



PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
September 24, 2015

CLOSED SESSION

To discuss Property, Personnel and Litigation

WORK SESSION

Council Questions and Comments

Council member Beerman attended the UCLT conference general session last week where they selected some new board members, and reports 12 counties are now running the transportation tax this year. Saturday he attended Autumn Aloft, Tour de Suds and Silly Market. Attended a couple of Mountain Accord meetings where they are working on the details to move forward to Phase II. He complimented Ann Ober, Sustainability, for stepping in to run the latest meeting as the current facilitator is ineligible since she is running to be the new project manager. The study related to carrying capacity and economic impacts of connecting Park City to Big Cottonwood has been delayed to Phase III. Attended Conference of Mayors today for the Wasatch Front and gave a Mountain Accord presentation, receiving their support. Their working group has debated on what to call the Wasatch, whether a conservation management area or a national monument. States whatever it will be, it will be a congressional designation, not a presidential one. Asked Council if they would like to discuss this topic in a later work session. Council said yes. Diane Foster, City Manager, said they will put it on the agenda for October 8th.

Council member Matsumoto attended the Park Silly end of season wrap-up with the Silly Market and Main Street Alliance and reports it was a good year without complaints. Most people in the Alliance are happy with changes that have been made and have one year left on their contracts; are committed to keep working together on the parking and signage regarding parking. Attended the Chamber Board meeting where they reported occupancy is down but the daily rate is up and that they look strong coming out of their audit. Reports the Fall Forum will be November 5th at the Stein Erikson Lodge.

Council member Simpson addressed traffic controls on Poison Creek Trail, saying no one pays attention to them. Would like Staff to come back in a work session and discuss doing something similar to Breckenridge who has installed signage that says "walk your bikes," especially on the downhill portion of Poison Creek. Heinrich Dieters, Sustainability, states they will work on it and come back before Council as soon as possible.

Council member Peek attended the ULCT conference and his takeaway was having great conversations with elected officials and letting them know we're not monsters up here. Attended Historic Preservation Board where they are reviewing all demolitions due to the pending ordinance and are deep in the weeds; they hope to come up with something manageable for both applicants and the HPB.

Council member Henney attended the joint Planning Commission meeting at the Richards Building where they went over the ground rules and agreed to meet quarterly with a specific focus for each meeting. Next meeting will focus on employee affordable seasonal housing. Attended last night's Planning Commission where there was a determination to take off Planning Commission review of uses other than

outside dining and make the requirements consistent throughout the zone on lower Main Street. Participated in the Tour de Suds and reports he is no longer a contender.

Mayor Jack Thomas attended the Snyderville Basin Water District and toured their new offices and facilities, which are very nice. Henney says he rode in a van with Mike Luers of the Basin Water District to and from City Tour, who had some amazing stories and recommends others hear his stories. Mayor Thomas mentioned a new group he facilitated a meeting for recently that is addressing poverty in our city. He would like to talk about this in the future with Council because there's a group in our community who don't speak our language, who don't have a voice or representation, and who are facing some serious issues, mainly basic survival issues, that haunt him. As members of this community we have so many opportunities and a very high level of existence and surrounding us are people that don't.

Update from the U.S. Environmental Protection Agency on the Uintah Mining District Site Work Plan and Schedule

Jim Blankenau, Sustainability, introduced Marty McComb, coordinator with EPA. McComb stated they have signed an action memo that documents they will be doing work here. Said they will be working to prevent off-site migration of hazardous substances off areas on the outskirts of town where mining activity was concentrated. They've measured high levels of lead. Their goal is to prevent those soils from washing down drainages in Thaynes Canyon, Woodside Gulch, Treasure Hollow, Lower Empire Canyon and areas in Ontario Canyon. Work will begin next summer but initial work before the snow flies. They should be fairly non-intrusive; they won't be taking any trucks on Daly Avenue. Any work they do above Daly Avenue they'll be driving around on the mine property. They'll mainly be taking rock up and maybe pulling some contaminated material off the site.

