



**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
December 15, 2021**

COMMISSIONERS IN ATTENDANCE: Chair John Phillips, John Kenworthy, Sarah Hall, Laura Suesser, Doug Thimm, Bill Johnson, Christin Van Dine

EX OFFICIO: Gretchen Milliken, Planning Director; David Everett, Associate City Manager; Alexandra Ananth, Senior City Planner; Julia Collins, Senior Transportation Planner; John Robertson, City Engineer; Mark Harrington, City Attorney; Luke Henry, Assistant City Attorney

1. ROLL CALL

Chair Phillips called the meeting to order at approximately 5:30 p.m. and confirmed that all Commissioners were present.

The following written determination was read:

The Chair issued a written determination that because of the public health emergency, conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may attend in person. This determination is based on the ongoing risks and infection rates statewide and in Summit County. For these reasons, this meeting will be an electronic meeting without an anchor location. Planning Commission members will connect electronically.

Public comments will be accepted virtually. To comment virtually, use eComment or raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record but will not be read aloud. For more information on attending virtually and to listen live, please go to www.parkcity.org.

2. MINUTES APPROVAL

- A. Consideration to Approve the Planning Commission Meeting Minutes from November 10, 2021.
Consideration to Approve the Planning Commission Meeting Minutes from November 17, 2021.**

It was noted that the Planning Commission Meeting Minutes from November 10, 2021 and November 17, 2021 were approved at the prior meeting and would be removed from the agenda for this meeting.

3. PUBLIC COMMUNICATIONS

There were no Public Communications.

4. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Planning Director, Gretchen Milliken reported that there would be training for the Planning Commissioners following the Work Session. The training would be open to the public.

Chair Phillips stated that since they will be returning to in-person meetings in the near future, he felt it would be beneficial to get a refresher on the protocols for in-person meetings.

In response to an inquiry, Chair Phillips stated his intention to take public input during the Work Session.

5. WORK SESSION

- A. Park City Mountain Resort Base Parking Lots - MPD Modification Work Session- Replace Expired Exhibit D of the DA, the 1998 PCMR Base Area Master Plan Study Concept Master Plan, With a New Master Plan, Known as the Park City Base Area Lot Redevelopment Master Plan Study. The Commission Will Discuss Off-Site Parking and Transportation Mitigation, Draft Findings of Fact, Draft Conditions of Approval and Other Issues Raised in the Staff Report. PL-20-04475.**

Senior City Planner, Alexandra Ananth, reported that the focus for tonight's meeting will be on off-site parking and transit mitigation. She introduced Associate City Manager, David Everett and Senior Transportation Planner, Julia Collins. Andrew Ittigson and Kordel Braley from AECOM were also present. Planner Ananth stated that the next Work Session on this project will take place on January 19, 2022, with the anticipated focus on the applicant's proposal for transit and parking mitigations.

Commissioner Suesser asked if there would be comment on the Open Space issue during this meeting. Planner Ananth stated that Open Space was included in the Staff Report, so comment would be at the will of the Planning Commission. Planner Ananth reported that the applicant has proposed to replace the 1,200 existing day-skier parking stalls with 1,200 structured garage stalls that would be paid parking. She confirmed that there would be no loss of day-skier parking stalls.

The applicant has also proposed to eliminate the Master Planned Development ("MPD") requirement for 600 additional resort parking stalls. The applicant is seeking a reduction of 502 parking stalls from the Land Management Code ("LMC") parking requirements for the new portion of development. She noted that the proposal resulted in an overall decrease of 1,102 parking stalls from the existing LMC parking requirements.

Planner Ananth explained that each parking stall at the Base equaled an extra car on the road and therefore more traffic and congestion coming into the City and the Base Area. For this reason, City Staff was generally supportive of not adding parking and vehicle trips at the Base Area, and generally supported the potential for the Planning Commission to consider a reduction in the required number of parking spaces. She reported that the Planning Commission could decrease the number of required parking spaces based on a Parking Analysis that must meet each of the requirements of the LMC. Planner Ananth reported that the applicant submitted a Shared Parking

Analysis and over the course of the review of this project, the Planning Commission has identified a deficiency with the project's ability to accommodate overflow parking during peak periods. She noted that the Commission had expressed concerns with the applicant's reliance on the City for the Resort's off-site parking and transit needs specific to day-skiers.

Provisions for offsite parking overflow would allow the Resort to right-size their parking supply at the Base on most days, as well as allow for a greater supply on peak days without overwhelming the City's roadway capacity. Planner Ananth stated that the biggest challenges with this project are existing congestion and parking issues at the Base. These issues need to be addressed while they consider a proposal for additional development, which presents a complicated task.

In addition, Planner Ananth stated that considering the City's transportation goals for a modal shift away from general purpose vehicles to transit, the number of parking stalls required by the LMC at the Base Area would have significant impacts to the City's Park-and-Ride facility and transit system that the applicant and the Resort must sufficiently mitigate. Planner Ananth explained that since the October Planning Commission meeting, Staff and the applicant have had numerous meetings to discuss a potential framework for parking and transit mitigation, as well as the costs associated with serving the Resort's day-skiers that the City would accrue. AECOM was tasked with developing an assumed baseline level of transit service for the future Quinn's Junction Park-and-Ride, as well as an enhanced level of transit service that would be required to serve the Resort, particularly on peak days and during peak hours.

She stated that the City determined that regardless of the Base Area project, Park City Transit would plan to serve the Quinn's Junction Park-and-Ride every 20 – 30 minutes, with potential stops at the High School, Afresh, Park City Resort, Old Town and Deer Valley. She explained that this is what they are calling the Baseline Level of Service. Planner Ananth stated that the applicant's analysis indicated that approximately 272 vehicles (which would translate into approximately 408 day skiers) would require parking and transit from Quinn's Junction to the Resort on peak days during peak A.M. and P.M. hours. This analysis assumes that the High School lot would not be in use.

Both the applicant and Staff agree that the required frequency and capacity needed to serve the Resort on these peaks days is one bus every 10 - 15 minutes, and that a modified route with fewer local stops would enhance the attractiveness of transit and help the applicant meet their required modal split goals. Planner Ananth reported that the applicant outlined two scenarios. For the purpose of analysis, she focused on Scenario 1, which contemplates that the applicant and the Resort would rely on the Quinn's Junction Park-and-Ride facility and City transit for overflow day-skier parking. This scenario assumes that the High School would not be available.

She explained that Scenario 2 contemplated more of a charter service where the applicant would secure their own offsite parking and transit solutions without any reliance on the City. Instead of utilizing Quinn's Junction, the applicant would secure a privately owned lot elsewhere in the City. She stressed that there would be no parking or transit mitigation to the City under Scenario 2.

Commissioner Suesser requested clarification of when the applicant would be compelled to provide and secure the offsite parking contemplated in Scenario 2. Planner Ananth stated that the applicant would be required to mitigate their own parking and transit on any peak day when it would be anticipated that the Resort lots would fill. Planner Ananth stated that they projected that the number of peak days would be significantly higher than 4% per year, or approximately 15 days.

Commissioner Suesser commented that instead of using the term “peak days,” Scenario 2 should address any days when the lots are full. She asked why these scenarios did not factor in the High School. Planner Ananth responded that presently, Vail did not have a long-term lease with the High School and she felt the Planning Commission wanted to take a conservative approach in the analysis and look at scenarios with the possibility that the High School parking would not be an option.

Chair Phillips wondered whether the applicant had tried to secure a long-term agreement with the High School. Planner Ananth suggested putting that question to the applicant. She pointed out, however, that the bottleneck at Highway 248 is at the Comstock light, which is situated before the High School. The City’s goal would be for the roadways to not be over-capacity, which favors parking at the Quinn’s Junction Park-and-Ride rather than further congestion at Highway 248. Chair Phillips expressed understanding and indicated his general agreement with that approach.

Commissioner Van Dine asked about the review process for the City if the applicant was not able to sufficiently mitigate transit solutions enough with respect to Scenario 2. Planner Ananth stated that Staff structured the Conditions of Approval to require two meetings per year between the City and the applicant to ensure that the applicant was meeting their obligations. The City would require evidence that the applicant could secure offsite parking, as well as evidence that the applicant could transport the day skiers. She confirmed that Vail would be a party to that agreement.

In response to an inquiry regarding the projected 15 days when the lots would be full, Planner Ananth responded that this conclusion came from Vail and the applicant. The City’s number was closer to 12%, or 43 days. Planner Ananth stated that nearly every weekend day and every snow event was now becoming a peak day, and highlighted the demand during the past weekend where there were a number of hours in the morning where no parking was available. The City was not expecting that parking demand, and was required to implement messaging to alert drivers to park at The Canyons.

Planner Ananth reiterated that the City generally projects 43 peak days, which is what they have projected for this year as well. She recognized that if the snow continues, the peak days might increase. Commissioner Kenworthy asked whether the Resort had an agreement with the High School for this year. Planner Ananth believed that they were currently negotiating an agreement, and understood that the Resort did not use the High School lot last weekend but might be looking to use it this weekend.

Commissioner Kenworthy asked if there were other bidders for overflow parking other than the High School and referenced Deer Valley. Planner Ananth was aware that Deer Valley used the Treasure Mountain Junior High School parking lot, and as far as she was aware, Park City Mountain Resort was the only group bidding to use the High School parking lot, with the exception of Sundance and a few other World Cup days. She was not aware of any scenario where the City desired to utilize the High School for parking.

