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**PARK CITY COUNCIL MEETING MINUTES
445 MARSAC AVENUE
PARK CITY, SUMMIT COUNTY, UTAH 84060**

January 12, 2017

The Council of Park City, Summit County, Utah, met in open meeting on January 12, 2017, at 3:30 p.m. in the City Council Chambers.

WORK SESSION

Special Event Advisory Committee Interview

Council interviewed Sarah Aures for the position. Mayor Thomas indicated the Council would discuss the applicants and she would be notified soon.

Council Member Beerman moved to close the meeting to discuss property, personnel and litigation at 3:45 p.m. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting. Council Member Gerber seconded the motion. Voting Aye: Council Members Beerman, Gerber, Henney, Matsumoto, and Worel.

STUDY SESSION

Western Summit County Project Overview

Clint McAfee, Public Utilities Director, said the purpose of the session was a reminder, or an overview, of the water supply and water demand and the terms of the Master Agreement. Andy Garland and Dave Fuller, from Summit Water Distribution, were in attendance. McAfee gave an overview of the Weber Basin and the different areas that provide water to Park City. He showed the pipelines and where they receive water from. McAfee showed a graph of the reliable water supply. It showed a projected water deficit in future years. The actual demand was less than what was projected in the early 2000s. There was a time on the graph where Park City was projected to operate in a deficit, but there was a lot of snow pack that year, so Park City was fine. He showed that we are currently 44% above average for this time of year in Park City.

1 McAfee showed a graph of the raw water demand. It included the Park City Golf
2 Course, Park Meadows Golf Course, and raw water irrigation. Council Member
3 Matsumoto did not like the fact that a large demand was from the Park City Golf Course.
4 McAfee showed an annual water use graph that included commercial, construction,
5 irrigation, multi-family, residential, municipal, and chlorinated snow making. Council
6 Member Worel asked why the City chlorinated the water for snow making. McAfee
7 explained that it's the easiest, most economic water to use.

8
9 Jason Christensen, Water Resources Manager, talked about some of the conservation
10 programs. He explained that we were continuing to track toward our conservation goals.
11 He explained that we had a lot of programs that would help us reach our 25% reduction
12 goal. He talked about the Water Smart System and how it was becoming more
13 accessible for households to use. There was 38% registration on the online Water
14 Smart System and he explained it would continue to grow. Christensen gave an
15 overview of customer infrastructure and City infrastructure.

16
17 McAfee explained we were on the path to meet our vision and mission pertaining to
18 water supply and water preservation. He gave some background on the Rockport
19 Importation Project. He explained that the purpose of the Master Agreement is to
20 ensure safe and reliable water to Park City residents.

21
22 Council Member Matsumoto asked if the East Canyon Water Treatment Plant was out
23 by Jeremy Ranch. McAfee confirmed that it was out by Jeremy Ranch and that it was
24 not currently operating. Council Member Matsumoto asked if we would be able to give
25 input on what the future of the plants would be. McAfee confirmed we would be able to
26 give input.

27
28 Council Member Henney asked if the projections that showed the surplus and deficits
29 accounted for the 25% decrease in water usage goals. McAfee stated that the future
30 projections were not accounting for the 25% goal. Council Member Henney requested
31 analysis that would project surplus and deficits if a 25% decrease was achieved.
32 McAfee said we could produce that analysis, but that a future projection would also be
33 affected by other factors besides water conservation.

34
35 Council Member Gerber asked if other groups in the state have similar conservation
36 goals to Park City. Christensen answered that Governor Leavitt and Governor Herbert
37 have made water conservation goals. Andy Garland explained that the Weber Basin
38 does have conservation goals.

39
40 Council Member Matsumoto asked if Park City could service The Canyons in order to
41 use stricter guidelines for them. Andy Garland suggested it was a complicated issue.
42 McAfee explained that Park City had a specific service boundary and would not serve
43 outside the boundary.

