PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 26, 2009

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; Roger Evans, Building Inspector; Ken Fisher, Recreation Manager; Matt Twombly, Project Manager; Matt Cassel, City Engineer; Wade Carpenter, Chief of Police

Brent Tippets, VCBO

1. Council questions/comments. Liza Simpson commented on the Planning Commission meeting. Jim Hier reported on a Ski Utah meeting where resorts indicated that they are down but not significantly. The Chamber/Bureau Board met on Tuesday and discussed the drastic decrease in conference business. Candace Erickson stated that she attended the Bonanza Drive open house and one of the biggest concerns expressed by tenants in the Park City Plaza was eliminating the left hand turn. The Board of Health met on personnel and budget and is looking at a deficit of $187,000 per year. She relayed Recycle Utah's appreciation of additional space provided at the Public Works facility. Joe Kernan pointed out the dangerous condition of the run-away truck lane. He discussed the interagency meeting where growth projections of the School District and potential County projects were shared. The Mayor noted that the City will be participating in a competition with other western towns to eliminate the use of plastic bags and the local grocery stores have expressed support. He discussed the productivity of the carbon footprint committee.

2. Legislative update. Tom Bakaly explained that HB241, priority of water rights, deals with water rights in times of scarcity as it relates to agriculture; the enactment date has been delayed a year. HB274 is an impact fee bill which would basically preclude the ability of cities to charge impact fees to state agencies for parks and open space. He explained elements of HB394 and SB211 dealing with the Uniform Building Code Commission. Roger Evans from the Building Department explained the current process for amending the UBC through the Commission which works well and the proposal to bring code amendments to the state legislature which is widely opposed. He also addressed HB394 regarding the change of the membership of the Commission. Jim Hier interjected that he has served on the board for six years and the local and state officials are some of the most dedicated people he has ever worked with and the system is working well. He strongly opposed both bills as did the rest of the Council. Mr. Bakaly stated that SB56 and SB215 deal with revisions to MIDA, which is a military installation development authority. This was initiated in the Ogden and Clearfield areas last year as a way for the state to take advantage of economic development with land that is not being used. The proposed legislation would allow MIDA to consider projects on private land. He recommended taking no position at this point until more is known. The Mayor expressed his disappointment at the legislature's rejection of the Governor's climate change initiative. Tom Bakaly spoke about the state's budget shortfall and the proposal to pull Park City's approved $10 million interest free water loan which will result in added interest payment costs for the water line project.

3. Racquet Club remodel – presentation by VCBO. Ken Fisher referred to his staff report and requested Council direction relating to the tennis building, restaurant options, and the four way stop. In July 2008 the Council approved $8 million for Phase 1 plus $460,000 to rebuild seven outdoor tennis courts. Another $2 million was budgeted for a future phase of improvements. Of the $10.460 million only $7.6 million is currently available creating a shortfall of about $2.8 million which was originally contemplated to be funded with General Fund surplus. In September 2008, the City Council approved a contract with VCBO Architecture for the remodel of the facility and asked that the design process begin from scratch and include some additional recreational amenities, i.e., walking/jogging track, rock climbing bouldering feature. Mr. Fisher explained that these elements were incorporated in the design. The original plan was to leave the existing gymnasium and tennis building which was upgraded in 1994 with a new higher weight bearing roof but still not meeting building code. He introduced Brent Tippets of VCBO.

Mr. Tippets felt that the plan was revisited and the new elements incorporated. Option 1 represents what was approved in July 2008 which included demolishing everything at the Racquet Club except the gym and the tennis building and replacing the structure to the west side of the building and to the south. Through a PowerPoint presentation, he detailed the floor plan. Option 1 replaced what is there now; there is no running track or climbing wall, but meets the original budget.

He reviewed Option 2 which is a proposal to wrap the building around the existing tennis facility, leaving the gymnasium and tennis structure in tact. The upper level has a walking track that goes all the way around the tennis building as well as a climbing wall but the integrity of the tennis building is a problem. This option exceeds the approved budget at the $10 million mark and Brent Tippets emphasized the need for costly structural upgrades.

