PARK CITY COUNCIL WORK SESSION MINUTES
SUMMIT COUNTY, UTAH
JANUARY 31, 2013

Present: **Mayor Dana Williams; Council members Andy Beerman; Alex Butwinski; Cindy Matsumoto; Dick Peek**

Diane Foster, Interim City Manager; Jim Blankenau, Environmental Regulatory Program Manager; and Mark Harrington, City Attorney

Dave Stewart, Lobbyist

Absent: **Council member Liza Simpson**

1. Legislative update. Dave Stewart stated that the projected $300,000 million in new federal dollars has softened recently and the final numbers will hopefully be available in February. The state is dependent on federal dollars and he believed that the federal government will hold quite a bit back in reserve and there may be potential cut-backs that would affect the state. There is an idea of putting sales tax back on food which will have an impact on Park City but there is sensitivity in the Legislature regarding tax increases and the likelihood of that is slim. There is a proposal to bring more clarity to the fireworks law allowing the sale of fireworks but communities can restrict use. He explained that Salt Lake County found that when an entity imposes a tax increase, any RDA within the district has inadvertently been receiving the tax revenue and there will be a bill so that all of the tax will come to the entity. He spoke about amendments to the building code and several bills on water rights. There is a property tax proposal regarding second homes so if the home is sold to as a primary residence, the new owner can change the status without waiting a year. The Mayor asked about the concealed weapon proposal and Mr. Stewart explained that it has been discussed but it is not public yet. There is an effort to address anti-discrimination laws regarding employment and housing on a statewide basis. Mr. Beerman asked about amendments to liquor laws and Dave Steward indicated that there are some changes looking to clean up current provisions and proposal for a master liquor license for franchises.

Diane Foster explained that the City will be using a team approach this year and Jody Morrison will be working on a lot of the administrative pieces. Alex Butwinski is the legislative liaison and will be very involved this year as well as Alternates Dick Peek and Andy Beerman. This group will go to the legislative policy committee with the ULCT on Mondays and she will be attending the staff level meetings every Wednesday. Tom Daley has a handle on all of the water bills and Mark Harrington participates on the land use policy committee which meets year round. Kirsten Whetstone and Thomas Eddington are tracking planning issues and Roger Evans participates on the seismic code commission and is very familiar with building code matters. Police Chief Wade Carpenter stays informed on police chiefs' business. She explained the need for lobbyists because legislators don't have staff to analyze bills. Ms. Foster felt this is a good approach for the year and right now there are no bills specifically targeting Park City. The City will also be working with the County, Chamber and School District on legislative issues.

2. Radon Awareness Month. Jim Blankenau explained that January has been declared Radon Action Month by the Governor for the purpose of raising awareness of the potential hazards of radon and to encourage people to test their homes. About one-third of the homes tested in the state have high levels of radon and it is the leading cause of lung cancer behind smoking. There are about 21,000 deaths per year in the US from radon exposure which is greater than drunk driving. He clarified that radon is a radio-active element which is a gas that is colorless, tasteless, and odorless and is derived from the decay of uranium. The only way to detect it is to test and radon has a very short half-life; its decay product are solid particles that adhere to the lungs. It enters homes through cracks in the floors, walls, construction joints, suspended floors, and gaps in service pipes. EPA recommends remediation if there are greater than four picocuries per leader and the World Health Organization actually recommends three picocuries per leader. Radon issues can be solved by installing a sub-slab ventilation system. Mr. Blankenau indicated that radon kits can be purchased at any hardware store or can be ordered through the State Division of Radiation Control.

Mark Harrington asked about the duration of exposure and Mr. Blankenau responded that he is not aware of a specific exposure time. Mayor Williams felt that results change with the placement of the test kit and felt it better to have a professional company test homes so that it results are accurate.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH,
JANUARY 31, 2013

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, January 31, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, and Dick Peek. Council member Liza Simpson was absent and excused. Staff present was Diane Foster, Interim City Manager; Tom Daley, Deputy City Attorney; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; and Heinrich Deters, Trails Coordinator.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Andy Beerman reported that he and Alex Butwinski joined the Leadership Class at the Legislature which was a great opportunity and Mr. Butwinski commented that yesterday he and Mr. Beerman attended the ULCT luncheon on this year's legislative session.

