayor Becker during the week about transportation and spoke about giving up his seat on the Mosquito Abatement Board to a Summit County representative.

2. Budgeting for Outcomes prioritization update. Bret Howser explained that Council should reprioritize programs presented by the results team, if needed, and expand or reduce service levels on programs, if desired. Two weeks ago, Council expressed the need for benchmarking data to assist in making priority decisions. Michael Kovacs stated that staff used Mr. Kernan's list of services including snow removal, sidewalks, parks, field maintenance, recreation, etc. ICMA, resort towns, and local data were used for comparison purposes and he detailed a comparison of police services. He then addressed a snow removal analysis showing different levels of

service for a variety of communities. With regard to budget options, Bret Howser explained that if members want a higher level of service, staff should be directed to return with an elevated level of service request as part of the budget. Budget options are generated in the department and considered by the City Manager who decides what will be included in his proposed budget. Budget options are still presented to Council in the budget document whether or not supported by the City Manager. Mr. Howser used clearing the sidewalk on Holiday Ranch as an example and explained how programs are tied to Council goals and the cost benefit index. Mayor Williams expressed the importance of ensuring connectivity of trails and sidewalks when making decisions on service levels. Joe Kernan felt comparable information will be useful and hoped that enough time is available to further research certain programs, if needed. Tom Bakaly believed the BFO process will play into budget decisions and by the Visioning Session in February, priorities should be refined. He explained the RELS process designed for citizen requested enhanced services for a neighborhood. Michael Kovacs stated that the City has over 100 programs which the Council will need to evaluate. Joe Kernan stated that citizen satisfaction information would be helpful. Mr. Kovacs referred to 2006 survey data and stated that another survey will be conducted this fiscal year. Mr. Howser added that 2006 survey data was used but it was general and not specific to service types like streets. Mr. Kernan had a different recollection and recalled the survey addressing golf, library, snow removal and streets, etc. This is useful information when weighing whether a service or program should be adjusted. Mayor Williams agreed and spoke about the great return on trails. Mr. Kovacs pointed out that the level of the benefit cost index for a service reflects the number of goals achieved and Mr. Howser acknowledged that ultimately Council's expertise and personal experiences will feed into final decisions. Mr. Kernan was pleased that there is good financial information, a nexus to goals and some survey data will be available. Bret Howser stated that he will explore survey information on file and the status of the citizen satisfaction survey before the next BFO session.

Liza Simpson asked several background questions on a variety of program models. Candace Erickson pointed out that some enhancements may result in savings over time but that information is not included. Frequency of washing the parking structure was discussed as an example. Discussion ensued about raising fees when improvements are made to facilities operating in an enterprise fund. Ms. Simpson felt that offsetting revenue is critical information to have when considering enhancing programs. Members were encouraged to call staff with questions in the meantime. The City Manager distinguished the difference between providing enhanced service or providing the same level of service with added infrastructure costs.

3. 657 Park Avenue recap and preservation practices. Planner Francisco Astorga explained that the 657 Park Avenue project will be discussed as well as the current reconstruction criteria adopted in the Land Management Code (LMC), including noticing requirements for Historic District Design Review (HDDR) for reconstruction. Staff is looking for direction from Council about possible amendments to the adopted reconstruction policy, including noticing.

He explained that an application for HDDR was received in 2009 and the project was vested under the 1983 Historic District Design Guidelines (HDDG) and the previous version of the LMC. The property was listed on the Historic Site Inventory as significant and will remain on the inventory as a result of the reconstruction requirements because it will retain its essential historical form. The property was reviewed in accordance with the City's HDDG procedures prior to amendments made in 2009 and was approved for reconstruction after the completion of the as-builts, preservation plan and its corresponding physical condition report. The previous 2002 HDDG did not define the reconstruction process and subsequently amendments were made to provide a better policy for panelization, reconstructions, etc. The 2002 criteria was applied to the reconstruction at 657 Park Avenue which relied more heavily on the architect's or engineer's assessment and recommendation for staff's review. Mr. Astorga stated that the new HDDG require involvement from the Chief Building Official for reconstructions and panelizations. The process is now clear and applications now go through a pre-application and HDDR processes.

