PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
APRIL 2, 2009

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Economic Development Manager; Katie Cattan, Planner; Thomas Eddington, Planning Manager; Jerry Gibbs, Public Works Manager; Diane Foster, Sustainability Manager; and Heinrich Deters, Project Manager

Bruce Larrabee and Ken Davis, HMBA

Jack Thomas, Julia Petit, Adam Strachan, and Richard Peek, Planning Commission Members

Absent: **Council member Liza Simpson**

1. Council questions/comments. Roger Harlan reported on attending Education Foundation award presentations recognizing faculty members at two schools and reported on School Board business. He complimented the quality of the recently produced Play Magazine and commented on the flock of pink flamingos left at the City's Administrative Offices on April Fools Day. He felt that the Community Visioning Session held this week was very well done, thanked staff and the consultants, and relayed that there is a lot to be grateful for living in Park City. Candace Erickson was pleased that more people attended Visioning than expected but observed that half of the crowd appeared to be the same core group and she wished that more new citizens participated.

Jim Hier relayed the importance of making site visits to the mountain and reported that the skiing has been exceptional. The Peace House Board meeting was held last night and this non-profit, like others, is struggling this year. The Mayor pointed out that the Visioning plan will unfold with trainers and living room sessions with the potential of involving 1,000 people and he was pleased to learn of the outreach to our Hispanic community. He spoke about the sister-city relationship the Treasure Mountain International School has with a Uganda school. Students are collecting back-packs, clothing, computers, books, etc. and sending a shipment container to Uganda. He thanked representatives from the City and the County working with the Air Force and although SB216 was signed, he was appreciative of the Governor's Office in helping to establish the rules of engagement.

2. Quarterly goals. The Mayor guided the discussion using the goal matrix in the meeting packet. Joe Kernan reported that the County is reconsidering implementing mandatory cardboard recycling and he discussed the importance of making recycling convenient in commercial areas to make the effort successful. Jerry Gibbs stated that staff will follow-up with the County. In response to a question from Mr. Kernan regarding relocating the Recycling Center, Mr. Gibbs explained that staff believes there needs to be a long-term home for Recycle Utah. The Public Works Department recently provided additional space but the location is not designed to meet the goals of Recycle Utah and it was decided to change the project description on the matrix to discussion rather than decision by June 2009. With the redevelopment of NOMA possibly pushed back and the additional two Public Works bays, the City Manager felt that there is more time to explore the issue. Mr. Gibbs referred to Joe Kernan's comments and added that the HMBA is looking at opportunities to recycle cardboard and the City may be inclined to participate in a long-term solution. Mayor Williams asked that an idling ordinance be added to Environmental Initiative goals and that staff provide information on ordinances adopted by other communities. Before this is identified as an action item, Candace Erickson stated that she would also like to see what other communities are doing but more importantly, how the City can enforce it. It was pointed out that this project is not part of the sustainability work plan but a work session will be held to evaluate its priority. The conveyance of the Gambel Oak property was discussed and Mayor Williams recognized US Representative Rob Bishop's help on this matter.

With regard to Goal 7, open and responsive government, Joe Kernan asked members about adding a citizen's survey as a goal this year because it is not scheduled and has been the City's practice every three years. Phyllis Robinson explained that the last citizen survey was conducted by Dave Spatafore in the late summer of 2006 at a cost of about $10,000 to $12,000. Ms. Erickson stated that she would prefer to defer the survey for another year; it's important but not critical. Joe Kernan expressed reluctance in delaying it for a year and Ms. Robinson indicated that she will speak with polling companies to gain a sense of the impacts of waiting a year and will get back to Council through a manager's report.

2. HMBA capital improvement requests. Jon Weidenhamer explained that the City received two capital projects requests from the HMBA, including a lighting project estimated at $260,000 and $120,000 for a sound system on Main Street. The HMBA is asking for a $240,000 interest free loan and for $29,000 to begin to implement the two projects which are included in the RELS (request for elevated service) program. During the CIP budget process, this item will be evaluated and a recommendation from staff will be rendered. He explained that if it is not funded through the CIP process, the Main Street Business Improvement District may be a way of raising capital through business license increases. If Council feels these requests are not feasible, it would be helpful to understand this position now and he referred to information from staff on operation and maintenance concerns.

During the Visioning Session in January, Council members asked the HMBA to prioritize improvements like outdoor dining, bulb-outs, streetscape, changes to the noise ordinance, etc. Mr. Weidenhamer asked if members feel comfortable with staff moving forward with these two specific requests through the CIP process.