1 **WORK SESSION**

2 **Council Questions and Comments:**

3 Council Member Gerber congratulated the PC MARC on their five-year celebration. She
4 attended the Planning Commission and stated the Rossi Hill discussion seemed to be
5 going well.

6
7 Council Member Worel gave a shout-out to the snow removal crews from the City. She
8 also addressed the fact that private snow removal crews pushed snow into the street
9 and it made it dangerous. Diane Foster, City Manager, said that outreach would be an
10 appropriate tool for addressing the situation. Mark Harrington, City Attorney, explained
11 that you could file a complaint with code enforcement and go that route.

12
13 Council Member Worel attended a Public Health meeting where they showcased kits
14 that were used to treat those who had overdosed on opioids. She suggested they use
15 \$15,000 from the Council's contingency budget to donate to the Public Health
16 Department for use toward their mental health programs. The Council unanimously
17 agreed to use \$15,000 from contingency for this purpose. She went to the PC Tots
18 board meeting and their new location is under construction. They had 30 spots open
19 and all but three are already filled.

20
21 Council Member Henney attended the Mountain Trails Foundation. Katie Wilken was on
22 the board and Council Member Henney thought that was neat to see because Jan
23 Wilken had the vision for the Mountain Trails Foundation.

24
25 Council Member Beerman stated that Moab had interest in mimicking Park City's energy
26 goal. Moab City had a work session and a lot of public turned out. Council Member
27 Beerman said that Luke Cartin, Environmental Sustainability Manager, attended and
28 presented. Grand County also decided to come onboard. He attended the legislature
29 and thought it would be an interesting session. Council Member Beerman attended the
30 MARC celebration. He went to a breakfast at Outdoor Retail where a presenter talked
31 about gender parity.

32
33 Diane Foster, City Manager, explained that Malena Stevens, Victims Advocate, was
34 involved in the City's women's group.

35
36 Mayor Thomas attended the Utah League of Cities and Towns meeting. He also
37 attended the ribbon cutting for a Park City school.

38
39 **Discuss City Park Community Center Request for Proposal Scope**

40 Jonathan Weidenhamer, Economic Development Manager, explained that we would
41 need to think about how all the development would fit into the master plan. He said the
42 budget was currently \$4.5 million.

43

1 Foster stated she was concerned about setting the price now and not starting
2 construction for a year. She stated we were starting with a constrained budget.

3
4 Mayor Thomas stated we could factor in a contingency fee for the cost of materials, but
5 we should focus on the scope and create a scope that would match the budget. He
6 suggested we could work with the \$4.5 million.

7
8 Council Member Matsumoto said we shouldn't set ourselves up for failure by setting a
9 budget that's too low for what we want. She thought the building would need to be net
10 zero and the costs may be more than a different kind of building. She wanted the
11 contingency to be able to take in net zero goals and building costs.

12
13 Council Member Gerber felt starting with \$4.5 million as a basic model and adding more
14 if possible was what Council should do.

15
16 Council Member Worel asked how the decision on the cost of operating the community
17 center was made. Nate Rockwood, Budget Manager, explained that during this budget
18 season we would look at the operational costs of the buildings.

19
20 Council Member Henney said Council should do everything possible to avoid scope
21 creep, but that if the number would provide a building that was unacceptable then we
22 would need to relook at the number.

23
24 Council Member Beerman stated \$4.5 million was a place holder but if more money was
25 used it cuts into the housing budget.

26
27 Mayor Thomas suggested putting it out in an RFP and getting the costs and then we
28 would know what would be possible with that amount of money.

29
30 Rockwood explained that the money for the Center was coming from the RDA and it
31 would be generated over the next 15 years. He explained that property tax was easy to
32 project and the \$4.5 million was possible while still reaching the RDA goals for housing.
33 Rockwood stated that if the amenity we get for \$4.5 million was not acceptable we
34 would have to ask whether to downsize the vision or find money from other places.
35 Rockwood stated a larger CIP discussion could also be had, but it would de-fund other
36 projects.