The Mayor thanked everyone contributing to another successful Sundance Film Festival. He attended the SBSRD meeting this week and pointed out that the International Women's Forum is meeting in town. He spoke about being invited to participate in a conference call on KPCW on immigration next week with the Sutherland Institute. President Obama has introduced his new immigration platform which directly affects our community. The immigration system has not been revamped since 1991 and the areas of focus are enforcement and the path to citizenship which affects 11 million people in the United States.

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

Jeff Love Complaint - Jeff Love, 615 Woodside, asked if there are any updates since Ms. Leithead made her decision. There were none. He doesn't agree with her decision and asked if there is an appeal process. Tom Daley responded that there is no appeal process in the ordinance itself, but Mr. Love may have other legal options. Mr. Daley understood that Mr. Love's attorney no longer represents him. Mr. Love stated that since he no longer has legal representation he hoped that someone could speak to him directly. He asked if Ms. Leithead represented PCMC or whether she is an independent third party. Mr. Daley emphasized that she is an independent third party and is the administrator under the ordinance. She is not an attorney for PCMC. He offered to arrange a meeting with Mr. Love and Ms. Leithead and would be happy to attend the meeting as well. Mr. Love asked if she represented PCMC in the past or in the future and Mr. Daley stated that these are questions that he would be happy to answer in a meeting. Mr. Love stated that he tried to get answers in the past, but no one would talk to him. He is not sure how Ms. Leithead as the administrator of this complaint can do a thorough investigation and never speak to him. It is a little puzzling to him.

The Mayor interjected that he is having an issue here because there is the threat of a lawsuit against PCMC and he is not sure that Public Input is the right forum to have this discussion. The City Council does not necessarily have the legal background to be able to answer his questions.

Mr. Love stated that these are not legal questions, but comments. This is Public Input and he is surprised that the Mayor is trying to limit it. Mayor Williams responded that Mr. Love can throw any number of questions at members, but is not sure this body can answer them. Deputy Attorney Daley commented that the intent is not to curtail public input and again suggested setting up a meeting to see how many questions can be answered and what may be appropriate for Public Input.

Mr. Love stated that with respect to a lawsuit, he will make the same offer that he made five months ago to the Council by waiving his rights to file a lawsuit if members will investigate his complaint. This has never been about money, but rather about the truth and what went on with his application. He has repeatedly tried and has had numerous meetings and everyone who have said that this is not the right forum. This isn't the right time to talk about this.   He asked what the right forum is. He waited until litigation was done and then he came to Council and tried to resolve this and unfortunately, the City Council has no interest in knowing the truth it appears.

He indicated that he was naïve enough to think that Ms. Leithead would be an independent third party reviewing the complaint but if the Council reads her decision, first of all, Tom Eddington is not a city attorney. Mr. Love stated that he filed one HDDR application, not three, and the City did not approve his HDDR. She has confused a plat amendment with a HDDR application and if she had bothered to speak to him, she might have gotten the facts correct. Mr. Love stated that he would love to have the opportunity to convey evidence to Council of what went on and he has never had that opportunity, except for meeting with Dana Williams on July 20, 2012. The rest of the Council has not given him the opportunity to convey what went on and he has the facts to support everything that he has said in the past.

Mr. Love stated that Ms. Leithead's decision was based on her finding that he didn't complain soon enough and what is ironic is that over the last two and a half years, he has probably personally approached the Mayor 30 times to complain about what's going on. It is ironic that she would throw out he didn't complain soon enough and the other irony is that the statute of limitations is 180 days and the four times that she said that he had the opportunity to complain, he personally felt it was more corruption related than discrimination related. It was a little hard to determine what was going on. Mr. Love reiterated that it is a little ironic that he didn't complain soon enough and the reality is it wasn't until Mark Harrington disclosed to Council on July 20th what the City's position was about. That's when he realized what was going on.