He clarified that this property was recommended for reconstruction because of the poor condition of the foundation, exterior wall and the roof. The structure was seated on a 6 x 6 wood foundation; the vertical members were rotted on the ends, etc. It was decided that an attempt to panelize 657 Park Avenue would not be successful because it was likely that the materials would not survive and a vapor barrier can not be applied in this instance. Cindy Matsumoto pointed out the high number of historic homes without foundations and Mr. Astorga explained that structures are reviewed on a case-by-case basis. An official order from the Chief Building Official is required in determining a building unsafe under the new code which was not applied in this situation.

Ms. Matsumoto explained that reconstruction under the previous HDDG is an act or a process of depicting of by means of new construction the form, features, and the detailing of a *vanished* building. A *vanished* building doesn't mean you vanish it and then reconstruct it and she felt this provision has been misapplied. An example would be the Coalition Building burning down making it a vanished building where reconstruction could be utilized. Dina Blaes stated that one of the biggest issues in rewriting the HDDG was defining activities within the City that were not addressed in the HDDG or LMC. There were many conversations with the Building Department about historic structures that were never meant to be permanent; they were temporary and part of a mining boom era. She explained that construction methods and materials were not intended to last this long but remarkably so many had. In many instances the deterioration of those materials concerned building officials who did not want that tool taken away because there are very few options available.

Cindy Matsumoto acknowledged that she wasn't very familiar with the condition of 657 Park Avenue but many owners in town have gone the extra mile and saved buildings that looked in very similar condition. It is a horrible precedent to set if historic materials could have been saved. Ms. Blaes cautioned her as describing this as a precedent

because it is *left-over* from the old ordinance which she admitted is frustrating. She continued to express that Council has accomplished what it needed to do by establishing criteria that supports both the planners and the building officials but there is a transition period. Ms. Matsumoto insisted that the process did not meet the old HDDG because it is not a vanished building and there should have been a certificate of appropriateness for demolition (CAD) issued in this instance. Whether or not the application was processed appropriately does not change the results or what our community wants. The community doesn't want those buildings torn down.

Ms. Blaes explained that the way the LMC was written is that the City will consider a reconstruction if certain criteria are met. The previous Council, HPB and Planning Commission were very aware that demolitions were not acceptable and took the time to look at options so reconstructions were not so common. She personally felt this was due to development patterns getting ahead of regulations and unfortunately there were buildings lost but she commended the Council for stepping up in 2008 and 2009 and tightening up criteria. What is stated in the LMC is that the City acknowledges that reconstructions should be a method of last resort and in 2006 that was the first approach. Applications for reconstruction are required to go through a strenuous process to justify them.

Mayor Williams expressed his interest in discussing noticing and whether the HPB should have been more involved in the project and/or the process. For instance before a demolition is approved, he suggested the application go to the HPB for a review process with public hearings. He acknowledged that the demolition of 657 Park Avenue was a shock to many and the project was confusing because it was regulated under the old HDDG and there are more safeguards in the new one. In response to a comment from Liza Simpson, Francisco Astorga stated that Chief Building Official Ron Ivie reviewed the preservation plan. The original request from the architect was panelization but Ron Ivie recommended demolition based on his expertise. Ms. Simpson understood that if amendments are made to the HDDG as described by the Mayor, it would be effective from this point forward. Mark Harrington explained that staff can look at retroactive findings but those are challenging. There may be some procedural things the City can do, even on pending applications, excluding substantive requirements. He further clarified that if specifics contradict existing code language defining the process, an ordinance is needed to amend the process but if supplemental requirements are being added that don't contradict current code, those could be implemented. Candace Erickson expressed concern about the architect or engineer, working for the owner, writing applications to frame the end result. Francisco Astorga pointed out that the new criteria in the LMC require the Chief Building Official's order after inspection of the property. Mr. Eddington felt that everyone wants reconstruction which is denied unless criteria are met.

