PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UT
OCTOBER 29, 2009

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

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Tyler Poulson, Environmental Sustainability Coordinator, Diane Foster, Environment Sustainability Manager; Captain Rick Ryan; Ken Fisher, Recreation Manager; and Matt Twombly, Project Manager

Mary Jacquin and Sandra Nugent, Clean Air Park City; Jennifer Franklin, John Halsey and Rob Lea, Recreation Advisory Board

1. The Montage field trip. The Mayor, Council members, staff, and interested community members attended a field trip to The Montage project site in Empire Pass, Deer Valley.

2. Council questions/comments. Roger Harlan reported on a joint transit meeting where the County discussed constructing its own transit center. The Comstock open house was well attended by residents who voiced split opinions on the installation of the sidewalk. He also attended the official closing of the KPCW purchase and commented on the social with the state legislature which was productive. The City and County library boards meet jointly; there is strong interest in working together toward a regional library card. Jim Hier commented on attending a HMBA meeting last week, the candidate debate hosted by the Chamber, and the joint transit board meeting. The construction project for the transit facility is projected to begin in April, completed December 2011, and is estimated at $13 million which will be federally funded. The City's contribution will be the land value and a no-cost project to the taxpayer. The Chamber also held its economic summit yesterday and Mr. Hier shared some statistics from the industry.

Liza Simpson stated that she also attended the joint library meeting where there was support for integrated services and she thanked the Planning Department for hosting a neighborhood meeting on possible changes to the LMC to allow MPDs on the west side of Main Street and Park Avenue. She attended the Planning Commission meeting where Michelle Diederich and Jeff Lonn expressed concerns about how much commercial might be included in the Racquet Club project. She thanked Jon Weidenhamer for his long-term efforts toward the completion of the KPCW property transaction. She relayed a complaint about lack of parking enforcement on Park Avenue in Old Town. Mayor Williams responded that he received a parking ticket on Park Avenue during the week so there is some level of enforcement.

Candace Erickson discussed Health Board business, specifically H1R1 vaccination distribution plans and shortages and dealing with a budget cut of $22 million. She discussed Recycle Utah and Friends of the Farm business. She commented on the Chamber economic forecast which is slightly optimistic and the response to marketing seems to be improving. Joe Kernan reported on the interagency task force which focused on the legislative effort.

Dana Williams complimented staff on organizing the Comstock meeting. He relayed that he has received concerns about the stability of property management companies. He asked for support in exploring allowing solar panels on historic structures. He spoke about a wind power company willing to extend a 50% to 70% reduction on equipment if Park City agrees to be a test location and felt small scale turbines is a good topic for the Visioning Session.

2. No-idling policy. Tyler Poulson stated that this work session is a follow up to a discussion held on August 20 where Council expressed interest in addressing excessive vehicle idling and the resources needed for enforcement. Vehicle idling contributes to the ozone, particulate pollution and greenhouse gases and there are health implications, especially for children. The EPA recently found seven counties in Utah either wholly or partially in violation of particulate pollution. He explained that from a financial break-even point, Idle-free Utah specifies that typically 10-30 seconds idling time for balancing the minimal wear-and-tear on engines versus fuel saved from shutting off the vehicle. Another study shows that eliminating five minutes of idling per day would save anywhere from $30 to $60 annually on fuel alone and adding the value of wear and tear on the engine equates to $134. On a state-wide level, it is illegal to idle an unattended vehicle and the City prohibits parked delivery vehicles from idling on Main Street and Swede Alley. The City also has an internal policy which prohibits idling of fleet vehicles with some exceptions for public safety. The Canyons and Zermatt Resorts have anti-idling policies for employees and guests and there was recently a state-wide idle reduction awareness drive in September 2009.

Mr. Poulson compared what other communities are doing on idling and ordinances vary for time limits, fine amounts and vehicles covered. There are similarities with regard to exceptions dealing with emergency response and public safety vehicles and temperatures. Aspen has a long-standing ordinance on idling but there isn't active enforcement; residents can call a hotline to report violations. Aspen allows idling for safety reasons, loading and unloading large passenger vehicles and enforcement is sensitive toward visitors who are likely unaware of the ordinance. Burlington, Vermont is part of a much larger idle-free state campaign and is the only city in Vermont with an ordinance. Enforcement is done through a non-metered ticket offense program, sensitive to the situation and the duration has been changed from five minutes to three minutes, making enforcement more efficient. He noted that enforcement is probably the most common concern for communities who have implemented an ordinance both for citizens and the internal government.