Tom Daley stated that at this point, we're getting into legal claims and he advised Council not to respond. He suggested renewing the invitation to Mr. Love to meet with him. Jeff Love stated that he would be happy to meet with Mr. Daley but would like some Council members present to discuss what went on in the past. He repeated that Ms. Leithead decided that it wasn't a timely complaint but encouraged members to call her to ask her personal opinion of what went on and you will not like the answer she is going to give you. He can make himself available to her to discuss what went on in the past. It was definitely discrimination that occurred but this is all corruption-based. He would appreciate some sort of response from the City.

IV RESIGNATIONS AND APPOINTMENTS

Consideration of an appointment to the Historic Preservation Board to fill an unexpired term to May 2014 – Dick Peek, "I move to appoint Gary Bush to the HPB". Andy Beerman seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

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

1. Consideration of the Richards/Park City Municipal Corporation Annexation and Zoning Map Amendment, in a form approved by the City Attorney - Kirsten Whetstone introduced Frank Richards and Steve Schueler from Alliance Engineering. The annexation relates to two parcels, one owned by the City and the other by Frank Richards for a total of 33 acres. The Richards Parcel contains 13.75 acres and a preliminary plat has been prepared which is a requirement of the Annexation Petition. The plan is for seven single family lots and the applicant is requesting Single Family zoning which is consistent with adjacent subdivisions surrounding the parcel. The parcel is an island in the County's jurisdiction and is zoned Rural Residential which is 1:20 for developable areas and 1:40 for sensitive lands. The property is distant from any other County properties under its jurisdiction. She stated that the Planning Commission recommended that a portion of the Richards Parcel be zoned ROS to add layers of regulation to prevent density increase. The PCMC Parcel is 19.74 acres and will remain as open space and the City is the co-petitioner. This is consistent with the other open space zones in the area. All of the uses on the parcel would require a lease agreement which is scheduled later on the agenda. Ms. Whetstone pointed out that the parcel is also subject to a deed conservation easement.

She relayed that the Annexation Agreement outlines the zoning and density and the PCMC Parcel will be subject to Conditions of Approval listed in the Ordnance. The development of the Richards Parcel requires a subdivision plat and the zoning map must be amended as well. She displayed a map of the parcels and pointed out one remaining island left of County property which may be annexed in the future as it has no access. She displayed the preliminary plat which has an existing house on Lot 5, three lots along Payday and three lots further up into the parcel. The wetlands were identified as well as the required 50 foot setback requirement. Ms. Whetstone noted that there is an indoor riding arena on Lot 8 and a hay barn on Lot 6 and displayed photographs of different view corridors.

Kirsten Whetstone explained that it is appropriate for Council to give direction to the Planning Commission on features of the final subdivision plat. The building and barn pad locations will be finalized at the time of final plat review and may actually be platted. These lots are intended to be equestrian lots with specific build areas and a fencing plan. There are a few items that need to be addressed by the City Council including final action on the annexation and zoning, the water agreement, and a lease agreement for the PCMC parcel with Frank Richards. The affordable housing must be constructed on site unless a different decision is made by the Housing Authority. More photographs were shown of the area from different views.

She pointed out the public benefits of the annexation including local control as the property sits on our entry corridor. It is important to provide City services and water to contiguous properties, maintain the equestrian and rural character of the area and preserve sensitive lands. There is a reduction in density when compared to the surrounding Single Family which is 3:1 acre. This results in 35 units and the proposal is for seven which is fixed with the adoption of the Annexation Agreement. The applicant has agreed to LEED Silver for all of the homes with a water conservation component and the development will provide pedestrian connectivity. The Payday sidewalk will be continued to Iron Canyon Drive.

