PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
NOVEMBER 29, 2007

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Max Paap, Special Events Manager; Alison Butz, Environmental Specialists; and Denise Carey, Analyst

Sara Pearce, Sundance Institute

1. Board interviews. Applicant Peter Knauer was interviewed for the Planning Commission vacancy. Ruth Meintsma, Sara Werbalow, and Laura Bayer were interviewed at the conclusion of work session for the Historic Preservation Board.

2. Council questions/comments. Roger Harlan reported on the Leadership Class gathering and Marianne Cone encouraged the public to attend sled hockey events at the rink. Jim Hier commented on the Leadership event, and meetings including the HMBA, Chamber/Bureau, and interagency group. He encouraged legislative updates from staff to include School District issues this year and relayed that the familiarization tours conducted this week by the City is a great training tool for frontline employees. Joe Kernan stated that Jeff Ward requested that the City install a cardboard compactor in Swede Alley and described two possible locations. Alison Butz explained that there is a compactor adjacent to the transit center and there has been some discussion among staff members about installing one at the Brewpub; staff will follow up. Jim Hier pointed out that the HMBA has a recycling committee and suggested that any ideas be coordinated with the committee. Joe Kernan asked that staff examine possible locations to recommend.

Council members agreed to hold its Visioning Session on January 3 and 4, 2008. Candace Erickson commented on the number of upcoming ULCT issues and discussed passing a proclamation to make it snow. She understood it worked in 1982 and staff will follow up on her suggestion. Marianne Cone recommended considering building a set of stairs between Ontario and McHenry and hoped it could be added to the list of walkability projects. Joe Kernan discussed the possibility of the Health Department testing products that may contain lead on behalf of the citizenry. Mayor Williams was pleased with the installation of the traffic signal at Meadows Drive. He felt it important to provide the ULCT with the final recommendations from the Governor's Climate Change Committee to determine the level of support from other cities. The Mayor reported that a high school delegation from Beijing will be visiting Park City the end of January.

3. Sundance Film Festival supplemental plan update. Max Paap explained that this work session is designed to work through outstanding issues; the 2008 plan is scheduled for formal consideration next week. The updated supplemental plan defines the management of Main Street and China Bridge parking and activities at the Racquet Club venue. The 2007 parking plan was successful and it is proposed to set up the parking plan for Main Street a day earlier which was agreeable with the HMBA. He detailed the China Bridge parking plan which is identical to 2007, but provides more leeway for hangtag users.

He stated that the City has received complaints from a household in Park Meadows, Michele Dieterich and Jeff Lonn, about noise and lights at the Racquet Club venue. In response to these issues, staff met with Sundance several times to arrive at solutions including relocating the entrance and tents in the parking lot and changes to the driveway layout. Through illustration of renderings, Mr. Paap displayed the plan for 2007 and the proposal for 2008. Sara Pearce acknowledged that Sundance has not actively managed this venue the past several years as well as it should have and added that this is the first year that she heard about the complaints. She stated that they spent hours at arriving at alternatives. Sundance will actively escort patrons into the tent and will not use generators for lights. The tent will be secured with water barrels and not through drilling into the parking surface. She explained that the event has shut down at 10 p.m. and the time has been moved back to 9 p.m., acknowledging that noise emanates from the parking lot. Patrons will be reminded on several occasions during a screening that they are in a residential area and to keep noise at a minimum and the buses will be moved as far west as possible. Set up will begin on January 13 and continue through January 16; screenings will be held January 17 through January 22. The awards ceremony set up will begin January 26 and about 1,200 patrons are expected at the party on Saturday. She emphasized that attendance numbers fluctuate throughout the evening and the party ends at midnight. Actively managing the crowd will make a huge difference. Max Paap discussed the outdoor lighting issues last year and Sara Pearce added that phone numbers will be available to the neighborhood to reach Sundance staff in the event of problems.

Candace Erickson stated that her concern remains that the last film is scheduled at 8:30 p.m. so people will be leaving at 10:30 p.m. and this is a residential area. She reminded everyone that the Racquet Club was considered a *test* several years ago. It is not continual noise that wakes people up, but random disturbances. The Mayor agreed with Council member Erickson because it will be a challenge to get patrons out of the building by 10:30 p.m. He suggested that the last screening be scheduled at 7:30 p.m. Ms. Pearce expressed her understanding of the issue but explained that the venue has to screen five films a day at the Racquet Club because of the of the nature of the competition. The tickets have already been sold, but the challenge is scheduling films every three hours and providing enough time for a question and answer session. Ms. Pearce encouraged Council to consider supporting the proposed modifications this year and allowing for the schedule to be reworked next year because the details have already been defined for 2008. She again emphasized the importance of addressing complaints. In response to a question from Joe Kernan, Ms. Pearce explained that people will be waiting in a tent and the loading zone will be changed. Max Paap spoke about the constraints of moving the buses farther west because of potential sight line problems at the stop sign. Marianne Cone suggested modifying the canopy to reduce noise. Denise Carey described the smoking area located in front of the Racquet Club building and away from residences.

