PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
MARCH 5, 2009

Present: Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Joe Kernan; and Liza Simpson. Jim Hier was excused.

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Wade Carpenter, Chief of Police; Hugh Daniels, Emergency Program Manager, and Phyllis Robinson, Public Information Officer

1. Emergency Operations Training at Police Facility. Chief Wade Carpenter, Emergency Program Manager Hugh Daniels, and Public Information Officer Phyllis Robinson reviewed roles and responsibilities of elected officials in a disaster. They also previewed the Emergency Operations Center.

2. Council questions/comments. Joe Kernan suggested that Council consider conducting a cost benefit analysis in order to better understand how the uses in the Racquet Club facility related to the anticipated renovation expenses. Ken Fisher explained it would be difficult to assign a dollar cost of construction to every individual amenity, but they could assign a price tag to larger amenities. Candace Erickson questioned how they would apply the results of the study and whether they would eliminate features if the costs were higher per person due to lower use. Roger Harlan was interested in knowing how much such a study would cost, and how they would use the information. Liza Simpson felt it would be beneficial to know, but worried about the amount of work involved in getting into those numbers. Joe felt it was an important responsibility as understanding the costs of various amenities would help Council to make better decisions. Mayor Williams believed it was also Council's job to weigh the community demand based on survey results. Manager Bakaly suggested that Staff work on cost/benefit concepts based on Joe's proposal.

Liza Simpson reported that the CAMP (Commission Assistance and Mentoring Program) training for Historic Preservation Board members, Planning Staff and some Planning Commissioners was well done and everyone came away with new ideas. The training also stressed the importance of avoiding jargon that the audience is not familiar with. The Planning Commission received public input and held a lengthy discussion on Steep Slope Conditional Use Permit changes to the Land Management Code. At the Park City Area Lodging Association meeting they learned that under the Quick Start Program, ski areas have given away $4.9 million in ski lift tickets in the last six years and they are exploring methods of broadening the program with coupon books, lodging incentives, etc. She reported that Accommodations Unlimited had closed, leaving people who paid for lodging arriving to find they have no rooms.

Candace Erickson reported that the Historical Society was only $230,000 short of their fundraising goal. Interior pieces are running behind, but everything should be in place for the 125th Celebration this year. Envision Utah and Coalition for Utah's Future have consolidated their operations and are currently reviewing their projects. They are being approached to expand their services to other states and need to determine whether they can accommodate those requests.

Roger Harlan mentioned that the School Board was pleased that the school tax equalization bill was defeated. The Board has identified plant remodeling to be accomplished during the summer months and will also be replacing two school buses. He thanked Dave Gustafson for a tour of the Marsac Building and was sure everyone would be pleased with the end product. He also commented on the weekly meals provided by the Christian Center to approximately 200 young ski resort workers.

Mayor Dana Williams noted that Mountain Town News was writing an article about Park City. The CAST (Colorado Association of Ski Towns) reusable bag challenge began March 1 and all local grocery stores are participating. He noted the Summit Land Conservancy has requested a review of mapping in Iron Mountain area. The Wasatch Canyons Advisory Committee will be considering long term transportation issues. He thanked Manager Tom Bakaly for his work at the legislature and noted that the City has a lot on its plate right now.

3. Legislative update. City Manager Tom Bakaly reported that HB 394 Uniform Building Code Commission Amendments, which would have changed entities allowed to appoint members to the Commission, was not going to pass this year. SB 211 Building Code Amendments which would allow the legislature to modify powers and duties of the Commission was still being debated and moving forward.

The City is following two bills related to Military Installation Development Authority Act (MIDA): SB 56 modifies provisions and definitions related to MIDA, and SB 216 modifies definitions of development projects and project area under MIDA. MIDA was formed to assist with redevelopment of land near Hill Air Force Base and SB 216 would allow this authority to consider private land, anywhere in the State, not currently owned by the military for construction of Military Recreation Facilities. The Utah League of Cities and Towns opposes this legislation and has been working on modifications. The City and County have been working with the Air Force for years on the placement of their hotel, and continue to hope they will locate their hotel in the preferred location.

Manager Bakaly reported the funds for the City's 0% Water Loan for $10,000,000 had been diverted to help balance the State budget; however, Park City hoped to be included in Federal Stimulus funding since we were already approved for a loan. He noted Council was being asked to adopt a resolution supporting historical distribution of gas tax funding. Park City currently receives about $250,000 per year in gas tax money which covers about 21% of what the City spends on roads.