Roger Evans referred to time lines and stated that on August 5, 2008 he examined the interior walls of the building which are described in a detailed report in the meeting packet. The finding of lack of integrity by staff occurred on May 22, 2009 when all documentation had been submitted. It was determined that the best approach for 657

Park Avenue was reconstruction because of the condition of the foundation. The bearing wall was out of square and a lot of wood rot was occurring. The amount of damage that had occurred over the years made it impossible to panelize the building and add a vapor barrier so the decision was made by the Chief Building Official to recommend reconstruction.

Ms. Erickson acknowledged that the City allows some relocation of structures and pointed out that the Distillery was moved a little bit. She asked if 657 Park Avenue met the required setbacks in its original location and if it was moved forward to accommodate the back addition. Mr. Astorga stated that the side setbacks did not meet code and the prior HDDG did not address relocation criteria. Ms. Erickson stated that allowing relocation bothers her and she would like to change this. Mr. Eddington advised that the new HDDG address this and will only allow movement unless there is a finding of hardship. Dina Blaes added that the previous HDDG did not address relocation, reorientation, raising, panelizing, etc. and the Building Department was struggling with lack of direction and criteria regarding Council's preservation goals. The criteria for relocation are far more stringent now. Liza Simpson referred to the \$154,000 financial guarantee in the form of a lien and Mr. Astorga explained that the City uses the fund to complete the historic portion of the project as approved. If the applicant builds something different, he is violation of the approved building permit. Ms. Simpson stated that she wants to make absolutely sure that when people are allowed to reconstruct a building that it is going to get done. Mr. Astorga explained that building permits expire in 180 days unless some work is demonstrated to keep the permit active.

Cindy Matsumoto stated that the community did not feel informed or involved in the decision which may be an on-going problem. Guidelines are meant to be interpreted in each situation and she believes her constituency wants them to be more strict than lenient. A reconstruction does not require a CAD and she reiterated her concerns about a vacant or non-surviving building. Ms. Blaes explained that non-surviving is a definition that is generally accepted by the preservation community and is included to allow reconstructions, for example the Coalition Building. She encouraged dialogs like this and hopes that the HDDG will be reviewed more often so modifications can be made when issues arise. This is exactly what is supposed to happen. If the definition needs to be modified to make sure it is clear, Council should do that. Ms. Matsumoto repeated her concerns about vanishing a building and then requesting reconstruction. Thomas Eddington explained that when reviewing the Historic Inventory in 2009 a decision was made to create both landmark and significant lists and to allow for reconstructions and panelizations. He referred to criteria for reconstructions found in the LMC. In response to a question from Joe Kernan, Mark Harrington added that the more specific criteria will control the result and define whether an application is eligible for reconstruction or not. He believes that the criteria define non-surviving but if Ms. Matsumoto believes it means more and members agree, staff should be directed to add additional criteria that meets Council's expectations if it is different. Ms. Blaes explained that The Depot had a portion that didn't survive a fire and reconstruction is a solution especially when there are historic photographs showing decorative elements that are no longer there and

should be brought back. Cindy Matsumoto stated that if a building is determined non-surviving she wants it to go to the HPB not to just staff. The Historic District is very important to the community and people should have an opportunity for input so all historic buildings, and at least demolitions, should be publicly reviewed by the HPB.

Alex Butwinski did not feel the financial guarantee is adequate. He referred to a list of 30 projects and asked the status and Mr. Eddington explained that many have already been reconstructed and completed. Mr. Butwinski again asked how many are at risk of being reconstructed under the old HDDG and Mr. Eddington stated that only two or three would qualify for reconstruction or extensive panelization. The Mayor invited public input.