37
38 Council Member Henney asked about the CIP fund and asked if we could take money
39 from it. Rockwood affirmed that money could be taken from the CIP fund and brought
40 into the RDA. Rockwood advised talking about revenues as a whole and not just about
41 sales tax because the sales tax revenue can sometimes go the other way. Rockwood
42 liked this project because we were replacing the current stock of building that we had.
43

1 **REGULAR MEETING**

2 **I. ROLL CALL**

3

| Attendee Name | Title | Status |
|-----------------|------------------------|---------|
| Jack Thomas | Mayor | Present |
| Andy Beerman | Council Member | Present |
| Becca Gerber | Council Member | Present |
| Tim Henney | Council Member | Present |
| Cindy Matsumoto | Council Member | Present |
| Nann Worel | Council Member | Present |
| Diane Foster | City Manager | Present |
| Mark Harrington | City Attorney | Present |
| Matt Dias | Assistant City Manager | Present |
| Katie Madsen | Deputy City Recorder | Present |

4

5 **II. APPOINTMENTS**

6

7 **1. Recreation Advisory Board Appointment of Ed Parigian for a Term Which**
 8 **Will Expire July, 2017.**

9 Council Member Worel moved to approve the appointment of Ed Parigian for a term
 10 which will expire July, 2017. Council Member Beerman seconded the motion.
 11

12 **RESULT: APPROVED**

13 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

14

15 **2. Historic Preservation Board Appointment of Randy Scott for a Term Which**
 16 **Will Expire May, 2018.**

17 Council Member Matsumoto moved to approve the Historic Preservation Board
 18 Appointment of Randy Scott for a Term Which Will Expire May, 2018. Council Member
 19 Henney seconded the motion.
 20

21 **RESULT: APPROVED**

22 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

23

24 **III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

25

26 **Staff Communications Report:**

- 1 • **Government Finance Officers Association (GFOA) Distinguished Budget**
- 2 **Award**

3 **IV. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE**

4 **AGENDA)**

5 Mayor Thomas opened the meeting for any who wished to address the Council on items

6 not listed on the agenda.

7

8 Melissa Band stated she read the staff report on the Senior Center and she did not see

9 anything in the report that mentioned the teenagers in the community. She suggested

10 thinking about having a place the youth could hang out without spending money. She

11 mentioned the Park City summer camp and suggested expanding the camp.

12

13 Dean Barrett, a board member of Prospector Square, talked about the Master

14 Improvement Plan for Prospector Square. He stated the coordination between the City

15 and the Prospector Square Board had been very positive. He outlined the project and

16 said thank you to Council for their support.

17

18 Anne Laurent, Community Development Director, introduced Julia Collins, Senior

19 Transportation Planner, who is now working with Alfred Knotts in the Transportation

20 Planning Department. Julia stated her background had set her up perfectly for this

21 position. She expressed her excitement to serve the community.

22

23 Randy Winzeler, owner of Atticus Coffee and Teahouse, stated his concern about the

24 street closure coming up during Sundance on Lower Main. He contacted other owners

25 on Main Street and none of them knew about the street closure. He stated the setup of

26 day closures for the four days before and after Sundance was too much. He felt that it

27 happened too quickly without enough information shared. He stated Sundance did talk

28 to people, but it was employees who did not pass it on to the owners.

29

30 **V. CONSENT AGENDA**

31

32 **1. Request to Approve the Convention Sales License (CSL) Applications for**

33 **Operation During the 2017 Sundance Film Festival as Listed on the Agenda:**

34

35 **2.**

36 **3. Request to Approve the Following Special Event Temporary Alcoholic**

37 **Beverage License Applications for Operation During the 2017 Sundance Film**

38 **Festival as Listed on the Agenda:**

39 Council Member Beerman moved to approve the Consent Agenda. Council Member

40 Gerber seconded the motion.

41

1 **RESULT: APPROVED**

2 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

3
4 **VI. NEW BUSINESS**

5
6 **1. Consideration of an Option Agreement with Redus, LLC for the Purchase of**
7 **Approximately 1,400 Acres in Bonanza Flats for Open Space for \$38,000,000 in a**
8 **Form Approved by the City Attorney.**

9 Heinrich Deters, Trails and Open Space Program Manager, showed a map of the open
10 space parcel. He explained they were asking Council to approve a purchase agreement
11 for the open space.