He also discussed a new bill, SF 248 Resort City Sales Tax Definition Changes, which would allow Salt Lake City to charge a resort city sales tax. They experience a large influx of day visitors that impact the city; however, it was important not to undermine original intent of resort cities sales tax which was formed to help mitigate impacts of overnight visitors.

4. Sister Library site visit. Library Manager Linda Tillson reported that it was a fantastic opportunity to visit the Bimal library in operation and to see how much Park City's help has done for them. She thanked Jim Powell for starting this relationship and for his continued support and funding. Ms. Tillson narrated her slide show which illustrated the beauty of Nepal. She described visits to the temples, schools and libraries.

5. 2009 Sundance Film Festival debrief. Special Events Coordinator Max Paap was joined by Sarah Pearce and Brooks Addicott from Sundance Institute. Mr. Paap requested that Council review the wrap-up report which includes the performance of the 2009 Supplemental Plan approved in late 2008, and re-affirm the continued cooperative effort between Sundance Institute and Park City Municipal Corporation. Staff will return in the fall to present plans for the 2010 Sundance Film Festival.

Sarah Pearce thanked the Mayor and Council, as well as Staff, for their continued support. Sundance was very pleased with the Festival and although they have not received results of the third party survey, their post festival surveys show attendance was up in 2009, second only to 2007. They saw a 20% increase in ticket availability for locals over the previous year. The number one reason given for not attending was travel and lodging costs; number two was ticket availability. She stressed the importance of finding a balance between what they are giving to locals and what they are providing to out-of-state visitors. She noted that ticket sales cover about one-half of festival expenses, but they felt it was important to offer tickets to community organizations and to students. This year's programs benefitted over 4,000 students at 43 schools. They also held two economic development events intended to capitalize on international business leaders who are in town for the festival and encourage doing business in Utah.

Brooks Addicott noted press coverage was very positive and generated in excess of 7,000 articles from 90 counties. She noted the publicity value was essentially $8 million if one were to purchase that coverage.

Max Paap addressed modifications contained in the Supplemental Plan for the 2009 festival: updated Main Street and Park Avenue parking, traffic mitigation and circulation; closure and programming of Town Lift and Main Street between 7th and 9th Streets; film screenings at Temple Har Shalom and supporting shuttle stop; and the Racquet Club Venue/Use Area Operation. Both Sundance and the City held internal de-briefs to discuss the festival and then met jointly to review issues pertaining to the supplemental plan. He addressed the Main Street parking and circulation plan which created more drop and load zones. They found it was successful not only for dropping commercial goods, but for shuttles. As festival activity slowed they were able to return the pay and display parking on the east side of Main.

Liza Simpson received complaints from businesses about the timing of the closure and hoped they could delay closures until closer to the start of the festival. Sarah Pearce noted they discussed doing more of a roll-out leading up to and at the end of the festival so that sections were closed at different times. Max explained they were initially concerned about placing the tent on Lower Main; however, they can be more proactive in the future after observing how it worked at 7th Street. Also, only about half as many businesses changed out for the 2009 Festival in comparison to previous years.

Ms. Pearce added that festival attendees reported feeling safer on Main because they could move freely and had visual access to the street. Concentrating the activity on Lower Main provided better exposure for sponsors and they observed less ambush marketing this year. She noted in the future they would want a different tent style that achieved more of their goals with regard to presentation quality, as well as having more time to improve the outside look and feel.

Mr. Paap reported that screenings at Temple Har Shalom, with parking at The Yard, provided an excellent venue for the festival and the transit component worked very well.

Regarding the Racquet Club Venue/Use Area Operation, Max explained that the Supplemental Plan required an 8:00 p.m. start time for the last screening and required Sundance to set up a customer service feedback line. They encountered a few issues, but those were addressed in a timely manner. A feedback line report prepared by Sundance was included in the Staff Report.

Ms. Pearce reported they received complaints about traffic impacts to the neighborhood from parking and staging. Because there was not as much time in between screenings, they found that taxis were waiting for people leaving the previous screening. They noticed that some residents were inviting friends and family to park in their driveways and in front of their houses. They spoke with the Homeowners Association president and discussed ways to identify invited guests, and to keep others out. Mr. Paap emphasized the difficulty of keeping festival parking out of residential areas.