McComb says they toured all the sites this morning with the state historical preservation officer and city staff and feels everyone is on the same page. They are partnering with United Park City Mines to do this work and the EPA has signed an enforceable agreement with PCM saying they have agreed to do it. The contract establishes that if PCM doesn't do the work, the EPA will come in and finish it. They will be capping soil and planting on it, they'll be working on erosion control and digging ditches to help move the water in a way that won't bring hazardous material into the canyons. They're trying to be as transparent about the work as possible. He said they have a website where they will post data and materials such as an administrative record.

Council member Peek asked if they're controlling what washes off the soil on Upper Marsac. McComb states they will be capturing the material to prevent it from washing off by extending a culvert and putting in some rock ditches and berms.

Council member Simpson thanked Marty and the City staff for working with the EPA and for all the work that has been done to clean up the soil issues in Park City.

Open and Public Meetings Act - Annual Training on September 24, 2015

Polly Samuels, Legal, spoke to the open and public meetings act (OPMA) annual training. She emphasized the guiding principle of the training was the point that when information is not made public, public perception can turn suspect, which is why she likes the transparency of these laws. If the public sees Council having discussions, whether heated or friendly, in an open setting, they'll trust the decisions that are being made and they'll trust government.

Council member Simpson asks if closed meetings must be recorded, to which Samuels said yes and that minutes are not required. Samuels explained what constitutes a meeting in regards to this act, emphasizing quorums (three or more) who use any form of media, whether it be texting or social media, to discuss meetings or meeting topics is in violation of the act. If they want to talk one-on-one, that's fine under state law. In order to call a meeting, you need three council members and the mayor, but in order to violate the law you need only three member including the mayor. Mark Harrington, Legal, says there was an

amendment to state law in 2010 that made the mayor the sixth member of council, which means he can vote when needed, and this amendment makes this law of having only three council members including the mayor an important one to follow. Simpson said she wants people to know that they don't have internal lobbying. This community has fostered a Council that does its utmost to do its business in public.

Samuels spoke to the issue of mingling city email with personal email and to avoid conducting city business on personal devices. Samuels gave the example of John Swallow and Mark Shurtleff when their text messages were printed on the front page of the newspaper after they mingled personal with work conversations. Next Samuels gave examples on what exactly constitutes a meeting. For example, do two council members meeting for drinks constitute a meeting? No since it does not constitute a quorum. If there are more than three members meeting for drinks they can't talk about city business. Council members can't text each other during public meetings and they cannot email the group to discuss city business.

Samuels went on to discuss what can and cannot be discussed during closed meetings by citing several real-life examples. Council has the responsibility to decide whether or not to go into a closed meeting in instances where it's legal.

Lastly, Samuels addressed new requirements on noticing of availability of minutes and recordings. She concluded by thanking Council for their efforts at transparency.

Information Update on Potential and Future Historic Preservation Funding Options

Nate Rockwood, Budget Director, spoke on historic preservation funding regarding ongoing conversations Planning has been having about grants and funding for mining sites. He began by clarifying how different fund accounts work and how they are treated under GASB 54 and the State Code. What GASB 54 did back in 2010 is restrict capital funds from being able to go towards anything other than an asset that's owned by the city. What that means in the RDAs is that when you want to do some economic development you can't partner with someone in a different group.

Council member Matsumoto asked if someone can buy a historic home with capital funds and then resell it. Rockwood states there are some limitations on how you have to own it, but it is possible. Council member Beerman asked about shared ownership. Rockwood states there are restrictions on what assets the city can share and who they can share them with. You can have bonds with recreational facilities where you're sharing it with a school or rec district, so there is joint ownership that can happen there, but it's typically within government and not private entities.

Rockwood explained having a non-departmental fund allows the City to evaluate these programs within the context of all the programs the city provides and prioritize them within the budgeting for outcomes process. Staff recommends doing a Historic Preservation Easement Program where funding amounts will be evaluated and recommended based on a prioritized Historic Sites Inventory list. Council member Matsumoto asks if this replaces historic grants, to which Rockwood says this would be in addition to that. Council member Simpson states this will give us great flexibility in determining what is exactly needed for each structure.