12
13 Wendy Fisher, Utah Open Lands Executive Director, explained there was a gap
14 between the purchase price of Bonanza Flats and what the citizens voted to pay for;
15 however, she explained that there were non-profit groups who would come to the aid of
16 the City and the property to help make up the difference and keep it open space.

17
18 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
19 closed the public hearing.

20
21 Tom Daley, Deputy City Attorney, gave an overview of the Bonanza Flats Purchase.

22
23 Council Member Henney stated he was in full support of the purchase. He asked for
24 clarification on the inholding parcels. Daley explained that the inholding portions were
25 not part of the transaction. Deters had reached out to the property holders and the City
26 would have to sort through those issues.

27
28 Council Member Henney asked for clarification on the road access in the future. Daley
29 said the agreement would not impact the current access.

30
31 Council Member Beerman stated he always loved being on Council, but that today was
32 one of the really great days. He thought preserving this area was a great
33 accomplishment. He wanted to thank his fellow council members, the community,
34 Wendy Fisher, Tom Daley, Mayor Thomas, and Wells Fargo for making this happen.

35
36 Council Member Gerber asked others to join in the crusade to save this land. She
37 stated she was thrilled to have this opportunity.

38
39 Mayor Thomas stated the preservation of this land was a reflection of where we are as
40 a community. He was confident that we could accomplish it.

1 Council Member Beerman moved to approve an Option Agreement with Redus, LLC for
2 the purchase of approximately 1,400 Acres in Bonanza Flats for Open Space for
3 \$38,000,000 in a form approved by the City Attorney. Council Member Henney
4 seconded the motion.
5

6 **RESULT: APPROVED**

7 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

8
9 **2. Consideration to Hold a Special Meeting to be Held Between January 19-21**
10 **for the Approval of Late Type 2 Convention Sales License (CSL) Applications:**

11 Beth Bynan, Business License Specialist, asked Council to consider holding a special
12 meeting for approval of late business license applications.
13

14 Council Member Worel asked if the City Staff was keeping up with late applications.
15 Bynan explained that Finance was keeping up, but that it was the Building Department
16 that had to actually go out and do the inspections.
17

18 Council Member Matsumoto stated the small businesses needed to have some
19 leniency.
20

21 Council Member Henney stated that last year Council was bombarded with people
22 saying Staff was overwhelmed, but he did not see it this year. So, he was okay with
23 making a more stringent cutoff, but he also wanted to help the small businesses. He
24 thought the conversation needed to continue.
25

26 Council Member Gerber suggested they have one meeting, but maybe not a second
27 one later.
28

29 The special meeting was scheduled for January 17th at 10:00 a.m.
30

31 Council Member Beerman moved to approve a Special Meeting to be held January 17
32 for the approval of late Type 2 Convention Sales License (CSL) applications. Council
33 Member Henney seconded the motion.
34

35 **RESULT: APPROVED**

36 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

37
38 **3. Consideration to Authorize the City Manager to Execute a Contract with**
39 **Proterra, in a Form Approved by the City Attorney, for the Purchase of Six (6) 40-**
40 **Foot Battery-Electric LOW FLOOR BUSES, and Related Charging Equipment for a**

1 **Total of \$4,926,075 with a Federal Transit Administration (FTA) 5339C “Low-No**
2 **Emission” Grant in Partnership with the Utah Department of Transportation**
3 **(UDOT):**

4 Blake Foncesbeck, Public Works Director, explained his excitement for the electric
5 buses. Foncesbeck thanked Nate Rockwood and Tom Daley for helping make it
6 happen. Buses would start being produced this month and they would start driving in
7 March.