Sarah Pearce believed higher lodging prices and five-night minimums during Sundance continued to discourage people from attending Sundance. Those who book in the summer are locked into the higher prices, even though some prices dropped toward the end of the festival. They hope to work with the lodging association to encourage more people to come to Sundance.

Roger Harlan asked whether offering double features at the Racquet Club would mitigate the length of time the venue was being used. Ms. Pearce explained that during the first half of the festival people were coming to do business and were buying individual tickets for specific screenings so people would still be coming and going.

Ms. Pearce felt traffic on Bonanza continued to be an issue, especially the first four days of the festival, which warranted increased mitigation. Sundance is also concerned about future losses of venues due to construction, namely the upcoming Main Street Mall and Racquet Club renovation projects. Overall, they had a very successful festival and she thanked Council again for their partnership.

Candace Erickson commented on the high number of taxis in town during the event and encouraged an emphasis on public transit.

Ms. Erickson referred to the e-mail Council members had received from residents of the Racquet Club. Sarah Pearce asked if they could share that with Sundance. The Racquet Club residents reported being unable to find a published “hot line”; they called the customer service line and the person they spoke with did not request their names or any information regarding their complaint. Ms. Erickson noted she had reviewed the feedback from the Sundance customer service line and believed it should have been called a “complaint line”. Calling it a customer service line implied it was a number to call for tickets.

Mayor Williams commented that after the first week-end not many people were parking in China Bridge and asked if it were possible to lower prices to encourage more usage. Parking Manager Brian Andersen explained that raising and lowering rates during the festival presented challenges for the operator. He agreed there are times when there is excess space in the parking garage.

Jeff Lonn, Racquet Club Condos resident, thanked Council and Sundance for changing the last screening time to 8:00 p.m. It helped, but still did not get people out of the venue before 10:30 or 11:30 p.m. As neighbors, they endure 18 days of noise, from 7:00 a.m. to 10:00 p.m., from festival loading and teardown, constant busses, taxis, and honking horns. They asked Council and Sundance to develop a plan that cleared the parking lot by 10:00 p.m., which complies with the City’s noise ordinance.

Mr. Lonn commented on the feedback line report which indicated that Sundance did not receive many complaint calls and they were all from one Racquet Club neighbor. He was not surprised because no one else knew it was a complaint line. They did not receive satisfactory responses to their complaints when they did place calls. He reminded Council they had presented petitions signed by 40 residents asking that Sundance be out of the venue by 10:00 p.m.

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
MARCH 5, 2009

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at 6:00 p.m. in Room 205 of the Library and Education Center on Thursday, March 5, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Liza Simpson and Joe Kernan. Jim Hier was absent and excused. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Senior Planner; and Francisco Astorga, Planner.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Senior Planner Kirsten Whetstone clarified that the Land Management Code amendment being considered by Council was whether or not Steep Slope CUP applications would be discussed under Consent Agenda or New Business on meeting agendas. The Planning Commission had continued the hearing on the Steep Slope CUP process until March 25, 2009.

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

Bob McCallister addressed Council on the Bonanza Drive reconstruction. Because the road was generally wide enough to handle three lanes, he suggested one lane should be used for left turning vehicles and there should be no consideration of a median. Trucks over 4 tons should be prohibited from Bonanza and only waste management trucks and City busses should be permitted. Because there are few residential areas around Bonanza, he believed it should be a nighttime project, from 9PM to 6AM. Preventing daytime access to local businesses will have a detrimental effect. He spoke of the negative effect the Woodside Avenue construction had on his Woodside Avenue business.

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

1. <u>Consideration of approval of a resolution encouraging the Utah State Legislature to utilize the current transportation funding distribution formula for any increase to the statewide gas tax so that the entire transportation network may benefit</u>. - Liza Simpson, "<u>I move approval of the resolution encouraging the Utah State Legislature to utilize the current transportation funding distribution formula for any increase to the statewide gas tax so that the entire transportation network may benefit</u>". Roger Harlan seconded. <u>Motion carried</u>.

