PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 11, 2008

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

Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Ron Ivie Chief Building Official; Jon Weidenhamer, Economic Development Manager

Jim Banister and Robin Rankin, Spectrum DNA; Katie Smith, Park City Institute for Public Policy

1. Council questions/comments. Liza Simpson thanked Human Resources for organizing a great Christmas party and reported on a Board of Realtors affordable housing marketing campaign. Candace Erickson publicly thanked County Commissioner Ken Woolstenhume for his service on the Board of Health and reported on the air monitor program. She discussed Recreation Advisory Board business, specifically the design of the Racquet Club improvements; VCBO has been responsive to the community's needs, which is resulting in a better design. The Museum construction is on time and on budget and the Dungeon Party is tomorrow night at the Elks Club. She encouraged the public to shop locally. Jim Hier congratulated staff on the Christmas event held at the Ice Arena for the first time this year, which was a resounding success. He attended a Ski Utah meeting at Solitude and reported that the Legislature allocated $10 million for tourism. The Deer Valley Celebrity Ski Fest was another great event. Roger Harlan also commented on the quality of the employee Christmas Party and shared Arts Advisory Board discussions from the meeting held last night. He added that the Board of Education voted to raise the compensation levels for teachers.

Mayor Williams reported on Mosquito Abatement business speaking to a University of Utah planning class. He discussed a lecture at the Swaner dedication given by Robert Kennedy Jr., who described a proposal for promotion of the use of electric cars and conveniently changing out batteries for charged units at service stations. The Mayor suggested taking the Racquet Club design to the schools so there is an opportunity for the kids to comment. He referred to Council member Simpson's complaint to the Police Department about the behavior of an aggressive timeshare salesmen on Main Street and encouraged the Legal Department to explore pulling Westgate's business license because of these continuing and annoying violations. Ron Ivie presented Council with an award the City received from the Park City Homebuilders Association in recognition of our green building education program which began here and is now state-wide.

2. Economic Development Grant updates:

Spectrum DNA (formerly Center for Applied Media). Jim Banister stated that their original intention was to build a local center for digital media for enterprising and educational development. The $18,000 grant from City was to be used to set up their main headquarters, provide a minimum of four free educational forums, program conferences, training, seminars, etc. in Park City, and provide three updates per year. Most of the funding was spent on their Gateway Center space but then Spectrum relocated to the Starbucks building. He discussed offering free educational sessions and workshops. He stated that their focus was bringing revenue to the City, and he described a variety of programs which brought back students and clients. Because of their successes, the company was approached by a group of investors who offered Spectrum $3.2 million, and Mr. Banister noted that the business is now a for-profit organization. He distributed his published humorous dictionary to Council members. In response to a question from Candace Erickson, he stated that Spectrum has nine employees and they acquired a small design firm in Seattle. Ms. Erickson expressed that they seemed to have accomplished everything expected. Jim Banister added that they will continue to provide education because it is really important to them. Roger Harlan stated that he is pleased at Spectrum's success but encouraged Mr. Banister not to wait so long between updates. Robin Rankin expressed her appreciation of Council's support.

Park City Institute for Public Policy. Katie Smith explained that they began as the Oquirrh Institute in Salt Lake City to create a forum on public policy issues but as time went on, felt that there should be an expanded outreach effort. The organization feels Park City is a good fit because of community involvement and interest in topics. The grant was awarded in 2006 to assist in the relocation from Salt Lake in 2007 and at that time, the Oquirrh Institute changed its name to the Park City Institute for Public Policy. She spoke about identifying a pressing topic, brainstorming the issue, and creating a model to get good policy practices in the hands of the people making decisions. Their offices are located in Prospector Square and they have been there for a year and a half.

The second annual conference and college institute were held in Park City this year. She discussed a conference focusing on mental health, health insurance and legal reform where about 30 experts from all over the country were brought in and stayed in Park City. The goal of these sessions is to create a tool kit for practitioners. Ms. Smith emphasized that the Institute is non-profit and they are continually looking for funding and grants. She discussed a series she is developing which will be free to the public and reiterated all conferences will be held here.

The grant also specifies establishing an internship at the high school which is now being developed. She discussed a forum on cyber security which went very well last year and noted the work on sustainable energy. Roger Harlan stated that he attended an excellent and engaging conference at The Canyons but was disappointed because of poor attendance. He asked what can be done to increase participation. Ms. Smith agreed and explained the snags in planning this particular conference, specifically timing conflicts, which resulted in delayed decisions and leaving a limited amount of time to advertise the event.