He stated that the focus on enforcement seems to be largely tailored to each specific town and how aggressively it is pursued based on resources and priorities. Some communities avoid involving the police and use parking or environmental quality personnel to enforce the ordinance. Mountain Village, Colorado implemented a unique community assisted idling program allowing citizens to dole out warning tickets which are turned into the City. Diane Foster relayed that staff believes enforcement is a significant issue, is not recommending that the Council adopt an ordinance at this time, and if this is considered in the future, she asked if members want a law that is not planned to be enforced.

Mr. Poulson also pointed out potential additional costs for sign purchases. There are three alternatives in the staff report; one is to pursue a resolution declaring Park City an idle-free city. The resolution language was provided by the Park City Chapter of Utah Moms for Clean Air. Another option is pursuing an ordinance directing staff to proceed with further research and planning and the last option is the status quo approach supporting anti-idling on a community-wide basis as well as the existing policies within the City. He clarified that staff recommends adopting a resolution which doesn't include a tangible disincentive for excessive idling like an ordinance but at the same time, brings broader attention to the issues associated with vehicle idling. If Council supports proceeding with a resolution, Ms. Foster asked for direction on the tone of the document because as drafted, it appears more like an ordinance. The Mayor invited public input.

Mary Jacquin, Utah Moms for Clean Air, stated that the organization's name is changing to Clean Air Park City.

Carolyn Frankenberg, resident, believed that adopting a resolution is a logical step and she urged proceeding.

Dick Hughes, resident, emphasized that large cities like New York City, St. Louis, and Atlanta have anti-idling ordinances. There is a lot of carelessness in town, particularly with trucks, and he is very supportive of addressing idling.

Ms. Jacquin explained that the agenda for the organization is to establish a partnership with the City on an anti-idling campaign for the greater community. The plan includes resorts and long-term goals associated with air quality monitoring.

Sandra Nugent, Clean Air Park City, stated that from the group's perspective a resolution will bring awareness to the community, memorialize the City's commitment to the environment, and educate individuals and groups about the benefits and the ease of not idling. She indicated that PC Foundation, Recycle Utah, Mountain Trails Foundation, Summit Land Conservancy support Clean Air Park City and 400 signatures have been obtained for an anti-idling initiative from Park City and Summit County residents. She relayed the organization's commitment to working with the City and other groups on issues.

Candace Erickson pointed out that the draft in the meeting packet is worded differently than the resolution circulated a couple of weeks ago and was pleased with the modifications. Jim Hier felt it appropriate to proceed with signs, wording them in a way that appears like an ordinance; signs may be more effective than having an ordinance on the books in changing people's behaviors. Roger Harlan supported a resolution. Ms. Nugent distributed the educational piece and information going to students. Ms. Erickson discussed the confusion created in passing legislation that is not enforced. Joe Kernan felt that a resolution is a good idea, especially after discussing the matter with staff, and believed the effort could transition into an ordinance citing exceptions. Liza Simpson agreed with moving toward an ordinance; she suggested exploring different levels of enforcement, signs and associated costs. Mayor Williams believed that providing for an environmental enforcement position may be likely in the future and the issue will be discussed at the Visioning Session in January. Diane Foster encouraged members to look at Exhibit D in the meeting packet and will proceed with signs. The Mayor expressed that signs are effective and a good approach in this instance.

3. Recreation Advisory Board Visioning. Ken Fisher explained that RAB met with Council a year ago and four subcommittees were formed including parks, Racquet Club, community outreach, and programming. The group is looking for feedback on its proposed work plan outlined in the staff report. He explained that the remaining budget is about $21,000 for City Park and $35,000 for neighborhood parks. Park impact fees totaling about $2.2 million are currently earmarked for Quinns for fields which may change during budget review.