Rockwood further discussed historic incentive grants by explaining that planning is in charge of recommending funds. Council member Matsumoto asked about adjusting annual amounts for each project. She asked if these funds could be used on a mine structure, to which Rockwood states yes. Simpson asked if the money could be used on any structure we don't own, to which Rockwood states he believes ultimately that would be the case.

Rockwood continued by discussing funding numbers available currently for 2015 and potential funding numbers for years 2016 & 2017. Council member Beerman asked if moving funds from one fund to another is viable, to which Rockwood said yes. Council member Henney asked if we don't already have a mechanism in place to protect mining structures, to which Rockwood explained that this helps clarifying

what route to tell applicants to go and is helpful in separating out mining from housing or other structures to avoid confusion.

Consideration of a Request to Update Council Priorities to include Carbon Reduction as a Critical Priority

Ober outlined Staff's three priority levels for carbon reduction. Critical priorities involve Staff coming back to Council with updates monthly. Top priorities involve Staff coming back less often. High priorities involve Staff coming back twice a year. Ober reported renewable energy has currently been set as a high priority. At this time, carbon reduction meets the criteria of moving it up to a critical priority but it does not have a current forward path. She asked for direction from Council.

Council member Henney says what he asked for was that energy consumption be set as a critical priority and that he would like to have a path forward. Council member Simpson says she too would like to have a path forward, saying this has been on Council's radar in every conversation they've had. She's concerned with raising historical preservation to a critical priority as she doesn't remember that being requested by council. Council member Peek states this kind of direction is set annually at the retreat, so to come forward now with new priorities is defeating the purpose of the retreat and the direction Council gave. Council member Matsumoto asked what would need to happen in order to move a topic up in priority level. Foster explained it is up to Council with several options available. Council member Beerman thinks that in general it's best to wait to talk about priorities. He states there are some big projects coming up and we don't have the appropriate filter to look through to scrutinize the energy consumption of these properly. Said this is a critical priority now, especially with the Georgetown Energy Prize looming. It's an opportunity to get behind energy consumption and make a statement about what Park City cares about. Masumoto asked if we can have Staff put this filter of energy conservation on upcoming projects; Foster explained that we can, but it's a matter of having staff availability for further analysis in the form of another full time employee. Mayor Thomas agreed on the importance, saying we need to walk the walk on reducing our carbon footprint. States there are lots of components to this and wonders if some of the evaluations can begin to take place now without resetting critical priorities.

Henney states he doesn't see this as a reset of our critical priorities but as adding to our critical priorities and serving as an organizing principal, which he saw happen with transportation and housing in a very successful way. He wants to focus on the Georgetown Energy Prize and energy conservation in every project they do, such as how many and the type of buses we buy and alternative forms of transportation. He doesn't see it as a reallocation of resources and hiring people, but as an organizing principle right now. Matsumoto states that it's a good idea to look through a green lens in regards to every project we undertake.

Foster states that making this a priority would involve hiring a couple staffers. She says it's not going to be ten people, but not zero. She gave the example of how we've handled snow on Main Street. Main Street sidewalks need to be clear because people walk up and down it in high heels. Towns like Vail heat their Main Street sidewalks to solve the snow problem but it kills their carbon footprint. When our Council asked if staff could look at heating Main Street, the economic development team worked with the environment sustainability team on a carbon impact analysis; it took a lot of time but it wasn't an insurmountable and it didn't take ten people. But it did take staff time and we were then able to bring that to Council, to which Council decided not to do it because of the carbon impact. She thinks those are the types of scenarios they're talking about.

Simpson agrees with Beerman and Henney in that we don't have a critical path forward. She suggests prioritizing this now and talking numbers later at the visioning process.