He stated that staff is recommending Option 3 which leaves the existing gym in tact but takes away all other structures. The outdoor pools will not be changed and the addition was described in detail, including the new indoor tennis courts. The climbing wall and walking track are included and the plan will accommodate future expansions. Option 3 allows for more flexibility, sustainable operation, and will meet all building codes. Mr. Tippets stated that this is budgeted at $10.5 million. Mr. Hier felt that there is actually a

$4 million shortfall since the budget was initially $6 to $6.5 million. Ken Fisher explained that $8 million was budgeted for Phase 1 and out of that, $6.2 million was funded with actual money on hand and $1.3 million was anticipated to be funded with General Fund surplus. Roger Harlan pointed out that construction costs may be less than anticipated and Mr. Tippets responded that construction costs were based on recreation facilities built in the recent past. There are many unknowns about the economy and when the project will be bid and Mr. Tippets indicated that he did not feel comfortable projecting reduced construction costs. Liza Simpson believed this information would be helpful and Mr. Tippets explained that unfortunately there are no good models to use.

Candace Erickson commented that even in consideration of the upgrades, the building is not ADA or building code compliant and she believed the project should be done right. The tennis building should be razed and the project should be built at a higher energy standard. Maintaining the old indoor tennis facility is ridiculous and other portions of the Racquet Club are unsafe; she encouraged moving forward with the design removing the tennis structure. As much as she likes having a restaurant in the building, she is unsure if it is affordable because of the square footage cost. The entrance of the building should tie into the location four way stop.

Jim Hier stated that it seems odd that the best design wraps around the tennis building and prohibits phased or modular approaches, especially given the funding shortfall. Brent Tippets explained that the three schemes presented are not the only ones that have been studied. The issue involves including a track which has a large footprint and the site is tight. Mr. Hier asked if finding another site might be more appropriate since the entire building is being redesigned. Ms. Erickson pointed out that 53% indicated a preference to keep recreation at the same location. Jim Hier stated that he is not comfortable moving ahead with these costs. Roger Harlan indicated that he supports a plan with expanded programming including the track, fitness room, and tennis. Joe Kernan recalled that he supported the additional $2 million because it represented additional programming for more users. He hoped that goal can still be accomplished within the former budget amounts perhaps through phasing and that the climbing wall and running track can be incorporated.

Liza Simpson stated that she agrees with many comments made by members and emphasized that phasing is vital in these challenging economic times but she is still committed to the project. Mayor Williams suggested focusing on what can be done with the $7.6 million secured for the project and capping the first phase at this amount. Ken Fisher advised that the project will not be bid until February 2010 at the earliest. Mr. Hier believed the project should be phased and funded accordingly. Matt Twombly pointed out that every component of the Racquet Club is attached to the tennis facility so phasing is difficult. Mayor Williams referred to other important projects needing attention like the water pipe line project. Tom Bakaly suggested directing the architects to take a looked at a phased and/or modular project. In the long run, it may be more expensive but would allow more time for staging and prioritizing. Liza Simpson expressed the importance of a quality project but the budgets for this year and next year are unknown. She preferred spending money in the long term and having the ability to prioritize projects based on actual numbers and be in a position a year from now to make commitments. Phasing the project offers a number of benefits. Roger Harlan felt there should be clarity in the strategy for identifying specific improvements in the phasing plan.

Ken Fisher asked if members feel comfortable moving ahead with the first phase budgeted at $7.6 million. Members agreed and Jim Hier directed that projections include all other elements like green building and public art costs. Tom Bakaly advised that this approach will increase soft costs, like architectural fees, and members indicated they wanted these types of costs included in the $7.6 million. The Mayor invited public input.

Mike Collins, owner of Coaches Restaurant, felt the restaurant is a nice amenity at the Racquet Club and would like to be a part of the discussions on the remodel. He indicated wide ranging support for his business by Racquet Club patrons and the neighborhood.

The Mayor asked members about the restaurant element. Joe Kernan stated that he would like to see plans with and without a restaurant space. Jim Hier indicated that a restaurant should support the square footage rate and is not a primary use in the building. Liza Simpson stated that she would like a restaurant considered in a phase. Mr. Kernan felt the restaurant may be as important to some people as some of the other recreational amenities. Candace Erickson agreed that square footage costs need to be considered. Roger Harlan complimented Mr. Collins on his operation of Coaches Restaurant at the Racquet Club.