Mr. Fisher stated that last October, Council directed RAB to explore covering the skate park and invited public input from proponents. Due to the size of the facility and snow load requirements, a simple pavilion roof would not work. A fabric structure was also considered at a cost of about $60 per square foot and because of the large expense, RAB is not recommending covering the skate park. He added that Council was not interested in adding lights last year but added that they do not have to be as intense as playing field lights and lighting could expand the hours of use of the skate park. Discussion ensued on the need to amend the CUP where public input from neighbors could be taken. In response to a question from Roger Harlan, Ken Fisher explained that lights will make a difference in the shoulder season when there is no snow. Members supported proceeding with the amendment and going through the process with the Planning Commission. Matt Twombly described the location of street lights on Sullivan Avenue. Joe Kernan hoped that the skate park doesn't become a nuisance for the neighborhood but felt lighting should be explored. It was decided to check into cost before applying for an amendment to the CUP. Mr. Fisher explained the interest in expanding the use of the skate park to allow bicycles and scooters which is becoming a trend. Jim Hier recalled that bikes were not allowed because of potential damage to the surface finish. The Mayor suggested talking with other facilities that have done this to determine if there are maintenance issues. Roger Harlan expressed surprise that this is something we would want to allow and asked for assurance that both uses are compatible and maintenance manageable. John Halsey suggested designating blocks of time for scooters and bikes and commented on the success of self-policing at the facility. Mayor Williams felt that the ratio of bikes and scooters is much lower and the jump park was designed for these uses. RAB will review lights and uses.

A master plan for the north and south ends of City Park is a project slated for this year, which will be coordinated with the reconstruction of Sullivan Road.

Ken Fisher stated that staff recently removed three *fake* signs that looked very official at the Library and Education Center campus citing an ordinance number that leash laws are strictly enforced. Designating off-leash areas, besides dog parks, is something done in other communities at certain times of the day, for instance or permanently. The City Manager has asked RAB to explore the Library field which is pretty well self-policed and perhaps some trails on an alternating day basis. Jim Hier noted that a recommendation on off-leash trails should come from some one very familiar with trail use and probably not the Council, but he supports exploring the idea. Liza Simpson commented on the *unofficial* Library and Education Center *dog park* which seems to work well, acknowledging that managing trails is a lot more complex. Joe Kernan supported the proposal. The North 40 parcel was identified as another potential area, but is currently heavily programmed. Candace Erickson felt it important the Library and Education Center campus be in good condition for children attending class there. The kids should have an opportunity to enjoy the field without dogs. She wasn't supportive of off-leash trails. The Mayor didn't feel that the North 40 is used by dog owners enough to spend time formulating a policy for it. RAB will explore the off-leash proposal for the Library and trails.

Ken Fisher spoke about improvements to the dog park. The user group raised a little over $8,000 intended for a shade structure. It is not recommended to spend additional City funds at this time. Liza Simpson felt it unlikely that the group will raise much more money and if it is determined that the shade structure design will benefit a lot with the financial assistance of a couple of thousand dollars from the City, it is a worthwhile investment. Candace Erickson agreed and felt improvements to the dog park can be made incrementally. Joe Kernan felt the City should continue to invest in the dog park. Other parks have been a priority. The Mayor encouraged looking at landscaping for shade rather than a structure. Matt Twombly added that irrigation would need to be added to the project scope. Gauging the use of the park was discussed.

Mr. Fisher reported that RAB suggests changing the name of the Racquet Club to Park City Recreation Center; all members concurred. Mr. Fisher updated members on the MPD process for the Racquet Club before the Planning Commission. The project will return to Council on December 3, 2009. He explained that staff continues to work on increased awareness for participation in programs by the under-served population and discussed a Halloween safety session scheduled in City Park tomorrow. Roger Harlan applauded the outreach program which is his highest recreation priority.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
OCTOBER 29, 2009

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, October 29, 2009. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jacquelyn Mauer, Planner; Kayla Sintz, Planner; Matt Cassell, City Engineer; Max Paap, Special Events Manager; Brian Anderson, Parking Manager; and Wade Carpenter, Chief of Police.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

None.

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

North Silver Lake Appeal – Deer Valley resident Lisa Wilson discussed her testimony a couple of weeks ago regarding her formula for determining density. She began addressing the removal of trees on open space property.

City Attorney Mark Harrington interrupted her, explaining that comments on the appeal are inappropriate tonight. The other party is not present to hear her comments and the Code prohibits the Council from hearing any testimony other than at scheduled appeal hearings. A continuation of the hearing is scheduled for November 12, 2009. He offered to meet with her about he process if the appeal process is still unclear to her. Jim Hier acknowledged that he misinformed Ms. Wilson and apologized for encouraging her to comment under Public Input. The City Attorney emphasized that the Council is hearing the matter as an appeal and acting as a judge and all parties should have the same opportunities. Ms. Wilson expressed her frustrations with the process, stating that she is not getting information from the Planning Department.

