PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UT
DECEMBER 3, 2009

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

Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Marin Decker, Intern; Nate Rockwood, Budget Analyst; Ken Fisher, Recreation Manager; Jon Weidenhamer, Economic Development Manager; Rick Ryan, Captain; Matt Twombly, Project Manager; and Heinrich Deters, Project Manager

Myles Ivers and Daren Wilde, hot air balloon pilots; Tom Cammermeyer, Norwegian Outdoor Exploration Center; Brent Tippets, VCBO Architect; Steve Brown, Millcreek Construction; Rob Sunderlidge, Horracks Engineering

Absent: **Council member Candace Erickson**

1. Council questions/comments. Jim Hier indicated that he and Candace Erickson met with staff on the funding requests scheduled for review this afternoon. He also attended Chamber and HMBA meetings. With regard to the Park Silly Sunday Market discussion last week, he understood that Council directed staff to work on a five year contract and simultaneously work on a one year agreement, in the event the five year was not finalized in time. He also understood that the City would take on more responsibility to help program upper Main Street.

Liza Simpson reported that Black Friday on Main Street was very busy. Roger Harlan discussed a project built by Mountainlands Community Housing in Jeremy Ranch designed for families. The Racquet Club open house was well attended and he learned a lot. Mr. Harlan discussed Wasatch Back meetings hosted by UDOT. Joe Kernan stated that he attended the Summit County Council meeting where the appointment of Robert Jasper as the County Manager was announced.

2. Hot air balloons. Marin Decker explained that currently launchings and landings take place in the North 40 parking lot and the City was contacted by Myles Ivers and Daren Wilde to consider other locations for regular and pre-emergency landings within the City limits. These include City Park, Racquet Club, McPolin Farm, Park and Ride lot, and the Triangle and Talisker parcels off of Highway 40. Ms. Decker emphasized that the recommendation is only for temporary use and she described the area at the ice arena which may be suitable to use on a limited basis until the next phase of fields are built. There are conflicts with hot air balloons landing in residential areas and the Triangle and Talisker parcels are located away from homes but slated for development in the future.

Myles Ivers, resident and owner of Park City Balloon Adventures, explained that the landing sites are requested mainly for safety purposes and have been used by them over the years. He asserted that at one time the City Council asked operators to use the Quinns Junction property which works better for landing than launching. There has been no damage to light poles at the Sports Complex and if damage occurs, they will pay for it. He believed the odds for conflicts with the hospital helicopter are slim and not an issue. The McPolin Farm field, for instance, is listed for emergencies which he defined. He believed complaints have decreased because of changes in their flight patterns, eliminating 15 and 30 minute flights, which resulted in a significant decrease in revenues but helped with land owner relations.

Daren Wilde, Morning Star Balloons, agreed with Mr. Ivers statements. He explained that they were asked by the Code Enforcement and Police Departments to provide a list of locations for pre-emergency situations. They are not looking for permanent spots but areas to land to prevent situations from becoming hazardous. He understood that having authorization to use these locations prior to emergencies eliminates the need to send Police or Code Enforcement Officers out. Callers could be advised that they have permission to use those locations and the vast majority of calls are people that are concerned. He and Mr. Ivers take extraordinary precautions to make sure they have permission to land in locations. The whole purpose of the request to the City was to allow them in certain situations, various locations to land so that there is no question from the public when they are used. The City has requested that they call Dispatch when traveling over the City although most of their flying is done in Snyderville Basin. He discussed eliminating the 30 minute ride which has the potential of decreasing revenues by $1,000 per balloon per day which is a huge sacrifice. The FAA has very strict guidelines and he did not feel additional guidelines need to be put in place with regard to injury and damage. They are looking for the ability to operate safely in town.

Discussion ensued on the requirement to call Dispatch when landing in Park City and incidents filed over the past few months. Myles Ivers added that almost every complaint would have been eliminated if the Quinns Junction area was available which could become a more regular landing site. City Park, the McPolin Farm or Racquet Club would be considered emergency landing sites. The City Manager distinguished Quinns as including the Triangle Parcel and the 22 acres at PC Heights as a more regular landing site. The Mayor encouraged contacting Summit County for joint permission to use of the Triangle Parcel.

Tom Bakaly acknowledged the arguments of designating emergency landing sites but clarified that staff is not recommending this but rather recommending providing additional non-emergency landing sites and tightening this up with ordinance language. Joe Kernan stated that he is comfortable with this because it provides more options and clearer procedures, however, hot air balloon companies should be required to call Dispatch for every pre-emergency landing. Liza Simpson stated that she agrees with Mr. Kernan and could support an ordinance, but because of the low number of incidences, she felt the perceived problem is overblown.