3. Hillside Avenue reconstruction project. Matt Cassel explained that the City Council gave direction on January 8, 2009 on the width of the road but later asked that the decision be revisited. There were several locations associated with the pedestrian access, one along Hillside Avenue, another between the two retaining walls by way of a stairway, and a third along the Grant Avenue right-of-way. An eight foot wide easement dedicated for pedestrian use was discovered which may be the more preferred option; however, it involves 250 feet of stairway which will add about $400,000 to the project. Staff feels it is a good idea but recommends that the design and construction of the stairway be considered as a future project. He suggested that it be evaluated as a capital project request as part of the 2010 budget.

Matt Cassel stated that on January 8, Council decided on an 18 foot wide road section with curb and gutter and five feet of unpaved section included within that width for snow storage, etc. described as Alternative 1. This is the width the Fire District, Engineering Department and Public Works supports. Alternative 2 proposes a much narrower section at 15.5 feet and is favored by the Sustainability and Planning Departments. Alternative 3 takes the road section from Alternative 2 and lays it on top of the retaining wall section in Alternative 1. This design addresses concerns about future expansion so that if the road needs to be widened, the retaining wall is already in place.

Council unanimously answered yes to the policy questions outlined in the staff report as follows (1) Does Council believe that a real or perceived narrow road will deter use of the road?; (2) Does Council believe that a narrower road will be safer because people will be more cautious?; (3) Does Council want to deter use of Hillside as another access to Main Street?. Candace Erickson understood that a fire truck is ten feet wide and most properties can be protected from other areas.

Wade Carpenter, Chief of Police and Assistant Fire Marshal, stated that the width of a fire truck is ten feet but six more feet is needed for unloading equipment through bay doors and not being able to turn around in the street is another concern. Jim Hier pointed out that Hillside Avenue is not an access to anywhere and not a logical choice for fire and emergency access. Chief Carpenter explained the loss of water pressure commensurate with the length of hoses and there was discussion about the location of the nearest hydrant.

The Mayor invited public input.

Ruth Gezelius, Prospect Street resident, stated that she was pleased to learn about public access on Grant Avenue but felt there should be a safer route like stairs with illumination. In response to a question from the Mayor, Matt Cassel described the two foot wide pathway associated with Alternative 2.

Marianne Cone, Prospect Avenue, asked if the road is two-way. If it is one-way, walking on Hillside Avenue is relatively safe. She supports Alternative 3 and reiterated her support of one-way.

David Chaplin, 86 Prospect Avenue, pointed out the high use of the road and felt it is safer if it is narrow and one-way. He is also pleased with the Grant Avenue right-of-way as this is a great opportunity to get pedestrians off of Hillside Avenue. He stated that he supports Option 2.

Matt Cassel discussed the flexibility with Alternative 3 with regard to future needs. The Mayor invited Mr. Marth to speak and described each alternative for his benefit.

Peter Marth, Hillside Avenue, feared that improvements to the road will attract more commercial traffic into Deer Valley. Hillside is now used for buses, lodging shuttles and service vehicles. He asked for preliminary traffic count studies. Matt Cassel stated that count studies have been conducted as a part of the design but not counts on types of vehicles. Mr. Marth suggested redirecting Main Street traffic down Swede Alley through signs and discouraging commercial traffic on Hillside Avenue. Install yield and stop stripes. It is his observation that it is not a problem for fire trucks to travel up and down Hillside Avenue

Jim Hier suggested installing signs denoting residential area only no commercial traffic. Matt Cassel explained that this was discussed with Mr. Marth at one of the open houses and the consultants have been directed to design signs to make it a local street and maybe place weight limits on the road. Jim Hier believed it will still be necessary to post no commercial traffic. After discussion, the majority consensus of Council members was to proceed with Alternative 2.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 26, 2009