Ken Martz, HPB member and Old Town resident, stated that he reviewed the meeting packet. He strongly urged better communication which could have eliminated this meeting. The HPB should have reviewed the demolition request, even if it is just on a cursory level so that members had a better understanding. The HPB had input on other reconstructions but not this one and there are different levels of communication. He felt there is inconsistent application of the process and pointed out that 657 Park Avenue is next door to an \$8 million renovation of a livery stable and residence. The Parkwood Project was similar as it cost a lot of money and he feared that there will be no motivation to do anything other than reconstructions. He questioned whether a building can be reconstructed, moved and have an addition constructed at the same time. Reconstruction is not adding a 3,000 square foot addition and relocating the original structure. He personally did not feel that reconstruction is preservation and described renovation as a labor of love. There are many ways to communicate and suggested that there be more site visits.

Roger Durst, HPB Chair, spoke about recent efforts to improve communication as a member has been appointed as a liaison to the Planning Commission and another member has been charged with attending the HDDR meetings. Unless an appeal of a decision of the HDDR is filed, the HPB never hears about projects. He relayed HPB member Werbelow's concerns and questions asking for more clarification about the process. The HPB feels out of the loop without a voice and he spoke about his restoration expertise as an architect. Staff should make a determination that a building is unsafe and jeopardizes public safety but to suggest that the same individual determines it can not be restored is beyond his capability and inappropriate.

David White, HPB member and architect, stated that he agrees with Messrs. Durst's and Martz's remarks.

Tom Fey, Park Meadows resident, referred to the LMC with him, specifically Historic Preservation, and assumed it is the current code. The Mayor asked that staff take a look at his document to confirm. Mr. Fey continued that *it is always easier to ask for forgiveness than it is to ask for permission*. Unless the code has *teeth in it*, you can always ask for forgiveness. Once a building is torn down, it is gone. He understood

that a building must be determined hazardous and dangerous to receive a demolition permit. There is a requirement that it has to be listed for 180 days and a sign has to be put in the yard with notice of the demolition. Put teeth in the code to prevent people from doing these types of things in the future. In a previous section there are significant requirements about obtaining a demolition permit. He stated that 657 Park Avenue doesn't qualify to be demolished under the requirements of the code. He agreed with Ms. Matsumoto that Old Town is more important to Park City than Park Meadows from a design standpoint and there are communities in the United States that have architectural review committees. He encouraged the Council to give the HPB once again the authority to look at things in Old Town and look at them before they happen.

Mark Harrington emphasized that there is no limitation on the Council adjusting the LMC and expanding authority but the HPB can not take on both roles as the initial decision-maker and the appeal board. Liza Simpson recalled previous discussions and the HPB preferring to hold onto appeal authority, acknowledging that there is now a different membership.

Alan Delmoski, 133 Woodside Avenue, stated that \$154,000 does not represent the value the community places on the house. He asked how the financial guarantee is determined. Francisco Astorga explained that it is calculated on a square footage basis to estimate the cost of rebuilding the porch and the historic structure and is reviewed and approved by the Planning Manager and Chief Building Official. Tom Eddington recalled the amount is based on \$150 per square foot for the building and \$50 per square foot for the porch.