Mr. Harrington advised that the appeal process is structured to guarantee fairness to all sides and the dialog needs to include the other party with notice. Unfortunately, the rules create a degree of formality. The Council must make its decision openly with all parties which often creates more process. Ms. Wilson asked to see the associated section of the Code and complained that members have already made up their minds without seeing public input because that is not provided until the last minute. The Mayor took exception to the comment.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF OCTOBER 8, 2009

Roger Harlan, "I move approval of the work session notes and the minutes of the meeting of October 8, 2009". Candace Erickson seconded and Joe Kernan disclosed that he will not be voting as he was not in attendance. Motion carried.

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

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

1. Consideration of an Ordinance amending the Land Management Code for Master Plan Developments in the HR-2 Zone – and

2. Consideration of an Ordinance approving the Glory Hole Subdivision, located at 518 Deer Valley Drive, Park City, Utah - The Mayor opened the public hearings on Items 1 and 2; there were no comments from the audience. He requested motions to continue. Joe Kernan, "I move to continue Item 1 to December 3, 2009 and Item 2 to January 7, 2010". Liza Simpson seconded. Motion unanimously carried.

3. Consideration of an Ordinance approving the 1440 Empire plat amendment, located at 1440 Empire Avenue, Park City, Utah – Planner Kayla Sintz introduced applicant Mark Fisher, architect Craig Elliott, and Attorney Eric Lee. The subject property is located in a RC-RD zoning district and the proposal is to plat a metes and bounds parcel into Lot A of the 1440 Empire Avenue Replat. The proposed lot will be 12,882.62 square feet more or less, and will accommodate future construction. She explained that a conditional use permit review for a multi-unit dwelling application has also been received and the project is proposed to be deed-restricted for affordable housing. A structure can not be constructed across a lot line. This application was heard before the Planning Commission on October 14, 2009 with the addition of Conditions of Approval Nos. 3 and 4 recommended by the City Engineer. The Planning Commission forwarded a positive recommendation and she referred to public input included in the meeting packet. The Mayor opened the public hearing.

Rick Margolis, 1422 Empire Avenue, stated that he is opposed to the plat amendment and the conditional use permit. He stated that he did not receive notice for meetings on this project and it was a fluke that he attended the Planning Commission meeting where he gave input, but he wasn't familiar with the General Plan or LMC at that time. He testified that he believed the project was too dense and Empire Avenue too crowded. There was no analysis of what else could be built there. The 13,000 square foot parcel with a 48 bed housing project only provides 12 parking spaces and no visitor or delivery parking. He thought that plat amendment and conditional use permits were heard together. The hearing was continued because of parking concerns and he left the meeting but found out later the plat was approved without public input. He reiterated that he never received notice and didn't have an opportunity to render meaningful public input. The General Plan encourages public input and the LMC addresses notice which he didn't receive. There is no public input in the staff report from the neighborhood and Mr. Margolis asked that the matter be remanded to the Planning Commission so it can hear the arguments against the project which is information the Commission did not have. He stated that the LMC provides that there must be findings for consolidation. This proposal adds 9,000 square feet to 4,000 square feet to create potential for much more density and one of the findings is to protect the general welfare of Park City and the concept must be in conformance with the General Plan. He spoke about potential traffic congestion, the lack of an analysis and non-conformance with the General Plan; the project should be denied or remanded. Resort base is described in the General Plan as skier based residential which this project is not. East of Empire Avenue provides for skier bed base while allowing for transition to residential and the General Plan map designates the area as low density. Mr. Margolis stated that just because affordable housing is an important goal, doesn't mean it should go anywhere. Lower Park Avenue encourages affordable housing but not the vicinity of the resort. None of this was brought before the Planning Commission and Mr. Margolis reiterated his comments again and again. He asked that Council deny the plat consolidation or at least remand it back to the Planning Commission to be heard together with the conditional use permit.