Jim Hier expressed his confusion why the CIP request is for $29,000 and not the entire amount and Mr. Weidenhamer explained that the HMBA intends to fund-raise the remainder. Mr. Hier pointed out that capital projects typically relate to City-owned properties or assets and this seems more like a grant request. Mr. Weidenhamer noted that the RELS process is part of the capital improvement project review where staff can weigh in on maintenance and operational concerns. Tom Bakaly indicated that in order for a project to be funded through the CIP, some component of the project needs to be capitalized or owned by the City. The deadline for grants has passed, but the HMBA requests could be added if so desired by members and Mr. Bakaly urged Council to comment on the concept.

Ken Davis explained that the piped-in music would not be continuous but used for special events, crowd control and emergencies. During the holidays, it would be used to play Christmas music. In response to a question from Roger Harlan, Mr. Davis indicated that they did not contact the City's emergency manager, Hugh Daniels, but there may be funding available from Homeland Security because of its safety element. Bruce Larrabee stated that he didn't contact Mr. Daniels, but spoke with the Chief of Police who was supportive. Candace Erickson stated that she would only be supportive of the sound system if it is intended for emergencies only. She spoke about the sound system in a Bavarian Village in Leavenworth, Washington where the non-stop polka music almost drove her crazy; she hates the idea. Joe Kernan felt there are times when amplified music would be appropriate. Roger Harlan believed the value of a sound system must warrant the cost. Jim Hier felt it safe to say that security is not the impetus for the request; the request is for a sound system for Christmas and special events to enhance the ambiance on Main Street. Security really should not be considered here. He felt that the amount of money for the amount of time it would be used is seriously unjustified but if the HMBA raises the money for a sound system, a grant from the City could be considered. Tom Bakaly understood consensus to be to not support the sound system and members agreed.

With regard to the lighting scheme, Candace Erickson relayed that she liked the lighting plan during the Olympics but believes the LMC restricts attachments to historic structures. Heinrich Deters agreed and noted that the proposal is for year-round lighting. Mr. Davis understood that the lighting would be on from November to January and not year-round. Mr. Deters added that the Building Department expressed concerns about operations and maintenance. Joe Kernan stated that he is concerned about the HMBA repaying the City and Mr. Weidenhamer explained that the City is not allowed to extend a loan to a business district at a zero percent interest rate. Mr. Kernan noted that aside from that, it is not a good practice to lend the funds. Mayor Williams stated that it is difficult for the City to endorse the project without a commitment from Main Street businesses.

Mr. Davis explained that the plan has been around for a year and the HMBA received restaurant tax grant matching dollars to help the HMBA get started on the first phase but the timing was not ideal. The thought this year is to get the entire project done at one time and to approach the City for funding and he understood that the lighting company may help finance the project. He spoke about using the BID to administer the allocated costs but the HMBA is looking for financial help from the City to get this done. Jim Hier agreed that it is costly and the merchants should vote on the plan so that the level of commitment is clear. With demonstrated support, the project could be paid for with individual contributions or with BID fees; the City should not have to commit first. Candace Erickson suggested pursuing working with the lighting company on a payment plan for merchants. In response to a comment from Ken Davis, the efficiency of LED lights was discussed. Heinrich Deters relayed that Public Works agreed with the 5% or $12,000 budget for annual O&M for seasonal lighting; department concerns included damage to buildings. Mayor Williams expressed that covering the cost for the power is an issue for him and agrees with Mr. Hier in hearing what the membership thinks about this program and the level of buy-in.

The Mayor encouraged the HMBA to return and update members. Tom Bakaly summarized that the HMBA would essentially own the project and depending upon the level of commitment from businesses, Council may be willing to consider contributing some funds to help. He reiterated that the HMBA would be the owner of the lighting program.

3. LMC Steep Slope Conditional Use Permit Amendments. Through a PowerPoint presentation, Planner Katie Cattan illustrated a house on a flat lot and a house on lots with a slope of 30% and a 60% slope. The outcome of our current LMC is that the steeper the slope, the greater the mass because more excavation and number of stories are allowed. Last Wednesday the Planning Commission forwarded a positive recommendation on the amendments. The footprint calculation under today’s code would remain the same. The LMC changes would affect all the properties in the HR-1, HR-2 and HRL Zones because of the height and story requirements. Height exception consideration allowed under the steep slope CUP process would be removed, but a height exception could be considered for a single car garage on a downhill lot in a tandem configuration. She explained that the maximum number of stories allowed is three, the basement would count as the first story and a ten foot minimum step is required in the façade to the third story to help address mass and scale. The allowed roof pitch is between 7:12 and 12:12 and a maximum vertical excavation of 15 feet was set, although staff originally recommended ten feet and the Planning Commission increased it to 15 feet. There is an exception on an uphill lot for the maximum excavation for a single car garage and circulation. The Planning Commission determined that final grade must be within four vertical feet of existing grade, originally recommended at two feet. During the meeting, staff had proposed the height exception and the excavation to include the interior garage for two cars, which was decreased to a single car garage.