John Stafsholt, 633 Woodside Avenue, echoed Tom Fey's comments about the actual code and what was actually followed and has issues with interpretation. He stated that he spent a lot of time reviewing the staff report in detail and had trouble understanding it. He created rebuttals on points that he later decided not to share. The High West Distillery is a wonderful renovation and there may be others that rightly feel they were treated differently than 657 Park Avenue. There are 109 applications currently in the Planning Department that are under this same code and asked what will happen if they realize they can maximize their investments with a complete demolition and get over three times their original square footage and call it a historic reconstruction. This is why he feels it is important and demolition is key to the whole situation. The outcome of the demolition determines everything else that has happened in a cascading manner as far as notifications, CADs, relocating and resizing the house. He referred to the staff report indicating that this action was not a demolition. The definition of demolition expressly excludes approved reconstructions or panelizations. On July 9, 2009 the City Council met and voted to adopt new LMC amendments and new HDDG which were not applicable to 657 Park Avenue because the application was completed and vested as of January 2, 2009. The new HDDG included a new definition for demolish which allows historic sites to be relocated, reoriented, disassembled, reassembled and/or reconstructed without going through the CAD process. This is the reconstruction exclusion that Mr. Astorga referred to in the staff report. Mr. Stafsholt asserted that

most all of the future issues cascade from this interpretation and the problem was that the application was vested seven months before this new definition and it does not apply at all. The CAD, the noticing of 300 feet to the neighbors, the HPB approval and all of the meetings are required for 657 Park Avenue. At the same City Council meeting, there were also three completely new sections added to the LMC which provide criteria for the relocation and reorientation of historic structures, disassembly and reassembly of historic structures and the reconstruction of historic structures. These sections are repeatedly mentioned in the staff report but again they don't apply. It is important that this particular one is looked at on its own because it sets a terrible precedent and if no fault is found in the misinterpretation here, Council might be condoning this behavior for the development community in the future. This goes against all of the town and all of our preservation ideals.

Scott Gilson, 658 Woodside Avenue behind 657 Park Avenue, stated that he agrees with much of what has been said by the public. He requested that policies and procedures instruct the planner to notify adjacent property owners when this kind of action is taken.

Sandra Morrison, Park City Historical Society, stated that she is still very confused and doesn't understand how the Planning Department can accept an application for reconstruction when there isn't a vanished building. She referred to comments that the 1983 HDDG does not address reconstruction but relayed that it states that reconstruction is reproducing by new construction the exact form and detail. The building must be reconstructed on its original site with its original orientation. She was also confused to learn that the new structure will remain on the inventory since the LMC defines historic as more than 50 years old.

Ruth Meisma, 305 Woodside Avenue, stated that she found the public's reaction to the loss of 657 Park Avenue interesting because there is a lot of loss going on, not due demolition necessarily but more in the cases where panelization is used. There are bits and pieces of history being lost that aren't really being noticed and collectively she considers it to be more of a loss than the loss of a single building. This is not due to lack of conscientiousness on the part of the Planning Department staff because it is her experience that they address her concerns immediately. There is not one person in the Planning Department that doesn't want to preserve every single historic structure in town. She believes that loss of history actually occurs after HDDR and the Planning staff can always use better tools. The new HDDG are an incredible help but there are more things that can be done including better documentation of every single property on the Inventory starting with the landmarks. She understood that this will take an incredible amount of work and volunteers may have to be used. The Historical Society conducts this work for homes on their annual tour but there should be a complete documentation for every house. She feels a huge amount of responsibility falls on the citizens concerned about history and mentioned that HPB meetings are not well attended. Residents should read the HDDG and when they don't understand them to go to the Planning staff for clarification. She spoke about a demolition on Daly Avenue

where the owner/contractor meticulously disassembled any materials that could be reused and she felt that if 657 Park Avenue was handled this way, there would have not been as large of an uproar.