Bruce Beard, counsel for Mr. Magolis and David and Rosemary Olsen, stated that the recently adopted state law requires that if the City elects to give notice beyond the bare minimum required, then notice has to be given to all parcel owners. There is no question that notice was not given. The home owners association received notice but this does not comply with state law. In addition to the violations of the LMC regarding the combination, under state law a plat amendment can not be approved if it causes any harm to a person or the public. By definition, the plat amendment is required to allow a conditional use and the plat amendment will harm the neighborhood with regard to massing, views, lighting, parking, over-crowding and it violates the General Plan. He suggested sending it back to the Planning Commission.

David Olsen, 1430 Empire Avenue, stated that this proposal has potential adverse impacts on them. He spoke about massing, the lack of parking, and the lack of notice. He requested a full hearing before the Planning Commission.

Rosemary Olsen complained about the lack of notification of adjacent property owners. She urged sending this back to the Commission so the neighborhood has input.

With no further comments, the public hearing was closed. Attorney Eric Lee stated that the concerns raised by the public will be addressed in the conditional use review process because these are CUP issues and the process is still before the Planning Commission. If the CUP is approved, it can be appealed to the City Council. The applicant is not interested in a remand on the plat. The notice issue falls with the City.

Mark Harrington believed that legal notice was provided but there is an allegation of confusion at the hearing. Mailed notice is a courtesy and the Code specifies that any defect shall not be a reason for delay or lack of action by the body. It is appropriate for the Council to determine if there was confusion among the public which weighs into the decision to remand the project. He further suggested that the applications be heard concurrently. Mr. Elliott explained that it was their intention to construct this fall which is no longer realistic, and are now looking at the spring and timing is a concern. The intention was to clean up the metes and bounds remnant parcels. Mark Harrington discussed members making a decision tonight or remanding the application to the Planning Commission.

Candace Erickson stated her preference to remand it to the Planning Commission so that public input can be considered. Liza Simpson stated that she is not as concerned about the noticing but more about the confusion at the meeting and felt the Commission should hear the public input. Jim Hier didn't disagree but was not ready to dismiss the item and Joe Kernan noted that he would rather deal with a decision tonight if a remand will delay construction in the spring. Roger Harlan supported remanding this to the Planning Commission.

Jim Hier emphasized that the use is not included in the staff report because lot combinations are separate actions from the conditional use permit process which typically occurs later. The lot combination staff report does not provide use or density information and this information is important to consider. He agreed that the General Plan map designates this area as low density residential. A master plan of the lower Park Avenue area may suggest that the General Plan be revised for consistency. He didn't believe that affordable housing is specifically precluded by the General Plan and is allowed in all areas of the City but felt this project should be sent back to the Planning Commission.

Applicant Mark Fisher stated that John DeJoria owns the property who has graciously agreed to donate the land and pay for the building because he believes in affordable housing and wants to give 48 young adults some place to live. Mr. Fisher agreed to a remand but is surprised by the opposition because he thought this is a great project for the City. Affordable housing is a high priority and from this location, employees can walk to work. If this gets too *crazy*, Mr. Fisher expressed that he will lose faith in the system because this is something special and important to the town.

Craig Elliott voiced that he has never had a problem processing two applications at the same time. This is the way 1140 Empire has been processed; both applications were submitted simultaneously.

Candace Erickson felt that the location for affordable housing needs to be reviewed by the Planning Commission and the difficulties created in neighborhoods when parking is deficient. She prefers that the Planning Commission look at all aspects of the project and take public input. Liza Simpson expressed that her biggest concern is that people were not heard. Eric Lee felt it important to note that the remand is going back because of noticing, the Council is not necessarily directly the Commission to review CUP criteria in connection with this application. Jim Hier believed this is not a notice issue as much as a process issue, but it doesn't matter, "I move we remand it back to the Planning Commission because of a notice issue and that the Planning Commission be made aware of the density that could exist right now under the existing configuration versus the density that will be allowed under the revised plat combination and that the statement regarding the access of the parcel be checked for validity". Liza Simpson seconded. Motion carried unanimously.