Public Hearing

Citizens spoke in their support of this being raised to a critical priority now. Dick Roth says we are in the midst of being in first place for the Georgetown Prize and feels the public needs to know they have Council's support and that it is their priority.

Connor Quinn, founder of Alpine Collective, says he will be meeting with the Georgetown people tomorrow. Alpine Collective recently held a speaker series to talk about climate change & environmental issues in Park City issues as they recognize the critical importance of carbon reduction. They believe carbon reduction and climate change must be a top priority along with affordable housing and transportation. It will change the future of Park City and set a standard for other resort communities. He asked Council to lead by example in taking action now. If we do nothing the climate will warm substantially, snow will fall later, and there will be decreased snow pack, which will significantly reduce ground water resources—increasing the frequency of drought and wildfire. The Alpine Collective is here to do anything they can to help.

Sarah Wright, Executive Director of Utah Clean Energy, is excited Council is considering making carbon reduction as a critical priority. She says there's been a recent study called the Clean Energy Vision for the West and it showed that we're going to be investing \$200 billion in our energy infrastructure in the next 20 years. She's grateful Park City is being proactive on these issues and offers Utah Clean Energy's help in any way.

Alex Phillips wants Council to take carbon reduction seriously now. As a young person she thinks it's infuriating to hear over and over that this issue can wait. She says we need people to prioritize it and talk about it immediately as it's not something that's just going to go away.

President and CEO of Squaw Canyon is grateful the Council is looking at this issue because a lot of people think it's someone else's problem. He thinks it's important from his company perspective and from the community perspective as well. People come to Park City because they see that it's the number one outdoor community in the world and they hear about the great resorts we have and see us leading in different areas. He has a seven-year-old and a nine-year-old daughter and he wants them to be able to grow up in an amazing place.

Becca Gerber says energy conservation should be upgraded to a critical priority because it goes hand in hand with affordable housing and transportation initiatives that Council is looking into. The recent city tour of Breckenridge, she learned their affordable housing projects have removed over 100,000 vehicular miles from the road annually. That's a significant reduction in their carbon footprint. Energy conservation isn't one big decision it's a million little decisions we can start making every day and the time to move ahead is now.

Matt Klundhammer spoke in favor of using carbon as a measurement of sustainability efforts here in Park City. He thinks it's important we look at carbon as our gauge in terms of the success of our efforts. Looking at the 2007 audit that was done and realizing the threat on snow in the next century in this town is something he hopes Council will consider.

Caroline Gleich, a Utah based professional skier, works with athletes on climate change and environmental issues. States Park City will lose its winter sooner than we think due to pollution and wants Park City to establish itself as a leader so that future generations can experience the greatest snow on earth.

Mayor Thomas says whether they decide on this now or in February doesn't matter to him because the importance of this issue isn't going to change, but he is supportive of it now. It's as important today as it will be then. He does think it's an arduous process and thinks developing a critical path and an outline for how to go forward is very important.

Council member Henney said, after hearing the public input, he can see it's important for Council to be leaders. Every time we talk about any project energy reduction is a leading concern, so he wants to create an organizing principle. He thinks it could be a simple process that shifts how we look at housing and transportation and allocates resources accordingly. He wants to create the thought shift now and work out

the details later. He sees no harm in making carbon reduction a critical priority today. Mayor Thomas says what he means by an arduous process is walking the walk. Getting into the detail of how this unfolds is going to be a process. Whether this affects house size or whether we start taking away heated surfaces for the exterior surfaces—these decisions are going to be a process.

Council member Peek stated the decision to let future leaders make this decision is like establishing a critical priority to protect the Council from themselves. If we need a critical priority to have Staff come in and insulate us from making these comfortable decisions—fine, let's do it. But he doesn't feel like they need to make the decision now. It's a staff and budgeting issue that hopefully will go forward for generations to come and not just to protect us in the interim from our incremental feel-good decisions.

Council member Beerman says he's never seen such a young crew come in and give input and he's grateful for that. He said so many of the decisions they make on the Council stretch into the future, so he encouraged them to stay involved. He thinks this issue can't and shouldn't wait. Council has been talking for a long time about this issue and he thinks it's time to show urgency on this.