She explained that the Planning Commission recommended that the north 250 feet of Lot 7 be zoned ROS and the easternmost portion of the lots zoned ROS as opposed to staff's recommendation which was to place a no build designation but keep it in Single Family zoning. Staff is recommending holding a public hearing and adopting the Ordinance based on the Findings of Fact, Conclusions of Law and Conditions of Approval.

Alex Butwinski asked if the no build zone provides stronger protection rather than zoning it ROS. Kirsten Whetstone explained that the ROS allows structures 600 square feet or less under an administrative CUP. Mr. Butwinski asked if Mr. Richards is okay with the no build zone and Mr. Richards expressed his intention to subdivide the property into seven lots plus the indoor arena lot which is separate. He would like to have Single Family zoning like the surrounding neighborhood. The Annexation Agreement is consistent about the PCMC Parcel being ROS and his zoning Single Family except for the back 250 feet of Lot 7 which will also be zoned ROS. It is very difficult to try and sell a lot with two different zoning designations and the no build zone doesn't allow any structures.

Cindy Matsumoto asked if the barn on Lot 7 will remain and Kirsten Whetstone explained that it requires a CUP in the ROS for structures larger than 600 square feet. This hay barn is about 1,300 square feet. She believed that the intent of the Planning Commission was to eliminate structures on the east side.

Andy Beerman asked for clarification on the Planning Commission's logic compared to staff's recommendation. Ms. Whetstone believed the Commission was concerned about a density increase because the zoning is Single Family which allows 3:1 but there is an Annexation Agreement which controls the density unless it is renegotiated. The Commission felt that layered regulation will make it more difficult to change. She explained that the Planning Commission forwarded a positive recommendation on a 4:2 vote but the two opposed where opposed for opposite reasons. One Commissioner felt the recommended zoning for the back of the lots was too strict and the other believed there weren't enough layers of regulation. The intent of keeping the structures to the west was to mitigate visual impacts. Mr. Beerman asked about the process for renegotiating an annexation agreement. Mark Harrington explained that annexations are legislative as opposed to administrative actions and are more difficult to amend. Administrative decisions are controlled by the parameters of the Code and the burden shifts to the City to show non-compliance with adopted criteria. The no build zone pursuant to the Annexation Agreement will be stronger than ROS but the Planning Commission viewed both as layers of regulation and in addition, a rezone is required. Mr. Harrington expressed that it may create additional confusion and expectations because it is a little more permissive. He cautioned against additional layers that have varying degrees of expectations because it is confusing and may set up a different argument down the road.

Cindy Matsumoto asked about the old road along Payday Drive and Mr. Richards explained that the City owns it as well as the 50 foot right-of-way. In response to a question from Dick Peek about the utility layout in the meeting packet, Mr. Schueler explained that it was an older concept and part of the original Annexation Petition. Many elements of the utility plan will still be the same but it's just an old configuration that has been refined over the course of the last year. He elaborated on details of the connections.

Kirsten Whetstone commented that she received an email from the McDonalds after the meeting packet was published. The Mayor opened the public hearing.

Chris McDonald, owner of Lot 7 in Aspen Springs, relayed that his wife spoke at the last Planning Commission meeting. He thanked Mr. Richards for reaching out to his neighbors and he appreciates that he wants to develop his property as a continued legacy to his family and should be able to develop his property within the confines of the Code. He stated that he and his wife do not support the development of any way of Lot

7. The placement of the building pad in any location on the lot will severely impact their view corridor and the views along SR224 as well as make the home seem to stand alone in the pasture disjointed from the rest of the community. He continued that if the proposal is approved, the placement of the building pad is of the utmost importance. Any placement that adheres to the property lines, setbacks, and wetland setbacks will have the same negative view impact whether it is north, south or east from its current position. The pad placement in any of those directions will have a huge impact on Lot 7 in Aspen Springs. The pad, as now shown, is in the absolute worst location with regard to the impact on their existing home. They had to accept the indoor riding rink, obstructing their views to the south when they purchased their home but the pad placement on Lot 7, as depicted, will result in having structures to the south, southeast and east. Mr. McDonald expressed that the further east the pad placement is moved, the less impact, and moving the house to the barn location would hide the home behind existing landscaping at a reduced elevation. Moving the home where the cul-de-sac is depicted further south, would tighten up the subdivision and would open their view corridor. Lot 7 looks like its forced to fit into this plan and he would be happy to spearhead some fund-raising for the City to buy that lot.