Liza Simpson thanked the Institute for inviting Council members to Institute conferences which are fascinating. She suggested that the keynote speaker be open to the public which may attract locals and Ms. Smith agreed.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 11, 2008

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, December 11, 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; Tom Daley, Deputy City Attorney; Bret Howser, Budget Manager; Cindy LoPiccolo, Senior City Recorder; Kirsten Whetstone, Planner; and Thomas Eddington, Planning Director.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Swearing-in of Police Officers Aric Barker and Nathan Cline – Police Chief Wade Carpenter introduced Aric Barker and Nathan Cline and Mayor Williams administered the oath of office.

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

Proposed amendments to steep slope criteria - Bob Stovach, real estate agent, noted that he emailed Council members already about his concerns about the steep slope variance language proposed. The recommendation to reduce the footprint by 25% will result in poorly designed buildings. His client was advised that he will only be able to build an 898 square foot two story condominium on 100 Daly Avenue. There are currently 2,400 square foot four story homes on Daly Avenue. He supports change in the Historic District regulations, but they should be written differently for steep slope applications. New construction should be allowed the same averages as existing structures around it.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 20, 2008

Joe Kernan submitted a correction to attendance noted in work session. Joe Kernan disclosed that he will be abstaining from voting as he was not in attendance Jim Hier, "I move we approve the work session notes and minutes of November 20, 2008, subject to the corrections from Joe submitted". Roger Harlan seconded. Motion carried.

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

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")*

1. Consideration of an Ordinance amending Title 5, Government Records Access and Management Act, of the Municipal Code of Park City, Utah to correlate with state code amendments - and

2. Consideration of a Resolution adopting classification and retention schedules for each record series maintained by Park City Municipal Corporation pursuant to the Utah Governmental Records Access and Management Act and rescinding Resolution No. 07-02 – See staff report. Candace Erickson, "I move we approve Items 1 and 2 under the Consent Agenda". Joe Kernan seconded. Motion unanimously approved.

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

1. Consideration of (1) the issuance and sale of the City's general obligation bonds, for the purpose of acquiring, improving and forever preserving park and recreational land, together with related historical or cultural improvements, to protect the conservation values thereof, remove existing unneeded man-made improvements, and make limited improvements for public access, parking and use and paying the costs incurred in connection with the issuance and sale of the general obligation bonds and (2) the potential economic impact that the facilities will have on the private sector – Bret Howser introduced Dave Miner, the City's financial advisor. Staff is recommending that Council hold a public hearing and authorize the sale of the $10 million General Obligation Bonds for the purchase of open space and revenues will be used for the recent joint purchase of open space with Summit County. The sale was conducted this morning and the Resolution has been updated accordingly. Six bids were received, and the interest rate is roughly 4.09% for the issuance. Mr. Howser explained that the favorable interest rate and the City's upgraded bond rating has the potential of saving the City a considerable amount of money. In response to a question from Mr. Hier, Bret Howser explained that the other $10 million will be issued next year for walkability projects, open space, and water debt. Candace Erickson publicly thanked Mr. Howser, Dave Miner and the City Manager for their efforts with Standard & Poors on the City's bond rating. The Mayor opened the public hearing; there was no comment. The public hearing was closed. Roger Harlan, "I move we approve a Resolution confirming the sale and authorizing the issuance of $10,000,000 General Obligation Bonds, Series 2008 of the City". Jim Hier seconded. Motion unanimously carried.

