PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
DECEMBER 6, 2007

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Max Paap, Special Events Manager; Gary Hill, Budget Manager, Phyllis Robinson, Public Affairs Manager; Eric DeHaan, City Engineer; Brian Anderson, Parking Manager; Gary Hill, Budget Manager

Julie Bernhard, Executive Director Habitat for Humanity (HFH); Kathy Dopp, Election Reformist

Absent: **Council member Joe Kernan**

1. Council questions/comments. Candace Erickson explained that as a follow-up to Council member's Kernan's comment, she contacted the Board of Health about testing products for lead content. The Department intends to borrow equipment from the state and testing which will be utilized on three days throughout the County at times to be determined. Roger Harlan commented on the affordable housing meeting held on Monday evening which was very well attended. The benefits of conducting energy audits in households were discussed. Marianne Cone pointed out the level of support for the People's Health Center demonstrated at its fund-raiser. Jim Hier also commented on the affordable housing community meeting and discussed Summit Land Conservancy business. He requested information on proposed incorporation legislation. Mayor Williams relayed that Summit County is providing PHC with 5,000 square feet at the IHC site. He stated that he received about 40 letters from students at Treasure Mountain Middle School on leadership and rather than responding in writing, he visited the classroom for several hours today to interact with the students.

2. Habitat for Humanity (HFH). Phyllis Robinson explained that the purpose of the work session is to obtain Council direction on the request from HFH for the donation of City-owned land located at 155 Marsac Avenue. She described the property through illustration of a rendering. The RDA acquired the property in 1999 for $205,000 with the intention of rehabilitating the house which was later deemed unfeasible. The house was demolished and the strategic plan for City-owned properties identified the site for selling or trading for affordable housing. However, nothing was done to promote the property because of its small size and challenging features. She discussed potential development on the site and relayed that two duplexes would require a significant cut into the hillside, and if the property qualifies under the affordable housing MPD section of the LMC, four units would be the total allowed under Code. She continued to explain that HFH is aware of the need for soil remediation and has provided some preliminary designs included in the packet. HFH has demonstrated success in securing both donated materials and labor for housing construction which is very important to consider in donating the land. Without these same resources, staff believes the cost would prohibit the City from developing the site for affordable housing.

Ms. Robinson noted that it is contemplated that the project will reach individuals in the 30% to 50% of median range income and there is a 0% interest mortgage assistance program available for those who qualify. Additionally, HFH received a commitment for financing should this request be approved. There is a series of conditions of approval. She emphasized that should the donation proceed, all of the associated Planning Commission processes apply to the project. She pointed out the platted right-of-way located between the parcels. One option is to donate Parcels A and B and vacate the right-of-way, allowing HFH to subdivide the property for development. She asked if Council concurs with the drafted conditions of approval or if there are additional concerns. If Council provides direction to proceed, a public hearing will be scheduled in early 2008 on the disposition of the land. She recommended that a second mortgage at the fair market value of the property be attached to the land transfer so the value of the land is retained and secured as an affordable housing program. The land transfer will not be finalized until all approvals are obtained.

Julie Bernhard thanked Council for entertaining their request and relayed that staff has been very helpful. Jim Hier recommended that units be deed restricted and Phyllis Robinson added that the City would have the first right of refusal at deed restricted costs. Mr. Hier asked that an appreciation cap be stated as a condition and felt that the vacation should be favorably considered. Also, compliance with Historic District guidelines should be included. The Mayor asked if the vacation would affect other properties, and Eric DeHaan replied that staff relies on the public process to identify any neighborhood concerns and at that point relevant technical information is required. There was discussion about avoiding land-locking parcels and Mr. DeHaan pointed out the extensive amount of platting in the area but that staff will make absolutely sure no one is adversely affected. Roger Harlan expressed his support of the concept but pointed out that the site is not very child friendly and Ms. Bernhard felt that being close to town and transportation are great amenities. Candace Erickson expressed her support. The Mayor confirmed that the Council is also supportive of the vacation and adding a condition regarding deed restricting the units. Ms. Bernhard agreed and thanked members.

