PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
OCTOBER 25, 2007

Present: **Mayor Pro Tem Marianne Cone; Council members Candace Erickson; Roger Harlan; and Jim Hier, and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney

Recreation Staff: Ken Fisher, Tate Shaw, Laurie Lambert, Carrie Gross, Michelle Stucker, Jessica Moran, and Karen Yocum

Absent: **Mayor Dana Williams**

1. Council questions/comments. Roger Harlan commented the on the honor of hosting a professional hockey game at our ice facility last Friday and the success and value of the Leadership Program. Joe Kernan spoke about measuring SR248 and determining that it is wide enough to explore the feasibility of adding lanes. He relayed complaints about public access to restrooms in the Recreation Building and snow removal service levels. Comments related to plowing to the edge of cul-de-sacs and Mr. Kernan stated that he feels confident that the City can afford to increase snow removal services. He expected property tax windfalls from the future development of Deer Valley parking lots and highlighted the historic surpluses in the budget. Snow removal service should be high quality like other programs provided by the City.

Jim Hier discussed attending the Leadership dinner and shared information from the Tourism Symposium. He attended a CTAC meeting and reported that the HMBA discussed waiving parking fees between Thanksgiving and Christmas, although there is no organized promotion planned. The interagency group focused on trail systems. Candace Erickson discussed the Historical Society dungeon party and the great support of the Friends of the Farm's scarecrow event. She reported on Recycle Utah business and the need for more space. With regard to determining the level of snow removal service introduced by Joe Kernan, Council member Erickson suggested exploring this topic at the Visioning Session in January when the new Council is seated. Marianne Cone also commented on attending the dungeon party and hockey game. She thanked Matt Twombly for the installation of the sidewalk on SR224 in front of the Yarrow and commented on the conference hosted by Recycle Utah. The Mayor Pro Tem described an energy audit conducted at her home by Questar Gas; there was a $25 charge, but well worth it. Ski Utah met yesterday and Ms. Cone spoke about a number of programs underway. Roger Harlan admitted his initial skepticism when the Park Silly Sunday Market applied for a master festival license but admitted he was mistaken and applauded the energy of the group in producing a very successful event.

2. Summer Recreation Program Update. Recreation Manager Ken Fisher introduced his core staff members. Tate Shaw updated members on the skateboard camp where participation increased by 15% this year, with a wait list. Participation in the summer skate competitions was excellent. Marianne Cone brought up a neighborhood complaint regarding the nuisance of the amplification during the competitions. Participation in the dirt jump clinics was able to increase 30% this past second season, by adding another week. Jessica Moran highlighted other youth programs including the spring soccer league where there was an increase of 50 players. The Willow Creek fields are used, demonstrating cooperation between the City and Basin Recreation. The summer day camp ran especially well in the newly remodeled Recreation Building where 70 kids regularly showed up. Ms. Moran spoke about the Department's fee reduction program, offering opportunities for kids who would otherwise not be able to participate without this discount. The new fields and lights at Quinns accommodated growth in the adult soccer program and she highlighted the popularity of the dog obedience classes. Mt. Shaw explained that softball is the largest adult program and a spring and summer will be tested next year. He detailed the Start Smart Programs and emphasized that Park City is rated as a five star provider. Ms. Moran discussed the unique parent/kid skating program. Karen Yocum explained the popularity of volleyball tournaments where there are so many sponsors; their logos are featured on two shirts, one for each competition. Additionally, the prestigious Woman's Softball State Championships has been held in Park City over the past five years.

Ken Fisher pointed out that the fee differential was eliminated in 2003 which has improved membership on a number of levels. This year, the total number of all types of passes was 5,000 compared to 4,500 last year. In the summer, an average of 1,000 patrons pass through the doors and interact with the front desk personnel. He noted that quality customer service is maintained with the high volume and he receives few complaints. Winter numbers drop off to about 600 a day because the pools are closed and there are fewer programs. Karen Yocum described the growth in group fitness and aquatics. The Swim Team for first-time competitors was well received and another session may have to be added. She addressed her responsibility for reserving and scheduling fields regionally and the School District agreeing to share Dozier Field on a limited basis. Hopefully there will be two lighted fields available at Quinns next year which will help scheduling significantly.

