PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
FEBRUARY 11, 2010

Present: **Mayor Dana Williams; Council members, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson**

Tom Bakaly, City Manager; Mark Harrington, City Attorney, Michael Kovacs, Assistant City Manager; Matt Twombly, Project Manager; Heinrich Deters, Trails Coordinator; and Jon Weidenhamer, Economic Development Manager

Celestia Carson, VCBO; Steve Brown, Millcreek Consulting

1. Council questions/comments. Alex Butwinski commented on attending the Public Art Advisory Board and Planning Commission meetings. Candace Erickson relayed the need to have a presence the legislature this week. Other members reported on also attending the Planning Commission meeting on Treasure and Liza Simpson pointed out the civility of the public at the hearing. The Mayor discussed the Olympic event at the Sports Complex and Mosquito Abatement business.

2. Legislative update. Michael Kovacs stated that the City is supportive of SB124, MIDA. The amendments suggested by the Legal Department to HB54, property tax exemption for water facilities, have not been made. The language for SB161, property transfer fees, is not public yet. He explained the status of HB129, amendments to education financing, which continues to be challenging. SB43, 94 and 63, public employee retirement system reforms, are supported by the City. He reported on the good attendance by Park City businesses on Tourism Day at the Capitol. SB156, anti-trust legislation, is supported by ULCT. He discussed a number of environmental initiatives supported by the City, including SB194, assessment area act; HB145 renewable energy financing provisions; HJR5, anti-idling resolution; HB334, mechanical contractor licensing provision; SB104, renewable energy modifications; and HB116, political subdivisions facility energy efficiency. In response to a question from the Mayor, Mr. Kovacs indicated that the City's position is in line with the ULCT's on most issues.

3. Recreation Center update. Matt Twombly explained that Council reviewed the design on December 9, 2009 and the project received MPD approval from the Planning Commission on January 20, 2010 where some changes were made to the design.

Architect Celestia Carson explained that modifications were made in response to the Planning Commission and public input involving the design of the entry to the building and a reduction in height. The tennis building is reduced in height by two feet. A change in panel color was made and the mechanical room relocated. A fitness studio increased in square footage in response to public comment which worked better with the new entry design.

In response to a question from Liza Simpson, Mr. Twombly explained that $32,000 represents the cost of upgrading the structural construction documents for seismic improvements, estimated at $200,000. Alex Butwinski suggested designing the building at its upgrade potential. Matt Twombly explained that the problem is that the City would be committing to the $200,000 component now and Steve Brown noted that the standard procedure is to add an alternate to the bid. Mr. Brown explained that the City has received 16 responses to the RFQ from a good mix of experienced contractors in the Park City area. He detailed the selection process and the aggressive timeline.

Alex Butwinski referred to the suggestion of expanding useable area by eliminating the two story atrium space and also pointed out that the potential noise level from the fitness room above the lobby may be disruptive. Ms. Carson pointed out the lounge area adjacent to the lobby area as an option for a more quiet area for patrons. Ms. Erickson commented on visiting a Durango recreation facility with a similar open design where the sound and acoustics worked well and Ms. Carson expressed confidence in the design.

Cindy Matsumoto was pleased that the building height was lowered through the Planning Commission process and public input. She expressed concern about the cost of the facility hoping it doesn't impact providing vital services to the community but she also acknowledged that the design should be compatible with the neighborhood. Mr. Butwinski remarked that he shares the same concerns and emphasized the importance of staying within the budget and responsibly managing debt service. Discussion ensued on the timing of the distribution of sales tax revenues.

4. Comstock Avenue sidewalk. Matt Twombly indicated that Council reviewed this project on December 3, 2009 and reaffirmed previous direction to build the sidewalk but asked for information on an option that would include parking on the east side. Options A and B illustrate these approaches in the staff report. Council also directed that the sidewalk plan not impact the landscaping of adjacent property owners beyond the existing curb. Option A consists of a six to eight foot sidewalk and a landscape buffer and Option B includes parking. He stated that staff is recommending Option A because it provides the highest level of service for walking and biking, as recommended by WALC and the study. Option B represents a lower level of service because there is no separation between cars and pedestrians and it prompts snow storage issues. The park strip provides snow storage, separation of uses, and narrows the roadway for traffic calming. The landscaping provides more of a residential feel. He continued that staff is recommending that adjoining neighbors maintain the park strip which would require an amendment to the Municipal Code. Construction is now slated for 2011. Jon Weidenhamer emphasized that the City Manager is not supportive of residents maintaining the strip; the cost is $1,500 per year. The cost of relocating mailboxes would be paid by the City. The Mayor invited public input.

Catherine Hirschberg, 2326 Comstock Avenue, stated that everything is working perfectly now and she doesn't care about the parking, although some others may be inconvenienced. Spending $524,000 on this project in this economy is not wise and the neighborhood needs livability and not to be taxed *out of our minds*.