3. Sundance Film Festival parking. Brian Anderson explained that staff is recommending utilizing the 2007 plan again because of improved traffic circulation and the creation of more parking choices. This year, the delivery zone on the west side of Swede Alley will be available one day earlier. He felt there is a good balance of pay and free parking and accommodation for employees parking in China Bridge. Marianne Cone asked if a school bus drop-off on Swede Alley is part of the plan and Mr. Anderson indicated that he will speak with the School District and suggested using a delivery zone for school buses to safely pull over. In response to a comment from Candace Erickson about employee parking, Brian Anderson pointed out the location of the 188 parking spaces in the Main Street core and Ms. Erickson expressed her frustration that the employees have already paid for a parking pass and the City is *dinging* them again. She asked that staff keep track of the number and type of permits sold and to make vacant spaces available to permit holders acknowledging that staff did a great job last year. Brian Anderson assured members that staff will closely monitor the garage.

Discussion ensued regarding event parking at the Racquet Club venue. Jim Hier pointed out that there is no place for Park Meadows residents to park and take the bus during the Film Festival and suggested looking at this next year. Mayor Williams agreed with Mr. Hier's comment and felt that satellite parking and expanded neighborhood service are good topics for the Visioning Session.

4. Legislative update.

Election Code - Gary Hill believed that the proposed election legislation raised by Kathy Dopp would be controversial; this type of legislation takes a long time to develop and debate. For instance, a non-controversial issue like under-grounding utilities has taken up to two years to be passed. Positive interest on behalf of members of the legislature and support from a broad-based stakeholders group are critical components of a successful effort. An interim committee often looks at these types of issues and he recommended that election reform be worked through with the Utah clerks group.

Kathy Dopp reported that she has a bill sponsor, Neal Hansen of Ogden, and is speaking with other legislators. She felt that most county clerks will not be proponents of this bill because it subjects their work to independent scrutiny. Gary Hill described the benefits of forming coalitions. He didn't feel that working with the county clerks is an insurmountable obstacle and support from the organization is key to successful legislation. Ms. Dopp agreed that county clerks should be approached and spoke about working relationships with individual county clerks. Mr. Hier felt that it is important to work positively with them and suggested that the Council write a letter of support. Mayor Williams cautioned to wait until there is formal bill language. Gary Hill explained that in the past, the City has rendered general support to a proposal but didn't take an official position until final language was available. Ms. Dopp indicated that Representative Hansen invited her to include everything she wants in the proposal but is somewhat hesitant because of the possible level of opposition. Her top priority is mandatory audits and release of election records to auditors. Ensuring ballot secrecy may require replacing the voting system and could be strongly opposed by election officials. She asked Council for help her in covering fees in obtaining data and Mr. Hill explained that the legislative research team typically conducts the research for the bill sponsor. Ms. Dopp argued that they will not have the mathematical expertise and it would be easier if she did the analyses. Mr. Hill advised that that would probably not be acceptable.

Roger Harlan commented on Ms. Dopp's level of commitment in fighting election fraud and devoting that energy in registering people to vote. Kathy Dopp felt that perhaps if elections are publicly verifiably accurate, more people will trust the system and vote. She emphasized that she is only one person. She doesn't have time for every issue, but election day registration is contemplated as part of her bill which may improve voter turn-out. Marianne Cone mentioned that she hoped that Ms. Dopp's expertise will be solicited by the legislative analysts; she felt Mr. Hill was cautioning her about the process. Jim Hier suggested that the City assist Ms. Dopp in acquiring information from the Summit County Clerk.

School Districts. Mr. Hill explained last year's discussion of funding capital needs for school districts prompted by the proposal to divide large districts. A debate focused on who should pay for the growth in the event of a shift in property tax support. A capital equalization bill was proposed which would have eliminated the local school district's ability to raise its own capital revenue. This bill would have created a statewide levy generating a pool of money to be distributed to school districts based on a formula. One criterion was student growth, which is a concern of the Park City School District. Gary Hill explained that the legislative committee supports a bill that would create a fund of about $52 million from the state's General Fund from income tax revenues and earmark appropriations for school capital improvement needs. In summary, there is no equalization bill on the table this year.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 6, 2007

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, December 6, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, and Jim Hier. Joe Kernan was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Economic Development Manager; Max Paap, Special Events Manager; Katie Cattan, Planner; Brooks Robinson, Planner; and Myles Rademan, Public Affairs Director.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

None.

IV NEW BUSINESS *(new items with presentations and/or anticipated detailed discussions)*

1. Consideration of approving a Resolution amending Section 1, Membership, of Resolution No. 32-07, establishing a Walking and Biking Advisory Liaison Committee in Park City, Utah, and replacing Resolution No. 32-07 in its entirety – Jon Weidenhamer explained that the City received 23 applications for three at-large positions. After consideration, Council directed staff to increase the number from three to five at-large members; the remainder of the resolution is unchanged. The Mayor thanked everyone for applying and commented on the high qualify of the response. Marianne Cone, "I move we approve a Resolution amending Section 1, Membership, of Resolution No. 32-07, establishing a Walking and Biking Advisory Liaison Committee in Park City, Utah and replacing Resolution No. 32-07 in its entirety". Roger Harlan seconded. Motion carried.