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, February 26, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Thomas Eddington, Planning Director; Matt Cassel, City Engineer; and Brooks Robinson, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Consideration of and direction on the Planning Commission's recommendation to retain outside special counsel to review the vesting of the Sweeney Master Planned Development for Treasure Hill – City Attorney Mark Harrington explained that on February 11, 2009, the Planning Commission agreed with a citizen's suggestion that the City consider retaining special counsel to conduct a comparative analysis of the original underlying vesting of the Treasure Hill project as approved under the original master plan development and secondly perform a more general translation of the limitations of authority of the Planning Commission as it relates to the vesting and the current application. The Municipal Code allows the City Council on its own motion or upon the recommendation of the City Attorney to employ special counsel. He explained that special counsel will work with the City Attorney's Office but is accountable to the City Council. If authorized, the process is up to the City Council. The Council could appoint someone on its own, delegate the authority to the City Attorney if the contract is under $20,000, or conduct an open selection process and make a selection. Mr. Harrington explained that attorneys Jodie Burnett and Mark Gaylord have been used in the past in situations of conflict, and the City Attorney's Office is comfortable with retaining special counsel especially in consideration of the level of public interest. He stated that these matters are very complicated and not easily understood by the public and it is very valuable to obtain an outside objective look at the facts. Mr. Harrington expected that this can be accomplished within the time frame of the existing applications, believed that the extensive documentation on hand will expedite the review, and didn't anticipate any delays to the applicant by moving forward.

Charlie Wintzer, Planning Commission, explained that it is difficult for the Commission to grasp the scope of entitlements and for the community at large to understand the process. Half of the comments the Commission receives are *just to deny the project* which is obviously not possible because of vested rights. He felt it is really important that the City brings public understanding of what those vested rights are so that citizens can focus on things that will make a difference rather than things that can't.

Mark Harrington clarified that the opinion would be a *public advisory opinion* which will be delivered openly in public session for the benefit of the residents as well as the Planning Commission. Liza Simpson felt it will be good for everyone to gain clarity on the project. The Mayor asked if she is in favor of basing the review on vesting and limitations of authority. Ms. Simpson stated that she supports exploring the first, vesting. Jim Hier felt that having a second set of eyes on the initial MPD and subsequent actions and determining the remaining density and configuration is a great idea. He assumes that the Planning Commission has unlimited authority to interpret the Code as it applies to the density under the application timing and does not want to risk diminishing the authority of the Commission. He stated that he is in favor of having the initial determination and verification of the appropriate density only. Ms. Simpson asked if the Commission is interested in a further look at height, mass, etc. and Mr. Wintzer believed members of the Planning Commission are interested in all of those elements. He explained that clarity on entitlements would allow the Planning Commission to appropriately focus on the project by knowing what is open for discussion. Mr. Hier again discussed the risk of having attorneys criticize the unlimited authority of the Planning Commission. Roger Harlan felt that an outside legal review is a good idea since there may have been things that the City has overlooked; the contract should be considered a resource. Joe Kernan agreed that outside counsel should focus on the original vesting versus the proposed plan to better understand what the applicant is entitled to and felt that the review with the Planning Commission should proceed with advice from staff. Better understanding the vesting issue will help in the processes. All members agreed and the Mayor emphasized that direction does not include a review of the limitations of authority. Jim Hier suggested that the City Attorney obtain proposals and make a recommendation to the Council on the selection.

2. Historic District issues – Planning Director Tom Eddington advised that the Planning Commission will hold a special meeting on March 4, 2009 to address the Steep Slope Ordinance. Other recommendations from the Commission include issues relevant to Historic District Guidelines, steep slope, height, etc. A new method of measuring height is being explored and staff has been working with John Stafsholt interested in the height issue.