Ms. Cattan explained that staff felt that issues may be created by forcing houses on flat lots to step back the third story, although the idea was not introduced to and discussed by the Commission. She recommended that a ten foot minimum horizontal step in the façade be required for a third story of a structure unless the first story is located completely under finished grade on all sides of the structure. This may avoid the creation of a pattern of odd houses. She referred to the renderings of the outcomes of the 15 foot excavation with a single family garage in the tandem configuration. The house on the 30% grade lot is 1,472 square feet, including the garage area with the height exception.

Ms. Cattan stated that there has been a lot of public comment and many meetings on this issue and a member of the public paid an architect to go over different scenarios on these lots and she shared those designs. The theme is the steeper the lot, the less square footage and the goal of the amendments is to bring mass and scale back into perspective, be compatible and reduce environmental impacts. She displayed a design with more living space by eliminating the garage. Public concerns include increasing the front yard from ten to 18 feet to accommodate parking, increasing impermeable surface area, increasing non-point source pollution, decreasing livable space, creation of steep driveways in order to maximum living space above grade, and a decrease in number of interior parking spaces in the district. The Planning Commission addressed mass and scale, excavation, and environmental impacts.

Jim Hier stated that in the existing code, any lot on a slope has the advantage over a flat lot because there are more square feet available stepping up the hillside. The amendment goes further by restricting sloped lots so they have significantly less square footage than a flat lot. He is unsure if this approach improves mass and scale but he is most concerned about the excavation rule relating to a perceived decrease in environmental impacts, especially in consideration of the major projects that have been constructed. In his calculations a 24’ x 75 ‘ flat lot would be allowed roughly 2,532 square feet including the basement and the garage while a house on a sloped lot would lose about 190 square feet because the third floor is set back. He suggested removing the excavation restrictions and although there are environmental concerns, there aren’t that many lots left and considering the level of unrestricted excavation relating to a major hotel or road work. This approach provides more equity throughout the Historic

District and contributes to compatible mass and scale. He did not support allowing a fourth floor. The Mayor invited the Planning Commissioners to speak.

Jack Thomas believed that Planning Commission members agreed on above-grade impacts including the ten foot shift of the third story and the restriction of three stories, although two members supported exploring four stories. There was agreement with regard to the modification of grade being limited to four feet on the parameter of the building and the 7:12 roof pitch. All members supported eliminating the height exception for steep slopes but realized the necessity for an exception on a downhill lot for a garage. It was felt that these measures would dramatically positively impact the mass and scale in the Historic District. Positions were mixed on the excavation restrictions which evolved with discussions about truck trips in the neighborhood. Jim Hier expressed that the excavation numbers seem arbitrary, including the allowed 15 feet and cubic feet to be removed. Ms. Cattan stated that staff calculated these numbers and on average, truck trips would be reduced from 62 to 54 and the 15 foot excavation was based on the 10 foot setback and the area of repose. Joe Kernan agreed with Mr. Hier's comments on the excavation rule because it is foregone square footage that would benefit the home owner and is space the public can't see. It is a significant loss to the property owner for the trade-off of decreasing truck trips. Candace Erickson agreed with Mr. Hier as well. The whole purpose in looking at this was driven by the height and mass issue; steep slopes seemed to have a great advantage over flat lots. She understood the environmental component but did not feel that a property owner should be penalized in square footage and there should be equity in square footage. Although the excavation rule is not important to her, final grade is very important and she supports the Planning Commission's recommendation.