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

2. Consideration of the appointment of Alex Butwinski, Joe Maslowski, Bo Pitkin, Adam Strachan and Kathy Kahn to the Park City Walking and Biking Advisory Liaison

Committee – Jon Weidenhamer explained that these appointments are recommended by the Mayor and agency nominations should be formalized as well as follows:

Board	Nomination	Alternate Nomination
Mountain Trails	Carol Potter	Greg Balch
Share the Road	Carolyn Frankenburg	Tom Peek
Recreation Advisory Board	Rob Lea	Meg Steele
Planning Commission	Evan Russack	Julia Pettit
School District	David Chaplin	
Chamber/Bureau	Jan Wilking	Shirin Spangenberg

Roger Harlan, "I move approval of the appointment of Alex Butwinski, Joe Maslowski, Bo Pitkin, Adam Strachan and Kathy Kahn to the Park City Walking and Biking Advisory Liaison Committee (and other agency nominations be appointed)". Jim Hier interjected that the representative positions from boards and/or organizations should also be formalized and Mr. Harlan accepted his amendment to the motion. Marianne Cone seconded. Motion carried.

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

3. Consideration of the appointment of Rory Murphy and Richard Peek to the Planning Commission to fill unexpired terms to July 2009 – Candace Erickson, "I move we appoint Rory Murphy and Dick Peek to the Planning Commission to fill unexpired terms to July 2009". Marianne Cone seconded. Motion carried.

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

4. Consideration to authorize the City Manager to execute an amendment to the 2008 Supplemental Plans to the Master Festival License and City Services Agreement, in a form approved by the City Attorney – Max Paap stated that the City Council discussed the supplemental plan on November 29, 2007 in work session and every year elements of the Festival are reviewed to mitigate any problems. The supplemental plan for 2008 outlines the use of Main Street and China Bridge parking, master festival sponsor venues, and the management of the Racquet Club facility. The drop and load

area on the west side of Main Street was very successful and will be implemented a day earlier in 2008, and better accommodating China Bridge permit holders will be a focus this January. With regard to the Racquet Club, Mr. Paap noted that operations will be moved westward, time limits on activities and active management of the venue are new conditions. The last screening time is scheduled at 8:30 p.m. In addition, use and logistics at the Racquet Club will be reviewed with the Council prior to February 29, 2008 to plan for the 2009 Sundance Film Festival.

Mayor Williams recommended that the agreement specify that the screenings will not start past 7:30 p.m. rather than waiting until the debriefing in February. He also pointed out that the Racquet Club may be in the middle of a remodel during 2009 and the City Manager indicated that it would be unlikely but this issue can be covered during the debriefing. Jim Hier felt it more appropriate to identify a stop time rather than a start time, and to take into consideration the location of the party. He cautioned not to put too much detail in the conditions and suggested that next year the review of the supplemental plan be conducted earlier. Max Paap explained that the timing is based on a number of factors, but suggested looking at theater operations at an earlier date and other elements later. Mark Harrington suggested adding language to the condition of approval in the staff report, *"A review of operations and neighborhood impacts of the Racquet Club use area shall occur prior to 2/29/08 to determine if further time limitations or mitigation measures need to be adopted for 2009.* ***At that time, an overall MFL supplemental plan approval schedule shall be proposed and approved by the City Council".*** Roger Harlan encouraged securing another location for the party. He felt there is space at the schools acknowledging that the liquor laws would have to be amended. Roger Harlan and Candace Erickson agreed that determining a stop time is more definitive and finding another party space may be a good idea.

Mayor Williams indicated that nuisances at the Racquet Club have been occurring for a long time and Ms. Erickson felt that problems were not addressed in a timely manner this year. She emphasized that the meeting should not occur later than February and Marianne Cone believed that the mitigating efforts presented on November 29 may make a huge difference. The Mayor invited public input.