With respect to Scenario 2, Commissioner Kenworthy was not sure how it would achieve the modal shift. He understood that it might mitigate the issue for the Resort, but questioned whether it would actually help with the City’s goals. Planner Ananth explained that Scenario 2 would help with overflow parking, but Staff anticipated a Condition of Approval that the applicant would still be required to achieve a modal shift and reduce vehicle trips by 20% over the course of five years

of occupancy of the first parking garage. She confirmed that the 20% modal shift was not in the LMC; rather, it is based on the capacity of the City's existing roadways and intersections. There is a certain level of service that the City wants to achieve, and the modal shift is what is required to achieve that acceptable level of service at these intersections. Planner Ananth confirmed that the Conditions of Approval would address this issue.

Commissioner Johnson asked how the City would monitor the parking lots around town to ensure that they would not get filled. Planner Ananth indicated that the monitoring of lots is largely complaint-driven; they have resources for some level of monitoring of those lots to ensure that there is sufficient parking for their customers and are not being overburdened by the Resort. Commissioner Johnson expressed that one of his concerns about Scenario 2 was that the lots around town could not be monitored because they would not know where the overflow would go. Planner Ananth stated that one way to mitigate is that they have a fairly certain idea of the number of cars that need parking on overflow days and the applicant would be tasked with providing metrics to the City during the bi-annual meetings with the City.

Commissioner Suesser referenced the LMC requirements required to support a parking reduction, specifically the shared parking analysis; she noted that Commissioner Johnson's question goes to subsection g and the impacts on the surrounding neighborhoods by virtue of the reduction in parking. She stated that the shared parking analysis, neighborhood impacts and provisions for overflow parking were her concerns about whether the applicant met the LMC criteria. She stressed that the applicant was required to evaluate and propose mitigation strategies for the impact of reduced parking at the Base on surrounding neighborhoods.

Planner Ananth stated that the applicant proposed a methodology for calculating their potential mitigation into three categories. Each of these categories included both a capital contribution and an operations-maintenance contribution. The three categories include parking mitigation, transit mitigation, and employee or offsite parking mitigation.

In terms of the parking mitigation, Planner Ananth explained that the applicant has proposed a one-time capital contribution to the City for parking capacity in the Quinn's Junction area. The contribution would likely be based on the applicant's projected pro-rata share and the current costs to build that Park-and-Ride.

The applicant is also proposing an annual operations and maintenance contribution for use of the City's parking facilities.

With respect to transit mitigation, Planner Ananth stated that the applicant was proposing a one-time capital contribution to increase the City's bus fleet, which would be necessary to provide the enhanced level of service required if they use the Quinn's Junction Park-and-Ride. In addition, the applicant has proposed an annual operations and maintenance contribution for the incremental service and costs incurred by the City in order to serve the Resort at the enhanced capacity.

Commissioner Thimm asked if the City had evaluated the proposed contributions. Planner Ananth explained that it took some time to get the AECOM Study to where they wanted it so that they could use it in their discussions with PEG. She stated that Staff expected that over the next month, the applicant would potentially amend their application to agree to the contribution numbers; that information would be presented in January. She confirmed that they expect that there would be Conditions of Approval tied to contributions, but they are not yet finalized.

Commissioner Kenworthy asked if the City had the authority to assign, reserve and accept payments for a Utah Department of Transportation ("UDOT") general use Park-and-Ride. Planner Ananth explained that, in general, the Park-and-Ride's would be available on a first come/first served basis; but on a Saturday morning, there would be available capacity at the Park-and-Ride for day skiers. She added that the City feels they have the ability to allow for Resort day-skier use.

Commissioner Kenworthy wondered whether this would hold true ten years from now. City Attorney Mark Harrington explained that they do not have a specific plan to evaluate; however, the transit team has worked very closely with UDOT and Federal agencies to ensure that they had the authority to require this. He noted that UDOT was generally comfortable with the nature of the discussions, but there would still be some operational requirements that would need to be met by both the State and Federal partners.

Planner Ananth explained that for the employee parking at Richardson Flat lot, the applicant has proposed a capital contribution for the construction of a standard City transit shelter, and other basic amenities such as lighting and security. In addition, there would be an operations and maintenance contribution for the costs associated with the utilities and services for the applicant's pro-rata use of the lot.

In response to an inquiry, Planner Ananth stated that the employee offsite parking would be for Resort employees as well as PEG employees. The applicant expects to create a Parking Association that would run the shuttle for the Richardson Flat lot to the Resort; base businesses could opt to join that Association for a contribution and provide their employees the ability to park at that lot. Alternatively, those base area employees would have to pay for parking or find other offsite arrangements.

Planner Ananth confirmed that existing businesses would have the same opportunity as the new development to join the Parking Association. She stressed that Richardson Flat has the capacity for a lot of parking. Chair Phillips would be curious to see how that arrangement would be written to ensure that it was fair and equitable to the businesses that will be negatively impacted. Planner Ananth clarified that the Richardson Flat lot would still be open to the public on a first come-first served basis.

Commissioner Suesser expressed surprise that the proposed PEG employee shuttle from Richardson Flat would be so limited; she felt that it should be broadened to include any worker that is required to park out there. Planner Ananth reiterated that the parking stalls at Richardson Flat would not be reserved; the Base Area Parking Association would run a shuttle for employees whose employers were part of that Association. She confirmed that the City does not run service to Richardson Flat. In response to Commissioner Suesser's comment, Planner Ananth stated that other employees would have the option of parking at the Quinn's Junction lot and taking City transit.

Commissioner Suesser questioned the pro-rata contributions proposed by the applicant. Planner Ananth expressed that it would likely be based on the number of parking stalls that would be used by Resort day skiers at Quinn's Junction or employees at Richardson Flat. Commissioner Suesser requested clarification of the basis for the pro-rata contribution. Planner Ananth further clarified that each of the categories of mitigation would be calculated on a pro-rata basis, per stall

and per percent of the year. The pro-rata contributions would not be specific to the Richardson Flat lot.

In response to an inquiry from Commissioner Kenworthy regarding the anticipated number of vehicles from the new development, Planner Ananth stated that the applicant presented a fairly detailed analysis that included resort employees that would park, new employees associated with the development and general Base Area employees that would likely park. That analysis showed a range of 200 employees on a typical day to 300 employees on a peak day. She noted that this number assumed that Munchkin would still be available where up to 100 employees could park.

It was noted that at some point, Munchkin might be demised which would result in an additional 100 cars to park every day. Planner Ananth stated that they would have to have regular negotiations on an annual basis as conditions evolve. Commissioner Kenworthy asked if there would be something similar to offer Deer Valley for their mitigation on Richardson Flat. Planner Ananth confirmed that would be the case if that were where the Deer Valley application ended up.

Commissioner Thimm presumed that the annual contributions would include some sort of analysis that would include the impact of inflation, as well as a periodic assessment and adjustment. Planner Ananth confirmed and stated that those are the types of Conditions of Approval that they expect to bring back in January if the applicant and the City arrive at an agreement.

Commissioner Suesser asked about a tracking mechanism for the data. She referenced the full lots last weekend, and asked where the overflow was directed. Planner Ananth responded that vehicles were directed to The Canyons, although she did not have information as to the amount of overflow parking that actually parked at The Canyons. Commissioner Suesser commented that the number of 272 vehicles that would require parking seemed extremely low.

Planner Ananth explained that the number came from Hales Engineering, and the City was able to fact check that number in a number of ways. SE Group's analysis showed that there was a deficit of approximately 350 stalls on a peak day. There is also a certain amount of data on the number of stalls used at the High School on a peak day; therefore, Staff feels fairly good about that number, but she acknowledged that it is an estimate.

Commissioner Suesser noted that the number presumes that everything stays the same. Commissioner Kenworthy believed that Vail has concerns and wants to make the ingress and egress a great experience. Currently, it is a miserable experience as demonstrated by what occurred last weekend. He questioned why they were guessing and using data from years ago when they could simply count the cars now. He suggested that they obtain a current vehicle count and get real numbers.

Planner Ananth replied that the Commission could ask the applicant to do that; she commented that each category of mitigation would be monitored and adjusted based on actual data such as ridership.

Commissioner Kenworthy asked the City to take on some of the responsibility of counting vehicles at the entrance intersection, and suggested that counting take place over the next month. Planner Ananth reported that the City has noticed that there are more and more peak days over the last few years, and they are still in discussions over defining the number of peak days where the applicant might need overflow parking.

Planner Ananth introduced Julia Collins, Senior Transportation Planner and Andrew Ittigson, AECOM to discuss the AECOM Study. After their presentation, she would like input from the Commission as to whether the proposed methodology was satisfactory so that they could potentially present a final mitigation package at the January Planning Commission meeting.

Ms. Collins stated that the City hired AECOM to answer the question of the type of transit service and capacities that would be needed if the applicant wanted the City to provide winter transit service during times that offsite overflow parking is necessary and needed. She introduced Mr. Ittigson, Senior Transportation Planner for AECOM. She stated that he has over 20 years of experience in transit service and operations planning and has worked with major transit agencies across the nation providing complex transit solutions.

Ms. Collins explained that the 20% mode split was linked with the roadway capacities and they were looking at what type of winter transit service would be necessary to achieve that split. The AECOM study is one data set of operating and transit costs for Park City and for the Quinn's Junction offsite parking location.

Mr. Ittigson reiterated that Scenario 1, as presented by Planner Ananth, involved a partnership between the applicant and Park City, whereas Scenario 2 was more of a charter type service utilizing offsite parking that is not City-owned. He explained that his presentation would focus on Scenario 1.