Roger Harlan asked if the rationale for the excavation restriction was other than environmental. Julia Petit referred to the purpose statements in the historic District, 15-2.2-1(a) *to preserve the present land uses and character of the Historic residential areas of Park City*. The steep slope criteria introduction language speaks to development on steep slopes which must be environmentally sensitive to hillsides. She stated that we haven't evaluated the cumulative effect of excavating out an entire hillside and the integrity of the hillside has never been studied. It is beyond the truckloads of dirt and more about preserving an historic pattern of development in Old Town and this is not the way we've done it. Mayor Williams pointed out that there isn't a historic pattern because houses weren't built on steep slopes. He reiterated that regardless whether you're uphill, downhill or flat, there is some equity associated with the overall mass and scale of a house on any lot. Ms. Petit felt that it should not be a matter of equity but promoting a pattern of development that is compatible with the historic era. Planning Commissioner Dick Peek agreed with Jim Hier, and felt that the excavation rule should apply to all zones and pointed out the large excavations in Deer Valley and agreed with the approach to address mass and scale. Joe Kernan suggested that the staff provide some numbers of the available square footage for different slopes and asked for clarity on the changes in this draft document. Katie Cattan explained that under the current Code, the square footage on a 25’ x 75’ lot is 2,532 square feet, and 2,342 under the proposed code or a difference of about 190 square feet. Mr. Kernan explained that he receives complaints from property owners about loss of value and would like to understand the numbers better so he is able to respond.

Thomas Eddington suggested a middle ground by allowing an underground tandem parking garage producing a 2,080 square foot house. With an exception to the 15 foot vertical rule for cuts, a lot more space is obtained on the middle floor. A little bit of area is lost on the backside of the building, but the result is a significantly bigger house. The structure could be pushed closer to the setback line so there is less impervious surface for driveways, promoting the environmental element. Jim Hier felt this is going too far. The Mayor invited public input.

Jerry Fiat referred to Scheme A where the hillside starts to rise ten feet back from the road, which is not a typical scenario and resulted in 1,300 square feet of livable space which is a modest house. Scheme B is more realistic because of the location of slope but results in an unworkable house. If the height exception for the garage is not pursued, there would be two parking spaces in front of the house which forces the house to the back of the lot and increases excavation and the impervious surface in the driveway. If surface parking is at the street, the house would yield about 1,950 square feet of living space and he discussed Scheme D which promotes two cars parked at the house. This allows the building to move forward which reduces the amount of excavation. When pushing a house back an extra ten feet for the surface parking, the excavation is almost the same as digging out the two car parking garage. This house yields exactly what was proposed but in order to accomplish this, you have to allow for the ten foot maximum foot setback elevated slightly to minimize digging and also get better living space. He acknowledged that the proposed amendments represent a significant reduction in square footage but is a reasonable compromise.

Don Bloxom, designer, on behalf of Peter Barnes who couldn’t be in attendance, relayed that about 80% of the uphill homes under the proposed code would not comply with the Historic District Guidelines. He described calculating cubic yards of dirt and noted that the average construction would require 22 truckloads but he is more concerned about consistency with the Building Code. The roof forms would not be approved by Ron Ivie and he has spoken with him about this. The LMC provides for snow shedding requirements which prohibit steep slopes shedding snow in three foot setbacks onto the neighbor’s lot. A snow shed easement is required to be obtained from the neighbor and even if an easement is obtained, if half of the snow is dumping that way, the Building Department will deny the design of the roof. He emphasized that this is not a miners town but a ski town with snow and Mr. Bloxom commented on the significant trashing of the environment during the historic mining era. He described the roof design for a house on a flat lot and in consideration of the height restriction, he explained that there is not enough room to fit two floors and the result is a much smaller house which is inequitable. If a full basement is constructed under a flat lot, the total excavation is in excess of the total excavation on a 30% grade.

Suzanne Pretorius, Prudential real estate agent, stated that she represents many land owners in Old Town. One of her clients owns three over-sized lots on upper Norfolk Avenue and after meeting with Planner Katie Cattan, she understood that with the current LMC, the building footprint would be 1,200 square feet or a 3,600 square foot home. With the proposed amendments, the house size would be 2,100 to 2,200 square feet which is a huge reduction. The owner went through a long eight month plat amendment process and paid $1 million per lot. Katie Cattan emphasized that the 3,600 square feet was based on the proposed amendments minus the excavation rule and was not calculated under today's LMC.

Cynthia Fowler, Empire Avenue lot owner, stated that she has participated in the many meetings on the steep slope issue. She felt that the intent of the original purpose has been lost and it is now recommended that her home for a family of four have a single car garage no storage, a small kitchen, a living area, and two small bedrooms similar to a miner's shack. We are no longer a mining town but a destination ski resort. The garage would be used for storage, out of necessity, and her two cars would be placed on the street. Her lot is 30% and the slope is located right under her roof which is a huge liability. The process has been deceptive; she has not received answers to questions from the Planning Department and her plans have been sitting in the Planning Department since January. She urged Council members to consider how this is going to affect property owners and the future of Park City.