Jeff Lonn, complainant, expressed that moving loading to the west may help somewhat but it will still be loud. He and his wife have been trying to mitigate the disturbance for years and their biggest concern is the start time of the movies resulting in people leaving at 11 p.m. The parking is a big problem and is not being addressed. They called the police a number of times about the volume of music. Activities should end earlier.

Michele Dieterich, complainant, stated that this has been a seven year battle. When the police are called, they are told that Sundance has permits for everything and we should be glad that they're here. She complained about the use of flood lights last year when they were told they would not be used and Sundance does not have a direct line to submit complaints and she was bounced around last year when trying to talk with someone. This is probably why the Council believes there haven't been complaints. The Racquet Club is not appropriate for the second largest theater for the Film Festival because it is located in a residential neighborhood. The party and movies should not go beyond 10 p.m. Maybe Sundance shouldn't grow any more and she described disturbances caused by generator noise and lighting. The times of the screenings should be earlier.

Joe Kernan felt that it will be helpful to have the venue better staffed to manage the crowd and placement of equipment is key. Tom Bakaly interjected that adoption of the 2008 supplemental plan is slated next week and suggested adding a condition regarding the timing for the screenings next year. Jim Hier believed the *stop* time should be identified because that is the issue, while Sundance should determine the time the screenings begin. Roger Harlan brought up acquiring an alternative site and suggested that the School District be contacted for possible auditorium space in the schools. He described a portable enclosed walkway which may help mitigate crowd noise to the buses.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
NOVEMBER 29, 2007

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, November 29, 2007. Members in attendance were Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Brooks Robinson, Planner; Kirsten Whetstone, Planner; Alison Butz, Environmental Specialist; and Phyllis Robinson, Community and Public Affairs Director.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council disclosure – Joe Kernan stated that Talisker Corp., the Jaffa Group, and the Elliott Work Group are among his recycling customers.

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

1. Traffic signal at Meadows Drive – Resident Bill Gorton thanked Council for its support of the installation of the traffic signal on SR224.

2. Election Code amendments – Kathy Dopp, election reform enthusiast, referred to the materials she distributed last week regarding mandatory independent vote count audits. She spoke about garnering support from state legislators in sponsoring legislation. Other issues include providing voter access to polls, preprinted paper ballots in the event of a power failure for instance, election day voter registration, access to election records, and ballot privacy. She added language to the mandatory vote count audit proposal to require that the election procedures in Utah will always allow a voter to create a paper ballot record. Joe Kernan believed these are good ideas and that Ms. Dopp is a great resource, but felt it is important to carefully select which issues to champion and to balance Park City's interest with the state. He suggested that ULCT may be the right agency. In response to a question from Mayor Williams, Ms. Dopp indicated that she hasn't approached the Summit County Commission for some time. Jim Hier recommended holding a work session next week with recommendations from staff.

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

IV WORK SESSION NOTES AND MINUTES OF MEETING OF NOVEMBER 15, 2007

Roger Harlan, "I move approval of the work session notes and minutes of November 15, 2007". Marianne Cone seconded. Motion unanimously carried.

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

1. Consideration of an Ordinance approving a plat amendment at 416 Park Avenue, Park City, Utah – Brooks Robinson explained that Items 1, 2, and 8 were advertised with a Planning Commission and a City Council hearing date. These items have been continued by the Commission. The Mayor opened the public hearing and with no public input, requested a motion to continue to December 6, 2007. Roger Harlan, "I so move". Jim Hier seconded. Motion unanimously approved.