He has some questions about variations in the plan. Initially, Lot 4 was included which the Planning Commission did not support and the current Lot 7 was the old Lot 4 and he asked what has changed now to entice the Commission to forward a positive recommendation. He asked if objections have been raised from other residents about the development of Lot 7 which was approved with conditions and invited members to his deck to observe his concerns. Ms. Whetstone displayed a photograph of the view from his house and he pointed out the trees to the north which would hide the home. Mr. McDonald stated that the Commission wants to move it further south which places it in an open area. This would be a non-issue if the 50 foot setbacks were not required from the wetlands. Kirsten Whetstone advised that this plan has not changed since the December 12, 2012 Planning Commission meeting. There was discussion about moving the pad down further but this is really an issue that should be addressed when the final plat is reviewed. Ms. Whetstone added that building height is another consideration and there is a height restriction on Lot 7 proposed on the preliminary plat of 28 feet with the rest of homes at 33 feet. Mayor Williams asked if this was specific to protecting the view corridor of the houses behind it. She pointed out the small rise at the pad location, the height restriction would keep it lower, and it is possible that the Planning Commission will further restrict it at 24 feet.

Andy Beerman asked Mr. McDonald if he has spoken to Mr. Richards about purchasing the lot. Chris McDonald stated that he would entertain the idea if he could afford it and Mr. Richards stated that he is open to the sale. Mayor Williams interjected that to a certain extent this is not in front of City Council because the pads are not being defined tonight. Mr. McDonald pointed out some old *treasures* on the property which makes his backyard look very rural which they like. This equipment will be moved out and in place of that, will be a home. Mr. Richards explained that he and his family have been there for 35 years and farmed the property. He is proposing to remove the barn, the corals, loading shoots and other equipment to continue the tree lined driveway with a white vinyl fence on either side to the cul-de-sac. He discussed a displayed photograph pointing out that the back of the lots are probably 1,000 feet from the road. Steve Schueler stated that initially the house was pushed back behind the trees and the Planning Commission decided to pull it in closer to the cul-de-sac at its current location. He suggested working with Mr. McDonald and staff on the building pad location.

Mayor Williams emphasized that delineating the areas of disturbance is not before the City Council and the final plat will return to the Planning Commission and City Council. Ms. Whetstone discussed the desire to be fairly consistent with the preliminary and final plat. The Mayor stated that this doesn't preclude discussions between Mr. McDonald, staff and Mr. Richards regarding the placement of the house on Lot 7 and Ms. Whetstone agreed.

Mr. McDonald reiterated their objections initially to Lot 7 and she explained that it was a concern raised by staff and the Planning Commission talked about it and restricted the north area of the lot to ROS. Frank Richards stated that the coverage on Lot 7 is less than 5% of the total area. Mr. McDonald felt that is a result of the setbacks and the wetlands resulting in very limited space. Initially when the neighborhood was noticed about the annexation, this was a non-build area and the plan went from four, to six to seven lots. The only impacted home in Aspen Springs is their property and they are surrounded. Frank Richards pointed out that the riding arena was there when they purchased their home and Mr. McDonald acknowledged that they knew this property could be developed when they purchased their property and he asked if there are other alternatives for Lot 7. Ms. Whetstone commented on staff meeting with Mr. Richards and Alliance Engineering on these same questions. A minimum of one acre is required for horse lots and when the plan went from six to seven lots, two lots on Payday were combined. The wetlands were discussed.