Daren Wilde believed that problems have declined because they have decided to move out of the Park City area and to fly farther north. He and Mr. Ivers prompted the improvements rather than any kind of restrictions placed on them and the credit was misplaced in the staff report.

The Mayor summarized that members are comfortable with working with the County and Boyer on the south Quinns Junction property and also feel comfortable with the North 40 parcel as a temporary non-emergency site. He has difficulty understanding the pre-emergency concept and Mr. Wilde described pushing a situation to an allowed area to avoid receiving a punishment for landing in an unauthorized location. This does not happen very often, but there may be a time it is needed. Myles Ivers interjected that he prefers landing in a parking lot as opposed to a street lane where it is permitted by ordinance in an emergency situation. He spoke about the police giving citations in front of guests. Contacting Dispatch was again discussed and Liza Simpson stated that rather than creating pre-emergency sites, she prefers working on better communication and establishing temporary landing zones. Mr. Wilde emphasized that checking in with the police is a fairly recent suggestion. The Mayor also expressed concern about the problems associated with creating pre-emergency sites and Police Captain Rick Ryan agreed.

Marin Decker explained that in order to obtain a business license an operator must show proof of insurance and staff is recommending some sort of permitting system with a picture ID. Messrs. Ivers and Wilde felt this is a good idea. Mr. Wilde explained that people mistakenly blamed balloonists in Wasatch County for damage to private fences and posting a bond was included in Heber’s ordinance. Mayor Williams discussed potential damage to the artificial turf at the Sports Complex and Myles Ivers noted that they carry insurance. Polly Samuels McLean explained that if the City is providing permission to use its property, it can require bonding. Jim Hier felt it would be helpful to formalize a process which protects everyone. He personally loves to see balloons and believes they benefit our resort community. Tom Bakaly clarified that staff is not recommending use of the fields for launching and landing. Mr. Wilde indicated that they are more interested in the parking lots than the fields and the scope of the area of the Sports Complex area for use by balloonists was clarified.

3. Extraordinary funding requests review. Nate Rockwood explained that the budget policy provides that extraordinary requests for funding be reviewed every six months. Two requests were received in July but Council delayed consideration for another six months so any other new requests could be reviewed concurrently. Since that time, three additional requests were submitted for a total of five extraordinary requests including Arts Kids, Norwegian Outdoor Exploration Center, Park City Education Foundation, KPCW and Mountain Fellowship. Mr. Rockwood noted that there is a balance in the special service contract fund and the Boys and Girls Club refunded its grant. The special service contract committee was reassembled to evaluate each application and to recommend a funding amount. The number of kids served by Art Kids and the Norwegian School was brought up by Council member Roger Harlan and Director Tom Cammermeyer detailed the Norwegian School programs for students.

Jim Hier, committee member, discussed the evaluation of applications and the reasons why KPCW and Mountain Fellowship are not recommended for funding. All members expressed agreement with the recommendation. The Mayor invited public input; there was none.

4. Racquet Club presentation. Matt Twombly introduced Project Manager Steve Brown, Millcreek Constructing and Architect Brent Tippets of VCBO. The design team includes staff, architects, and RAB members who have been working on schematic designs since last summer. Council provided direction to incorporate some amenities in the project and he encouraged members to review the presentation in terms of design, programming, meeting needs, layout, and future phases of the project. The project is currently in the MPD process before the Planning Commission.

Through illustration of a PowerPoint presentation, Mr. Tippets pointed out the footprint difference of the current and proposed buildings which have similar parameters. The existing outdoor amenities will remain including the tennis courts, tennis bubble, and outdoor pools. The parking configuration is similar.

He reviewed the floor plans. The main floor has two elevations because of a four foot grade transition from the leisure pool to the gymnasium. The reception area provides more control for front desk personnel and he described offices, the party room and other uses. He explained the lounge area which can be used as a spectator area for tennis. He pointed out the bouldering/climbing area, teen game room, and locker rooms. The current courts are under-sized and the new courts will be regulation. There is also a new storage room.

