PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 14, 2008

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

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

1. Council questions/comments. Liza Simpson spoke about attending the recently held HPB and WALC meetings. Roger Harlan reported on MCHT business, specifically, the drop of interest of qualified buyers. The joint breakfast meeting with the School District and Summit County held during the week was productive and Mr. Harlan reported on Library Board planning. Joe Kernan pointed out the difficulty in keeping the recycling center clear and accessible residents with only volunteers this heavy snow year. The City Manager explained that the facility receives a grant from the City reflecting the cost of the use of the building and site, acknowledging that it is City property. The City provides maintenance of the building but not regular snow plowing services. Mr. Kernan pointed out the high public use of the recycling center and felt it should be plowed by the City; reexamining the special services contract with the Recycling Center during the upcoming budget review was suggested.

Jim Hier commented on working with the budget staff on incorporating cost analyses with the purchasing policy. Candace Erickson agreed that it is helpful to meet with the County and School District from time to time and relayed her involvement with the ULCT on legislative issues. Mayor Williams commented on the continued interest of citizens to participate in the Leadership 101 program after all these years, and spoke about mosquito abatement business, specifically treating areas in western Summit County with biological pest control methods. The Mayor reported that he, Jim Hier, and staff met with the Economic Development Group of Utah during the week.

2. Legislative update. Gary Hill stated that HB51, water rights forfeiture, moved out of the House and is supported by the City. He explained that HB293, certified private building inspector, provides that cities maintain a preferred provider list of certified inspectors for the public in the event the city could not provide an inspection 48 hours after the day of the request. Park City is okay with providing an inspector within 72 hours but is concerned with not allowing city inspectors inside homes. SB20, forms of government, focuses on maintaining balance of power, and proposes requiring a vote of the people any time the powers and duties of the mayor are altered. This is not retroactive but raises the bar and Park City is supportive as long as the status quo is protected. SB218, restaurant tax bill, is geared to favor Sandy City and other cities of the first class. ULCT has not taken a position yet because the language has just been drafted but the membership is likely to be split. Mr. Hill explained that HB166, minutes of public meetings, required minutes to be available within 14 days or the next meeting, whichever is first, which would have the potential of perpetuating the need for meetings to approve minutes. It has been amended to be 14 days, or the next meeting, whichever is later which is still problematic since it takes about four hours of transcribing for one hour of recording. There is an effort to change it to 30 days, or the next meeting, whichever is later. Mr. Hill explained that SB84, net metering, passed out of committee and on its way to the Senate. The renewable energy bills have not been released. Gary Hill stated that the under-grounding of utilities legislation passed and discussed a proposal to mandate state building permit numbers on local permits. If passed, this bill has the potential of costing the City $20,000 to reprogram Eden software and it is recommended that the City oppose the bill.

In response to a question from Joe Kernan about the private building inspector proposal, Mr. Hill explained that staff's concern is that structures be inspected consistent with the Code and that the same contractor not be involved with the installation and inspection of the work. He added that most cities oppose this bill because they are not meeting the 48 hour response time but it is not a huge concern to Park City where our issues relate to private contractors being properly licensed and finding private inspectors. Mr. Kernan felt it appropriate for the state to share a list of private certified inspectors to municipalities. Jim Hier brought up inherent conflicts with the contractor paying a private inspector to inspect his work rather than an independent person. Candace Erickson pointed out that cities fear being sued for faulty inspections on substandard work and Mr. Hill explained that this is not close to being passed.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 14, 2008

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, February 14, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kent Cashel, Deputy Public Works Director; Phyllis Robinson, Public Affairs Manager; Max Paap, Special Events Manager; and Kirsten Whetstone, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Correspondence from Rabbi Josh Aaronson – Liza Simpson read a thank you letter from the Rabbi in appreciation of the valuable assistance from the Police Department for the historic torah trek held at the new Har Shalom Temple. He particularly thanked Chief Lloyd Evans, Officer Annette Ellis, Officer Wayne Young, and Sergeant Lynn Nagel.

2. Presidents Weekend preparations – Kent Cashel explained that staff is proactively working with the ski resorts to accommodate the large crowds expected this weekend. He explained that overflow parking will be directed to the school lots which hopefully will alleviate conflicts with Library parking. There will be increased bus service on the Prospector route and parking on the west side of Park Avenue from 9th Street to Heber Avenue will be prohibited.

3. Call-up of Planning Commission decision of an amendment to the technical report for affordable housing in the Flagstaff Development – Talisker Corp – Phyllis Robinson reported that last night the Planning Commission approved amendments, with conditions, to the technical report to the Flagstaff Agreement to allow Talisker Corp. to pull building permits before the first 15 affordable housing units are completed. After considerable discussion, three changes were made including a definition for *construction* which was defined to mean certificate of occupancy. Secondly, five units were added to the affordable housing obligation for Phase 2 and within five days of last night, Talisker will issue a corporate completion guarantee for the outstanding nine unit equivalents and 180 days from this point forward should it not receive approval from the Planning Commission, post a financial guarantee equivalent to $300 per square foot for the outstanding units or $2,160,000. Talisker would have 60 days to pull building permits and if not pulled, the City could make full demand on day 61. Talisker would then have 18 months to construct the units. Ms. Robinson clarified that these parameters only deal with the nine unit equivalents and during the discussion the Planning Commission emphasized that other on-mountain developers have met their obligations. The Commission also stressed that this is a one-time consideration.