Jim Hier asked about the cost of programming the lap pool and Ken Fisher recalled the cost was about $15,000 to keep the pool heated in the winter but the biggest issue is finding life guards willing to sit outside in the cold. In response to a question from Roger Harlan, the lighting at Quinns fields was not an issue. The City Manager interjected that the City is working on an entrance sign for the rink, IHC and NAC.

Laurie Lambert emphasized that tennis is a year-round sport in Park City and explained an effort to build camaraderie among players by organizing six socials a year and emailing a newsletter. She discussed the significant growth in tournament play and described upcoming events. The new tennis bubble was a needed replacement and features have been greatly improved. Michelle Stucker pointed out that Park City's recreation is rated above the national average. She is working with Shindig on marketing efforts and emphasized that on-line registrations have taken a lot of the pressure off the front desk.

Carrie Gross reviewed cemetery operations and eligibility criteria to purchase a plot. The fees for cemetery services were raised last year to recover real costs and staff has determined that there are approximately 430 lots available. She spoke about mapping the cemetery and creating a directory which is located in the gazebo. Ms. Gross explained that she schedules and rents Rotary and City Parks where maximum occupancies have been established and enforced, eliminating nuisances.

Michelle Stucker discussed community outreach programs with Basin Recreation offering discounts to families and described the coalition with Agencies Coming Together offering youth programs through non-profit organizations. This approach actually takes programs to the kids rather than providing them in a facility and the School District is involved. Mr. Fisher stated that this year was the second highest cost recovery year at 73% and he pointed out fees have not been raised in years but are being examined by consultant VCBO. The Racquet Club is operating at maxed capacity and he explained that direct costs are recovered in programs. Jim Hier acknowledged that between 1998 and 2007, costs have increased 20% while revenues have increased 60%; he commended Mr. Fisher.

Joe Kernan felt it reasonable to raise fees to recover costs. There are many great programs being offered by the Recreation Department adding to the health, social fabric and cross-cultural bridging in the community. Discussion ensued about the library being rated highest and recreation second in the Insight Assessment Survey completed in 2006. The needs assessment conducted last spring rated the Recreation Department significantly higher than the national average in terms of satisfaction. Mr. Kernan was pleased to learn that there were more cemetery plots than originally contemplated. Candace Erickson commended staff on the quality of the programs offered through the Department which has evolved with the community. Roger Harlan acknowledged that outstanding facilities exist in many other communities but he felt Park City is unique because of its excellent leadership and the number of recreation choices offered by the City is staggering. Jim Hier agreed with other members' accolades.

3. Review of regular meeting. There were no questions or comments.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 25, 2007

I ROLL CALL

Mayor Pro Tem Marianne Cone called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 25, 2007. Members in attendance were Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Mayor Dana Williams was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner, and Brooks Robinson, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

The Mayor Pro Tem invited the public to comment on any matter of City business.

1. <u>$15 Million Walkability Bond</u> - Harvey LaPointe, 537 Deer Valley Drive, asked what data was used to support placing the initiative on the ballot and relayed that he was involved in an industry relating to safety and accident investigation. He supports projects like the sidewalk in front of the Yarrow which was needed but is still not convinced that the bond is needed even after conversations with Council members, police staff, and stakeholders who couldn't offer information about the necessity of issuing bonds.

Jim Hier explained that a study was conducted assessing connectivity and around $50 million worth of improvements was identified. Council members determined that $15 million is an appropriate issuance amount. He explained that there is no documentation about need or safety; it is a quality of life issue. Joe Kernan encouraged Mr. LaPointe to review the study which is on-line and pointed out the lack of connectivity in the trail system. He added that a survey revealed that 62% is comfortable with $20 million, 20% for $10 million and 20% didn't support the bond; Council members attempted to balance interests. He detailed past studies assessing priorities and satisfaction with service levels by the citizenry where paths and sidewalks were rated second to water.

Mr. LaPointe explained that he can support connecting trails but has problems leading the public to believe that the bond will accomplish expensive projects like tunnels and bridges.

With no further comments from the audience, the public input session was closed.

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

1. Consideration of an Ordinance approving the 1376 Mellow Mountain Road plat amendment - Marianne Cone opened the public hearing and with no comments, closed the hearing. She requested a motion to continue to November 29, 2007. Roger Harlan, "I so move". Joe Kernan seconded. Motion unanimously carried.