8
9 Council Member Beerman asked what the annual mileage would be on the buses.
10 Foncesbeck answered it would be around 90,000 miles per bus annually. Council
11 Member Beerman asked if there would be replacement costs with the batteries.
12 Foncesbeck explained Proterra was taking the risk of the batteries and Proterra would
13 own them and replace them.

14
15 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
16 closed the public hearing.

17
18 Council Member Henney moved to authorize the City Manager to execute a contract
19 with Proterra, in a form approved by the City Attorney, for the purchase of six (6) 40-
20 Foot Battery-Electric Low Floor Buses, and related charging equipment for a total of
21 \$4,926,075 with a Federal Transit Administration (FTA) 5339C “Low-No Emission”
22 Grant in partnership with the Utah Department of Transportation (UDOT). Council
23 Member Worel seconded the motion.

24

25 **RESULT: APPROVED**

26 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

27

28 **4. Consideration to Authorize the City Manager to Execute a Contract with**
29 **Proterra, in a Form Approved by the City Attorney, for the Electric Bus Battery**
30 **Leasing, for a Total of \$2,931,900 Over a 12 Year Agreement, as Necessary Power**
31 **for the Procurement of Six (6) 40-Foot Battery-Electric LOW FLOOR BUSES, and**
32 **Related Charging Equipment, through the Federal Transit Administration (FTA)**
33 **5339C “Low-No Emission” Grant Program and a Partnership with the Utah**
34 **Department of Transportation (UDOT).**

35 Blake Foncesbeck, Public Works Director, explained the battery lease program was the
36 first of its kind and that now other cities had approached Proterra to do the same thing.
37 He explained the City’s savings would be \$40,000 per year.

38

39 Council Member Worel stated she was excited about the program. She asked if the
40 charging stations would need to change with the changing technology. Foncesbeck
41 stated Proterra would make the batteries compatible with the charging stations.

42

1 Council Member Gerber asked if the outdated batteries would be recycled or just thrown
2 in a pile out back. Foncesbeck explained that outdated batteries could be purchased by
3 Park City and used to help charge the buses.

4
5 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
6 closed the public hearing.

7
8 Council Member Gerber moved to authorize the City Manager to execute a contract with
9 Proterra, in a form approved by the City Attorney, for the Electric Bus Battery Leasing,
10 for a total of \$2,931,900 over a 12 year agreement, as necessary power for the
11 procurement of six (6) 40-Foot Battery-Electric Low Floor Buses, and related charging
12 equipment, through the Federal Transit Administration (FTA) 5339C “Low-No Emission”
13 Grant program and a partnership with the Utah Department of Transportation (UDOT).
14 Council Member Matsumoto seconded the motion.

15
16 **RESULT: APPROVED**

17 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

18
19 **5. Consideration to Enter into an Encroachment Agreement, in a Form**
20 **Approved by the City Attorney, with Harry L. Bibb, Jr. and Joan C. Engram-Bibb**
21 **for the Purpose of Reconstructing and Maintaining Retaining Walls and**
22 **Surrounding Landscaping on Park City Property at the Park City Golf Club Near**
23 **2217 Three Kings Court (A) Public Hearing (B) Action.**

24 Ashley Scarff, Planning Technician, described the agreement.

25
26 Council Member Henney explained what an encroachment was and asked if we were
27 weakening our laws or ordinances by making encroachment agreements. Harrington
28 stated it did not weaken the laws. He explained it would be an agreement as a property
29 owner with an adjacent property. Harrington stated Staff looked at the encroachments
30 carefully and vetted each situation.

31
32 Council Member Beerman stated he had heard similar concerns from citizens about
33 encroachments and that Council could talk more about the subject in the future.

34
35 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
36 closed the public hearing.