As part of Scenario 1, he presented what they called the Baseline Scenario, and showed the Park City bus route from Quinn's Junction that operates from Park City Mountain Resort and Deer Valley. It would have intermediate stops at the High School, Afresh and Old Town. Quinn's Junction would be opening in the fall of 2022, and the Baseline Service is anticipated to run every 20 minutes during peak times, and 30 minutes during off peak times. He explained that utilizing four buses with a 20-minute frequency results in three trips per hour. Each bus can accommodate approximately 50 people, so during the peak hours between 7:00 a.m. and 10:00 a.m., they would service approximately 450 passengers from Quinn's Junction.

The enhanced service as explained by Planner Ananth would encompass what they are calling the Vail Scenario. This service would involve limited stops at the High School and Afresh before heading to the Resort. This service would not continue on to Deer Valley. These routes would be run on 20-minute intervals using three buses to move approximately 450 passengers during the three-hour peak period.

Ms. Collins discussed the Baseline Service Scenario. She explained that Park City Transit intends to provide Baseline Service for Quinn's Junction Park-and-Ride when it opens in early 2023. She noted that many factors go into service planning, and they take into account the current service and future ridership assumptions. She stated that for this service, they are planning 20 – 30 minute frequencies, seven days per week. Ms. Collins offered that the Baseline Service would provide a community service for various different users throughout the City. It would connect Quinn's Junction Park-and-Ride with the Park City High School, the Afresh Park Ave. area, Park City Mountain Resort, Old Town and Deer Valley. She added that they might make modifications to the route and add destinations in the future, and specifically referenced the Prospector District.

She reported that they were in the process of developing their short-range Transit Plan, as well as evaluating the Red Line and On-Demand service. These services may be expanded to service

the hospital, Park City Heights, the Quinn's area and some other intermediary local stops along the way. Ms. Collins highlighted the flexibility they have as the Park-and-Ride comes online and noted that as the ridership grows they can make modifications.

Chair Phillips asked why they would have two sets of buses going to the Resort, recognizing that one set has a more direct route. He wondered whether it made sense to go from Quinn's Junction to the Resort's Transit Hub before servicing Main Street, as that might discourage ridership from Quinn's by those whose destination is Main Street. He added that they would want people who are going to the Resort to utilize the buses prioritized for the Resort, rather than whichever bus arrived first.

Mr. Ittigson stated that the Quinn's Junction lot has 465 parking stalls. With 1.5 persons per vehicle, that results in approximately 700 visitors to the lot. The Hales analysis concluded that of the project 272 overflow vehicles, 408 day skiers would be heading to the Resort. He explained that they defined two peak periods: the AM peak period (7:00 a.m. to 10:00 a.m.) and the PM peak period (3:00 p.m. to 6:00 p.m.). He pointed out that there is a delta of community users of the lot that would not be going to the Resort and the Baseline Service was created for these other users. He added that the other users could potentially fill the lot during the peak period depending on how they are dispersed during the day.

Mr. Ittigson reported that Park City Transit plans to utilize 35-foot electric buses for this service that would be able to transport a maximum of 50 people per trip. He added that the 50- passenger assumption was a tight load, and while not ideal, it represented the total capacity. He explained that they looked at how the day-skiers would be distributed over the three-hour peak period. They estimated that the peak of the peak would be from 8:00 a.m. to 9:00 a.m. and that 40% of those 408 day skiers (164 people) would be coming to the lot at that time. He stated that during these times, the Enhanced Service would be required considering the additional demand from the community users. He explained that if the Baseline Service and Enhanced Service were combined, they could accommodate 300 passengers per hour during the AM peak, or 900 passengers during the entire three-hour period.

With respect to the Enhanced Service, it would be implemented for the peak Resort ski days to service the day skiers and would be focused more on getting passengers to the Resort; the 20-minute headway involves a round trip of eight miles. Mr. Ittigson stressed that this service falls in line with the other services, but is based on the peak period to provide the overflow capacity needed to take people to the Base.

Commissioner Suesser felt that the 272 number accommodated the "overflow parking" that reflected the historic overflow parking needs of the Resort on peak days. She asked about the 20% modal shift and where they would park those people. She understood that they were not just talking about overflow. Mr. Ittigson concurred and stated that their analysis of community users reflected those who would be included in that 20% modal shift. Commissioner Suesser stressed that she was speaking of the 20% reduction that would be added to the 272 overflow parkers that they assume would use the proposed service. She asked whether the number of 272 factored in the 20% reduction.

Ms. Collins explained that the 272 overflow number came from the Hales analysis and represents what it would take to achieve the 20% reduction and how they were diverting that 20% to different exterior Park-and-Rides throughout the City. Commissioner Suesser asked how many stalls were

leased by Vail for the overflow days, and how many were actually used. Ms. Collins deferred to the applicant to provide that information.

Mr. Ittigson next turned to the methodology used to arrive at the numbers. He explained that they worked with a Service Planning Costing Model and ran a number of difference scenarios resulting from a different data points as well as a number of assumptions, such as the number of peak ski days. He stated that they were focused on how many buses would be needed during the peak period so they could factor it based on the peak ski days. This, in turn, generated the number of revenue hours, which could then be costed out. He stated that the costs calculated would capture not only the operations, but also overhead and maintenance. Ms. Collins added that Park City Transit provided its current costs for labor, fuel costs and fixed overhead costs; therefore, everything is grounded in current-day costs. They also pulled real travel times for the buses to move along the corridor. She stressed that the assumptions were grounded in as many inputs as they currently have, which is the nationwide standard for transit planning and transit service planning.

Commissioner Thimm stated that the applicant's numbers have been utilized as a basis for analysis, and asked whether AECOM had the opportunity to evaluate the applicant's numbers. Kordel Braley, AECOM, confirmed that they were in agreement with the applicant's methodology for the overall numbers.

In response to an inquiry from Commissioner Kenworthy as to the time that the buses would start running from Quinn's Junction, Ms. Collins stated that they were looking at starting service at 6:00 a.m. Commissioner Kenworthy asked whether there was an analysis of what would be needed on a powder day. He felt that if they were starting at 6:00 a.m., they could be full before the lot would be full. He imagined that the lot would be very useful for people to use it like they do at Jeremy Ranch, which fills up with a lot of people carpooling into Salt Lake City.

Ms. Collins stated that these uses are one of the reasons they highlighted Quinn's Junction as a community-wide transit service and amenity for the Park-and-Ride. She noted that there is additional capacity during the peak times, but the ebb and flow of traffic patterns into and out of Park City would be served throughout the day. They would monitor the usage in terms of the peak and modify accordingly.

Commissioner Kenworthy commented that when they really evaluated the issue, there was not really any occupancy at Kimball, and he was concerned about the ability of Quinn's Junction to handle the capacity on powder days. He could imagine that by 8:30 a.m., this general use Park-and-Ride would be filled.

It was confirmed that there are 465 parking stalls at Quinn's Junction and 405 stalls at the High School. Commissioner Suesser asked if Vail was leasing all 405 parking stalls at the High School, to which Ms. Collins stated she was unaware of the terms of the lease. Chair Phillips asked Vail to provide that information.

Commissioner Suesser expressed her belief that the Park-and-Ride would be in high demand, considering overflow and the cost of paid parking. She felt the projection of needing 272 stalls on a peak powder day was woefully low. Commissioner Johnson agreed and offered that they would essentially have 193 stalls allocated for uses other than the Resort. He added that they have to think about other resorts, employees throughout the City, and use of the lot for carpooling. He

would like further clarification and added that they would have no way to expand Quinn's Junction once it is constructed.

City Engineer, John Robertson, stated that the agreement with UDOT was not limited to a certain number of stalls within the lot; rather, it was limited to an area. There would be an opportunity to build a higher structure on the lot, although it would be more expensive. They have an agreement with UDOT for use of the area for a Park-and-Ride, but there are no specifics in the agreement regarding the number of stalls.

Engineer Robertson continued by stating that there were no restrictions on the number of spaces; the challenges would be the impact to other intersections that they would have to evaluate and potentially mitigate. He explained that currently, they were looking at 466 stalls in the Quinn's Junction lot, which translates into 466 trips going through the interchange. They have determined the levels of service and there are some challenges that they will have to address. He noted that they were looking at undertaking some modifications to move the intersection of Old Highway 40 and Highway 248 further to the east to provide a longer queue for the left turning vehicles. If they were looking at more than 466 stalls, they would have to look at potential modifications to accommodate the increased trips. He agreed with Commissioner Johnson that significant improvements would have to be made to that intersection if the Quinn's lot was significantly expanded.

Commissioner Kenworthy asked about the impact of the additional density on the intersection, and further asked about the ranking of this intersection without the Park-and-Ride. City Engineer Robertson stated that without the traffic attributed to the Park-and-Ride, the intersections were operating at acceptable levels of service. Mr. Braley confirmed this statement, and added that they would remain at acceptable levels of service with the mitigation referenced by City Engineer Robertson.

Mr. Braley noted that the concentration of vehicles entering and exiting the lot would be within a shorter period of time, which creates other issues that would need to be worked through; however, if the lot loads in and out over a multiple hour period, then they did not see any issues with traffic operations. He added that the report was reviewed by UDOT.

Engineer Robertson added that this report was fairly recent. Commissioner Kenworthy stated that he has a copy of the lease for this property and asked City Engineer Robertson to explain Section 5. Engineer Robertson read Section 5 as follows: "If UDOT reasonably determines that the Park-and-Ride facility has become a substantial safety hazard to traffic on Highway 40, UDOT shall provide PCMC with written notice and an opportunity to cure the hazard." He noted that the "hazard" has not been defined, but he imagined it would include queuing or backing up onto the freeway. He continued quoting Section 5 as follows: "If PCMC is unable to cure the facility and restore the site within 90 days or other agreed-upon reasonable timeline, this agreement shall be terminated." Engineer Robertson stressed that the City would still have the opportunity to work with UDOT to address any concerns should something be raised as a reasonable safety concern.