2. Consideration of an Ordinance approving the First Amended Lot 6 Evergreen Subdivision located at 14 Perserverance Court – See staff report. Kirsten Whetstone explained that the application requests amending the plat to relocate the ski easement on Lot 6 which is contemplated to be moved uphill. There was no public input rendered at the Planning Commission and a positive recommendation was forwarded based on the Ordinance. For the benefit of members, she displayed a rendering of the site. The Mayor Pro Tem opened the public hearing and with no comments from the audience, closed the hearing. Jim Hier, "I move we approve the amended Evergreen Subdivision plat to revise the ski easement on Lot 6 as outlined in the staff report". Roger Harlan seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the Flagstaff Condominium Record of Survey Plat located at 8894 Empire Club Dr. – Planner Brooks Robinson stated that this was initially named Snowberry Lodge in the CUP and is located on Lot 13 in the Village Empire Pass Westside Subdivision. The Snowberry CUP was approved in 2006 and this condominium record of survey encompasses 73,50 square feet or 36.8 unit equivalents with an employee housing unit and two ADA units within the building. The ADA units are platted as common property and are not counted toward the unit count since they are appurtenant to all units in the building. ADA units must be available in the rental pool at all times and Mr. Hier requested for a copy of the criteria for managing ADA units. Mr. Robinson discussed the height exception granted and code required parking. Candace Erickson disclosed a concern expressed to her that the affordable housing in Flagstaff be monitored to ensure appropriate occupancy. Brooks Robinson explained that the HOA monitors the housing which is not income based and if the units are not filled, Mountainlands Community Housing Trust or another organization would be contacted to fill the affordable housing units. The public hearing was opened and with no input, closed by the Mayor Pro Tem. Candace Erickson, "I move we approve the Ordinance approving the Flagstaff Condominium record of Survey Plat located 8894 Empire Club Drive". Joe Kernan seconded. Motion unanimously carried.

4. Consideration of Mountain Sky Annexation Petition – land in Summit County north side of Quarry Mountain adjacent to Eagle Pointe IV Subdivision – Brooks Robinson explained that the annexation petition contemplates annexing 20 acres adjacent to the Eagle Pointe IV Subdivision and located within Park City's annexation

policy boundaries. He pointed out inconsistencies in the application with regard to density and stated that the Quarry Mountain Water Tank is undersized for the service area which is the primary reason for the recommendation to deny. The City will only accept wet water.

Applicant Kenneth Jaquin stated that it didn't make sense for him to purchase water rights at this point if the City is not inclined to accept the annexation petition. He understood that the tanks are interconnected and with the upgrade of the Boothill Tank, it seems that the addition of one lot is inconsequential. Originally seven units were proposed and now there is one unit proposed on 20 acres; existing lot sizes in the area are two to three acres and didn't feel there is a density issue. Access has been identified as another issue, but Mr. Jaquin pointed out that access to the property is along the right-of-way originally established and provided for through the Eagle Pointe Subdivision. Steve Schueler, Alliance Engineering, stated that this is the historic access to the property since it was subdivided. Whether or not the property is developed in Park City or Summit County, it will be accessed through City streets and municipal infrastructure will be used. The property is located entirely within the annexation declaration policy boundaries. Mr. Schueler added that the concern that the annexation would create a peninsula would be a short-term situation as other properties will come on line. From a land use standpoint, it is the applicant's desire to work with Park City as opposed to Summit County and he urged Council to favorably consider the application.

The Mayor Pro Tem opened the public hearing.

Alex Butwinski, resident, urged Council to consider if not bringing in wet water sets a precedent for the next petitioner as well as potential benefits if the applicant is willing to upgrade the Quarry Mountain water facility. Irrigating 20 acres of landscaping could lead to significant water use. Mark Harrington explained that the City Council has the ability to accept the petition and require wet water or negotiate an alternative pursuant to the Land Management Code, but the issue here is capacity, not whether the exaction is fair.

With no further input, the public hearing was closed. Joe Kernan confirmed that the density is now one unit and expressed that capacity issues could be worked out during the certification process by the state, if the petition is accepted. Steve Schueler indicated their willingness to address any issues and to better understand water, they have retained a water rights attorney. For the benefit of Mr. Kernan, Kenneth Jaquin stated they haven't initiated a process to transfer water rights because of the status of the petition and at this point, the governing jurisdiction is unknown. Mark Harrington emphasized that the water obligation would have to be fulfilled before the property is annexed and accepting the petition only initiates the annexation process.