Ober asks if we could just use the term "energy" and come back with a plan. She explains that if they're successful they'll be bringing in ideas that are cutting edge and in order to avoid the ire of the state legislature it's better to use the term "energy" rather than "climate."

Council recommends Staff Recommendation A and to call this a critical priority. Foster states Staff will come back in October with further clarification and recommendations.

REGULAR MEETING

ROLL CALL – Mayor Jack Thomas called the regular meeting of the City Council to order at approximately 6:00 pm at the Marsac Building on Thursday, September 24, 2015. Members in attendance were Jack Thomas, Andy Beerman, Dick Peek, Liza Simpson, Tim Henney and Cindy Matsumoto. Staff members present were Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Karen Anderson, Deputy City Recorder; Hugh Daniels, Emergency Manager; Bruce Erickson, Planning Director.

I. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Park City Municipal Safety Awards Recognition - Manager's Report

Hugh Daniels presented recent awards to Mayor Thomas won by the city's safety program. One is a certificate of accomplishment from Workers Compensation Fund of Utah; the other is Achievement in Safety by an Organization for our new AED public program from the Utah Safety Council.

III. PUBLIC INPUT (ANY MATTER OF BUSINESS NOT SCHEDULED ON THE AGENDA)

Whitney Leavitt, prevention and awareness coordinator for Peace House says October is domestic violence awareness month. She invited everyone to their awareness walk on October 6th, 6:00 pm at New Park Amphitheatre. Wear purple.

Corby Cluff and Cody Stewart thank those who have helped them with their cause regarding the noise and ordinance they brought before Council last week. They love this community and are proud to call Park City home; however, they are appalled at the negligence, discrimination, incompetency, and irreprehensible behavior of police and city staff. They asked to file a formal complaint against several staff members. Stewart defined what exactly is prohibited by the noise ordinance and says the city should put the health and well-being of their citizens above any commercial activity. Cited county health code and says the noise ordinance contained within the Summit County health code supersedes the city's noise ordinance. Mayor Thomas thanked Stewart

and Cluff for their comments. Harrington says the city will respond through a meeting with the city manager on Monday and will make it clear to them what their options are.

IV. CONSIDERATION OF MINUTES

1. Consideration of a request to approve the Meeting Minutes from August 6 and August 20, 2015.

**Council member Simpson moved to approved the meeting
minutes from August 6 & August 20, 2015
Council member Henney seconded
Approved unanimously**

V. CONSENT AGENDA

1. Consideration of a request to authorize the City Manager to enter into a Professional Services Agreement, in a Form Approved by the City Attorney, with Stanley Consultants for consultant services related to the re-construction of Lowell Avenue in an amount not to exceed \$397,323.

**Council member Simpson moved to approve entering into a professional services
agreement, in a form approved by the city attorney, with Stanley Consultants for
consultant services related to the re-construction of Lowell Avenue
in an amount not to exceed \$397,323
Council member Beerman seconded
Approved unanimously**

VI. NEW BUSINESS

No new business was heard.

VII. ADJOURNMENT

**Council member Peek moved to adjourn
Council member Simpson seconded
Approved unanimously**

CLOSED SESSION MEMORANDUM

The City Council met in a closed session at approximately 3:15 p.m. Members in attendance were Mayor Jack Thomas, Council members Andy Beerman, Dick Peek, Tim Henney, Liza Simpson and Cindy Matsumoto. Staff members present were: Diane Foster, City Manager; Matt Dias, Assistant City Manager; Mark Harrington, City Attorney; Tom Daley, Deputy City Attorney; Alfred Knotts, Transportation Planning Manager; Ann Ober, Senior Policy Advisor; Polly Samuels McLean, Legal; and Jason Glidden, Special Events Manager.

**Council member Peek moved to close the meeting to discuss Property, Litigation and Personnel.
Council member Simpson seconded. Motion 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 Katie Madsen.