Ron Auth, 2486 Comstock Avenue, asked if the plan encroaches into yards and Matt Twombly explained that the project spans from gutter to gutter. In response to a question from Mr. Auth, Mr. Weidenhamer indicated that pedestrian counts have been performed and up to 75 people a day use the street. Mr. Auth felt that the number doesn't justify a $524,000 project and he is also annoyed that he and his guests can't park in front of his house. Mr. Auth stated that he supports Option B.

Mark Olson, 2214 Comstock Avenue, questioned section measurements and Mr. Twombly explained that the final design drawing is not yet available. Mr. Olson expressed his opposition to a sidewalk, his preference for parking on both sides of the street, and the need for more police enforcement. He stated that he supports Option B.

Tom Hirschberg, 2326 Comstock Avenue, pointed out that since there is no parking on the east side of the street, it is safer for kids to walk to school. Snow removal will be a challenge and if mailboxes are not accessible, the post office will not deliver. Storing snow in the area is a huge problem.

Beau Johnson, 2197 Comstock Avenue, emphasized the shortage of parking for residents so parking on both sides is a big deal. There is no set way kids and pedestrians travel on the street and the shared lane will not be used by bicyclists. It is frustrating not to have parking in front of his house. Trucks should be restricted and buses were speeding on Comstock during Sundance.

Nani Hogle, 2206 Comstock Avenue, relayed that narrowing the street presents problems that have not been addressed yet and the $500,000 project budget should be spent on something else.

Goldie Travis, Comstock Avenue, confirmed with Council that Option A and Option B are the only alternatives. Mayor Williams emphasized that Comstock and Sidewinder are main collector roads in Prospector and that will never change and doing nothing is not an option. Narrowing the street will result in slower speeds. Ms. Travis noted that she prefers Option B.

Catherine Hirschberg asked how much this is going to cost and what this project will do to their taxes. Matt Twombly responded that the project total is $540,000 and Ms. Hirschberg stated she will carefully watch spending. Liza Simpson added that recent City projects have been bid well below what has been budgeted because of the economy. Ms. Hirschberg indicated that neither option is worth a damn and again discussed scrutinizing expenditures.

Peggy Martin, 2189 Comstock Avenue, stated that she prefers Option B because of parking. In response to a question, Matt Twombly indicated that staff will look at speed bumps as part of the overall design. She complained about speeding buses and suggested that dump trucks be restricted.

Kyle Jessen, Comstock Avenue, understood that there are only two options. Liza Simpson confirmed and pointed out that both contain a sidewalk. He stated that this is a major change and residents should be informed before anything happens. The intersection at Comstock Avenue at Kearns Blvd. needs to be fixed. A sidewalk is not going to fix the problems on Comstock Avenue and there has never been a pedestrian count which is needed to justify the sidewalk project. He needs more time to study Options A and B before deciding. Why spend money on a sidewalk if no one is using it. The mailbox issue must be resolved with the post office before the project can proceed and he believes there are water meter, fencing and landscaping conflicts. He spoke about snow removal challenges in clearing the sidewalk.

Kathy Kahn, WALC, commended everyone on their efforts. She believed the City has compromised already from a walkability standpoint and WALC envisioned a higher level of service in the area.

Carol Potter, WALC, *just do it and just do it in 2010.*

Cindy Matsumoto referred to the comments about disturbing landscaping, water meters, mailboxes, etc. but understood that the project is limited to the existing roadway. Matt Twombly responded that the mailboxes will need to be moved into the planter strip in Option A and the City will cover the cost. He explained that there will be no cost to the homeowner for damage to grass, gravel or irrigation pipe, etc. Jon Weidenhamer described the pedestrian counts conducted for Comstock Avenue and one of the goals of walkability is connectivity to the Rail Trail.

Candace Erickson thanked everyone for attending the meeting and observed that almost all speakers tonight live on Comstock Avenue. She understood the goals of walkability and connectivity and believes the sidewalk should be installed. Ms. Erickson discussed the new sidewalk on Little Kate, its increased use, and stated that she supports Option B to honor the opinions of the people who live on the street. Cindy Matsumoto indicated her preference for Option A to better connect the town and provide a safer street for the children. It is a better plan to meet the goals of the community. Alex Butwinski believes that the sidewalk will attract more users. In response to a public comment, he pointed out that kids on bikes are the ones that benefit from shared lanes, not road bicyclists. Option A is an opportunity to provide the highest level of service and he feels confident that the project will be bid for less. Liza Simpson thanked the neighborhood for attending many meetings. She expressed her support of Option A which will provide greater connectivity throughout town. Joe Kernan agreed and explained his preference for Option A. The Mayor directed staff to pursue Option A and all members agreed that the City should be responsible for the cost to maintain the park strip, not the property owners.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
FEBRUARY 11, 2010

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 11, 2010. Members in attendance were Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Sharon Bauman, Deputy City Recorder; and Diane Foster, Sustainability Manager.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JANUARY 28, 2010

Candace Erickson, "I move approval of the work session notes and minutes of the meeting of January 28, 2010". Alex Butwinski seconded. Motion unanimously carried.