The Mayor felt there is space to move the pad on Lot 7 and Kirsten Whetstone stated that there will be more information at the time of the final plat review process. Cindy Matsumoto encouraged Mr. McDonald to remain involved in the next phase of the project. She stated that somebody built in front of her house too. Mr. McDonald felt something can be worked out and spoke about Commissioner Wintzer's desire to push the development toward the road in the corner but Mr. Richards didn't believe Mr. Wintzer said that. Mr. McDonald feared that the Planning Commission will have limited leeway to change the preliminary plan and the pad placement is critical. Ms. Whetstone recalled that Commissioner Wintzer mentioned several times that the Planning Commission was not finalizing building pads at this time and wanted building pads and hard surfaced areas to be determined at the time of the final plat.

Mr. Richards stated that the average lot is two acres and he is concerned that placing too many conditions will make them unattractive to buyers. He is supportive of the no build areas and pointed out that with ROS zoning, a 600 square foot building can be constructed anywhere on the lot. The Mayor invited input from others.

Mike Jorgensen, Payday Drive, stated that his home is adjacent to the proposed plan. He spoke about being civil during the process. He does not have any financial stake in the project but objected to the ROS designation as it would allow someone to build a structure 30 feet wide, 30 feet long, 20 feet deep and 33 feet high on the edge of his property. The *gets* identified make the negatives sound wonderful. He didn't feel that this annexation is harmful but found it interesting that Mr. Richards has agreed to build a sidewalk on someone else's property. The last plan presented to the Planning Commission was really good but the barns are now 20 feet high and should be lowered to 18 feet. He worries about the fence which is an unknown at this point. His biggest concern about the Planning Commission meeting was that after the public hearing was closed, the Commission proposed a change in the zoning so there was no opportunity to comment on it. The City Attorney advised that this is legal but Mr. Jorgensen felt it is unethical. There were random zones of ROS created and the vote had to be taken twice because the idea was slammed through so quickly. He again pointed out that a 600 square foot structure can be built on ROS. He reiterated that the zoning was adopted after the public hearing closed. Mr. Richards has been very good with neighbors and pointed out that he could have built 135 affordable housing units on his parcel with County zoning and fortunately he did not do that. He encouraged looking at Mr. Richards' original barn idea and he again thanked everyone for being civil.

Cindy Matsumoto understood that the design of the barns has not been finalized and will probably match the style of the house. Frank Richards explained that his original proposal is to build MD Barns, which are considered to be the premiere horse barns in the country. Even though the barns might look similar, they would be the finest available. One of the Planning Commissioners thought the idea was ridiculous and the barns should reflect the house style. The Mayor asked if the increase from 14 feet to 18 feet was to accommodate pitched roofs. Ms. Whetstone believed it was to achieve variety.

Mike Jorgensen relayed that Commissioner Jack Thomas, who is also an architect, stated that there were many different designs that would work at 14 feet, but he didn't personally feel that is possible. Now they are 18 feet and he would prefer that the barns be shorter. Steve Schueler added that this is something that can be resolved with other concerns.

Vicky Gaby believed that she is Frank Richards' longest standing neighbor and lives near the island where the indoor arena serves as one of her fences, Aspen Springs as another fence, and Iron Canyon as a pasture. She is annexed into the City and has been a neighbor of the Richards for 35 plus years. Mr. Richards has taken excellent care of the property. She is very supportive of his plan as someone else could build a dense project on the property.

With no further input, the public hearing was closed.