Commissioner Suesser expressed concern about this provision and asked about the cost of the Park-and-Ride to the City. City Engineer Robertson replied that the cost of construction was just over \$4 million.

Commissioner Kenworthy addressed the queuing situation. He noted that this was a major issue when they discussed which Park-and-Ride should be used, and they all expressed a great deal

of concern. The queuing from Heber Valley and Mayflower heading northbound would come off that freeway and will have to turn right and then jump over two lanes to turn left. City Engineer Robertson agreed and explained that this configuration supported the mitigation to increase that left turn pocket. He reported that the project is scheduled for 2024.

Commissioner Kenworthy referenced a situation at Kimball where there are two right-hand turns that sometimes results in more than a half mile queuing onto Interstate 80. He asked how they would mitigate queuing on Highway 40 should UDOT request that it be cured.

Engineer Robertson explained that UDOT would provide time to allow them to look at the operations of the signals to time them in such a way that could restrict right turns to green arrows only. They could also increase the green light time for left turning vehicles to reduce the potential queuing that might occur onto the freeway. He stated that they have not seen that issue happening regularly now so he felt that UDOT would be more concerned with regular types of things that could be a safety concern.

Chair Phillips expressed that the Park-and-Ride is getting built. UDOT has reviewed the proposed plans, as has the State and the City Engineer. Commissioner Kenworthy agreed, but wanted everyone to be on the same page in understanding the risk when they are undertaking a long-term mitigation on something that has the Section 5 provision attached to it that is capitalized and in bold. He added that they know that there are queuing issues and have discussed these issues for years with regards to this lot.

Commissioner Suesser added that Highway 40 is getting built out; Mayflower is coming with additional traffic into town through this intersection. She stated that it is a concern now, and they would be adding a lot of traffic to that intersection.

Chair Phillips stressed that the City has chosen to do that, and it is not just a direct result of this application.

Commissioner Johnson pointed out that 60% of the parking stalls at this lot would be allocated to the applicant and the Resort. He felt that it would not really help the goals of getting people out of cars and get non-Resort employees into town. Chair Phillips acknowledged that how the Park-and-Ride would be used is relevant, but expressed that the impacts of this Park-and-Ride being in that location were not directly tied to the application before the Commission. He hoped that the Park-and-Ride would be utilized to its maximum, and if it does fill he would see that as a positive. He felt that the City wants to see the Park-and-Ride utilized to help get people out of their cars before they come into the City.

Engineer Robertson added that based on their discussions, he and Ms. Collins realize that it would be desirable if the Quinn's lot were full because that would mean it was working. He added that they need to start looking at other locations for additional Park-and-Rides and reported that they were looking at developing a project to begin analyzing other locations as well as a better use of Richardson Flat, where they have a little over 500 parking stalls.

Ms. Collins clarified that Richardson Flat has 750 parking stalls, with 650 of the stalls available for use. She added that it would be a success if the Quinn's lot is at capacity, and noted that the City lined things up to have them come online as soon as possible. She offered that this analysis paints a picture of what it would look like to get people out of their cars in furtherance of the "transit first" goal. She referenced their work during the summer of 2021 in which they worked

with UDOT to build the inbound shoulder running bus lane at the same time that UDOT performed their pavement rehabilitation project.

She added that in summer 2022, the City would begin construction of the Quinn's Junction Park-and-Ride, which they anticipate will be completed in time to begin the Park City Baseline Express Service in winter 2023. She commented that they would be thrilled if the Park-and-Ride is full on day one. In the meantime, they are planning a future Park-and-Ride site in the Quinn's area; she anticipated that they would be able to look at the use of the Quinn's Junction Park-and-Ride as a case study while they move forward with their site planning.

Ms. Collins also reported that they are in partnership with UDOT and Summit County with respect to the SR-224 BRT that is currently in design; they are aggressively seeking capital funding to expedite that project. The City will also be working with UDOT on additional transit corridor planning along SR-248.

Commissioner Kenworthy suggested that as they look at these new potential sites, that they seek to find one that the City either owns or could purchase. He felt that the risk of having UDOT own the lot was significant, and it would be nice to have a level of certainty as a community when the City invests in such a vital part of the future. He also envisioned Quinn's Junction filling up immediately and stressed the need for it to be an overwhelming success.

Commissioner Suesser added her concern about the provision that the applicant was anticipating a one-time capital contribution based on their per-stall usage during their percentage of the year. She expressed concern that PEG would have no obligation to make any further contributions for a future lot or an expansion of Quinn's Junction. She felt that the numbers on the amount of usage and need were unknown and had questions and concerns over the methodology of the plan.

Chair Phillips next invited Robert Schmidt, PEG Development, to provide their presentation. Mr. Schmidt commented that Staff did a fantastic job of presenting the process they went through over the past eight weeks and expressed appreciation to Staff for their work. He stated that Kara Bowyer, Vail Resorts, was present to assist in responding to some of the questions raised.

Mr. Schmidt expressed that they are excited about this project because they believe that what they are bringing to the table is a solution to transportation demand management, to mode splits and to reduced traffic on the roads. They are also bringing financial contributions to impacts that this project would have on offsite the Park-and-Ride and transit lines. He offered that all of this would be enhanced and made possible by this project.

He referenced the onsite transit first bus lanes, the Transit Center, improved pedestrian walkways and a mode split that does not exist today. Mr. Schmidt stressed that while the mode split includes parking cars at Park-and-Rides, it also encourages an increase the number of people in their vehicles for an increased Average Vehicle Occupancy ("AVO"). It also encourages people to walk and to ride the bus from town. He felt that they have proposed a comprehensive package that would provide a robust solution to the challenge of increased traffic in town.

Mr. Schmidt also pointed out that their proposal contains a framework that has flexibility built into it. Some of the questions raised can therefore be addressed as issues arise and through the bi-annual meetings with the City. He felt the applicant was coming to the table with solutions to

challenging issues and that moving forward with this project was the best way to address some of those issues.

Ms. Bowyer was invited to address some of the questions raised. She confirmed that Vail has a signed agreement with the High School for this season. At this time, it is a year-to-year agreement, however Vail is very open to a longer-term agreement should the School District be interested in that.

In response to Commissioner Suesser's questions regarding the agreement, Ms. Bowyer stated that the agreement is for the full 400 spaces, which is consistent with prior agreements. She stated that based on the data from last season, on half (12) of the days, they had 100 or fewer cars in that lot. On seven days, they had between 101 and 200 cars in the lot, on two days they had between 201 and 300 vehicles, and on three days they had over 301 vehicles using that lot.

She noted that lining up the days they used the High School with the days the Epic Local Pass was blacked out showed that they do not use the High School on the black out days. She offered that this is evidence that if Park City embraces the mentality of "transit first," and they get locals on the bus, the parking demand will decrease significantly.

Commissioner Suesser noted that this conclusion assumes that the 1,200 day-skier parking stalls were available at the Resort. Ms. Bowyer noted that there would be no change in the amount of day-skier parking at the Resort. She confirmed that parking at the High School was still free and they have never said that the paid parking would cost \$50.00.

Mr. Schmidt asked Commissioner Suesser where she heard that the paid parking would cost \$50.00, since they have never published any information on that. Commissioner Suesser offered that it must have been a rumor. She asked if the High School lot would be available for people to park on a non-peak day to avoid the parking charge. Ms. Bowyer replied that they use the High School on days when it is needed.

Chair Phillips offered his belief that it would be the City's preference to not use the High School in the future and have people park at Quinn's Junction. Ms. Bowyer stated that if the High School lot was available, people could park at the High School. In response to an inquiry from Commissioner Van Dine, Ms. Bowyer stated that on a non-overflow peak day, someone who did not want to pay for parking could not park at the High School and get a reasonably timed bus to the Resort because school would be in session. She added that they contract to have the option for almost every Saturday and Sunday during peak times, which is Christmas through the end of March. They only activate that lot when it is needed.

Ms. Bowyer explained that Vail pays the School District per day that they use the lot, and they are contracted through the entire season. In addition, Vail pays the City to run a bus service from the High School to the Resort during those peak times and there is no anticipated change to that arrangement. She stressed that the modeling in the use of Quinn's Junction is based on the worst-case scenario that the High School would be unavailable and there were no other parking locations identified. Chair Phillips confirmed that the application before the Commission was not considering the High School.

Ms. Bowyer clarified that Scenario 1 presented by Planner Ananth included a methodology for mitigation that if the stated conditions were met. In the alternative, if there were a privately owned

lot used by the applicant, then there would be no contribution to the City because they would not be using any City resources or assets.

She explained that if they continued to use the High School, it would fall under Scenario 2 and they would not need Quinn's Junction. In this scenario, the Baseline Service at Quinn's Junction that the City intends to provide would be sufficient for whoever used it; therefore the City would not be impacted over and above what it already planned to service. She noted that there were a myriad of places where they could direct the overflow, but the goal is to get the cars out of the intersection so the mitigation is set up to be flexible with the needs and demands over the years. Ms. Bowyer reiterated that they have provided a methodology that would mitigate any potential impact that this project would have to the City.

Commissioner Kenworthy asked about obtaining real numbers by counting cars. Ms. Bowyer countered by stating that they have been talking about real numbers, to which Commissioner Kenworthy responded by stating that the numbers do not take into account the sale of 50% more Epic Passes.

Ms. Bowyer stressed that what is before the Commission is the proposed 1,200 spaces with the project as well as the accommodation for overflow. They have built in a mechanism and a system that could flex up or down with the needs of the community. She stated that the applicant has nothing to hide, and if the City wants to count numbers, they could undertake that task. They are trying to right-size the parking; parking is not right-sized by looking at the busiest day. She noted that the Resort overflows on only a small percentage of days and they have created a mechanism to accommodate that.