In response to a comment from Roger Harlan, Steve Schueler explained that the original application proposed a two lot subdivision. After working with staff, a metes and bounds survey was conducted and the application was resubmitted as a single lot subdivision. Jim Hier recalled the General Plan for Quarry Mountain focusing on preserving open space, trails, and not encouraging residential development. Creating a peninsula is prohibited by state law and together with the capacity issue are compelling reasons not to annex. He agrees with the findings outlined in the staff report that the City not accept the petition. Joe Kernan stated that it is difficult for him to visualize the peninsula on the map in the staff report and asked for clarification or a definition. Mark Harrington explained that a peninsula is an extension of land bounded on three sides by an unincorporated area. The guiding principle is that cities should not be protruding into unincorporated areas for the purpose of benefiting one particular small area. It should be a logical extension of boundary that mirrors a sound regional planning decision which is the intent of the annexation boundary. The General Plan specifically addresses this and cautions against a piecemeal approach. Discussion ensued regarding the ownership and use of adjacent parcels. Brooks Robinson spoke about previous annexation petitions including this property and an understanding with the County that the density would be consistently applied as one unit. Roger Harlan, "<u>I move that we deny the Mountain Sky petition for land in Summit County , the north side of Quarry Mountain adjacent to the Eagle Pointe IV Subdivision pursuant to the findings as recommended on Page 48 of the staff report</u>". Candace Erickson seconded. <u>Motion unanimously carried</u>.

5. <u>Authorization for the City Manager to enter into a Professional Services Agreement with SWCA for an Environmental Assessment for the Judge Tunnel Project in a form approved by the City Attorney in the amount of $30,246</u> – See staff report. Water Manager Kathy Lundborg explained that approval of the contract relates to the connection project with JSSD. An environmental assessment is required in order to qualify for possible grants from the federal government. Jim Hier, "<u>I move that we authorize the City Manager into a professional services agreement with SWCA for an environment assessment in the amount of $30,246</u>". Joe Kernan seconded. <u>Motion unanimously carried.</u>

V OLD BUSINESS *(items previously discussed and continued for consideration)*

1. <u>Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation plat amendment located at 255 Ridge Avenue, Park City, Utah (King Ridge Estates)</u> – Brooks Robinson explained that this matter was continued from the October 11, 2007 meeting. The proposal is to combine 12 lots into three lots of record. He outlined his five follow-up points including the uniqueness of the site, uses in other rights-of-way in Old Town, the redesign of the access driveway and wall, and

restrictions on the plat pursuant to previous discussions. Through illustration of a map, he described the site by pointing out the dedication, the easement, and setbacks. He displayed the general configuration, driveway access, and a profile of the structures. The garage element is shown as 18 feet high. Staff examined the Park City Survey and Snyders Addition for vacated rights-of-way and found that this site is unique because the City vacated the north and south rights-of-way and all of Anchor had been vacated previously. As a matter of comparison, much of upper Norfolk Avenue has been vacated through the Sweeney Subdivision and there are pieces relating to the Town Lift, Bernolfro property on Lowell, and other portions of Norfolk, Woodside and Empire which have been vacated over the years as well. Uses in both the rights-of-way and areas vacated have structures, driveways, and stairs. He displayed a photo of the ski run walls on Woodside, a parking area, and a parking lot. The significant height of the retaining wall on upper Norfolk Avenue was pointed out as a part of the Sweeney Subdivision and Mr. Robinson described clearing up property line conflicts at 147 Ridge Avenue.

Brooks Robinson stated that by increasing the grade, the height of the retaining wall proposed for 255 Ridge Avenue has decreased to four feet and from two retaining walls to one wall. He described the profiles of structures and proposed and existing grades. Recommended additional conditions of approval include plat notes restricting Lot 3 to the approximate footprint size of the other two, and based on the analysis on house sizes in the HRL, limiting the maximum floor area to approximately 3,030 square feet. The garage must be located at the front setback can not exceed the minimum depth as allowed by Code and the garage can not exceed 18 feet. A height exception to the garage must meet the following criteria that no portion of the house is eligible for a height exception. A variance for a 14% driveway grade in the City's right-of-way must be granted by the Board of Adjustment before the conditional use permit can be considered by the Planning Commission. In addition, a steep slope permit CUP review and the Historic Preservation Commission design review are required.