Alex Butwinski totally agreed that Mr. Richards has been very patient throughout the process. One of the Planning Commission members talked about not getting enough *gets* and he agreed that it does tend to get some negative connotation. The City will actually get some good things with the annexation including the potential for an increased property tax base as these lots are developed. The plat will confirm the number of building lots and if the process occurred in the County, something in the range of 45 units could be approved. The City also receives impact fees and a sidewalk along Payday Drive and he feels we gain a significant number of gets with the annexation. He stated that he has sympathy for preserving Mr. McDonald's view corridor but he, like Cindy Matsumoto, had a house built right behind him which is the nature of the environment we live in. Mr. Richards seems amenable to working with Chris McDonald. He agreed with Mr. Richards on the reduced salability of a lot with a bifurcated zone whether or not it affects the value, it would affect potential buyers who may not understand the zoning. After listening to the City Attorney and some other discussion about a no build zone being tighter, and the applicant is willing to agree to that, there is no reason not to approve the Annexation Agreement.

Mayor Williams felt that the City gained a bigger *get* in 1999 which is the whole area parallel to the entry corridor which was one of the first pieces that we bought from the farm. Cindy Matsumoto stated that she agrees with Mr. Butwinski about having two zones on a lot which would be confusing and the no build zone on the property seems better. She hoped the final subdivision plat will reflect a solution for the building pad on Lot 7. She understood Mr. McDonald's concern because he seems like the only one impacted and supported helping him out as much as possible. She discussed considering purchasing a home on Payday 20 years ago but understood there were plans for 100 homes behind the street. It is a real asset to Park City to have less homes and maintain a more open rural look and she supports moving forward with the annexation as proposed by staff.

Dick Peek asked the potential of the HOA running the riding arena as a commercial operation. Frank Richards stated the riding arena is private and this will be addressed in the CC&Rs. The riding arena is for the exclusive use of home owners in the subdivision. Mr. Peek did not like the white vinyl fencing around the property and Mr. Richards explained that they presented a fence proposal based on a request from the Planning Commission. He pointed out a number of locations on the property with the white vinyl fencing and they are proposing to keep the same style with a part of the area fenced with post and rail. Steve Schueler discussed the intent to make the fence less visible on Lot 7. Mr. Peek felt the no build zone is stronger than ROS and supported it.

Andy Beerman stated that he feels this is a reasonable proposal. It is not perfect and will impact the neighbors but agrees with the Mayor on the bigger *get* of acquiring open space on the entry corridor. He doesn't support the ROS zoning as it places a potential burden on Mr. Richards and doesn't protect the City.

Mr. Richards asked if the placement of the houses and barns are determined, can the rest of the lot be fenced in such a way that it could be pasture. Dick Peek clarified that the question is whether a fence would be allowed in a no build zone. Mr. Richards spoke about the Planning Commission tightening the development up as much as it could but it would be better if owners had some flexibility on the location of the barn as long as the barn in not within the back 50 or 100 feet of their lot. These lots are a long way from the road and he has no problem with limiting the buildings but he has an issue with not having any freedom to locate the barn. Someone in the future may want to lease the City's property for grazing and the location of the barn should be practical. In response to a question from the Mayor, Kirsten Whetstone explained that the Code specifies that barns must be a minimum of 75 feet from the houses. Mr. Richards pointed out that is only 50 to 100 feet in relation to being 700 or 800 feet from the road. Lots are limited to a house and a barn and there should be some freedom as to their placement. He stated that the barn cannot be any closer than 75 feet to the house which prompted the Commission to tighten up the development. It was clarified that the no build zone was added after the application was submitted.

Mr. Butwinski stated that he specifically asked Mr. Richards if he is okay with the no build zone and he said yes. Frank Richards admitted that he was somewhat confused by the meaning of the no build zone. Mr. Butwinski felt he would have more flexibility with ROS. Mark Harington clarified that the Planning Commission's recommendation was for both not either. He felt members are on the right track, though, and City Council could give direction to the Planning Commission about further discussion on items. The Council will review the final subdivision plat in any event. The Council could relay to the Planning Commission support for the no build zone, no ROS zoning, with direction to review both the barn size, design and ultimate location, and to tweak the no build zone if the sizes get a little smaller.