Commissioner Kenworthy referenced the importance of the guest experience coming to and leaving the Resort and asked if Vail was proud of that experience. Ms. Bowyer stated that everyone was surprised by the turnout last weekend; but they were able to take advantage of the second portal of the mountain and during the overflow between 9:30 a.m. and 9:45 a.m., they were able to move people over to The Canyons where there was plenty of parking. She did not have exact car counts for the number of people redirected to The Canyons; however, she has been told that The Canyons came nowhere close to filling. Ms. Bowyer stressed that it is important to remember that their goal is to provide a good experience, which is why last weekend they undertook to redirect people to The Canyons and get them up on the hill.

In response to a comment from Commissioner Kenworthy, she did not know how many people left the site, and stressed that not everyone who comes into that intersection is a skier. Ms. Bowyer reiterated that the question before the Commission involved the 1,200 parking spaces onsite with an accommodation for overflow that has the ability to flex over time. No one knows what will happen in five years, and they have tried to create a successful system that has an established methodology and an agreement to be in constant communication with the City to assess it as they go. She stressed that this is all they can deliver; they cannot say how many skiers there will be ten years from now.

Commissioner Kenworthy hoped that the City would take the opportunity to count the cars in the intersection and along the loop so that they know the real numbers. He also noted that he has repeatedly tried to justify the current growth numbers used and presented within the Traffic Studies provided by the applicant. He is missing the Summit County modal assumptions that were used for the 1% and 0.5% and zero growth being used.

Ms. Bowyer responded that this is why they built in the meetings with the City so that they can continue to discuss and address these assumptions as they play out in real time. Mr. Schmidt added that City Staff and its consultant have reviewed the applicant's Traffic Studies and all of the growth models and assumptions; he suggested that Commissioner Kenworthy look to Staff and the consultants for their professional opinion as to the methodology. The applicant has received and addressed comments from Staff and is aware of no outstanding issues.

Mr. Schmidt reiterated that they have built flexibility into this plan and there was no reason to get stuck in an "analysis paralysis." They need to move forward with the plan they have proposed knowing that they have the ability to adapt and adjust to create a world-class experience. He stated that this plan would improve the situation over what exists today.

Commissioner Suesser asked about Scenario 2 and where PEG and Vail would park if not at Quinn's Junction. Mr. Schmidt offered that they have not identified specifics with regards to Scenario 2; however, options might include The Canyons, the High School, or an agreement with the City for expanded use of, and bus service to, Richardson Flat. Chair Phillips commented that City Staff unanimously preferred Scenario 1, which he does as well because it gives the City the ability to control traffic.

Commissioner Suesser noted that she was not expressing a preference, but asked the question based on the statement that perhaps a long-term lease with the High School might be an option. She asked whether the applicant would not move forward with Scenario 1 if they entered into a long-term lease with the High School. Ms. Bowyer confirmed that this was the intent behind the two scenarios. She explained that the use of Quinn's Junction would not be triggered until the project was underway; they would work with the City to determine the right way to inform of the need for Enhanced Bus Service for Quinn's Junction as well as PEG's contribution.

Ms. Bowyer confirmed that if Scenario 1 were triggered at any point, then the methodology would be activated. They would discuss with the City the timing needed in order to ramp up the Enhanced Service to Quinn's Junction.

Commissioner Suesser found this to be absurd, because people are going to want to park at Quinn's to avoid having to pay to park at the Resort. She stressed that they were not just talking about overflow; they were also talking about the modal shift. Ms. Bowyer reiterated that the City was planning a Baseline Level of Service and this proposal addresses the need for Enhanced Service on peak days during the winter season. The natural use of Quinn's Junction is already anticipated in the City's Baseline Service.

Commissioner Suesser was concerned about Vail not finding the alternative options because she sees the Park-and-Ride filling. She felt that Vail should not rely on the Park-and-Ride at Quinn's; rather, they should come up with alternate solutions to park the day-skiers. Ms. Bowyer stated that Scenario 2 addresses this concern, and if the City did not want the applicant to use Quinn's Junction, then they would proceed with Scenario 2.

Mr. Schmidt pointed out that Quinn's Junction was getting built regardless and posed whether the Resort, as the primary demand driver, was not entitled to allow its' guests to park at Quinn's Junction and take the bus. At the end of the day, the applicant was bringing solutions to the table to mitigate the project's impact. There could be Conditions of Approval that address the timing of the scenarios. He suggested the possibility of incrementally addressing the impact to Quinn's Junction at each Conditional Use Permit and set a timeframe for when impacts would be

mitigated. He felt that those questions could be easily addressed and worked through with the City.

Commissioner Suesser asked the applicant to address the Munchkin lot. Mr. Schmidt stated that the Transportation Demand Management and Parking Management Plan indicate that 100 stalls would be dedicated at Munchkin for Park City Mountain Resort employees' use every day. In response to an inquiry from Commissioner Suesser, Mr. Schmidt stated that the employees would be dropped off at the shuttle drop-off area at the Resort.

Commissioner Kenworthy asked how the contributions would be calculated. Mr. Schmidt explained that there would be a Baseline Service and an Enhanced Service. The applicant would be paying for the Enhanced Service to mitigate the added impact. He felt that it was easier than counting riders each day. Commissioner Kenworthy agreed, but also saw that as a problem as the Baseline Service could be seen as tantamount to a subsidy from the City.

Mr. Schmidt disagreed, and looked at the proposal as enhancing the service from Quinn's to improve traffic and transit within the City, and the applicant would be paying for that improvement. The Baseline Service will be implemented whether this project moves forward or not and Resort guests would still use the Baseline Service. He does not see that as a subsidy; rather, it is the City improving the transit system to improve quality of life and traffic levels.

Commissioner Suesser noted that the applicant has requested a significant parking reduction. Chair Phillips commented that the applicant was directed in this regard by the City, per the City's Transportation Plan. Commissioner Suesser stressed that the Commission has an obligation to apply the Code to this application; and according to the Code, the applicant must meet certain criteria for the requested parking exception.

City Attorney Harrington clarified that the applicant was not directed by the City to do anything. He noted that MPD's are designed not to have a negative impact on road capacity and modal shift is one way to address that. This original plan had a number of intersection improvements and other solutions that this plan does not contain. Rather, this plan uses modal shifts that were worked out with early Staff input. He stated that the modal shifts are distinct from the parking exception, which can only be granted based on the criteria in the Code.

Chair Phillips expressed his understanding at this distinction. Commissioner Kenworthy acknowledged the validity of the arguments on both sides. He stated that with respect to the City's goals, the City did the math and found that they only wanted 800 day skiers; those are the numbers that would work on the street and they were not acceptable to the applicant and the Resort.

Mr. Schmidt offered to clarify the requested parking reduction with some slides. Commissioner Suesser clarified that she was not in favor of Vail putting in 2,300 parking spaces at the Base; she would like to see a proper reduction so that the roads function properly. However, meeting the modal shift has not been clearly demonstrated and parking overflow at Quinn's Junction and employees at Richardson Flat does not get them there. She reiterated that the Commission must make a determination that the applicant meets the criteria for the parking exception and she was not convinced.

Mr. Schmidt explained that the 272 vehicles at Quinn's Junction is part of the mode split. In addition, a significant part of the mode split states that because they are building new housing

and hotel onsite that a certain percentage of the traffic would stay at the hotel and walk to the slopes. There are multiple buckets within the mode split that contribute to the reduction in traffic.

He added that another part of that mode split is that some cars would park along SR-224 in Park-and-Rides outside of the City. Further, some residents will leave their cars at home. He also referenced the use of Uber or other rideshare to get to the Resort as being part of the mode split.

Chair Phillips suggested that for the next meeting the applicant provide bullet points on all of the different aspects of the mode split.

Mr. Schmidt could not provide information on the number of vehicles captured at the Resort on a Saturday in February, and indicated that it would be in the submitted materials. Commissioner Suesser would like to know all of the numbers that go into that model, and whether the modal shift has already been factored in. Mr. Schmidt stated that Staff concurred with the applicant's analysis.

Mr. Schmidt referenced the table in the Staff Report that simplified the parking counts. There are 1,200 existing stalls for day-skier parking, which meets the required number. In 1997, there was a requirement for an additional 600 stalls that the applicant has not included as part of its proposal. He explained that they consider the 600 stalls to be part of the 1998 Plan that is expired. The applicant has therefore not requested a reduction; instead, they view those stalls as being part of an expired site plan for which conditions have changed. Notwithstanding, some of the mitigation and justification they provided in their plan that was not included in the 1997 MPD include offsite employee parking, mode split, offsite parking enhancements, and enhanced transit service and facilities. He respectfully disagreed that these 600 parking spaces were required, yet still provided justifications and mitigations as to why those stalls are unnecessary.

He addressed the new required parking for the proposed project. For the residential use, 555 space would be required if it was built as a stand-alone project, while 468 spaces would be required for the commercial uses. The shared parking analysis, however, justifies the proposal of 521 spaces, with the majority of the reduction associated with the commercial uses. He stressed that they have received positive feedback from City Staff and the City's consultants on the shared parking analysis. The analysis shows that there is sufficient new parking to support the new buildings onsite.

Commissioner Suesser commented that there are criteria in the Code that govern the Commission's ability to consider shared parking as part of a parking reduction request. She understood the Code to require that a use covenant and deed restriction must be in place for the Commission to consider a shared parking analysis.