Michele Dieterich, Racquet Club complainant, pointed out that last week it was stated that trucks would be out by 9:30 p.m. and the agreement states 10 p.m.; Sara Pearce agreed that she offered the 9:30 p.m. time which will be reflected in the agreement. She felt that setting a 10 p.m. end time in the agreement now would provide more time for the Sundance Institute to schedule screenings for 2009. The 10 p.m. limit would comply with the noise ordinance and we shouldn't have to wait until February to change the time. The set-up has been changed back to the first year of operation where there still was quite a bit of noise and the bus stop and drop-off are closer to the condo so things will be worse than the first year where there were still problems. The party should follow the noise ordinance time limit of 10 p.m. and the location needs to be reconsidered. Sundance is growing and now is the time to let them know that they are an inconvenience to residents of the City.

John Lonn, husband of Ms. Dieterich, agreed that the times for 2009 should be set now rather than waiting. The party should wrap up at 10 p.m. He complained about the debriefing process over the years, feeling they were ineffective because the problems were not addressed. He read several emails exchanged in 2006 between Council members, the City Manager and him about rethinking the use of the Racquet Club and the intention of solving issues this year. This never occurred. Mr. Lonn felt that Sundance applied a lot of pressure on Council to approve the plan in stating that the screening schedule had already been set and it was too late to make changes because the tickets were printed. He felt members should not have been influenced by that and it is time to restrict the Festival for 2009.

Teri Orr, Executive Director of the Eccles Center, referring to Mr. Harlan's comment about the liquor laws, understood that a local school board can make a decision about allowing liquor on school property. However, this has never occurred to her knowledge. She spoke about working with Sundance in the Prospector neighborhood for ten years where there are always challenges. They have a great working relationship and if the liquor laws were changed, the Eccles Center would love to host the party. Ms. Orr expressed that everyone is inconvenienced during Sundance. She felt it important to emphasize the educational outreach programs offered by the Festival. This is a unique opportunity for Park City students; this doesn't happen anywhere else. She felt that these issues can be worked through.

Mike Sweeney, HMBA, expressed his appreciation of the Sundance Institute who has been proactive in providing information on a timely basis. The Film Festival is a positive influence in the community and the problems are not insurmountable. Traffic, parking and managing Main Street is better every year and there is a great collaboration between Sundance and the City. Changes have had a positive effect and he suggested that sometime in the future, using lower Main Street as a venue would be a good discussion.

Candace Erickson stated that no one wants Sundance to leave. The issue is that the Racquet Club venue is in the middle of a neighborhood and she is hopeful that 10 p.m. is workable. Jim Hier recommended adding another sentence to the condition, ***Closing time at the Racquet Club venue shall not extend past 10 p.m***. Sara Pearce expressed her regret for the strain this operation has placed on the neighborhood and emphasized that this is the first time she has heard of the complaints, which could have been addressed as early as 2005. After last week's work session, Sundance staff decided to create a locals feed-back line. Ms. Pearce clarified that she did not say that they printed tickets, but had set the schedule and informed the film makers. She felt that February 29 is an appropriate time to debrief and to start establishing an approval schedule which will be very helpful to her and her staff.

Marianne Cone felt that a 10 p.m. limit is appropriate in a residential neighborhood and it should be in writing now. Roger Harlan believed that a 10 p.m. limit for the final Sundance party is unreasonable but pledged to help find another location. Jim Hier confirmed for the benefit of the City Manager that his amendment was intended to end the party at 10 p.m. not just the screenings. Tom Bakaly expressed his surprise at this direction since members have an opportunity to evaluate mitigation measures new to this year's Festival. He felt these efforts may be very effective but members expressed commitment to the 10 p.m. time. Jim Hier, "I move to approve the plans as conditioned for the 2008 supplemental plans, master festival license and city services agreement for the 2008 Sundance Film Festival and modifications as written by our City Attorney and the additional modification that closing time end by 10 p.m. at the Racquet Club for all events". Mark Harrington clarified that it is impossible to dictate when patrons must leave the parking lot, but the Racquet Club will be vacated by 10 p.m. Candace Erickson seconded. Motion carried.

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

5. Consideration of an Ordinance approving a plat amendment at 416 Park Avenue, Park City, Utah – Ray Milliner explained the lot combination application and explained that the Planning Commission forwards a positive recommendation as conditioned in the Ordinance. Ms. Cone commented that with a lot combination, an owner could double the size of his house without providing off-street parking, acknowledging that most people build a garage. The Mayor opened the public hearing and with no comments, closed the hearing. Roger Harlan, "I move approval of a plat amendment at 416 Park Avenue, Park City, Utah". Marianne Cone seconded. Motion carried.