2. Consideration of authorization of the following insurance premium payments for public entity liability, workers compensation, property, and crime insurance covering a one-year period from January 1, 2009 through January 1, 2010:
(a) $105,622 to States Self-Insurers Risk Retention Group, Inc. ("States") for public entity broad form liability insurance;
(b) $158,234 to Workers Compensation Fund ("WCF") for workers compensation insurance;
(c) $66,993 to Lloyds of London for property insurance;
(d) $6,564 to Zurich American for boiler/machinery insurance;
(e) $5,757 to Hartford Insurance Company for property insurance covering Marsac-Swede Condominium Owners Association (460 Swede Alley, Units 1 and 2): Senior City Recorder Cindy LoPiccolo explained that Marsh provides insurance brokerage services for Park City. The 2009 recommendation covers public entity liability, workers compensation, property and crime insurance. The City experienced two bad years of claims for workers compensation which could have resulted in $50,000 in additional premium. She explained that after staff reviewed the files, it was discovered that some claims were misidentified and the premium was actually lowered by about $10,000 from last year. The Mayor invited public input; there was none. Candace Erickson, "I move we authorize insurance premium payments listed from (a) to (e)". Jim Hier seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving a one year extension of the Jupiter View Estates Subdivision approval, located at 1376 Mellow Mountain Drive and One Eagle Way South, Section 8 Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, UT – Kirsten Whetstone explained that the subject plat was approved by the City Council on November 29, 2007 and the applicant is requesting an extension to November 29, 2009. The extension is needed to complete the utility plans and to record the final plat; she described the location of the property. The Mayor opened the public hearing and with no comments from the audience, closed the hearing. Joe Kernan, "I move we approve the request for a one year extension of the Jupiter Estates Subdivision in accordance with the staff report". Roger Harlan seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to address revisions to Chapters 1, 2, 3, 4, 6, 10, 11, 12 and 15 - Kirsten Whetstone explained that amendments address substantive issues and housekeeping matters. She pointed out the recommendation that appeals on Conditional Use Permits and Master Planned Developments on City projects go to the Board of Adjustment rather than the City Council. The Mayor confirmed that this was crafted to avoid the perception of a conflict and Roger Harlan stated that he is not supportive of this amendment. The City is rarely the developer and for the Council to

abrogate its responsibility to a non-elected body is inappropriate. He added that he is not surprised when there are concerns voiced by a segment of the public about City projects but feels comfortable about the Council acting in a legal manner. In response to a question from Jim Hier, the City Manager explained that appeals of staff decisions go to the Planning Commission and then to the Board of Adjustment if appealed. There was discussion that MPDs and CUPs, approved by the Planning Commission, are appealed to the City Council and it is proposed that only City-funded projects would go to the BOA. Joe Kernan stated that he doesn't have a problem using another public body for appeals in these instances because appointees are skilled and unbiased. Roger Harlan indicated his confidence in board members but feels Council members are better prepared to make decisions in these matters. Joe Kernan expressed his support of the amendment. Candace Erickson referred to the appeal of the Snow Creek Housing Project where there were general objections but also allegations that the City did not meet the Code. Staff proved that the process was not flawed so that the final decision was not based on feelings but legal fact. It bothers her to put these decisions in the hands of an appointment body but in the long run, it removes the question of whether the Council can be objective in hearing an appeal on a project it supports. Unfortunately there is no other elected body to hear an appeal on City funded projects. Jim Hier pointed out that if the Council is not serving on the appellate board, members could testify at hearings and could present a case to a third party which is not possible acting as judges. Kirsten Whetstone stated that the purpose of directing appeals of City funded projects to the BOA is to eliminate any perceptions of bias.

Key amendments to Chapter 2 relate to the Heber Avenue subzone to include properties east of Park Avenue not just east of Main Street in the HRC District, primarily affecting the Kimball Art Center. The HRC subzone limits the amount of non-residential floor area which may limit expansion for classrooms, galleries, retail and storage. Mai Street is zoned HCB. In response to a question from the Mayor, Ms. Whetstone clarified that administrative CUPs would still include notice, however administrative permits would not. For instance, the administrative permit for a fence over six feet in height would require notification to affected properties owners but would not require a 14 day published legal notice in the paper. Some uses that require administrative permits include temporary tents and structures not associated with special events. She explained that there are some zones where bed and breakfasts are allowed uses and some where they are an administrative uses. Ms. Whetstone suggested creating table of listing administrative permits and administrative CUPs; whether this should be in the Code or for Council's use was not decided. Joe Kernan expressed that not many people read legal notices which could be waste of taxpayers' money for administrative approvals and felt it is much more effective to post properties and mail courtesy notices.

With regard to amendments to the historic zones, Ms. Whetstone emphasized that they do not relate to steep slope CUPs or changes to the Code based on the proposed revised Historic District Guidelines. In response to a question from Jim Hier, Ms. Whetstone explained the logic in changing six feet or higher walls and fences in historic districts to administrative approvals which will still require review by the Planning Director and City Engineer and require building permits. Mr. Hier insisted that these should be administrative conditioned on criteria rather than allowed uses and pointed out other areas of the Code that should better clarified. Tom Eddington felt that language could be crafted to describe the use as conditional and allow for the administrative permitting process. Candace Erickson pointed out that a six foot wall in Old Town can be visually impactful. The amendment addressing requiring steep slope CUPs to appear on the Consent Agenda rather than under New Business for Planning Commission meetings is a housekeeping matter.