Mr. Schmidt stated that they would enter into shared parking agreements that would include deed restrictions, and suggested that this be included as a Condition of Approval. Chair Phillips recalled the Commission unanimously wanting to review any proposed shared parking agreement. Commissioner Suesser referenced the language in the Code that the consideration of a shared parking analysis in support of a requested parking reduction could be used only when there "is" a use covenant and deed restriction in place. She read this as a requirement for the Commission to consider the shared parking analysis as part of the requested parking reduction.

She confirmed that she interprets that this must be included in the application. Chair Phillips agreed and recalled that the Commission was in consensus that they wanted to see the use

covenant and deed restriction. Mr. Schmidt did not recall this request, but would provide that information.

Mr. Schmidt explained that based on the shared analysis, what they have proposed is sufficient. He pointed out that they have not requested major reductions for the condominiums, the affordable housing or the hotel, and the requested reductions for those uses are in line with industry standards. With respect to the commercial uses, the majority of reductions were requested for Parcel C. He explained that there is a significant amount of space in Parcel C that would go towards skier services. Where they have requested reductions is in the parking for the meeting space. Mr. Schmidt reminded that they would not be renting meeting space during the peak ski season, therefore, they would not need those 100 stalls for the that use.

He added that much of the commercial space is skier-focused that provides tangible benefit by not providing unnecessary parking. Parcels D and E have condominiums and commercial space that fronts on the plaza. He stressed the reduction in parking attributable to commercial space is justified and noted that it would be used by day skiers; they would have 1,200 stalls that would be empty in the evening to service restaurants or other commercial uses.

In response to an inquiry, the private Ski Club parking would fall within the commercial space in Parcel E, and although it is yet to be determined how that parking would be managed, he noted that there would be sufficient parking for those skiers.

Commissioner Suesser noted that the Hales Analysis contemplated shared parking in all of the buildings at the Resort Base. Mr. Schmidt confirmed that was correct and explained that this is why shared parking works.

Chair Phillips asked whether the applicant would agree to a Condition of Approval that the meeting space would not be used during certain times of the year. Mr. Schmidt stated that they have agreed to limit use of the meeting space during the ski season; they would be comfortable limiting the use of the meeting space to any outside non-hotel guest users during the ski season. He expressed confidence that they could arrive at language that would work. Mr. Schmidt also pointed out that they agreed that the hotel would be valet parked, which would result in an additional 70 stalls if they park entirely on Parcel C.

In response to an inquiry, Mr. Schmidt did not anticipate that parking rates would be flat across the buildings. He noted that valet parking would be more than for a condominium guest. He added that no rates had been determined, and it would ultimately be a market decision. Commissioner Suesser felt that disparate rates across the project were not consistent with shared parking. Mr. Schmidt felt that they could work out the specifics and did not foresee that to be an issue.

Mr. Schmidt explained that the straight stall number was 185 stalls, whereas the valet would likely use tandem parking. Commissioner Kenworthy asked about the number of stalls anticipated to be used in the garage for drop-offs. Mr. Schmidt explained that the drop-offs would use the day-skier parking. There was further discussion regarding the Ski Club parking and the impact on day-skier parking. Commissioner Kenworthy posited that the reality was that there would not be 1,200 day skier stalls due to the use of them for drop-offs.

Commissioner Kenworthy expressed that he would still like to see all of the real numbers and referenced the Epic Pass sales and car counts. It was noted that drones could be used to conduct

the car counts. Commissioner Kenworthy felt that some of Mr. Schmidt's statements were disingenuous because they did not take into account the new hotels, the new growth and new residents. He stressed that they need the numbers to be able to fix the issues they are trying to fix.

Mr. Schmidt stated that they have made every effort to be as forthcoming and transparent as possible, noting that this is a complex project. He cited the risk of getting into an "analysis paralysis" for years.

City Engineer Robertson clarified that the \$4 million cost of Quinn's Junction would involve a City contribution of \$1 million; the remainder is coming from other sources.

Chair Phillips opened the public hearing.

Debra Hickey asked why they could not have the reports in advance of these meetings to allow the public to review them. She believed that there are a lot of "what ifs" and an indefinite collaboration with PEG while the super growth of Park City continues to change the dynamics of the City. She agreed that there should be real counts, not fictitious counts of the number of cars that pass through these intersections.

She noted that traffic has increased dramatically. Ms. Hickey offered that other users' needs would increase with the parking spaces and it is not just PEG that should be considered. Other residents and employees also need to be able to use these shared spaces. She felt the discussions were weighted towards one corporation and PEG.

Ms. Hickey felt that traffic mitigation has been relegated to the needs of the neighborhoods. She felt that this would concentrate a greater amount of guests coming to the area and reduce the areas where people would be able to travel by car. She felt that the project could be much more pedestrian and local-friendly with a better re-design rather than trying to squeeze it into oversized buildings. She referenced other pending developments that the Commission was dealing with in addition to this project, and expressed hope that the Commission would apply the same criteria to each of these projects. She noted that Mr. Schmidt seemed to cherry pick on what has expired and what should be included. It is the duty of the Commission to follow the LMC.

Ms. Hickey opined that this project should be postponed until they know more about the traffic flow and the shared parking lots. Local residents and taxpayers would benefit from making sure that they get this project right.

Nancy Lazenby stated that the open space and density are very important to her and requested to speak to those issues. She stated that the LMC requires 60% open space and PEG has presented drawings showing what they are categorizing as open space. Based on her calculations, 11.8 acres of the open space that would come from the ski resort represents 54% of the required 60% of open space. To her, that shows that of the 10 acres of developed land, only 6% would be open space. She stressed that 94% of the project would consist of roads, sidewalks and buildings.

Ms. Lazenby added that there remains a question of whether the designated open space actually qualifies as open space, and referenced the walkway on top of Parcel B. She stated that even assuming that everything that PEG has designating as open space qualifies as open space, it still constitutes only 6% of the 10 acres, which is shocking.

She sees this project as a lot of concrete and glass, and not a lot of grass. She surmised that this might be why PEG has declined to provide actual street level views from 14th Street, and Shadow Ridge and Empire. Ms. Lazenby was aware that Staff and the Commission have requested street level views, and PEG has only provided one street level view from the corner of Silver King and Empire looking through the view corridor.

She reported that she has also asked for a physical 3-D model, which was also refused by PEG. She referenced comments by Chair Phillips that there are easier and more cost effective ways to provide the same information. Everything that has been requested to show what this density will look like has been refused, which is concerning. She questioned whether PEG was trying to hide something. Ms. Lazenby would like to see what this would look like from the skiers' perspective, from the arriving guests' perspective and the pedestrian's perspective.

Ms. Lazenby stated that it is ironic that the two ski resorts in Park City are developing their parking lots at the same time. She shared that Snow Park is on a 15 acre lot, which is approximately 1/3 more than Park City Mountain Resort. Deer Valley is proposing a little over 400,000 square feet of development, whereas PCMR is proposing over 800,000. Therefore, there is twice as much density proposed on a lot that is 1/3 smaller. She offered for comparison's sake that if the PCMR lot was 15 acres that would result in 1.2 million square feet of density as compared with 400,000 square feet at Deer Valley. She noted that this explains why the community has been pushing back on this development and why they are passionate about the density. This project is triple the density of Snow Park.

Ms. Lazenby added that the 60% open space on Snow Park is on the acreage that is being developed, whereas only 6% of open space will exist on this parcel. She felt that this is getting lost in all of the discussions about traffic and parking. She is afraid that they will have a concrete jungle in them middle of Old Town, which risks damaging the vibe and character of Park City.

She referenced PEG's comments that they have to build this density to make this project make sense. She noted that Snow Park is being built by Deer Valley instead of a developer. The 1998 Plan was approved because Powder Corp. was the developer and did not have to make a profit on day one. She opined that the 1998 Plan could be built, but it would have to be built by the owner, not a developer. She reiterated that 6% open space would result in a concrete jungle.

Tom Gadek requested to share his screen, and showed the Commission his analysis of PEG's proposal with respect to the perspectives and building heights. He noted that PEG's perspective views have changed over time. The first perspective showed no buildings rising above the ridgeline. Then, they presented a perspective showing Building D rising slightly above the ridgeline. More recently, there has been some photo shopping where parts of the mountain behind Building E were moved behind Building C. He stated that residents love the ridgeline and the mountains. He questioned why PEG would go to all the trouble to change these views of the ridgeline. Mr. Gadek explained the various enhancements to the perspectives as demonstrated on his slides. He offered that in reality, Building C would rise above the ridgeline, and Building D was much larger than PEG depicted it.

Mr. Gadek referenced the actual photograph presented by PEG during the last meeting, which showed the true ridgeline. He noted, however, that Building D was even bigger than previously depicted, Building E was hidden, and Building C actually appeared to be correctly depicted. Based on the recent submissions, Building D obliterates the ridgeline. He offered that the view of

the ridgeline from Park City is a valuable community asset that PEG and PCMR have proposed to largely eliminate with a line of buildings that form a wall. He presented some other perspectives that he created to show the entire ridgeline looking south and west. He offered that these perspectives show that miles of the ridgeline would be blocked. Mr. Gadek stressed that PEG has presented a false image of what they are proposing and there is a pattern of behavior from PEG that the Commission should take into account.

Deb Rentfrow referenced the questions regarding monitoring of parking lots within the City and Planner Ananth's response that it was complaint-based. Ms. Rentfrow viewed this as an absence of monitoring; therefore, she felt it was something that needed to be addressed in the future. She recalled that she researched the number of parking tickets issued during the ski season for three years that showed a total of eight citations and approximately ten warnings. Essentially, there is no monitoring of parking and no capture of the number of vehicles that are looking for a place to park in locations other than PCMR, the High School or Quinn's Junction.