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

1. Measuring height – John Stafsholt, 633 Woodside Avenue, stated that he has been watching houses in his neighborhood get bigger and bigger over time. Through a PowerPoint presentation, he detailed how structures are currently measured from final grade around the perimeter of the building. He described how a building ten feet higher is measured five feet lower by staff. Mr. Stafsholt emphasized the impacts to Old Town, especially with steep slope conditional use applications and the pending Treasure Hill Project with 75 foot buildings. He spoke about areas of a structure that are stepped in because the City doesn't measure them. Mr. Stafsholt felt that the Planning Commission could stop this practice now by giving staff clear direction on how to interpret the Land Management Code's provision on building height. In the future, the LMC needs to be amended to address building height but it could be stopped now with clear interpretation by the Planning Commission. He believes the intent of the LMC is that the building height should be measured from the maximum ridge height to either the existing grade or final grade, whichever is lower, not to measure from final grade to the bottom of the eaves. The Planning Commission has the authority to make recommendations to the City Council and the ability to review appeals of the Planning Director's interpretation of the LMC.

2. Design of Bonanza Drive - Craig Weber, owner of Chibasco, expressed concern over the plan presented on the reconstruction of Bonanza Drive. The raised medians will not allow left hand turns into Park City Plaza. It may slightly improve the traffic flow on Bonanza but will hurt businesses and in a recession, this is the last thing they need. There are four restaurants there and part of the key to success is convenience and changing the flow of traffic will place a financial burden on businesses at the Plaza. Mr. Weber felt there needs to be other solutions than the raised medians and there is also concern about the timing of construction. This design will also impact delivery trucks and emergency response and the proposed bike lanes reduce the width of the street. He stated that he appreciates the efforts of staff and the engineers but

the proposed plan does not work for existing businesses. Mr. Weber stated that there are only a few weeks during the year when Bonanza Drive is a nightmare but the rest of the year it is manageable. The traffic study was conducted during Christmas week in 2006 when numbers were high and he asked that Council hold a meeting on this.

Matt Cassel reported that the design has not been finalized and Jim Hier noted that he shares some of the same concerns. There was discussion about not being able to turn left into the condominiums. Mr. Cassel explained that the City will meet with UDOT on March 10 and another open house is planned but not yet scheduled. Tom Bakaly suggested that an update to Council be scheduled on March 12 or 26 and the design of the bus pull-off was discussed.

Laurie Alexander, manager of Fireside and Iron Horse Condominiums, did not feel that residents will want to drive on lower Iron Horse to access upper Iron Horse and no left hand turns off Bonanza will hurt their property values. She didn't feel there will be much more development on Bonanza anyway.

Mark Spencer, Spencers Smoke and Grill located at 1890 Bonanza Drive, stated that he understands the City is obligated to supply water to Deer Valley and to install improvements approved by the walkability study but he emotionally asked members how his business is going to make it through the construction. Liza Simpson stated that she personally operated a business through a road construction project and acknowledged that it was difficult. He stated that this is a Park City project and is discretionary. There was discussion on proactive measures and organizing with other tenants on marketing ideas. He stated that the road project will crush the small businesses there.

With no further comments, the public input session was closed.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 12, 2009

Jim Hier, "I move we approve the work session notes and minutes of the meeting of February 12". Joe Kernan seconded. Motion unanimously carried.

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

1. Consideration of an Ordinance approving the 71 Daly Ave plat amendment, located at 71 Daly Avenue, Park City, Utah – Brooks Robinson explained that the Planning Commission has not yet rendered a recommendation. The Mayor opened the public hearing and with no comments, closed the hearing. Roger Harlan, "I move that we continue the item to a date uncertain". Candace Erickson seconded. Motion unanimously carried.

2. Resolution celebrating Park City's 125th Birthday – The Mayor explained that March 1 is the official date of incorporation and a community celebration is planned for June 13, 2009 on Main Street which coincidentally was known as Miners Union Day which was celebrated in Park City until 1922. Joe Kernan, "I move we approve the Resolution celebrating Park City's 125th Birthday". Roger Harlan seconded. Motion unanimously carried.

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 2 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; Diane Foster, Sustainability Manager; Tom Daley, Deputy City Attorney; Phyllis Robinson, Public Affairs Manager; and Mark Harrington, City Attorney. Joe Kernan "I move to close the meeting to discuss litigation and property". Roger Harlan seconded. Motion carried unanimously. The meeting opened at approximately 3:50 p.m. Roger Harlan, "I move to open the meeting". Jim Hier 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

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Janet M. Scott, City Recorder