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

2. Consideration of approval of the Malecki Settlement Agreement in the amount of $200,000 regarding all claims associated with a January 29, 2008 pedestrian/bus accident. - City Attorney Mark Harrington noted Council had received details regarding this claim in deference to the family's request that details be kept private. Staff recommended that Council approve the settlement amount. Joe Kernan, "I move approval of the Malecki Settlement Agreement in the amount of $200,000 regarding all claims associated with a January 29, 2008 pedestrian/bus accident". Roger Harlan seconded. Motion carried.

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

3. Consideration of ratification of a contract with DLS Consulting Inc. for lobbying services in the amount of $60,000, in a form approved by the City Attorney. City Manager recommended that Council ratify the expenditure for services related to State consulting services, particularly SB 216. Roger Harlan "I move approval of a contract with DLS Consulting Inc. for lobbying services in the amount of $60,000 in a form approved by the City Attorney". Candace Erickson seconded. Motion unanimously carried.

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

V OLD BUSINESS (Continued items)

1. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to address revisions to General Provisions and Procedures regarding appeals and reconsideration process by the Planning Commission; review procedures by the Board of Adjustment; and review procedures for conditional use permits, administrative conditional use permits, and administrative permits. Chapter 2- Modifications to 15-2.5-10 Heber Avenue Subzone in the HRC district; ROS and CT district revisions regarding temporary uses and setback exceptions and anemometer and wind turbine towers; and revisions in various districts regarding outdoor dining, outdoor grills, outdoor events, temporary structures, and setback and building height exceptions. Chapter 3- Off-street Parking. Chapter 4- Supplemental Regulations regarding temporary structures, tents, and vendors. Chapter 6- Master Planned Developments regarding appeals of Planning Commission action. Chapter 10- Board of Adjustment procedures for appeals. Chapter 11- Historic Preservation Board regarding process and procedures. Chapter 12- Planning Commission regarding review of Steep Slope CUP and procedures. Chapter 15- Definitions regarding various terms.

Senior Planner Kirsten Whetstone and Planner Francisco Astorga explained that Council had initially reviewed the amendments in December and requested additional Planning Commission review on several items. Planning Commission has forwarded a positive recommendation to Council on the remanded items and Staff is presenting the entire packet of amendments, as well as some amendments regarding wind energy, to Council for consideration.

Ms. Whetstone reported the Planning Commission's direction on the remanded items. Language regarding Appeals of Planning Commission action on City Funded projects was amended to state that the Board of Adjustment, at the direction of the City Council, may hear appeals/call ups. Administrative approvals of fences and walls greater than 6 feet shall be listed under Conditional Uses rather than Allowed Uses.

Ms. Whetstone explained that Council was concerned about the potential conflict of locating nightly rentals in the vicinity of affordable housing and market rate homes and requested that the Planning Commission revisit the issue. Planning Commission returned a recommendation that Nightly Rental Uses not be allowed within the Community Transition Zone. In addition, Planning Commission forwarded a positive recommendation on Council's suggestions to add definitions for Special Events and Outdoor Events, revise purpose statements in the ROS and CT Zones, clarify references to the Sensitive Lands Overlay language in the CT Zone, remove references to Title 6 under Outdoor Events and Music, and corrections of typos and section reference numbering.

Kirsten Whetstone described additional Land Management Code amendments to address the City's sustainability goals related to wind energy. These will allow Anemometers and Anemometer Towers as Administrative Conditional Uses in the CT and ROS Zones and Small Wind Energy Systems as Conditional Uses in the CT and ROS Zones, subject to review criteria and regulations, building permits, and conditions for removal and decommissioning of abandoned systems.

Staff recommended that Council hold a public hearing and considering approving the Ordinance adopting the amendments as recommended by the Planning Commission, based on the findings of fact and conclusions of law found in the draft ordinance.

Mayor Dana Williams opened the public hearing.

Mike Sweeney referred to 15-4-16(A)(7) Temporary Structures, Tents, and Vendors found on page 15-4-34 which restricts the duration of temporary structures to a duration of fourteen days, five times per year unless approved by the Planning Commission consistent with Conditional Use Criteria. He understood this was included because some tents have been kept up longer than six months, but it has an effect on Park City Mountain Resort, Deer Valley, and his own deck. He has tents going up and down more than five times a year and he can't even construct the Sundance tent, run through the festival, and take it down in fourteen days. He stated they could all get the Conditional

Use Permits, but would prefer not to have to pay the $720 application fee if there were a better way of using the code and enforcing it without this time limit. In response to a question from Mayor Williams, Mr. Sweeney explained his large tent was part of the Sundance Master Festival License. He was primarily concerned about the tents he used year around.