She also referenced the metrics that PEG would have to abide by and questioned the assurances that PEG would get the information that has been requested once this project is approved. If they are not willing to get the information now, she wondered what makes them think that PEG would be willing to do it in the future. Ms. Rentfrow stated that there are a lot of unknowns with respect to PEG's pro-rata contribution. Since there are no tracking mechanisms now, they should figure out what these mechanisms would be and start tracking now so that when the project is built there is a baseline to assess fees accordingly.

She agreed that the 272 overflow vehicles are a guess and not actual data. The fact that PEG does not want to collect actual data is concerning. Planner Ananth stated that the Commission could task the applicant with obtaining actual counts, yet the applicant responded that the City was welcome to undertake that task. She noted that the applicant has stated that there are 15 peak days, as compared with the City's calculation of 43 peak days. She understood that there would be some zoning issues with building up on the Quinn's Junction lot. She commented that if UDOT does not like what the City proposes with regards to Section 5, they could revoke the agreement.

Ms. Rentfrow offered that there are a number of neighborhoods that do not have easy access to a transit route and questioned whether they were suggesting that these residents drive to Quinn's Junction in order to take a bus. She wondered where they would park people if the High School lot were unavailable during construction. She is concerned with the significant disconnect regarding the information provided. She referenced the increased trip generation numbers for Deer Valley based on the hotel to counter Mr. Schmidt's statement that those numbers would decrease with the PCMR hotel. She stated that many of the statements made by PEG do not pan out, and it will be the residents that will suffer the consequences. This developer will wash its hands of it and walk away.

Nicole Deforge shared her screen. She initially addressed open space and referenced PEG's counsel's letter, included with the Staff Report. She noted that in 1997, the open space requirement was 70% and was a condition for development approvals. Now, the open space is at 63.99%, which results in less open space in exchange for an 37.5% increase in building height, 40% reduction in parking, a 31,220 square foot increase in density on Parcel B, and a 26,620 square foot increase in density on Parcel C. She emphasized that the City is getting less, but being asked to give far more.

Ms. Deforge opined that PEG's open space numbers were incorrect. A substantial part of the claimed open space is on buildings and structures. The LMC provides that landscaped areas can count as open space, but excludes buildings or structures. She agreed that hardscaped and landscaped areas of the plaza could be considered open space; but they cannot be counted if they are located on buildings or structures. PEG has interpreted the language as meaning that the open space simply must be outdoors, which is contrary to the plain language of the Code that excludes buildings or structures. She added that landscaped areas designated as open space can only be used for project amenities such as gardens, greenways, pathways, plazas and other similar uses. She offered that they need to know where the helipad will be located to ensure that PEG would not use designated open space for that use.

With respect to increased building heights, PEG claimed that they were not altering the status quo with respect to allowed building heights under the MPD. She stated that this was patently untrue as Parcel B is nearly 10 feet higher, Parcel D is more than 10 feet higher and Parcel C is nearly 30 feet higher.

Ms. Deforge stated that the increased building heights could not be approved under the LMC, which requires increased setbacks and separations from adjacent projects. PEG has counted internal setbacks within the project and the stepping of upper floors as increased setbacks. PEG also ignored below-grade setbacks that are at or below the minimum setbacks.

PEG's counsel has stated that they can take an average for the whole site and if there is an increase that is sufficient. Ms. Deforge stated that this position is contrary to the plain language of the ordinance; the increase setbacks must be measured from adjacent projects. She stressed that there are virtually no increased setbacks from adjacent projects in this development, which is particularly evident on Parcel B.

Ms. Deforge added that there has been no showing of necessity with respect to the setbacks. All of the claimed necessity has been self-created by the developer's own designs and they still have not provided information on below ground setbacks. She addressed the reliance of tandem parking to meet the minimum parking requirements for the hotel. Section 15.3.3 states that tandem parking is prohibited and cannot be waived by the Planning Commission. This has not been addressed in the Staff Report, and Ms. Deforge requested that it be addressed.

She also raised a spacing issue involving the locations of driveways that has not been addressed. The LMC states that driveways must be 75 feet from intersections and 50 feet from another driveway except for single-family dwellings. There are driveways in this project that are within the 75 foot limit, and the parking garage on Empire Avenue violates the Code, as do the driveways on Parcel E. Ms. Deforge stated that she has submitted Findings of Fact on the building heights with her letter, and those have been revised to accurately represent the provisions of the LMC as opposed to what was provided by PEG.

Lisa Pahl expressed that she heard that the funding for the dedicated bus lane was denied. She felt that part of encouraging people to use transit was based on faster bus lanes. She stated that while the applicant stated that counting cars on the weekend would not matter, they were surprised by the traffic last weekend. She felt that the locals were not surprised. This project adds density, which will create more traffic. She wondered what would happen if in five years the traffic plans do not work. She opined that there should be very specific plans and detailed language and requirements. She felt that "future talks with the City" was not specific enough and did not inspire confidence with the residents. She offered that the traffic solutions should be in place

before they add more density. Ms. Pahl would like to know what the “added flexibility” with respect to the traffic issues actually means.

PEG was using the 1998 Development Agreement for building height; yet also state that they were proposing a new plan with respect to other issues. She stated that the community deserves something that will work out and not what the applicant “thinks” will work out. She asked the Commission to hold the applicant accountable to very specific language that outlines the intent for the future.

There were no further public comments. Chair Phillips closed the public hearing.

With respect to open space, Commissioner Suesser noted that the driveway into Building C was included in the calculation, as were the yards in the townhomes. She agreed with the comments of Ms. Deforge in terms of the open space analysis. She also felt that Ms. Lazenby’s comments comparing the open space percentages to the Deer Valley project were very interesting and something they should take into consideration. She stated she was hoping to receive a visual of the open space depicted behind Building D.

Commissioner Suesser felt that the applicant had committed to putting a sidewalk on Shadow Ridge and along Lowell Avenue if they could, and she did not see it in the submittal. The Staff Report mentioned the requirements of the 1998 MPD, and she would suggest a Condition of Approval regarding the maintenance and quality of open space going forward. She felt that the applicant should be held to the 70% open space requirement from the 1997 MPD.

Planner Ananth stated that the Staff Report clearly stated that the application meets the minimum required open space since they are allowed to count the parcel on the mountain. In addition, Planner Ananth stated that the 2019 Amendment brought in additional open space into the MPD, so technically the applicant has far exceeded what is required.

Mr. Schmidt reiterated that the plans were provided to Staff to allow them to verify the open space calculations and they were comfortable with what was provided. He referenced the letter from their counsel outlining the calculation and methodology in terms of the plazas and the open space contained within the project and how it qualifies as open space. He noted that they did not calculate any open space on Parcel A because they meet the minimum requirement by virtue of the space on their parcels and on the hill. He suggested that they have met the requirement of the LMC, to which Staff concurred, so they should just move forward on this issue. He commented that they could make the argument that based on the 2019 Amendment they could count several thousand acres as open space. He noted that in their opinion, such an argument was not necessary at this point.

Commissioner Suesser asked Mr. Schmidt to address the helipad concern and noted that there was a helicopter landing last weekend at the Base. Mr. Schmidt stated that according to the ski patrol, the helicopter lands on the hill fairly regularly. It also lands at the Base at times. He stated that the helicopter lands where the pilot feels it is safe to land. They have not designated a space for the helicopter landings, and questioned whether that was even a requirement of the MPD. He stated that there is open space in this proposal, and the helicopter can land on site.

Commissioner Thimm addressed the shared parking analysis and noted that the applicant’s analysis is somewhat consistent with others that he has been involved with. He felt that it should be questioned, and that the Commission has questioned it by asking for a third party group to

review it. He noted that the third party review agreed with the applicant's findings and ultimately accepted by City Staff.

He, therefore, felt that the applicant answered the questions regarding the shared parking analysis with some caveats. He stated that they need to understand the language and schedule with respect to the meeting space restriction. In addition, the shared parking from parcel to parcel must be clearly deed restricted and available. The components of the Traffic Demand Management Plan need to be addressed with the teeth necessary to enforce them. With respect to open space, Commissioner Thimm expected more discussion during this meeting. He would like a future meeting to address the issue of open space.

Commissioner Kenworthy returned to the issue of the 272 day skier overflow number and stated that he did not recall being satisfied with a one-hour peak designation. He felt the peak hours should be at least 2.5 hours and noted that if they utilized this longer peak period, they would need to double the 272 number. He asked if City Staff ever approved a one-hour peak period.

Planner Ananth stated that the Parking Analysis has always looked at the number of vehicles during the peak hours. The AECOM study came up with the ability to move 900 people during peak hours with Enhanced Transit. She stressed that the analysis has always been based on making traffic flow in the Resort Base area in the peak hour.

Ms. Collins explained that for transportation planning purposes, they always look at the peak. In this case, they defined the peak as 7:00 a.m. to 10:00 a.m. and then 3:00 p.m. to 6:00 p.m. It is during the three-hour peak where they have the distribution of the 272 vehicles. The 900 people referenced by Planner Ananth would be the peak capacity for the three-hour window from the transit side of things. She explained that they assumed a 30-40-30-percentage distribution on an hourly basis during that peak period. The transit capacity would be able to handle this distribution with the Baseline Service and Enhanced Service.

With respect to the Enhanced Service, Commissioner Kenworthy expressed discomfort with this service without a defined legal opinion addressing whether they are able to do this. He would also like to know if they would offer it to other business owners and the other resort and whether it would have the capacity to be equitable. He commented that Quinn's Junction is a defined general use lot, and if they start to deviate from that with only one entity there could be issues on a number of different levels. He stated that he would likely not be in favor of a special arrangement with one entity. He stated that he wanted to maintain an equitable position as a Planning Commission. He added that there would likely be no issues filling Quinn's Junction, but that there would be issues with operations and equity with other entities in the community.