Mr. Tippets pointed out that the upper level accommodates the running track, cardio exercise equipment and a glass wall separates the fitness and tennis areas. The level contains studios, mechanical space and the track provides open visibility to the tennis court and gymnasium. Jim Hier questioned the open space feature; Mr. Tippets explained that it provides natural light to the main level which is considered a sustainability element. The sizes of the studios and the game room were discussed. In response to a question from Joe Kernan about public gathering places, Mr. Tippets pointed out several areas. He displayed and explained elevations as they relate to interior space and relayed that green elements include a planted green roof, drought tolerant plants, day-lighting, evaporative cooling, recycled materials, solar, energy envelope design, and automated low energy lighting. Joe Kernan was pleased to see new recreational features incorporated in the design and the Mayor asked that the green systems be tracked and measured.

5. Comstock sidewalk. Heinrich Deters explained that on June 18, 2009, the City Council directed staff to construct a sidewalk on the east side of Comstock Drive and staff is seeking to reaffirm the decision. On October 1, 2009 during work session, the sidewalk was again discussed and Council received public input and asked staff to return with additional information on three items, including (1) confirmation that the sidewalk will fit into the existing pavement section, (2) the cost estimate for widening the Kearns Blvd. intersection to extend the at-grade striped pedestrian lane, and (3) improving the bus stop at Comstock. He referred to public comments included in the meeting packet collected at an October 28, 2009 open house mainly for the Comstock tunnel project, but the sidewalk and traffic calming measures were also addressed.

Consultant Rob Sunderlidge explained that Horracks was directed to implement some of the traffic calming measures from the walkability study, provide an opportunity for a safe pedestrian way, and avoid impacts to any of the existing residences. He displayed and explained Option A, which includes two 11 foot travel lanes, maintains the parking along the west side and provides 13 feet of excess area open for future design. The 13 foot area is currently paved and the travel lane introduced at the intersection at Kearns Blvd. leaves eight feet as opposed to 13 feet of excess area. He explained that Option A contemplates a sharrow which designates the travel lane for pedestrians and bicycles.

Option B includes a sidewalk, parking and separate four foot bike lanes and would have zero to one foot impacts on residences in the corridor. In response to a question from Joe Kernan, Mr. Sunderlidge explained that staff believes that a path of some sort within the 13 foot strip is recommended but there is no consensus on details and staff is looking for direction on project parameters. He added that small measures may need to be taken to align grades, but Option A does not contemplate disturbing landscaping, even within the City's right-of-way.

Heinrich Deters pointed out the positive ratings from studies regarding the effectiveness of sharrows. Staff was directed to explore widening the intersection at Kearns to continue the at-grade pedestrian area which is not recommended. He pointed out that improvements to the bus stop are supported by the transit staff but not to the extent of installing a pull-out lane. The Mayor invited public input.

Mark Olsen, Comstock Drive, stated that we've all heard a lot about walkability but how about liveability for the residents on Comstock Drive. Street parking has already been taken away on the east side of the road and he would like to see the road left alone. Mr. Olsen suggested that project funding should be used instead for speeding enforcement. Give the neighborhood the parking back. Plowing sidewalks could be a hassle and people walk in the middle of the street. There is no place for guests to park. Mr. Olsen felt that people living on the street should be given consideration but if a sidewalk is constructed, he urged hiring local contractors.

Heinrich Deters clarified that the plan does not contemplate removing parking from the west side.

Carol Potter, Mountain Trails Foundation, Share the Road, and WALC, thanked staff for all of the hard work devoted to this project. She supports Option A which is part of a City-wide plan and expressed that liveability and walkability go hand-in-hand.

Kathy Herschberg, Comstock Drive, stated that she has no parking in front of her house. She relayed that it has been her observation that the kids are walking where they are supposed to be walking but adults walk in the middle of the street. She questioned how the sidewalk will be kept free of snow. Liveability is an important concept for the neighborhood and if *it ain't broke, don't fix it*.

Jody Woods, Prospector resident, felt that Option A can work and suggested that a multi-use lane for pedestrians and bicyclists be considered within the 13 foot strip eliminating the need for a designated bike path.

Kyle Jesson, Comstock resident, emphasized that this is a short-term solution to a long-term problem, however if the sidewalk is constructed it is very unlikely that it will be removed. He prefers Option A because it impacts the fewest amount of people in the shortest amount of time. He encouraged monitoring temporary measures before the sidewalk is installed and the intersection should be addressed.

Goldy Travis, resident, believed that the signal at Kearns and Comstock created commercial traffic. She recommended providing parking on both sides of the street, maintaining the striping and manning the area with police for speed enforcement.

Nani Hogle, Prospector resident, expressed that Comstock should be left alone. Marking the roadway for pedestrian lanes is effective.

Kathy Kahn, WALC, views Comstock as dynamic because it has changed over the years as the community has evolved. Comstock has been identified as part of the walkability spine which is very important. She understood that residents are reluctant to accept changes but it is for the greater good of the community and she supports Option A.