Mr. Sweeney questioned whether Chapter15-4-20 Special Events and Overcrowding Permits affected special events at The Yard. City Attorney Mark Harrington explained the chapter dealt with non-code approved overcrowding and wouldn't apply unless he exceeded the occupancy approved under his Conditional Use Permit.

Regarding the duration of temporary structures, tents, and vendors, Attorney Harrington suggested adding "unless approved by City Council as part of a Master Festival License" to section (7). However, he did not recommend revising the other language because it deals with non-compliance issues at hotels and golf courses that impact the neighborhoods. As tent capabilities improve with technology, we need a vehicle to ensure that the City has the ability to measure impacts and mitigate for them. From an economic development perspective, they provide meeting space that doesn't exist in some of the older facilities in Park City. He stressed there was a balance between mitigating impacts while allowing additional meetings spaces to exist.

Jonathan Weidenhamer asked if there was a reason not to include special events in that section. He noted Mike Sweeney holds a series of special events on the deck and he felt it was implied, without this language, that the process exempted them. Mark Harrington explained that was an administrative permit without the same noticing implications of a Master Festival License. He believed that Mike Sweeney's events did not exceed fourteen days. Kirsten Whetstone explained Staff's intent was to allow events to run together if necessary, but each 14 day period would be count towards the total fives times per year. That would prevent tents from remaining up indefinitely.

Candace Erickson requested feedback from Deer Valley and Park City Mountain Resort regarding the code changes because both resorts utilize tents and temporary structures for wedding events, etc. throughout the year. Jonathan Weidenhamer explained that was the exact issue that caught his attention. He does no not want to limit their flexibility, but is sensitive to the bigger picture and associated impacts. He stated it was part of his work plan to analyze this issue to ensure a balance of impacts that we may not be accounting for.

With no further input, Mayor Williams closed the public hearing.

Mayor Williams discussed a law being considered that would develop a statewide website for publishing legal notices for public meetings. Many cities are supporting that as a cost savings measure. Council was supportive of utilizing the website, but also wanted to continue to publish legal notices in the newspaper.

Mayor Williams commented that charts and diagrams were not properly aligned, and there were a few scriveners' errors. Mark Harrington assured Council that the final product would be correctly formatted.

The Mayor noted there was new terminology in terms of administrative permits, or administrative conditional uses, and asked about the appeal process if someone disagreed with the administrative decisions. Planner Whetstone explained appeals of administrative permits were reviewed by the Planning Commission.

Mayor Williams commented on references to alternative energy and suggested that they be changed to "renewable" energy. He explained some alternative energy solutions were high carbon producers and high polluters even though they were alternative energy. He also suggested that 15-2.7-9(K) be changed to "A System shall be considered abandoned when it fails to operate for a period of 12 months" as opposed to 24 months or more.

In response to the Mayor's question about houses in the ROS district, Planner Whetstone explained that there are not typically structures in the ROS District, but the height and setback requirements apply to recreation uses, such as child care in City Park, natural gas facilities, and skiing facilities.

Roger Harlan saluted the compromise of allowing Council the discretion to decide they would direct appeals pertaining to City-owned projects to the Board of Adjustment.

Manager Bakaly explained Council could approve the amendments, with the understanding that Staff would return with further discussions at a later date.
Liza Simpson "<u>I move approval of the Land Management Code changes with the amendments made during the meeting, with the understanding there will be additional discussions regarding tents"</u>. Joe Kernan seconded. <u>Motion unanimously carried</u>.

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

VI ADJOURNMENT
With no further business, at 7:00 p.m. the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION
The City Council met in closed session at approximately 2:00 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Joe Kernan, and Liza Simpson. Jim Hier was absent and excused. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney, Ron Ivie, Chief Building Official; Jeffrey Schoenbacher, Environmental Specialist; Jonathan Weidenhamer, Economic

Development Manager; Diane Foster, Environmental Affairs Manager. Liza Simpson "I move to close the meeting to discuss Property and personnel". Candace Erickson seconded. Motion carried. The meeting opened at approximately 4:00 p.m. Liza Simpson, "I move to open the meeting". Roger Harlan seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Sharon Bauman

Sharon C. Bauman, Deputy City Recorder