Commissioner Kenworthy wanted to see how the peak hours equal 272 day-skier parking.

Commissioner Hall stated that with respect to open space and Findings of Fact No. 37, they should add more information. She also felt it would be important to add that the Development Agreement stated that there would be over 70% open space. It would be important to articulate whether there were structures included within the open space calculation. She also expected that open space would have been discussed and requested it be added to the agenda for the next meeting.

In terms of parking, Commissioner Hall agreed with the comments of Commissioner Kenworthy and would like to see current numbers. She would also like to include the number of peak days

within the Findings of Fact, given the discrepancy between the numbers offered by the applicant and the City. Commissioner Hall also felt that it was important to note that the Development Agreement envisioned that all parking would be paid and that the Resort would provide shuttles for employees. In addition, she noted that the transition to transit was contemplated in 1998, so it is not a new concept for this project. She wanted to see more details of how they would enforce the Findings of Fact. She preferred that they default to the High School lot on any non-school day unless the Resort lots were not full. She referenced the events of last weekend.

With respect to Finding of Fact No. 57, Commissioner Hall felt it would be good to add that only guests could use the commercial space. She would like to add to the language about employees' use of offsite parking to provide that there would be no employee parking onsite. Commissioner Hall agreed with the disparate concept that the Deer Valley project added more trips based on the addition of resort commercial whereas here, the hotel was used to decrease the trips.

The 1998 Development Agreement contained a thorough construction phase for parking and she would like to see that as part of this application so that they could accommodate skiers and resort users during construction. She requested clarification on whether the LMC prohibited tandem parking for the hotel.

Commissioner Johnson encouraged the applicant to go the site this Saturday and just observe the conditions and how the community is using the area. He felt that there are a lot of drop-offs that are unaccounted for, and it would be good to observe that for at least 1.5 hours. If they still think it is adequate, they should consider that local programs would be starting and that kids would be crossing on the path through the entry to the Transit Center.

Commissioner Kenworthy requested that the assumptions used to derive the growth percentages be defined.

Chair Phillips agreed with Staff's analysis on the open space. With respect to shared parking, he agreed with Commissioner Thimm's comments. He also agreed with Staff's analysis on parking and transportation. In terms of the Enhanced Service, he would like to see the City have the opportunity to provide the applicant notice of when it feels like it needs to be activated so that the City has control over traffic. Chair Phillips stated that while he agreed with Staff's analysis, he felt that a current car count would be helpful and be presented at the next meeting. He would accept rough numbers from the applicant.

Commissioner Hall noted that since the School Bond had passed, the entire area would be under construction and wondered whether the applicant had discussed a long-term plan with the School District in terms of the parking lot during construction. Planner Ananth stated that she could find out when the School District contemplated doing their work.

Chair Phillips commented that the City wants to pick up people outside of the City, and he would prefer the City have the ability to not allow the High School to be used. He felt that private interests are not always in the best interests of the community so the City should be able to guide that as well. Commissioner Hall agreed with Commissioner Van Dine that a lot of locals would park at the High School on weekends rather than paying for parking.

Commissioner Kenworthy confirmed that the Commission would like City Staff to define the level of control, if any, on Quinn's Junction. He opined that the City would not have any right to reserve any spaces at Quinn's Junction, but wanted City Staff's input. He offered that the work at the

High School would likely start the middle of next summer and construction would likely last 2 – 3 years. He would like further information on the High School.

Mr. Schmidt pointed out that the Traffic Studies show that the transportation does not work today, so he questioned what counting cars would cause them to do differently. Based on UDOT data at SR-224 from last Saturday, the volume was roughly 82% of the peak numbers contained in their study.

Chair Phillips understood Mr. Schmidt's point and noted that it would be helpful to provide a baseline to help them understand the numbers. Commissioner Suesser commented that the shuttle drop-offs were expanded, which reflects a current condition that has changed. She wondered why they should not consider expanded drop-offs in the proposed plans.

Mr. Schmidt countered that if they keep going back and re-analyzing things, this would never end. Commissioner Johnson expressed that they need to see how the community is using the Resort; he felt that the shuttle and drop-off configuration now is inadequate and what the applicant is proposing is not up to par. He referenced the number of kids being dropped off for the youth programs and knowing how drop-offs would work. Mr. Schmidt felt that they have done that analysis and pointed out that Vail operates the Resort and has a good feel for what happens at the Resort. He noted that Vail is comfortable with the proposal and would not agree to something that would be detrimental to the Resort and their operations. He offered that this is the best plan that has been proposed in 20 years and they are ready to move forward. They would like the Commission to go into deliberations and vote.

Commissioner Johnson asked Mr. Schmidt to at least observe the drop-offs on a Saturday and how they would get the kids safely to the mountain. He felt that ride shares and shuttles were the problem last weekend. Mr. Schmidt said he would be happy to observe, but reiterated that their proposal stands subject to minor adjustments in operations and finalizing the negotiations regarding the details surrounding Quinn's Junction.

In response to an inquiry, Mr. Schmidt felt that they would meet the projected AVO. He referenced the presentation from AECOM that shows that they could meet the AVO with the proposed buses. He noted that they were aligned with the City and AECOM with respect to the number of buses and service.

Commissioner Kenworthy referenced the tour buses that were present the previous weekend.

6. REGULAR AGENDA

A. Planning Commission Training - including annual open meeting requirements.

Attorney Harrington introduced Assistant City Attorney, Luke Henry who conducted the Planning Commission Training. Assistant City Attorney Henry began by stating that the Open and Public Meetings Act ("OPMA") is about transparency, and is designed around that idea that public bodies should do the work of the public out in the open.

OPMA provides that meetings of a public body are open to the public unless an exception is available under the Act that allows the meeting to be closed. Meetings are defined as a convening of at least a quorum of a public body to discuss, receive comment or act on a matter over which

the body has jurisdiction or advisory power. This includes retreats, workshops, field trips and electronic meetings; it does not include chance meetings, social gatherings or when no quorum is present. He explained that outside of a formal meeting, such as meeting for coffee, there should not be discussion about public business. He stated that the Planning Commission is a public body. As such, the Act requires specific public notice that must be posted at the principal office or the location where the meeting will be held, except for electronic meetings without an anchor location. The notice must also be published on the Utah Public Notice website.

Assistant City Attorney Henry explained that the annual meeting schedule must be published and include the date, time and place. For every meeting, the date, time, place and agenda of each meeting must be published at least 24 hours in advance of the meeting. The agenda must have reasonable specificity to allow the public to know what will be discussed. If something is not listed on the agenda, the body cannot take action on that item. He explained that emergency meetings are allowed with less than 24 hours notice.

Records must also be kept of open meetings, which includes a recording and written minutes. The written minutes must include the date, time and place, the members present, the substance of all matters proposed, discussed or decided, a record of each vote, the name of anyone who provided testimony or comments and a summary, and any other information that any Commission asks to be included on the record. He stated that the records must be made available to the public. Recordings should be made available within three business days after the meeting, while the written draft minutes, clearly marked "pending approval" should be made available within a reasonable time.

Approved minutes should be made available within three business days by posting to the Utah Public Notice website. They must also be made available at the primary office and posted on the public body's website.

Assistant City Attorney Henry explained that meetings may only be closed to discuss specific topics. These topics include an individual's character, professional competence or physical or mental health; pending or reasonably imminent litigation; deployment of security devices, criminal misconduct investigations or advice of legal counsel and other topics specified by the Act.

Closed meetings must begin with an open meeting with a quorum present. There must be a 2/3 vote of members present to close the meeting. They must publicly announce the reason for closing the meeting, the location and the vote to close the meeting that identifies the names and votes of the Commissioners. He reported that generally the recording device must remain on during a closed meeting, but written minutes are optional. An exception to the recording requirement occurs when discussing character, professional competence or physical/mental health, or the deployment of security measures. Assistant City Attorney Henry recommended turning off the recording when discussing these topics. Any record of a closed meeting is protected under GRAMA and is not made available to the public.

He explained that the rules for electronic meetings have changed significantly with the pandemic. For the two different types of electronic meetings, a rule or resolution must be passed to govern the use of electronic meetings. They can then conduct an electronic meeting with or without an anchor location. The chair must make a determination every 30 days that conducting a meeting without an anchor is justified by health and safety.

While the public must be allowed to watch any public meeting, there is no requirement to allow public comment unless the meeting is a public hearing. In addition, the public has the right to record public meetings as long as they can do so without disrupting the meeting. Topics for public comment are at the discretion of the chair; however, if the topic is not on the agenda, no final action may be taken on it.

He added that persons may be removed from a public meeting if they are willfully disrupting the meeting and the orderly conduct of the meeting is seriously compromised. He recommended using this power sparingly and only when absolutely necessary.

Assistant City Attorney Henry reported that private individuals can enforce violations of the Act by way of a lawsuit, and any final actions taken can be voidable. A knowing violation of the closed meeting provisions can result in criminal sanctions.

Commissioner Suesser asked about the appropriateness of speaking one on one with other Commissioners about Commission business. Assistant City Attorney Henry confirmed that it was appropriate for the Commissioners to speak with one another as long as they are not within a quorum. She noted that they are all cautious about their discussions.

Chair Phillips reiterated his request for a closed meeting on the security systems as they get back into in person meetings in the near future.

7. ADJOURN

MOTION: Commissioner Thimm moved to adjourn.

The meeting adjourned at approximately 10:00 p.m.