37
38 Council Member Matsumoto moved to approve an Encroachment Agreement, in a form
39 approved by the City Attorney, with Harry L. Bibb, Jr. and Joan C. Engram-Bibb for the
40 purpose of reconstructing and maintaining retaining walls and surrounding landscaping
41 on park city property at the Park City Golf Club near 2217 Three Kings Court. Council
42 Member Henney seconded the motion.

1 **RESULT: APPROVED**

2 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

3
4 **6. Consideration to Approve the Women’s March for American Park City Level**
5 **Three First Amendment Event to be Held on Saturday, January 21 from 9:00 A.M.**
6 **to 11:00 A.M. with Set Up from 7:00 A.M. to 9:00 A.M. and Breakdown to be**
7 **Completed by Noon, Based on Findings of the Fact, Conditions of Approval and**
8 **Conclusions of the Law in a Form Approved by the City Attorney’s Office.**

9 Jenny Diersen, Special Events Coordinator, explained the event.

10
11 Cindy Levine, event applicant, explained that there was a high level of excitement for
12 the event. She explained they were gathering volunteers and working with the City to
13 make the impact as little as possible.

14
15 Council Member Henney asked if there were costs to the City. Jason Glidden,
16 Economic Development Program Manager, stated there were fees. Harrington stated
17 there would be public safety costs that the City would incur. He suggested providing a
18 world-wide event invited these kinds of events.

19
20 Council Member Gerber recognized the Youth City Council member in the audience.

21
22 Mayor Thomas opened the public hearing. Mark Harrington, City Attorney, read a letter
23 from a resident. Mayor Thomas closed the public hearing.

24
25 Council Member Worel moved to approve the Women’s March for American Park City
26 Level Three First Amendment Event to be held on Saturday, January 21 from 9:00 a.m.
27 to 11:00 a.m. with set up from 7:00 a.m. to 9:00 a.m. and breakdown to be completed
28 by noon, based on findings of the fact, conditions of approval and conclusions of the law
29 in a form approved by the City Attorney’s Office. Council Member Gerber seconded the
30 motion.

31
32 **RESULT: APPROVED**

33 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

34
35 **7. Consideration to Approve the Purchase of the Utah Department of**
36 **Transportation (UDOT) Surplus Real Property Located at 3821 East Highway 248,**
37 **in the Amount of \$255,000.**

38 Heinrich Deters, Trails & Open Space Program Manager, outlined the property
39 acquisition.

1 Council Member Beerman asked if it would be paid through the Water funds. McAfee
2 affirmed that it would be paid from the Water budget.

3
4 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
5 closed the public hearing.

6
7 Council Member Gerber moved to approve the purchase of the Utah Department of
8 Transportation (UDOT) Surplus Real Property located at 3821 East Highway 248, in the
9 amount of \$255,000. Council Member Henney seconded the motion.

10
11 **RESULT: APPROVED**

12 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

13
14 **8. Consideration to Continue an Ordinance Approving the Main Street Plaza**
15 **Subdivision, Located at 220 & 250 Main Street Pursuant to Findings of Fact,**
16 **Conclusions of Law, and Conditions of Approval in a Form Approved by the City**
17 **Attorney (A) Public Hearing (B) Continuation to February 16, 2017.**

18 Bruce Erickson, Planning Director, explained the ordinance.

19
20 Mayor Thomas opened the public hearing. No comments were given. Mayor Thomas
21 closed the public hearing.

22
23 Council Member Henney moved to continue an ordinance approving the Main Street
24 Plaza Subdivision, located at 220 & 250 Main Street pursuant to findings of fact,
25 conclusions of law, and conditions of approval in a form approved by the City Attorney
26 to February 16, 2017. Council Member Gerber seconded the motion.

27
28 **RESULT: CONTINUED TO FEBRUARY 16, 2017**

29 **AYES:** Council Members Beerman, Gerber, Henney, Matsumoto and Worel

30
31 **VII. ADJOURNMENT**

32
33 With no further business, the meeting was adjourned.

34
35
36 _____
37 Katie Madsen, Deputy City Recorder