Jim Hier stated that he is very disappointed with the situation and felt that some of the terms of the amendment should be stronger and the other members agreed. There was discussion about determining the 180 day timeframe. Mayor Williams added that these provisions are clearly stated in the 1999 Flagstaff Agreement. Jim Hier, "I move we call up the recently approved amendment to the technical report for the Flagstaff Development passed by the Planning Commission last night". Liza Simpson seconded. Motion unanimously carried.

Mr. Hier stated that he feels comfortable withholding the certificate of occupancy so permits can be issued on on-going construction to avoid penalizing contractors and subcontractors. Mark Harrington advised that the motion limits the appeal to not address this issue and Jim Hier noted that the permit change was not made and needs to be clarified. Ms. Robinson reiterated that certificates of occupancy relate only to the affordable housing and not the overall Flagstaff unit equivalents. Mr. Hier pointed out that about 100 units appear to have occupancy certificates and over 150 building permits have been issued which conflicts with an interpretation of the Agreement. He asked if the practice of issuing permits should continue, with the exception of certificates of occupancy. Mark Harrington stated that he can't verify the practice at this time and certainly the Council has the ability to waive contract terms, but advised against doing that. The City Manager suggested addressing this on the 28th when permit information is available, but the City's interpretation of the Agreement is *permits* not *certificates of occupancy*. David Smith, counsel for Talisker, indicated that the application of the phrase *permit* has not been defined. Phyllis Robinson explained that building permits were not an expressed concern of the Planning Commission.

4. Resolution of appreciation to Eric DeHaan for his commitment to quality engineering and his many contributions to the Park City Community – The Mayor read the proclamation into the record and presented it to Eric DeHaan who is retiring after 20 plus years of service. Mr. DeHaan expressed his appreciation to staff and elected officials over the years to achieve a vision for Park City.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 31, 2008

Candace Erickson, "I move we approve the work session notes and minutes of the meeting of January 31, 2008". Jim Hier seconded and Joe Kernan abstained as he was not in attendance. Motion carried.

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

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

1. Consideration of approval of a Master Festival License for the Queen's Cup Urban Rail Jam to be held on Main Street and approval of amplified music and a street closure from 5 p.m. to 8 p.m. on February 22, 2008 – Max Paap explained elements of the charity event to be held at PCMR and on Main Street benefitting the Breast Cancer Research Foundation. The HMBA has been notified of the partial closure of Main Street on Friday, February 22 and no negative comments were rendered. The Main Street event will begin at 5 p.m. and conclude by 8 p.m. and the organizers expect 100 spectators and 20 athletes. The applicant explained that this is the third year for the event but the first for the Urban Rail Jam and the community has been very supportive. Roger Harlan pointed out discrepancies between the application and the findings. Liza Simpson asked if Council is being asked to also waive the required 90 day review time and Max Paap believed the application was submitted approximately 60 days ago. Because previous applications were rejected based on non-compliance, Jim Hier felt it important that the submittal date appear in findings if future applications do not meet the 90 day requirement. Roger Harlan expressed his appreciation that the applicant contacted adjacent property owners regarding the amplified music. The Mayor opened the public hearing.

Mike Sweeney, business owner, stated that the event will take place on his deck at the Town Lift which is supported by PCMR. With no further input, the public hearing was closed.

Liza Simpson, "I move that we approve a master festival license for the Queen's Cup Urban Rail Jam to be held o Main Street and approval of amplified music and a street closure from 5 p.m. to 8 p.m. on February 22, 2008". Candace Erickson seconded. Motion unanimously carried.

2. Consideration of approval of an Ordinance approving a six month extension for the approval of the amended Spiro Condominiums Buildings A and G Record of Survey Plat and the Spiro Condominiums Buildings N - R (Silver Star Plaza) Record of Survey Plat located at 1825 and 1835 Three Kings Drive, Park City, Utah – Kirsten Whetstone explained that the request is for a six month extension to record associated plats. The

applicant has been working with the City to address complex issues, including ADA units, affordable housing, trailhead parking, HOAs, and title issues. The mylars have been submitted and approved by the City Engineer and an extension is recommended. The Mayor opened the public hearing and with no public input requested a motion. Roger Harlan, "I move to approves an Ordinance approving a six month extension for the approval of the amended Spiro Condominiums Buildings A and G Record of Survey Plat and the Spiro Condominiums Buildings N - R (Silver Star Plaza) Record of Survey Plat located at 1825 and 1835 Three Kings Drive, Park City, Utah". Candace Erickson seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

Roger Harlan recognized the two Park City police officers in the audience and thanked them for attending in consideration of the tragedy in Kirkwood, Missouri last Thursday where five public officials were gunned down at a Council meeting.

VII 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 4:30 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; Mark Harrington, City Attorney; Alison Butz, Environmental Specialist, Jon Weidenhamer, Project Manager; Tom Daley, Deputy City Attorney; Ken Fisher, Recreation Manager; and Jason Glidden, Ice Rink Coordinator. Joe Kernan, "I move to close the meeting to discuss property". Roger Harlan seconded. Motion carried unanimously. The meeting opened at approximately 5:30 p.m. Jim Her, "I move to open the meeting". Joe Kernan 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