Jim Keesler, 402 Woodside Avenue, stated that he and his wife have owned the lot for 15 years and he supports the current LMC. The new code is too devastating for property owners and he feels punished because they waited longer to build; they were planning to build next year. Under today's code, 2,200 square feet would be allowed and under the proposal, 1,600 square feet is allowed which is extremely detrimental for family living and doesn't work. The Mayor asked if the excavation rule is a major concern and Mr. Keesler agreed that this element is a problem together with the ten foot set-back requirement on the third story, which could translate into losing a bedroom or living space. He pointed out the small number of trucks coming from Old Town compared to the number hauling dirt from Empire Pass and other projects. He stated that he owns a townhome on upper Norfolk, built in 1979, and has considered remodeling it to better fit with mass and scale, but under the new code, he wouldn't be able to maintain 1,800 square feet.

Joe Ferriter, Ontario Court land owner, expressed his opposition to the amendment. He is a family doctor who would like to move his family to Old Town. He explained that the design for his house was 20% smaller than adjacent houses, but the proposal would reduce the design by another 25% which is significant. He heard from the Planning Commission that Old Town is not for everyone which is prejudice. It is difficult to understand the intent of the amendment but understands that some believe that the mass and scale of new development is out of line. Historic buildings were designed for a different time and framework and it is time to incorporate excellence in architecture. Most professionals do not believe that mass and scale has not gotten out of control or out of context with historic structures. Old Town is working and doesn't need to be fixed and he likes the new buildings in the Historic District. He questioned the argument about excavations and the environmental impact and argued that the residents in Old Town have a smaller carbon footprint, the roads have been fine for trucks up to this point, and it is unfair to punish remaining property owners. The reasoning behind the proposal is flawed and even the Chairman of the Planning Commission couldn't support restricted excavations. The detrimental effects far outweigh any benefits. We need a new vision for Park City that is more inclusive, innovate and forward thinking.

Dr. Ferriter read a lengthy letter from Peter Barnes voicing arguments against the proposed steep slope amendments and Mr. Barnes described the process as arbitrary and capricious.

Sean Marquardt, developer, addressed the excavation issue and pointed out that on the Ridge Avenue and Anchor Avenue section, there is an approximate 30 foot tall 800 foot long cut in the hillside which was done to accommodate homes built in the late 1880s to 1890s pointing out that the notion of restricting excavations based on historic building reasons is flawed.

John Staffsholt, 633 Woodside, stated that he has been following this issue for six months and pointed out many of the concerns from property owners relate to changes made in the LMC over the last three to five years and not this set of amendments. Many of the steep slope lots are in the HRL Zone and are not 25' x 75' and he urged members to look at how these decisions are going to play out with larger lots. Over time, many compromises have occurred to get to where we are and the decision by the Planning Commission reflects the removal of the most onerous restriction, the 25% reduction. The legislation also provides an exception for a fourth story on downhill lots for garages. The change in how building height is measured is a key component and a great benefit and the 7:12 roof pitch and ten foot articulation is going to help with mass and scale. With regard to excavation restrictions, he pointed out that new construction has sloughed. He felt that Scheme C is more in character with Old Town and supports the steeper the lot, the smaller the house.

Katie Naylor, Empire Avenue lot owner, explained that her property was intended to house her family of four. She spoke about being raised in Park City and the dream of building a small home that will accommodate her family and fit within the character of the Historic District. Her building plans are complete and she submitted an application for a conditional use permit but was stopped in January because of the amendments. She has participated in the process and is surprised by the lack of transparency from the Planning Commission on the true issues. After attending many sessions, she has left with more questions than answers. The vote last week was based on limited facts and a failure to listen to building and engineering expertise. Her questions include whether the Commission has studied and presented an internal functional livable floor plan of what is proposed. What is the rationale for the unexcavated area of the 844 square foot footprint that forces single car garages with no storage and requires cars into the already crowded street. With the City almost built-out why are we now trying to enforce historical building requirements. She emphasized the personal and financial implications of the amendments and the lack of logic. She encouraged Council to find the best building solutions and suggested that the amendments be further evaluated by professionals. A win-win solution is possible.

