PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 15, 2007

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Gary Hill, Budget Manager; and Tom Daley, Deputy City Attorney

David Smith, Esq., legal counsel for Talisker

1. Council questions/comments. Joe Kernan commented on the Complete Streets Seminar held yesterday, which focused on accommodating alternate modes of transportation in a community. Candace Erickson reported that the Envision Utah Steering Committee previewed the Downtown Rising Program and Vision Dixie Programs where identifying development centers and designing effective circulation plans will be addressed in redevelopment efforts. Roger Harlan reported on the City Council/Board of Education Traffic Task Force and Library Board meetings. The walkability meeting during the week was productive. Marianne Cone stated that she met with the Wasatch Back Environmental Alliance last Friday and suggested that the City replace its recycling containers and asked if Council is willing to support this project. There was discussion about associated costs and also considering other green projects. Ms. Cone reported on the Planning Commission meeting where commercial and residential conflicts in the HR-2 zone, more specifically the interface of Main Street and Park Avenue uses, were discussed. Mayor Williams commented on the well-attended Leadership Session during the week. He reported on the successful trip to Washington D C and felt good about the commitment from our congressional delegation on a plan for a military recreational facility in the area that meets everyone's needs and concerns.

2. Legislative update. Gary Hill reported that bills are not moving at this point; things on hold until the Senate and House arrive at a compromise on the size of the tax cut and how that will be accomplished. The proposal is for a reduction in local tax revenue. He explained that HB102, Land and Water Reinvestment Act, is proposed to be appropriated at $3 million. HB233 deals with environmentally restricted zoning districts, and would impact cities' abilities to regulate sensitive lands; the ULCT is opposed to this bill. HB282, sales tax on food, will be debated to remand it to a policy committee. HB334, imminent domain, has the potential of taking the authority away from cities to condemn property for trails and/or emergency access. HB378, sales and uses tax amendments, would create one sales tax throughout the state which will probably die this year, but he believed is a sign of things to come. SB194, partisan election requirements for school districts, would only apply to 1st and 2nd Class Counties and is not likely to pass in this session. Jim Hier stated that he is opposed to this bill and all members concurred.

3. PCMC and UPCM water agreement. City Attorney Mark Harrington explained that the City Council adopted an annexation ordinance on February 1, 2007, which excluded language for Paragraph 7 regarding the water agreement which is before Council tonight. UPCM has 30 days to accept the language. Staff is recommending Option 3 in the meeting packet which is procedurally-based and places protections for the City but allows the project to move forward. In response to a question from Marianne Cone about providing the City with access to all mine workings in perpetuity, Mr. Smith indicated that there is no time limit and Tom Daley added that as long as the agreement is viable, the City has access. Mark Harrington inquired about the status of other mine locations owned by Talisker, and Mr. Smith explained that there is an agreement with JSSD which predates Talisker's acquisition of UPCM, addressing the Ontario Tunnel. UPCM's ownership includes surface and sub-surface rights; there is no deed to the tunnel, for instance.

Mr. Smith emphasized that the proposed water agreement is the result of a productive joint effort and Talisker supports the agreement presented to the City Council. See regular meeting minutes.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 15, 2007

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, February 15, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Eric DeHaan, City Engineer, Ray Milliner, Planner, Brooks Robinson, Planner; and Tom Daley, Deputy City Attorney.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Candace Erickson disclosed that she is employed by Park City Mountain Resort and Joe Kernan relayed that Royal Street, PCMR, and Talisker are among his recycling customers. Jim Hier stated that his wife is an employee of PCMR.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF FEBRUARY 1, 2007

Joe Kernan, "I move we approve the minutes from February 1". Marianne Cone seconded. Motion unanimously carried.