The Mayor suggested holding a joint meeting with the HPB during Council's Visioning Session in February. He has no problem looking at the role of the HPB again. He stated that the HDDG took a couple of years to develop and is a living document that will continue to need adjusting. Maybe there needs to be more documentation on historic structures and some of the burden should be placed on the applicant. Mayor Williams appreciated the civility demonstrated tonight and acknowledged that it wasn't anyone's fault but there are several things that need to be addressed by Council. Liza Simpson felt this is a good way to go but by and large the amendments to the LMC and HDDG have been positive. She believed a joint meeting is a really good idea and it should focus on process and role. Maybe there is a way to partner with the Historical Society to have them provide some volunteer hours to produce a better inventory. Candace Erickson reminded the public to sign up for e-notify on the Park City website as an easy and simply way to stay informed of upcoming meetings and business rather than relying on mailed or published notice. Alex Butwinski asked about a moratorium on demolitions and Mark Harrington didn't believe that placing a moratorium on vested applications is legal but will check. Joe Kernan stated that he would like to discuss improving the code at Visioning and believed that maximization on historic lots is also an area where he would like to learn about density transfers and other ways the City may be able to keep historic houses smaller. Cindy Matsumoto expressed her concern about the *loophole* for reconstruction projects because she believes a CAD is required. Thomas Eddington explained that the old and new HDDG allow for reconstruction without a CAD.

Prepared by Janet M. Scott, City Recorder

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 16, 2010**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 16, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tommy Youngblood, Special Events Analyst; Brooks Robinson, Transportation Planner; Matt Cassel, City Engineer; Tyler Poulson, Sustainability Analyst; and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Council Disclosure - Joe Kernan disclosed that the PCHA requesting approval of a Master Festival License is one of his recycling customers.
2. Environmental Heroes Award - Mayor Williams commented on the community's commitment to green initiatives and felt it appropriate to award the first Environmental Heroes Award to Andy Beerman and Thea Leonard of the Treasure Mountain Inn. The TMI is a member of the Green Hotel Association and the first hotel to go carbon neutral by using Blue Sky and other offsetting programs. It donates 1% of its revenues to environmental non-profits and 1% to the Planet Program and was honored as the Business Recycler of the Year in 2005 and 2006. TMI has water savings features, EnergyStar™ appliances, a high efficiency HVAC system, sensor lighting, a solar array and hotel vehicles are hybrids.

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

Water contamination – Thaynes Canyon- Beverly Herwitz, Thaynes Canyon resident, stated that she is a victim of manganese poisoning from the contaminated water in Thaynes Canyon during the 2007 episode. It was measured in her blood but most of it is in the brain and she shook so badly that she had to close her medical practice. She is also a victim because she owns two properties in the contaminated water district and would have to disclose any environmental and/or health risks to potential buyers. She feels she is left with two worthless properties that she is paying taxes on and the loss of her health, career and home value along with additional expenses incurred trying to protect herself. Dr. Herwitz relayed that she has been asked by the Windrift Condominium and Thaynes Canyon Home Owners Associations to bring this issue to Council's attention. Many residents are unaware of the harmful risks of drinking or using the contaminated water and information is not being made available to affected residents. The City has been negligent in providing timely warnings to affected residents and a failure to provide adequate information about the risks of these contaminants. She distributed pamphlets about manganese published by the state of Connecticut, the state of California, and the city of Wisconsin emphasizing that the City has an obligation to inform people. She was surprised to learn that the Summit County Board of Health has no jurisdiction in Park City. Dr. Herwitz stated that she is outraged that this has been put on the back burner for so long. Park City Hotel and Snow Creek Cottages both have clean water and this dirty little secret can't stay secret forever. Citizens need to understand why this is happening and what is going to be done about it before legal actions proceed. She feels that the EPA is grossly behind in its information

on the health risks of manganese. The City Manager indicated that a work session will be held on the water system.

IV 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")*

In response to a question from Candace Erickson, the City manager explained that the contract with Dave Stuart is not hour based but a flat fee for the year. Liza Simpson, "I move that we approve Consent Agenda Items 1, 2 and 3". Candace Erickson seconded. Motion unanimously carried.

1. Consideration of award a three year contract for state lobbying services to Legislative Executive Consulting, LLC (David Stuart) for \$80,000 per year in a form to approved by the City Attorney – Approved.

2. Consideration of Resolution in Support of 2009 IECC Building Standards – Approved.

3. Consideration of authorization of the following Insurance premium payments for the 2011 City insurance placement covering a one-year period January 1, 2011 through January 1, 2012, and crime insurance covering a three year period from January 1, 2011 through January 1, 2014 – Approved.