4. Consideration of an Ordinance approving the Eagle Point Subdivision Phase 3 Lots 47 and 48 Amended Plat, located 7 Eagle Landing Ct., Park City, Utah – Jacquie Mauer explained that the proposed plat adjusts the lot lines between Lot 47 and 48; a portion of the existing Lot 47 would be conveyed to be included within Lot 48. On October 14, 2009, the Planning Commission forwarded an unanimous positive recommendation and no public input was received. The Mayor opened the public hearing; there were no comments. In response to a question from Jim Hier, Ms. Mauer indicated that the adjacent property owner is in agreement. Jim Hier, "I move we approve the plat amendment for the Eagle Point Subdivision Phase 3, Lots 47 and 48 as defined in the findings of fact, conclusions of law, and conditions of approval in the draft ordinance". Liza Simpson seconded. Motion unanimously carried.

5. Consideration of an Ordinance approving the 146 Daly Avenue Plat Amendment, located at 146 Daly Avenue, Park City, Utah – Kayla Sintz explained that the subject property is located in the HR-1 zoning district and a non-historic duplex sits across a number of lot lines. A Historic District design review was previously completed by the applicant for exterior work, and the building permit is contingent on approval of the plat amendment. The proposal combines Lot 22, portions of Lot 21 and Lot 23 in Block 74, Millsite Reservation, as well as half of vacated Anchor Avenue into one lot of record. The Planning Commission did not receive public input and forwarded a positive recommendation on October 14, 2009. The Mayor opened the public hearing; there were no comments from the audience. Liza Simpson, "I move that we approve the 146 Daly Avenue plat amendment according to the findings of fact, conclusions of law, and conditions of approval found in the staff report". Roger Harlan seconded. Motion unanimously carried.

6. Consideration of a Service Provider/Professional Services Agreement with Ward Engineering Group for engineering services related to the 2010 reconstruction of Sandridge Drive in the amount of $84,075 – Matt Cassel stated that Sandridge is slated for reconstruction on the OTIS schedule. Eight firms responded and were evaluated and Ward was ultimately selected. In response to a question from Joe Kernan, Mr. Cassel discussed evaluation criteria and more specifically, Alliance's role in current City projects. Joe Kernan, "I move we approve the service provide agreement with Ward

<u>Engineering in the amount of $84,075</u>”. Candace Erickson seconded. <u>Motion unanimously carried.</u>

7. <u>Consideration of the 2010 Sundance Supplemental Agreement</u> – Max Paap introduced Brian Anderson, Parking Services Manager and Sara Pearce, Sundance Institute. Council should specifically consider approval of a partial street closure of Heber Avenue between Park Avenue and Main Street from January 19 to February 1, 2010. In October 2005, the City and Sundance entered into a long-term agreement from 2007 to 2018 with an option to renew for an additional ten years. Sundance has agreed to annually review the dates of the Festival to reduce possible conflicts with the business community while maintaining its success. In 2008, Council asked that plans be rolled out earlier for the 2009 Festival and in keeping with that request, this is heard today.

He pointed out that the plans for the 2010 Festival have the following modifications, updated Main Street and Park Avenue parking, traffic mitigation and circulation plan, and closure and programming of the streets adjacent to the Kimball Art Center on the north travel lane of Heber Avenue. He noted that additionally the HMBA has requested an analysis of the use and pay structure of the China Bridge Parking Structure. Other changes include the relocation of the music café to 751 Main Street, official Sundance sponsor use of The Yard on Kearns Boulevard, use of the City’s Recreation Building and Miners Hospital in City Park, and the prior approval of the 2010 supplemental plan for the Racquet Club venue.

With regard to the traffic and circulation plan, Mr. Paap explained that drop and load zones will again be created along both sides of Main Street between 9^{th} Street and the Swede Alley intersection to the south of the Brew Pub lot. This plan will begin on Tuesday, January 19, two days before the Festival actually begins to help facilitate an easier and more efficient move-in on Main Street. City staff will monitor traffic flows and parking inventories and has the ability to return the east side of Main Street to a pay and display program during the second week of the Festival as traffic impacts wane. The closure and programming of the north travel lane of Heber Avenue is intended to create space for sponsor activities and temporary structures. Heber Avenue, the north travel lane, will become a venue for official Sundance sponsor venues this year and closed to parking and vehicular traffic. The purpose is to provide a central gathering festival location for Festival goers and the local community; no official Sundance credentials will be required for entrance. This proposal results from a success of staff efforts and a commitment from Sundance toward increasing long-term relationships with Main Street. This venue will create a one-way travel lane, buses only, along Heber Avenue west bound from Swede Alley to Park Avenue. The plan has been presented to the HMBA at its September Board of Director’s meeting and was positively received. Staff will continue to work with Sundance to complete a more detailed operational plan as it continues to work with sponsors on final details. This plan replaces the tent that existed in the 2009 Festival which served as the music café, now located at 751 Main Street.