2. Consideration of an Ordinance approving amendments to the Land Management Code of Park City, Utah to reflect revisions to prevent repetition between the processes of the Building Department and Planning Department, to create a more cohesive and comprehensive code, to update referenced codes and organizations and to reflect the new SB183 of the Utah Code, and to address substantive amendments for Chapter 2.21 Sensitive Lands Ordinance Zoning District – The Mayor opened the public hearing and with no comments, closed the public hearing. He then requested a motion to continue to December 6, 2007. Candace Erickson, "I so move". Marianne Cone seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the Jupiter View Estates Subdivision, located at 1376 Mellow Mountain Drive, Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Park City, Utah – Planner Kirsten Whetstone explained that the application is a request to subdivide the Tabor Parcel which is estate zoned and located in sensitive lands. The plat amendment will also include Lot 11 of Hearthstone in order to dedicate access and for utilities and trails. The parcel is 6.63 acres and two lots are proposed for two single family dwellings. The Planning Commission forwarded a positive recommendation on November 14, 2007 as conditioned in the ordinance. She described requirements of and compliance with the Sensitive Lands Ordinance regarding development of slope areas where nothing over 40% can be disturbed. She displayed a visual analysis of the project from a variety of vantage points throughout town. The view from the 11th Street Stairs at Lowell Avenue was discussed because it breaks a ridge line, but it was emphasized that it is not a vantage point in the LMC. Conditions relate to acceptance of a construction mitigation, landscaping for the retaining wall, revegetation and fire protection plans. Ms. Whetstone emphasized the trail connection provided as part of the project and discussed an analysis on remaining estate sized parcels in Park City conducted at the request of the Planning Commission. The Mayor opened the public hearing and with no public input, closed the hearing.

Jim Hier, "I move we adopt the Jupiter View Estates Subdivision based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance". Candace Erickson seconded. Motion unanimously carried.

4. Consideration of an Ordinance approving the Christopher Homes at Empire Pass Condominiums, amended record of survey plat located at Lot 1 of the Silver Strike Subdivision, Park City, Utah – Planner Brooks Robinson explained that Silver Strike (Pod A) was approved and the application requests the creation of four condominium units for Christopher Homes. The Planning Commission forwarded a positive recommendation on November 14. Jim Hier, "I move we approve the amended record of survey based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance for the Empire Pass Condominiums". Joe Kernan seconded. Motion unanimously carried.

5. Consideration to authorize the Mayor to execute a contract with Johnson Controls, in a form approved by the City Attorney, to perform an energy audit of City facilities in an amount not to exceed $49,783 – Alison Butz referred to the work session discussion last week on criteria for this contact, including return on investment, energy and carbon impact and the cost benefit; the leadership element will be applied as a note. The dollar value will be based on something similar to white tags. She asked for clarification from Council if return on investment is represented by years or percentage and Jim Hier didn't feel there is a difference since 15 years is the target. He asked if there will be a present value analysis to arrive at real annual costs and Matt Bruce from Johnson Controls explained that the matrix that will be generated. Joe Kernan, "I move we authorize the City Manager to execute a contract with Johnson Controls, in a form approved by the City Attorney". Marianne Cone seconded. Motion unanimously carried.

6. Consideration to authorize the City Manager to execute the Phase I – Design Contract for the Snow Creek Workforce Housing Development, in a form approved by the City Attorney, to Elliott Work Group, in the amount of $40,000 – Phyllis Robinson explained that the site was first considered for work force housing after the review of the 2006 Strategic Plan for City-owned parcels. This site is 7.834 acres and zoned residential density-medium which permits five units per acre and up to eight units per acre with a conditional use permit. In May 2007, the issue of wetlands on the site was identified as an issue and staff arranged to have an independent contractor delineate the wetlands before proceeding with a request for proposals. The wetlands analysis reveals that 1.5 acres of the site are considered jurisdictional wetlands by the Army Corps of Engineers. In consideration of the existing wetlands and required setbacks, staff identified a buildable site of about 1.8 acres on the 7.834 acre site.

The RFP described the project as an affordable owner/occupied, environmentally responsible neighborhood targeted toward the local work force. It should be a mix of unit sizes and prices anticipated with the preference for at-grade units versus a stacked condominium project. Ms. Robinson noted that units will be sold as primary residences with resale and owner/occupancy restrictions. Green building goals include exceeding the 2007 International Energy Code by at least 60%, achieving a minimum 50 year durability on building materials, and minimizing project waste through recycling.

She explained that four firms responded to the RFP and an internal committee reviewed the proposals and interviewed applicants. Selection criteria included the ability to perform the work, past performance of similar work, and evidence of the ability to begin work immediately. The fee structure is 15% of the overall proposal. Ms. Robinson stated that staff is recommending the Elliott Work Group based on several factors, including its experience in affordable housing, its local knowledge of the LMC, demonstrated sustainable design practices for residential projects, the credentials of firm members, and the submission of a competitive cost proposal. Bids ranged from $350,000 to a low of $40,000. Construction is targeted for May 1, 2008 and staff is confident that the selection of Elliott Work Group will alleviate potential time delays. Phase 1 includes the production of three alternative site designs and a three dimensional computer rendering for the selected concept. Staff will return with the options in early January for review by Council and a public process will occur with the review by the the Planning Commission as a master planned development. She emphasized that Council's award of the contract does not in any way provide any entitlements to the project.