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

1, Consideration of the display of art on City-owned property at the 528 Main Street walkway – Park City Historical Society – Sharon Bauman described the application to display a 1901 Silver King aerial tramway bucket in the walkway. Staff found that it complies with Land Management Code criteria for outdoor displays of works of art on City property. The City Engineer has drafted an encroachment permit that will be executed. The Public Art Advisory Board considered the location and recommends approval as conditioned in the staff report. The Mayor invited public input; there was none. Liza Simpson, "I move that we approve the request from the Park City Historical Society for outdoor display of a mining bucket on City-owned property". Alex Butwinski seconded. Motion unanimously carried.

2. Consideration of authorization of the City Manager to enter into the Agreement For Conveyance of a Conservation Easement Deed between the Afton Osguthorpe Sheltered Trust, Summit Land Conservancy and Park City Municipal Corporation in the amount of $5,750,000, plus the reimbursement of 150 water credits for $375,000, and approval of the Conservation Easement, each in form approved by the City Attorney,

regarding Parcel SS-98, which is comprised of approximately 121 acres in Summit County, Utah – Diane Foster explained that the City Council approved a ten year right of first refusal with the Osguthorpe Family on SS-98 located on SR248 in the event the family decides to sell or develop the property. While the parcel is outside the City limits, it is within the City's annexation policy declaration area and the parcel is zoned Hillside Stewardship. The zoning provides up to four units and if annexed into the City and designated CT zoning, 121 units could be approved but there has been no application for annexation. She indicated that the City has been interested in the parcel for quite some time. Through illustration of a map, the adjacent City-owned properties were pointed out.

She stated that the proposal is the purchase of a conservation easement for a total of $5.75 million. The City would contribute $4.7 million from open space money, and Summit Land Conservancy has committed to raising $1 million over the next two years. The $750,000 that the City has already committed for the right-of-first refusal is part of the agreement. In 1990, the City entered into an agreement with the Osgurthorpe Family that included 150 water development fees worth $2,500 each and fully transferrable in the open market. As part of the proposal, it is recommended that the Council authorize a purchase agreement for the water development fees. Ms. Foster emphasized that the purchase removes current and future potential densities and preserves hunting and ranching. The agreement provides for public access in the summer and winter. The Family is exploring grants to fence the property and hunting will stop in one year. The proposed conservation easement prohibits mining and mineral extraction and the agreement includes a right-of-first refusal on a lease for the property. She added that any annexation fees will be waived.

The Osguthorpe's appraisal values the property at $9.4 million and the conservation easement is approximately 51% of appraised value. It is normal and customary for conservation easements to come in around 80% of appraised value. All of the City funds used are dedicated to open space and could not be used for other things. The Water Fund will cover the purchase of water credits. The location of the fence was discussed and the Mayor invited public input.

Richard Sheinberg, Chairman of SLC, expressed the excitement of the Board of the prospect of a private-public partnership with the City on this parcel. They are enthusiastic about raising $1 million for this quality property and he urged Council approval.

Nancy Johnson relayed her support of the proposal and thanked the City for its involvement in Round Valley. She spoke about the importance of protecting the entry corridor and preserving our agricultural history and urged approval.

Mark Harrington pointed out the addition of an indemnity section and some clarifying language.

Steve Osguthorpe thanked the City Council for considering the proposal. The family's focus has been in farming and ranching not developing property. He spoke about the benefits of agricultural uses on open space parcels and his strong connection with Park City.

Candace Erickson, "I move to authorize the City Manager to enter into the Agreement for conveyance of a Conservation Easement Deed between the Afton Osguthorpe Sheltered Trust, Summit Land Conservancy and Park City Municipal Corporation in the amount of $5,750,000, plus the reimbursement of 150 water credits for $375,000, and approval of the Conservation Easement, each in form approved by the City Attorney". Liza Simpson 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 3 p.m. Members in attendance were Mayor Dana Williams, Alex Butwinski, Candace Erickson, Joe Kernan, Cindy Matsumoto, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Mike Kovacs, Assistant City Manager; Diane Foster, Sustainability Manager; Jon Weidenhamer, Economic Development Manager; Kent Cashel, Transportation Manager; and Mark Harrington, City Attorney. Candace Erickson, "I move to close the meeting to discuss personnel, property and litigation". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Liza Simpson, "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