Mr. Paap explained that the China Bridge employee parking permits and an analysis of a slide pay structure throughout the structure is a request from Main Street. At a recent HMBA meeting, there was some talk among the membership about getting good use out of China Bridge. It was felt that times during the latter part of the Festival, it wasn't quite full. Brian Anderson emphasized that the plan is based on the goal of effective traffic mitigation management. He acknowledged a bigger parking demand up-front. Demand dropped off significantly the second weekend of the Festival last year because of the Presidential Inauguration, but the two prior years' numbers were quite close. Setting a fluctuating rate is difficult and confusing to patrons and it is staff's recommendation to keep the rate at $20; and again it is less about the revenue and more about traffic mitigation. Maintaining emergency response access to Main Street is also important. The north Marsac Building lot and the roof of the Old China Bridge Parking Structure will be available for employee parking. In response to a question from Liza Simpson, there is a guaranteed parking pass for sale at a premium rate at $350 and the CB permit can be used in the upper levels of the parking system.

The Mayor commented on the high number of vacant parking spaces the second week last year and Mr. Anderson pointed out that in prior years the second week has rebounded and again discussed the circumstances last year. Sara Pearce commented on the importance of consistent messaging. Liza Simpson stated that every year she sees the same thing and it is extremely bad public relations on behalf of the City to be charging people to park in a garage that is half empty. There should be some way to communicate that a different fee will be charged the first half of the Festival. During the week it could be free, and then returning to priced parking on Thursday, Friday, Saturday and Sunday. In response to a question from Ms. Erickson, Mr. Anderson indicated that people in recent years have not been turned away because the lot is full although parking in the evenings tend to peak.

Max Paap stated that he encouraged the HMBA to formulate recommendations on parking for this work session, but did not receive a response. Jim Hier commented on the $20 parking fee for patrons of establishments on Main Street which is difficult for businesses and he stated that he would like to explore fees further, like reduced fees beginning on Monday of the second week. Staff should contact the HMBA again. Discussion ensued on traffic mitigation and the problems with circulation and congestion in the past without incentives. With regard to policy questions, Tom Bakaly discussed the goal in maximizing the convenience of coming to Old Town without creating traffic problems. Candace Erickson suggested that Main Street employers coordinate efforts to cover the cost for shared guaranteed parking for employees. The Mayor invited public input.

Jesse Shetler, No Name Saloon and Butchers, asked questions about the parking program which Brian Anderson answered. It was pointed out that during the second week last year; CB holders were permitted to park in the $20 lot because of availability of spaces. Mr. Shelter commented that many of his long-term employees have Sundance figured out and make plans accordingly to get to and from work. If the plan is not about revenue, costs should be kept down. He felt that a crowded downtown is a good thing for businesses during these poor economic times.

Ms. Erickson felt it would be helpful to know what businesses are operating during Sundance and those renting to private parties. Roger Harlan expressed interest in assisting employers and employees. Sara Pearce added that the $20 lot is the most expensive parking in town and it is a public relations problem. Sundance is in its third day of national ticket sales and she was pleased to report that sales are up a little bit. If there are changes to parking, she offered to get the word out through her people.

Jen Butler, Sugar Buzz on Heber and Main, expressed concerns about access to her business since it will be a bus only zone. She suggested installing directional signs to Park Avenue businesses and allowing the display of sandwich sidewalk signs by the City. Max Paap noted that staff is working on signage for businesses and police officers will let people into their establishments.

John Troilo, Davanza's Pizza, explained that his concern is providing delivery personnel access to and from the restaurant for deliveries. Max Paap explained that the officers will be informed. Sara Pearce suggested holding an off-site meeting with businesses about the Heber/Park Avenue issues.

Mr. Paap explained that in past years The Yard has operated as a venue that housed activities that were not officially recognized by Sundance Institute as sponsors, however this year, the programming and activities are official sponsor activities. Sundance will continue to operate the inventory of parking adjacent to that facility as a park and ride which is an essential function to the success of the screenings at Temple Har Shalom. The conditions of approval for all activities will be consistent with the previous activities approved at The Yard, not just the Festival. As in past years, final operations will ensure a plan that will address impacts to the neighborhood and affected businesses as well as any transit concerns. There were no questions or comments from the Council or the audience on this or the use of City facilities at Miners Hospital and the Recreation Building.