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

6. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to reflect revisions to prevent repetition between the processes

of the Building Department and Planning Department, to create a more cohesive and comprehensive code, to update referenced codes and organizations and to reflect the new SB183 of the Utah Code, and to address substantive amendments for Chapter 2.21 Sensitive Lands Ordinance Zoning District – Through illustration of the City's zoning map, Planner Katie Cattan, described the location of the sensitive lands overlay zones. She addressed correcting repetitive language in building and planning sections, the elimination of references to the Community Development Department, and other changes for better consistency in the document. There are revisions to reflect compliance with the state code and the classifications for wetlands were changed in the Code to those identified by the federal government. Jim Hier questioned the wording *or other agencies of the federal government* since permits are granted through the Army Corps of Engineers. He feared it may leave scrutiny open to other agencies but it may not be an issue. Mark Harrington explained that the intent of the reference is to cover any changes with regard to federal authority over wetlands without amending the ordinance. It was pointed out that most developable lands in Park City are not located in the overlay zone. Wildlife and soils analyses were discussed and Mark Harrington added that there may be state legislation which will further limit the City's ability to require soil and geotechnical reports in these areas. The City may have to affirmatively map sensitive lands with additional layers to meet legislative standards. The Mayor asked if the ability to request a reduction of the 60% open space requirement in a sensitive lands overlay zone property is applicable. It was explained that this language was deemed inappropriate to the section and deleted. The Mayor opened the public hearing and with no comments from the audience, closed the hearing.

Jim Hier, "I move we approve the proposed amendments to Land Management Code Chapter 2.2.1 based on the findings of fact and conclusions of law found in the Ordinance". Roger Harlan seconded. Motion carried.

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

7. Consideration of an Ordinance approving the (extension of the) 68 Prospect Street Replat, an amendment to Lots 8, 9, and 10 of the Park City Survey, Park City, Utah – Katie Cattan explained that on December 14, 2006, the City Council approved the 68 Prospect Street Replat which consisted of combining three lots and creating two lots with the same exterior boundaries. Relocation and preservation plans have not been finalized as conditioned and the owner requested an extension to record the plat. Marianne Cone pointed out that the front door of the historic home was moved so it is facing the street instead of downhill where it faced since 1889. Brooks Robinson

interjected that there has been no application so design review has not been scheduled, and there was discussion about potential changes to the HR-1 District. The Mayor opened the public hearing and with no comments, closed the hearing. Candace Erickson, "I move to approve a one year extension for the 68 Prospect Street Replat, an amendment to Lots 8, 9, and 10 of the Park City Survey". Roger Harlan seconded. Motion carried.

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

8. Consideration to authorize the Mayor to execute associated documents for the joint acquisition of 183.17 acres, known as the Clissold/Quarry Mountain properties, in the total amount of $3.9 million to be equally divided and paid by Summit County and Park City Municipal Corporation, in a form approved by the City Attorney – Myles Rademan explained that COSAC forwards a positive recommendation on the joint acquisition. Through illustration of a computer presentation, he displayed the location of the property and views from different locations in town. One acre and a 60 foot easement are dedicated from the owner to Summit County for the antennae and its maintenance on Quarry Mountain and use is very explicit. He relayed that many people incorrectly believed that the property was already protected or too steep to develop. Staff felt that at some point, there would be development if it wasn't preserved as open space. He spoke about obtaining an appraisal and approaching BOSAC about sharing the cost of acquisition since the property is located in Summit County. The appraised price is $3.9 million and each entity is responsible for $1.95 million; the County Commission unanimously approved the purchase. There is approximately $3 remaining from the 2002 bond issuance which should be spent in a timely manner. Since this is a joint purchase, some legal work will be needed to draw up joint tenancy provisions or something similar with Summit County and a third-party conservation easement will be placed on the land consistent with the City Council's policy on bond purchases. Jim Hier, "I move that we enter into a real estate purchase agreement, in a form approved by the City Attorney, to acquire 183.97 acres of the Clissold/Quarry Mountain properties at the appraised price of $3.9 million equally splitting the purchase price with BOSAC of Summit County". Marianne Cone seconded. Motion carried.

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

V ADDITIONAL DISCUSSION – AGENDA ITEMS

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, Marianne Cone, Candace Erickson, Roger Harlan, and Jim Hier. Joe Kernan was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Jerry Gibbs, Public Works Director; Brooks Robinson, Planner, and Liza Simpson, Council-elect member. Jim Hier, "<u>I move to close the meeting to discuss property, litigation and personnel</u>". Marianne Cone seconded. <u>Motion carried</u>. The meeting opened at approximately 4:30 p.m. Marianne Cone, "<u>I move to open the meeting</u>". Jim Hier seconded. <u>Motion carried</u>.

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