(a) \$111,933 to States Self-Insurers Risk Retention Group, Inc. for public entity broad form liability insurance

(b) \$2,905 to States Self-Insurers Risk Retention Group, Inc. for Potable Water Treatment Operations insurance supplement;

(c) \$139,389.00 to Workers Compensation Fund for workers compensation insurance;

(d) \$73,583 to Lloyds of London for property insurance;

(e) \$7,394 to Zurich American for boiler/machinery insurance;

(f) \$9,782 to Travelers for Public Officials Employee Dishonesty (Crime) insurance (3 years);

(g) \$1,238 to Hartford for property insurance covering 1255 Iron Horse Drive, leased by City through 2011

V OLD BUSINESS (Continued items)

Consideration of acceptance of Comprehensive Annual Financial Report for 2010 – Alex Butwinski, "I move to accept the Comprehensive Annual Financial Report for 2010". Liza Simpson seconded. Motion unanimously carried.

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

1. Consideration of a Master Festival License for Holidays in Historic Park City, as conditioned, on December 18 - 29, 2010 on Main Street and Park Avenue from 7th St. to Heber Avenue and Miners Park – Tommy Youngblood explained that an electric light parade on December 21, carolers in Miners Park, and horse carriage rides on lower Main Street are

proposed. The MFL specifically allows Council to approve things that are normally not permitted. A test horse carriage ride was conducted and the rides will be available daily depending on transit and weather conditions and staff recommends approval. The Mayor opened the public hearing; there were no comments from the audience.

The Mayor felt that putting horses on Main Street is crazy during the holidays and does not think this is a good idea. Six parking spaces will be lost during the busiest week of the year and it will have a major impact on traffic. Alison Butz, PCHA, clarified that parking spaces are no longer being requested and Mr. Youngblood explained that there was a change in operations after the staff report was distributed.

Ms. Simpson commented that the Council has been encouraging the PCHA to come up with new events and the traffic is already very slow during Christmas week. Ms. Erickson agreed and felt that if the membership is happy with the plan, she can support it and if it doesn't work out, it can be changed or discontinued if necessary. In response to a question from Alex Butwinski about increased risk with the horse carriage rides, Mark Harrington felt this application is not out of the ordinary and standard insurance and indemnification will be provided by PCHA.

Candace Erickson, "I move we approve the Master Festival License for Holidays in Historic Park City on December 18 to 29, 2010". Cindy Matsumoto seconded. Motion unanimously carried.

2. Consideration of Service Provider/Professional Services Agreement with LSC Transportation Consultants, Inc. for professional services related to the preparation of an update to the Park City Short Range Transit Development Plan in an amount not to exceed \$89,830 in a form approved by the City Attorney – Brooks Robinson relayed that the current SRTDP was adopted in October 2007 and acts as a blueprint for transit operations and financial decisions on a regular basis. Staff evaluated proposals and the decision was unanimous in selecting LSC which was surprising as there were several very good proposals. Attendance at a transportation meeting was discussed and Ms. Simpson suggested that UTA be at the table. Mr. Robinson indicated that UTA will be kept in the loop and Ms. Simpson expressed that she sensed urgency on UTA's part about exploring regional service at the last meeting.