He explained that the supplemental plan for the 2009 Festival was recapped on March 5, 2009 with very few negative comments due to the change in starting the final screening time at the Racquet Club at 8 p.m. Sundance has submitted a proposed operations schedule for 2010 that is similar to the 2009 plan. The 8 p.m. screening time ensures a greater likelihood of emptying the venue and parking lot by 10 p.m. It is required that Sundance continue to operate the customer service line for the 2010 Festival as it did for 2009.

Liza Simpson countered that the phone line did not operate well in 2009; it provided information for patrons but was not a hot line for complaints. Ms. Pearce indicated that they don't plan on doing anything different this year and want to maintain the customer service name for the number. With regard to internal security, Mr. Paap indicated that it was uncertain who provided the service in the past and Ms. Pearce stated that she could not find anything in their records on covering the cost. The Mayor spoke about Festival patrons parking on the streets. The City Manager interjected that there were concerns expressed with set-up and it is intended to accomplish this earlier in the day. The Mayor requested public input.

Michelle Diederick, 179 Racquet Club Drive, recalled that in prior years, security guards were posted on both ends of the condominiums which did help the parking situation. She understood that people were encouraged to park in the neighborhood last year. She never received a call back after leaving a message on the hot line. She felt more information should be printed on programs so people know there is no parking at the Racquet Club. Sara Pearce explained that parking is not available at any of the venues, except the Eccles Center, and this is printed on programs but the Racquet Club can be highlighted. Ms. Diederick suggested programming the films differently to ensure that the venue is cleared by 10 p.m.

Tom Bakaly explained that if the plan is approved tonight, there can be provision that the plan for parking at the Racquet Club return. The Mayor added that there should be more discussion on the rates charged for parking in China Bridge and enforcement on the internal parking at the Racquet Club condominiums. Jim Hier interjected that access to businesses on Park Avenue and Heber should also return.

Jeff Lonn, 179 Racquet Club, stated that there were no guards last year at the entrances to the condos to prevent anyone who is not a resident from entering. There were cars turning around by their residence. Liza Simpson pointed out that guests would also be prohibited from entering and asked if the HOA would take on the responsibility of monitoring traffic. Mr. Lonn expressed that guests not an issue for them and there will always be a few who get by. He is disappointed that the City does not hold Sundance to the noise ordinance in a residential area because the event is not compatible with the neighborhood, especially the closing party. The City should hold Sundance to the 10 p.m. dead line. In response to a question from Max Paap, Mr. Lonn felt that security guards are needed all day adding that normally, the residents do not park on the street.

Police Chief Wade Carpenter emphasized that the City can not enforce parking at the Racquet Club because it is private property. Brian Anderson suggested the City could help by installing signs or getting the HOA involved.

Liza Simpson stated that she would like more information on how Sundance will get the word out about the complaint line since it didn't work last year. Liza Simpson, "<u>I move we approve the 2010 Sundance Supplemental Agreement with the exception of the *nit list* to be resolved</u>". The City Manager clarified that the Supplemental Agreement will be approved with further updates regarding traffic control and parking at the Racquet Club, access to businesses on Park Avenue, the customer service line, and traffic control and price structure of downtown parking. Joe Kernan seconded. Candace Erickson added that in addition to access to businesses on Park Avenue, directional signs should be considered and the turn-around at the Racquet Club should be checked. Motion unanimously carried.

VI ADDITIONAL DISCUSSION – AGENDA ITEMS

None.

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 2 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, Joe Kernan, and Liza Simpson. Staff present was Tom Bakaly, City Manager; Tom Daley, Deputy City Attorney; Jeff Schoenbacher, Environmental Specialist; Ron Ivie, Chief Building Official; Kathy Lundborg, Water Manager; Todd Touchard, Project Manager; and Mark Harrington, City Attorney. Liza Simpson, "I move to close the meeting to discuss property and litigation". Joe Kernan seconded. Motion carried unanimously. The meeting opened at approximately 4:30 p.m. Jim Hier, "I move to open the meeting". Candy Erickson 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

Janet M. Scott, City Recorder