Joe Kernan indicated his support of Option A but hoped there is some way to increase parking. Jim Hier felt 13 feet provides enough room for a five foot sidewalk and allows parking on the east side of the street. Mr. Deters acknowledged that it is a possibility. Mr. Hier pointed out that parked cars calm traffic and the plan could be a compromise for the neighborhood. Liza Simpson agreed and would like to see an option for parking on the east side when Option A returns. Matt Twombly discussed potential problems with snowplowing with parked cars. The Mayor felt that the same problem will occur with the sidewalk. Jim Hier noted that the same overnight parking regulations apply for snow removal here. Roger Harlan stated that he does not want the width of the sidewalk compromised because of the number of children using it as a route to school and safety trumps other considerations. Mayor Williams summarized that members are supportive of Option A and the City Manager added that staff will look at the parking issue.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
DECEMBER 3, 2009

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 3, 2009. Members in attendance were Dana Williams, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Candace Erickson was excused. Staff present was Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; and Katie Cattan, Planner.

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 NOVEMBER 12, 2009

Roger Harlan, "I move approval of the work session notes and minutes of the meeting of November 12, 2009". Joe Kernan seconded. Motion carried.

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

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

1. Consideration of a Resolution Declaring Park City as a "Concussion Aware Town" and proclaiming December 6 through December 12, 2009 as "The Grateful Head Project Week" in Park City, Utah – The Mayor read the Resolution and presented a signed version to the Leadership Class. Tim Preston detailed program activities with various segments of the community. Roger Harlan, "I move approval of the Resolution declaring Park City as a Concussion Aware Town". Liza Simpson seconded. Motion carried.

Candace Erickson	Absent
Roger Harlan	Aye
Jim Hier	Aye

Joe Kernan	Aye
Liza Simpson	Aye

2. Consideration of an Ordinance amending the Land Management Code regarding Master Plan Developments in the HR-2 District – The Mayor reported that this matter is still before the Planning Commission but opened the public hearing; there was no input. Joe Kernan, "I move to continue Item 2 to January 28, 2010". Liza Simpson seconded. Motion carried.

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

3. Consideration of an Ordinance approving the Glory Hole Subdivision, located at 518 Deer Valley Drive, Park City, Utah – The Mayor opened the public hearing and there were no comments from the audience. Roger Harlan, "I move to continue to a date uncertain". Liza Simpson seconded. Motion carried.

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

4. Consideration of an Ordinance approving a plat amendment for 1150 Deer Valley Drive, Snow Country Condominiums, Park City, Utah – The Mayor opened the public hearing and no comments were rendered. He asked for a motion to continue to a date uncertain. Roger Harlan, "I so move". Joe Kernan seconded. Motion carried.

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

5. Consideration of an appeal of the approval of a Steep Slope Conditional Use Permit for 108 Park Avenue granted by the Planning Commission on October 14, 2009 – appellant Carol Rixey – Mayor Williams asked members if they are comfortable accepting public input. Joe Kernan, "I move we open the scope of the appeal to include public input". Liza Simpson seconded. Motion unanimously carried. Members had no ex parte communications to disclose and the Mayor described the process for the appeal.

Planner Katie Cattan pointed out the location of the 108 Park Avenue lot and Carol Rixey's Alaska House by way of a PowerPoint presentation. There is 23 feet between the edge of the curb to the property line and the home is situated on a lot that is 50 feet wide, the shortest point being 33 feet deep and the longest 52 feet deep. Part of the Alaska House's roof encroaches over the property line. A ten foot front yard setback, ten foot rear yard setback, and five foot side yard setbacks exist and within that area, the building footprint is created. In this instance, it is unique because the configuration is not typical. She explained that the owner applied for a variance through the Board of Adjustment but it was denied. The applicant utilized the exception for bay windows which exempts bay windows (two feet deep but no wider than ten feet) from the footprint calculation. She pointed out her error when the project was before the Planning Commission which was caught by the appellant. Initially two of the bays in the garage did not have windows but the architect has redesigned them so they are compliant.