The Mayor invited input; there was none. Joe Kernan, "I move we approve New Business Item 2 concerning the Short Range Transit Development Plan on Pages 80 to 83". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of a Contract Change Order No. 18 to Utah Department of Transportation's (UDOT) Construction Agreement with Granite Construction for additional construction services related to the construction of Phase 2 for Bonanza Drive in an amount not to exceed \$737,344 in a form approved by the City Attorney – Matt Cassel explained that the contract covers the construction of the redesign of the retaining walls leading down to the tunnel on Bonanza Drive. It was apparent that the previously designed wall design would not work. One of the biggest offset of additional costs is the Comstock Tunnel coming in at \$1.2 million under the original construction cost and other walkability projects coming in less than anticipated. He stated that this contract is *a not to exceed amount* and staff is hopeful to further reduce costs. An incentive for the contractor to meet his deadlines is included. The Mayor invited public input; there was none. Mr. Cassel advised that work will begin after the Sundance Film Festival and will be completed in March. Joe Kernan, "I move we approve New Business

Item 3 concerning the Granite Construction agreement on Bonanza Drive, Pages 74 – 79".
Cindy Matsumoto seconded. Motion unanimously carried.

4. Consideration of an Ordinance amending Title 9, Parking Code, of Park City Municipal Code Sections 9-1-2, application of the Code, 9-9-4 penalties for illegal parking, and 9-9-5 enforcement; payment, and adopting a new Chapter 10, anti-idling, prohibiting the idling of vehicles within City Limits and providing for limited exceptions – Tyler Poulson believed that adopting an ordinance will protect air quality and noted that seven counties in the state of Utah are fully or partially designated as non-attainment for EPA air quality standards, but not Summit County. An anti-idling ordinance is a step toward conserving natural resources as two billion gallons of fuel are idled away every year in the United States. Clean air protects Park City's lifestyle. Staff feels that an ordinance will be more effective than a resolution in changing behavior even if not aggressively enforced. The proposal designates Parking Services as the main enforcer with support from Police; the workforce will not be expanded. Mr. Poulson explained that an on-line tool allowing citizens to report areas or vehicles that are involved in idling infractions will be implemented and warning notices will be sent and tracked. He felt it important to give warnings as a opposed to citations in most instances because the ordinance is unique. Exceptions include emergency vehicles, auxiliary equipment, health and safety considerations including temperatures below 32° and above 90° or other instances where idling is required to promote safe driving. Liza Simpson strongly encouraged City employees to abide by the regulations. The Mayor opened the public hearing.

Mary Jaquin and Sandra Nugent, Clean Air Park City, added their support to enacting the ordinance and applauded the work of Mr. Poulson and the City in bringing this ordinance before members tonight. This is another opportunity for Clean Air Park City to further educate the community about health and environmental issues related to idling which sets an example for the rest of the state.

Andy Beerman, HPCA, stated that the Association doesn't have an official position on idling although there is overall agreement in supporting green initiatives whenever they are practical and fit within the goals of the organization. Reducing pollution is in line with the goal of creating a fun and healthy atmosphere on the street.

Mayor Williams brought up the delivery hours discussion last week in work session which was addressed with anti-idling. He explained that he received emails from downtown condominium owners upset over the potential of 3 a.m. deliveries. He requested that the HPCA take a look at the plan and make a recommendation to members. It was clarified that the delivery ordinance will be addressed on January 6.

With no further input, the public hearing was closed.

Joe Kernan, "I move we approve New Business Item 4, the anti-idling ordinance". Alex Butwinski seconded. Motion unanimously carried.

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSIONS

The City Council met in closed session at approximately 1:30 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Joan Card, Environmental Regulatory Affairs Manager, Jason Christensen, Legal Intern, Karyn Hobbs, Legal Counsel; and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Liza Simpson, "I move to open the meeting". Candace Erickson seconded. Motion unanimously carried.

The City Council met again in closed session at approximately 7 p.m. after the adjournment of the regular meeting. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Diane Foster, Sustainability Manager; Tom Daley, Deputy City Attorney; Bret Howser, Finance Manager; Phyllis Robinson, Public Affairs Manager; Jon Weidenhamer, Economic Development Director; and Mark Harrington, City Attorney. Joe Kernan, "I move to close the meeting to discuss property and litigation". Alex Butwinski seconded. Motion carried unanimously. The meeting adjourned at approximately 9:30 p.m.

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