Cindy Matsumoto felt that providing flexibility for the location of the barns may be beneficial for Payday residences. Mark Harrington emphasized that the City Council will have the benefit of more visual analysis with the final plat which may prompt changing Lot 7. The Mayor pointed out the potential of a barn being built right behind Mr. Jorgensen's house. The Mayor asked if the Commission had any ideas about the design of the barns and Frank Richards stated that he distributed brochures. Dick Peek understood that each owner will develop the lot which was confirmed.

Chris McDonald feared that the Planning Commission is not going to provide flexibility to move not only the barn pads, but the houses. With regard to Lot 7, the Mayor believed that the direction to the Planning Commission should be to give every effort to preserve and protect view corridors from adjacent lots. Mark Harrington advised that it doesn't need to be a finding but should be incorporated into the motion to be on record with regard to the flexibility with the preliminary plat versus the final plat. The concern is that the Planning Commission will feel the preliminary plat should be consistent with the final plat and may use that as the basis for not being flexible and there should be something on the record in the motion.

Andy Beerman, "I move that we approve the Richards/PCMC Annexation and Zoning Map as amended by the City Attorney subject to the resolution of the water rights title dispute, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval in the draft Ordinance and subject to the draft Annexation Agreement". Alex Butwinski seconded. Mark Harrington clarified that the language, *as amended by the City Attorney*, will be that there is flexibility to revisit the preliminary plat layout with regard to building pads, barn location and design. Mr. Beerman agreed with the clarification as did Mr. Butwinski. Mr. Harrington commented that the reference to water rights relate to the Water Agreement not the Annexation Agreement. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

2. Consideration of a lease of City property for agricultural uses between Franklin D. Richards and Park City Municipal Corporation, in a form approved by the City Attorney – Heinrich Deters explained that the lease follows the annexation action and is specific and exclusive to Frank Richards for the term of his life. The purpose is to formalize the historic agricultural and grazing uses associated with the Park City open space and the annexation of the PCMC Parcel. The lease basically provides some oversight and monitoring of the use of the property and has been reviewed by Summit Lands Conservancy and their edits are included.

Mr. Deters stated that Mr. Richards has been a steward of this parcel prior to when the City purchased it and has educated him about the property. It is important to acknowledge that this lease formalizes the historic use and it basically saves the City money. Mr. Richards controls the weeds and takes care of the property and this is a *get* for the community. Alex Butwinski asked if this precludes a future lease with someone else for the same agricultural use. Tom Daley explained that the whole idea was to have Mr. Richards continue to take care of the property and to get a process in place; the lease conforms to the conservation easement. The Mayor pointed out his interest in the agricultural practices associated with the use of pesticides or herbicides and Mr. Deters explained that there is a review process by staff and he will use NRCS as a technical resource. The Mayor invited public input; there was none.

Dick Peek, "I move to enter into an Agreement with Frank Richards and Park City Municipal Corporation regarding the continuation of historical agricultural uses on the PCMC Parcel as set forth in the Lease". Cindy Matsumoto. Motion carried. The Mayor thanked Franklin Richards for everything he has done for the community and is glad this is done.

Andy Beerman	Aye

Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	Aye
Liza Simpson	Absent

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, Andy Beerman, Alex Butwinski, Cindy Matsumoto, and Dick Peek. Liza Simpson was absent and excused. Staff present was Diane Foster, Interim City Manager; Brooke Moss, Human Resources Manager; Matt Cassel, City Engineer; Phyllis Robinson, Public Affairs Manager; Thomas Eddington, Planning Manager; Nate Rockwood, Budget Manager; Kyle McArthur, Water Program Manager; Clint McAffee, Water Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Andy Beerman, "I move to close the meeting to discuss personnel, property and litigation". Alex Butwinski seconded. Motion carried. The meeting opened at approximately 4:30 p.m. Andy Beerman, "I move to open the meeting". Alex Butwinski seconded. Motion carried.

Andy Beerman	Aye
Alex Butwinski	Aye
Cindy Matsumoto	Aye
Dick Peek	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, City Recorder

Janet M. Scott, City Recorder