Candace Erickson stated that she has received feedback from Snow Creek residents who ask that the project be compatible with the area. Marianne Cone agreed. Joe Kernan felt that this is a great opportunity to build an attractive project which appeals to the community. Marianne Cone suggested taking advantage of the southern exposure of the location and using solar and Craig Elliott assured her that they will be looking at solar energy. Jim Heir noted that there are no cost caps indicated in the staff report, and Phyllis Robinson explained that a number is not included in the proposal because the number of units is unknown but the project will meet the affordable housing resolution. She estimated this to translate to a $175,000 to $200,000 priced product. Jim Hier stated that there should be a cost target identified because it is critical to affordable housing and Mr. Elliott assured him it would be covered. Roger Harlan, "I move to authorize the City Manager to execute the Phase I – Design Contract for the Snow Creek Workforce Housing Development, in a form approved by the City Attorney, to Elliott Work Group, in the amount of $40,000". Marianne Cone seconded. Motion unanimously carried

7. Consideration of an Ordinance approving the Subdivision No. 1 Millsite Reservation Plat Amendment located at 200 Ridge Avenue, Park City, Utah – Planner Brooks Robinson explained that the plat amendment contemplates combining all or portions of 22 lots plus the vacated area of Anchor Avenue into three lots of record and plat notes are recommended limiting a footprint on Lot 1 to 2,200 square feet and limiting the floor area to 143% of the footprint. There can be no request for a height except as a part of the steep slope conditional use approval process. Garages will be accessed off Ridge Avenue and a number of conditions mirror those for 255 Ridge Avenue. In response to a question from Mayor Williams regarding the remnant piece, Mr. Robinson explained that it is not part of this subdivision, and is owned by the seller who has no development plans. The Mayor opened the public hearing.

Steve Deckert, Daly Avenue resident, stated that the backyard driveway is his major concern and the conditions still provide the opportunity at the steep slope conditional use permit process to reconsider this location, acknowledging the Ridge Avenue access note. He feared that a retaining wall would be required in order to accommodate the 25 foot wide utility easement and drainage on the plat. Mr. Deckert also hoped the old cottonwood trees could be preserved to some extent.

With no further comments, the public hearing was closed. There was discussion on whether the garages would be attached to the residences or built as separate structures and limiting the height of the garage. Mr. Robinson explained that there was no limit on garage height because the topography is different than 255 Ridge Avenue and this condition is really not applicable. In response to a comment from Jim Hier about conditioning access to the residences, Mr. Robinson explained that the Planning Commission did not want too much design criteria created as plat notes and decided to have these details memorialized in the steep slope CUP deliberations or other decisions by the Planning Commission. Marianne Cone asked if the project can be engineered without the retaining wall structure. The applicant indicated that it would be *ridiculous* to design a 15 foot wall for storm drainage; there is a sewer easement on the east side of the property. It was never his intention to a build a retaining wall for drainage purposes and the whole idea of rear access originated from the planning staff because of a provision the LMC discouraging front garages on the street.

Brooks Robinson suggested amending Condition No. 14 to clarify the retaining wall element. It could be amended to read that *the public utility easement shall not have a retaining wall and shall not be used as driveway access to the lots unless for Lot 1 only as specifically approved by the Planning Commission during steep slope review.* Joe Kernan, "I move we approve the Ordinance, approving the Subdivision No. 1 Millsite Reservation Plat Amendment located at 200 Ridge Avenue with the amendment Brooks (Robinson) just made to Condition No. 14". Jim Hier seconded. Motion approved.

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

8. Consideration of an Ordinance approving the Empire Park Subdivision, located at 1215 Norfolk Avenue, Park City, Utah – The Mayor opened the public hearing and with no comments from the audience, closed the hearing. He asked for a motion to continue to a date uncertain. Marianne Cone, "I so move". Joe Kernan seconded. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

VII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 1 p.m. Members in attendance were Mayor Dana Williams, Marianne Cone, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; and Mark Harrington, City Attorney; Myles Rademan, Public Affairs Coordinator; Alison Butz, Enviornmental Specialist; Brooks Robinson, Planner; Matt Twombly, Project Manager; Jon Weidenhamer, Project Manager; Jerry Gibgs, Public Works Director; and Kathy Lundborg, Water Manager. Jim Hier, "I move to close the meeting to discuss property, litigation and personnel". Marianne Cone seconded. Motion carried unanimously. The meeting opened at approximately 4 p.m. Roger Harlan, "I move to open the meeting". Marianne Cone 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 Janet M. Scott, City Recorder

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