Connie Bilbery, developer and real estate agent, stated that he probably owns the largest number of contiguous lots on Ontario Avenue and Rossi Hill Road. He estimates that the proposal will result in at least a $1.5 million loss for his company on a square foot basis for the third floor, but has not estimated losses due to excavation restrictions. He understood the intent of the plan is compatibility with mass and scale but asked what exactly is being compared and he urged Council not to adopt arbitrary restrictions to reduce the size of a home.

Bill Truckus, Northstar Drive resident, acknowledged that although he lives on a steep slope this amendment will not affect his property. If the City wants to go green, we should go deeper and he discussed the efficiency of earth shelters.

Kevin King, 314 Norfolk Avenue, stated that everyone has the right to purchase and own property and protect their property rights. To limit property rights for arbitrary reasons like stepping back the third floor or restricting excavation is ridiculous. It is unconscincable that building permits are being held up in these hard economic times. All complaints about parking and snow removal are facts of life in a resort town. No one has the right to close the door behind them and freeze everything at the moment of time when they first arrived. This is a modern town and Park City will always be a growing community and we must learn to adapt. He felt that people should be able to build underground which doesn't affect anybody and he doesn't buy into the environmental arguments. He referred to Pat Putt's study last year which revealed that homes built in the past ten years are not larger. He didn't believe that decreasing height is the answer but allowing for a reasonable range of roof height. He noted that there is no incentive to improve buildings built in the 1970s land 1980s and believes the quality of design is being compromised with the change. The process needs to be longer.

The Mayor announced that a public hearing is scheduled next week. Tom Bakaly interjected that this is scheduled for possible action next week after the public hearing. Katie Cattan understood direction from Council members to remove the maximum 15 foot excavation. Jim Hier asked for information on the number of remaining lots in the HR-1, HR-2 and HRL Zones and how the roof form complies with the snow shedding requirements. He stated that he supports removing the excavation restriction in next week's document. Ms. Cattan explained that if amendments are not adopted by April 22, the existing code will continue to control applications and the meeting of April 16 is cancelled.

Mayor Williams expressed concerns about Council having enough time to adequately review the amendments which were before the Planning Commission for six months and now before Council for a week. Joe Kernan asked for numbers on square footage without excavation limits and suggested adding some flexibility regarding functional space and cookie cutter designs, leaving some decisions to the discretion of the Planning Director.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 2, 2009

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 7 p.m. at the Library and Education Center on Thursday, April 2, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Liza Simpson was excused. Staff present was Tom Bakaly, City Manager and Mark Harrington, City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

<u>Disconnect of Keetley Road</u> - Eric Lee, attorney representing Gerry Rice, explained that his client is a Deer Crest resident who has a number of concerns relating to parking and traffic associated with the St. Regis Hotel. Mr. Lee believes a number of requirements of the settlement agreement are being ignored and one in particular is the Keetley Road (aka Deer Hollow Road) disconnect. He encouraged Council to direct staff to review the documents and asked that a member of the City Council attend the Planning Commission hearing next Wednesday when an amendment to the St. Regis CUP is heard, acknowledging that the nature of the amendment is to relieve the developer the obligation to build a parking garage at Snow Park and not the disconnect. Jim Hier expressed that he always felt it in the best interest of the City to eliminate the requirement for a disconnect which is contrary to Mr. Lee's desire. Mr. Lee stated that they believe it is an issue that needs to be resolved one way or another. Mark Harrington assured Mr. Hier that the planning staff will review these issues more comprehensively and advised that the Council liaison attends the Planning Commission meetings to observe and not participate.

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")*

Jim Hier, "<u>I move we approve Consent Agenda Items 1 and 2</u>". Joe Kernan seconded. <u>Motion carried</u>.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

Liza Simpson	Absent

1. Consideration of approval of a Resolution adopting an Identity Theft Prevention Program; appointing an oversight committee; and authorizing the City Manager to approve modifications to the Program as needed – Staff recommends approval.

2. Consideration of award of service provider agreement, in a form approved by the City Attorney, with Alliance Engineering in the amount of $35,000 for the Little Kate Sidewalk project – Staff recommends approval.

V ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VI 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, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Liza Simpson was excused. Staff present was Tom Bakaly, City Manager; Max Paap, Special Events Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Jim Hier, "I move to close the meeting to discuss property and litigation". Candace Erickson seconded. Motion carried. The meeting opened at approximately 4 p.m. Roger Harlan, "I move to open the meeting". Jim Hier seconded. Motion carried.

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

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

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Janet M. Scott, City Recorder