V CONSENT AGENDA PUBLIC HEARINGS *(items listed will be open for public hearing prior to consideration for adoption or rejection; hearings may also be continued by vote of the Council)*

1. Consideration of an Ordinance Accepting the Public Improvements at Eagle Pointe Subdivision - Phase 4 – Eric DeHaan explained that this is a housekeeping matter dictated by our Code which requires acceptance of public improvements offered to the City in conjunction with subdivision approvals. Maintenance obligations of the City are tied to build-out of 50% of the lots. Eagle Point Phase 4 is the northernmost subdivision in Park City and is the last developed property in the original Park Meadows master plan. The trail easement was identified and the Mayor opened the public hearing. Hearing no comments from the audience, the public hearing was closed.

2. Consideration of an Ordinance approving the Third Amended Record of Survey of the Lowell Record of Survey Plat Amendment, located at 1335 Lowell Avenue, Park City, Utah – Ray Milliner explained that the applicant requests approval of a one story

addition to the top of the Lowell Condominiums, formerly known as The Gables. He distributed additional information on the proposed addition and the number of units. There are no substantive modifications from the staff report in the meeting packet. The Mayor opened the public hearing, and with no response, closed the hearing.

VI 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, "I move we approve Consent Agenda Items 1 and 2". Marianne Cone seconded. Motion unanimously carried.

1. Ordinance Accepting the Public Improvements at Eagle Pointe Subdivision - Phase 4 – See staff report and public hearing comments.

2. Ordinance approving the Third Amended Record of Survey of the Lowell Record of Survey Plat Amendment, located at 1335 Lowell Avenue, Park City, Utah - See staff report and public hearing comments.

VII OLD BUSINESS *(continued items with presentations and/or anticipated detailed discussions)*

Consideration of adoption of the 2007 Water Agreement between Park City Municipal Corporation and United Park City Mines Company relating to the United Park City Mines/Park City Mountain Resort Annexation Agreement – Planner Brooks Robinson stated that on February 1, 2007, the City Council approved the annexation ordinance for lands located within the Park City Mountain Resort, the amended development agreement for Flagstaff Mountain Resort, aka Empire Pass, and the annexation agreement. The 2007 Water Agreement proposed tonight completes the annexation agreement and Mr. Robinson explained that the City and the applicant have reached a compromise through diligent negotiations. Mayor Williams urged Talisker to resolve the conservation easement language in the remaining two weeks and Mark Harrington expressed that the easement will be recorded with the annexation agreement.

Jim Hier felt that the agreement is not ideal from the City's standpoint, but believes it represents a good compromise. Benefits like the open space easement and the 30 acre site for recreational and parking at Richardsons Flats are worth the risk. The City maintains a strong position that impacts from mining are not our responsibility. Council member Hier recommended accepting the proposed water agreement as drafted in the meeting packet. Marianne Cone pointed out the large number of fault lines and tunnels

beneath Park City as a result of our mining past. It is impossible to predict the effects on the Judge Tunnel in the future and potential financial consequences to taxpayers if the City accepts responsibility for impacts resulting from mining operations. She stated that she agrees with the advice from our legal staff.
Jim Hier, "I move that we adopt the 2007 Water Agreement between Park City Municipal Corporation and United Park City Mines relating to the United Park City Mines and Park City Mountain Resort Annexation Agreement as it is drafted in our Council packet". Joe Kernan seconded. Motion carried.

Marianne Cone	Nay
Candace Erickson	Nay
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye

Doug Clyde, consultant for Talisker, stated that they didn't agree with all of the statements about water in the staff report, but support the agreement.

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 4 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Gary Hill, Budget Manager; Jerry Gibbs, Pubic Works Director; Kathy Lundborg, Water Manager; Tom Daley, Deputy City Attorney; and Myles Rademan, Public Affairs Director. Jim Hier, "I move to close the meeting to discuss property and litigation". Roger Harlan seconded. Motion carried unanimously. The meeting opened at approximately 5 p.m. Jim Hier, "I move to open the meeting". Marianne Cone seconded. Motion unanimously carried.

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

Prepared by Janet M. Scott

Janet M. Scott, City Recorder