Ms. Cattan pointed out that the design included angled walls which are not typical in Old Town and was an issue during the Historic District Design Review. The architect agreed to change the design which did not have to return to the Planning Commission for approval. The applicant applied for a conditional use permit on August 15, 2006. There were problems with the original plat because the recorded plat was different from the survey and a plat amendment was needed. She stated that this application has been vested since August 2006, however, some provisions of the new LMC were applied by limiting the structure to three stories but the applicant was not required to step the top façade back ten feet. The project is being reviewed under the previous LMC. She explained that with regard to the issue of drainage in the appeal, the owner hired an engineer to analyze the site before construction and the City Engineer has signed off. Snow-shedding has been approved by the Building Department. The garage was also cited in the appeal and the City Engineer has certified that the garage has adequate depth and width. The bay windows in the garage have been modified so the entire project is compliant with the LMC.

Architect Kevin King, agent for Carol Rixey, expressed that the bay windows are not compliant and the garage is not a 10 x 20 foot space and is substandard. He read the definition of a bay window emphasizing that it cannot be directly supported by the foundation which is the case here. Since they are not bay windows they are encroaching into the back yard setback. He questioned the vesting, pointing out the denial by the Board of Adjustment. The project cannot be vested if the application is incomplete because a topographic survey was missing until a later date. The LMC should be enforced to preserve the historic character and context of the area. Mr. King requested that this application be remanded to the Planning Commission and reviewed in accordance with the existing LMC to create a better design that doesn't have to rely on bending the rules in order to get it approved.

The Mayor stated that he didn't see vesting identified as a concern in the appeal and Ms. Cattan clarified that the appeal speaks to which LMC version the project is applied under. Kevin King added that the owner created his own variance by including the bay windows in the garage when they don't meet the definition of the LMC. The Code should be defined better.

David White, architect for owner, pointed out that the areas called bays in the rear are not supported directly by the foundation underneath the walls or the windows. In no place on the lower floor does any of the foundation or exterior walls project over the setback line. They are in fact bay windows because they project beyond the foundation walls. The Planning Commission held three meetings on the steep slope CUP process and at each meeting additional information was requested including elevations, cross-canyon views and a comparison of the square footage of the surrounding houses. At the third meeting, the Commission seemed to be satisfied because they unanimously approved the project. Mr. White stated that he is the second architect on the project and was not involved in the variance process.

Greg Vagstadd, property owner, explained that the application was submitted in August 2006. Snow shed agreements and survey errors were resolved which was accomplished by June 2006. The variance approach was unsuccessful and an amendment to the plat was pursued and approved. He acknowledged that the process has been lengthy and they have done all they can to mitigate impacts on neighbors.

Kevin King asked when the new project was submitted and Ms. McLean explained that once an application is deemed complete by staff, it is vested which is August 15, 2006. As long as the application remains active, the vesting date remains valid. Mr. King indicated that nothing happened in 2007 and Ms. Cattan explained that the survey was completed, the plat amendment took place and there was regular communication with the owner and staff. Ms. McLean explained the notice process for closing an application because of inactivity.

Ruth Meisma, resident, discussed in detail her input not getting in the Planning Commission packet. She felt that graphically imposing the new structure in a photograph would be helpful in the review process to evaluate visual context with surrounding historical buildings. However, the Planning Commission did not feel the Main Street view was relevant which she feels is in conflict with the LMC and the General Plan. She explained that she presented her idea to the HPB on requiring applications to provide in-fill visual information because cross-canyon or streetscapes may not be adequate. The Mayor asked for clarification on her comments relating to 108 Park Avenue and Ms. Meisma indicated that she doesn't know what the project will look like once it is built.

Discussion ensued on the definition of bay windows and Mr. White explained working with the City Engineer to ensure that the garage dimensions are compliant. For the benefit of Joe Kernan, David White described the setbacks on neighboring buildings and on this project. Liza Simpson stated that she attended the Planning Commission meetings where members expressed that they didn't need a Main Street view, suggested by Ms. Meisma and there is nothing in the appeal that compels her to remand the project to the Planning Commission. Roger Harlan agreed. Jim Hier stated that he does not find that the Planning Commission erred in any way. The concept of having additional views from Main is not specific to the appeal points or required at this point.

Roger Harlan, "I move that we deny the appeal of the approval of a steep slope conditional use permit for 108 Park Avenue granted by the Planning Commission on October 14, 2009". Liza Simpson seconded. Motion carried.

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

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Roger Harlan, Jim Hier, Joe Kernan, Liza Simpson; and Council-elect Alex Butwinski and Cindy Matsumoto. Candace Erickson was excused. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; and Mark Harrington, City Attorney. Jim Hier "I move to close the meeting to discuss property". Liza Simpson seconded. Motion carried unanimously. The meeting opened at approximately 3:30 p.m. Jim Hier, "I move to open the meeting". Roger Harlan seconded. Motion carried.

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

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

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Janet M. Scott, City Recorder