Jim Hier stated that how 40 feet is measured needs to be defined relating to the steep slope analysis by the Planning Commission and suggested that it be measured from the start of the exposed above-ground structure to the top of the roof whether it be on the up or down side of Old Town streets or whether there is a day-lighted basement. This removes questions regarding grade. Candace Erickson preferred 27 feet. Kirsten Whetstone felt measuring height could be diagrammed. Jim Hier added that this would prevent development on steep slopes from continuing to step back and Ms. Whetstone recommended language that stepping-back a structure doesn’t result in increases to overall building height. Bay windows are included in the calculation of the footprint and the section was reworded.

Kirsten Whetstone discussed the HRC zone, more specifically, subzone regulations limiting non-residential square footage. She reiterated that the Kimball Art Center is located in this zone and if the amendments are approved, would be subject to the subzone. Jim Hier suggested that special events and outdoor events be defined in the LMC. Kirsten Whetstone pointed out that there is information in the supplemental section but agreed that it would be good to have these terms defined.

The Mayor noted his surprise to find agriculture as an allowed use in the CT Zone. Kirsten Whetstone assured Mr. Hier that child care and child care centers are defined in the Code. Roger Harlan questioned allowing nightly rentals in the CT Zone. Planner Whetstone stated that this was discussed by the Planning Commission in context of the PC Heights Annexation. There was concern that the preliminary MPC was not resort oriented enough because it was affordable housing and single family homes like many residential subdivisions and didn’t really meet the purpose statement of the zone. Nightly rentals are typically prohibited in single family zones. The PC Heights applicants were asked to revise the MPD to integrate resort housing with the affordable and single family housing. Planning staff felt nightly rentals should be an option in the CT Zone and emphasized that MPDs are required to build any type of housing in this zone. Through the MPD review, the Planning Commission could identify whether and/or where affordable housing is appropriate. She felt wording nightly rental, subject to the MPD requirement, might be a good idea. Liza Simpson stated that the Planning Commission has requested that this chapter be remanded to them. She understood there was a fair amount of discussion on nightly rentals but not all members were in attendance. The decision to allow nightly rentals in the CT Zone as a conditional use was made late in the evening. There was discussion about potential non-conforming uses because of short-term athlete housing for USSA and NAC. Jim Hier pointed out that the NAC does not have a MPD and would like to remove nightly rentals from the CT Zone. Nightly rentals increase traffic and it should not be an allowed use. Ms. Whetstone relayed that nightly rental traffic counts suggest that rentals produce less traffic than single family. Mr. Hier did not agree and the Mayor suggested that the Planning Commission review this and all of the changes suggested by Council tonight. Joe Kernan felt that data on nightly rental traffic generation would be helpful. The City Manager asked if nightly rentals should be included in the annexation agreement and Mr. Hier did not feel that was necessary. Other members wanted time to think about it. Joe Kernan did not feel nightly rentals pose negative impacts because they are empty a lot of the time and nuisances are monitored by Code Enforcement. Mr. Kernan felt that night rentals would work well in the single family homes on large lots or condominium buildings. Jim Hier felt that placing nightly rentals next to affordable housing makes the neighborhood more transient. Discussion ensued that the underlying zone determines density not the sensitive lands ordinance.

The Mayor asked members for additional comments and Liza Simpson expressed that sending appeals of City funded projects to the BOA may send a message that the Council could not deliberate openly and honestly on the Snow Creek Project. Candace Erickson stated that there is the perception of bias.

Jim Hier referred to Mr. Stovach's public input comments about steep slope amendments and reduction in square footage. He explained that the ordinance is pending and an alternative would be to impose a moratorium until the approach is finalized. Reducing the size of structures in Old Town is the right thing to do.

The Mayor opened the public hearing; there was none. Jim Hier noted that direction should be to remand to Planning Commission with the suggested changes made tonight and review of nightly rentals in the CT Zone and Tom Bakaly added appeals of City funded projects. Liza Simpson, "I move that we remand the Land Management Code changes to the Planning Commission for review of our suggestions and comments and further discussion of the CT Zone and the Board of Adjustment change and continue to a date uncertain". Joe Kernan seconded. Motion unanimously carried.

VIII ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

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 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; Tom Daley, Deputy City Attorney; Tom Eddington, Planning Director; Ron Ivie, Chief Building Official; Jeff Schoenbacher, Environmental Specialist; and Diane Foster, Sustainability Manager. Liza Simpson, "I move to close the meeting to discuss property, personnel and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 5 p.m. Roger Harlan, "I move to open the meeting". Candace Erickson 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