Sean Marquardt, agent for applicant, referred to three scenarios for the road including the original with the two-tiered 11 foot high retaining wall, the second is a 14% grade requiring a variance, and the third is a combination of both by not lowering the grade on the driveway portion at 10 feet which would result in an eight feet wall at its highest point. Jim Hier stated that he would like to eliminate the 11 foot option and Brooks Robinson pointed out that Condition No. 16 provides that the applicant seek a variance or special exception for the driveway grade. He stated that the BOA could deny it, but this is a visual solution. Discussion ensued about whether 11 feet is still considered an option, and Sean Marquardt stated that the applicants agree that the retaining wall will not exceed eight feet for the driveway on the northwest corner. The Mayor Pro Tem opened the public hearing.

Carlene Riley, 84 Daly Avenue, expressed that she is still concerned about what is going on. Ridge Avenue is only seven feet wide at some portions and the building inspectors are concerned about the construction impacts in the area. She is concerned about the proximity of the drainage ditch to her house and the soils are instable. Her house is only 800 square feet and the 2,000 square foot homes will be on top of her. She is still opposed and her neighbors are tired of fighting the project. This sets a precedent for everything on the hillside. Jim Hier encouraged her to continue to attend the upcoming CUP meetings before the Planning Commission where a construction mitigation plan will be developed.

Lynea Knudson, 96 Daly Avenue, stated that she submitted written comments to the Planning Commission. She relayed that she has developed property and owns multiple lots at Bear Lake, Utah and a six acre developable parcel in California and is not against development. Her main concern is the preservation of Old Town and she spoke about the profits developers make and then they leave town. Her other concern is not having a design for the homes available to her, and Sean Marquardt stated that they have retained a local architect John DeGray to create a compatible design with neighboring structures, however the look of Daly Doubles (96 Daly Avenue) will not be considered. Ms. Knudson admitted that 96 Daly is a horrific mistake but she could afford to purchase a unit there. Has there been a soils study? She is also concerned about a Council member's statement that it will probably be approved anyway. Ridge Avenue is not wide enough for two cars and this development will impact the street further. She is not comfortable with a path behind her house and suggested that the proposal be smaller. Sean Marquardt clarified that the pedestrian walkway was discussed at some earlier point, but the current proposal is a 30 foot non-disturbance area not a trail.

With no further comments from the audience, Mayor Pro Tem Cone closed the public hearing. Candace Erickson noted that the original plan was for seven lots which is now down to three. These are legally owned lots and concessions have been negotiated. As much as she would like to see the property open forever, property owners have land rights in the state of Utah. Ms. Cone discussed the rooftops falling within the contour of the ridge and engineer Gus Sherry explained that the homes step down to the north and parallel the driveway. Brooks Robinson interjected that the City will measure height from existing grade which would follow the ridge. In response to a question from Jim Hier, Mr. Robinson explained that the garage height could be measured from existing or final grade. Mr. Hier stated that he felt the garage floor should be measured from final grade. Mr. Robinson stated that final grade will be clearly stated in the conditions of approval and referred to another condition regarding incorporating the grade change to existing Ridge Avenue to be approved by the City Engineer, and adding language that in such case the retaining wall will not exceed eight feet at the northwest corner. Mr. Robinson explained that a maximum gradient away from the houses could be established so the garage is not artificially raised above the access drive. Brooks Robinson crafted Condition No. 17 to read that driveways into the garage can not exceed the minimum slope for drainage away from the structures.

Roger Harlan expressed that the conditions of approval have been strengthened throughout the process. Marianne Cone agreed but pointed out that the Planning Commission vote was 4:1 against the project. She felt compelled to support boards and she remains concerned about house size and space between structures. Discussion ensued about the Board of Adjustment process where the only appeal if denied is to court; Planning Commission decisions can be called up by Council. Jim Hier reiterated his encouragement to the public to attend upcoming Planning Commission meetings on the project. He pointed out that this is a plat action which has been unusually conditioned which he feels is appropriate in this circumstance.

Jim Hier, "I move to approve the plat amendment on 255 Ridge as modified by Brooks (Robinson) to (conditions of approval) Items 6 and 13, and the addition of Condition No. 17". Joe Kernan seconded. Motion carried.

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

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

VII ADJOURNMENT

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

Janet M. Scott, City Recorder

Prepared by Janet M. Scott, City Recorder