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

July 19, 2018

The Council of Park City, Summit County, Utah, met in open meeting on July 19, 2018, at 2:30 p.m. in the City Council Chambers.

Council Member Ware Peek moved to close the meeting to discuss property at 2:31p.m. Council Member Joyce seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting at 3:15 p.m. Council Member Joyce seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

WORK SESSION

Regenerative Agriculture on City Lands
Luke Cartin, Environmental Sustainability Manager, presented this item. Cartin discussed the concept of using certain agricultural practices to improve soil health, water quality and soil sequestration of open land with conservation easements purchased by Park City. Staff measured the carbon sequestration rate of open space which had been useful in understanding the additional climate benefit of open space to sequester carbon into the soil. Certain conservation easements allowed agricultural practices to be used on certain parcels, such as McPolin Farm. Staff would like to explore integrating regenerative agricultural practices into these parcels.

The goals of integrating regenerative agricultural practices at McPolin Farm include:
- Improve soil health, water quality and carbon sequestration through regenerative agricultural practices. This could include the use of livestock, limited agricultural equipment use, seeding, and watering.

APPROVED 08-16-2018

- Develop tools to measure soil carbon and sequestration.
- Educate the public and stakeholders on what projects are underway to accomplish the goals as well as Park City's agricultural history.
- Partner with universities, land managers, conservation groups, and others to share best practices.

Council Member Ware Peek mentioned she visited the land and it was great to see it in action. She asked if the McPolin parcel was grazed. Cartin said there were other parcels that were grazed including near the movie studios, and increased grazing would be seen but was not currently in action. Council Member Ware Peek asked if Cartin would assess repairs that needed to happen on the land. Cartin answered he would first like to investigate best practices to determine the correct long-term plan before improving.

Council Member Joyce voiced he was excited about the potential end result of the project but struggled with the City building its expertise on agricultural practices. He asked if there were experts such as universities or 4-H clubs that could be utilized. Cartin responded the City would provide the policy and experts would be brought in to implement. Council Member Gerber asked if the land would be leased to landowners. Cartin answered the City owned most fencing at McPolin farm and would be responsible. The grazing portion would be viewed as a service instead of a lease which would keep the City clear of any tax issues.

Council Member Worel stated she was excited about the project and asked how Cartin envisioned the educational component. Cartin replied it was important to engage the public onsite and tour the land as well as engage the right partners. Council Member Worel asked if it would be an organized site tour or more of an independent walk. Cartin indicated an organized group would be beneficial as well as signage, describing the project near where the public stopped to take photos.

Council Member Henney asked what the cost would look like for the City. Cartin answered City cost would be an estimated $10,000 and 50/50 grant matches would be available. Logan Jones, Trails & Open Space Coordinator, added there would be monetary benefits from the Noxious Weed Program as well as cost-savings from land that was grazed.

Mayor Beerman asked if the project would limit public access in any way. Cartin stated public access was important but public safety was a goal as well. There might be times of limited access but it would be temporary.

Mayor Beerman voiced his support for the project as it would serve as an example for other communities and cities.

APPROVED 08-16-2018

Potential 2018 Treasure Hill & Armstrong General Obligation Open Space Bonds

Nate Rockwood, Capital Budget Debt & Grants Manager, presented this item. There was a presentation last week on the potential for an Armstrong open space purchase, also known as Snow Ranch Pastures. Council asked Rockwood to return this week to present options for what a potential bond would look like and what open space funding would be available.

Previous conversations had been based on the 2017 tax year. Rates were now certified for the 2018 tax year, which would be used as the base numbers for ballot language. Mr. Rockwood worked with Zions Bank to assess the different bond scenarios and to ensure the most updated bond rates and tax data.

Rockwood described the details of two bond scenarios: for a $53.7 million Treasure Hill/Armstrong open space bond which for the average primary resident assessed value of $799,214 would come to $220 annually or $399 for a non-primary property. For $50.7 million Treasure Hill/Armstrong open space bond, with the dedication of all previously allocated Additional Resort Communities Sales Tax towards the total purchase of the properties. This second scenario of $50.7 million showed an estimated annual property tax rate increase for the average primary resident assessed value of $799,214 at $206 annually or $375 for a non-primary property.

Mayor Beerman invited the public to step forward for input.

John Stafsholt voiced his support of the joint bond. Adding Armstrong to Treasure would be very beneficial as they were the last two historical pieces of property. Combining the bonds would create a community bond.

Cindy Matsumoto agreed that the bond would be the last hope of preserving the historic feel of Park City which would greatly benefit the City and community.

Ruth Drapkin agreed that Armstrong was an iconic, irreplaceable property. She supported a combined bond.

Diana Lapage echoed support of combining the bond as Armstrong was the last piece of open land. The beauty and hiking would continue to attract visitors.

Bob Richer stated he was a commercial property owner in Park City. Mr. Richer was on the City Council when the first open space acquisition occurred in the early 1990s and this would be the opportunity to finish that work. Open space would strengthen the economic vitality of our community and he supported a combined bond.

APPROVED 08-16-2018

Brian Van Hecke voiced the importance to pass the bond now to protect open land for future generations. Park City was a low-taxed community so residents were fortunate for the opportunity to pass the bond.

Wendy Fisher of Utah Open Lands echoed the importance of preserving open space. In addition, the family who owned the land would make a 63% contribution to ensure the protection of the property. Before the bond went to the ballot, there would already be a leveraging of the dollars beyond any private fundraising.

Kyra Parkhurst stated she was in favor of the bond as it would ensure that Park City was surrounded by green space but communicating to the public was an important piece to pass the bond.

Mayor Beerman closed the public input portion of the meeting.

Mayor Beerman asked Council if they recommended combing the two properties into one bond, moving forward with the Treasure plan as it stood, or to continue the discussion. Council Member Henney indicated he was in favor of engaging the community for feedback and revisiting the discussion at a future Council meeting.

Mayor Beerman asked Council for their thoughts regarding either using $3 million of the Citizens Open Space Advisory Committee (COSAC) funds. Council Member Henney stated it seemed like open space preservation was favored, but he looked forward to hearing from the community about how it should be attained.

Mayor Beerman suggested Rockwood research areas to decrease the price. Rockwood affirmed he would gather more information.

Social Equity Follow Up: Listening Tour

Jedd Briggs, Budget Operations Manager, and Rocio Torres, Community Liaison, presented this item. Briggs stated the conversations around Social Equity had occurred in Chambers and at Coffee with Council events, but now they would like to move the conversation to the outside community. The team identified two main groups for outreach: underserved/marginalized populations and strategic stakeholders. Briggs recommended two Council Members present per meeting.

Council Member Gerber stated she was concerned that individuals who were resistant to Social Equity were not included as a third group. Council Member Worel agreed with Council Member Gerber but suggested that outreach with resistant community members would need to occur as individual interactions instead of a group setting. Council Member Henney echoed that he would like resistant individuals to be heard. Council Member Ware Peek added it should be Council's role to identify those community members instead of staff.

APPROVED 08-16-2018

Diane Foster, City Manager, stated staff had identified some groups who might not be wholly supportive or might not understand the objective. Staff would formulate how to approach the group and would look to Council for feedback. Council Member Henney described the importance of inviting the group to share their thoughts instead of asking and really listening to their thoughts.

Council Member Gerber asked if the conversations should take place in small groups or an individual level. Council Member Joyce responded that it should be individualized or if the community member mentioned a group that appeared resistant to the idea that Council Members should ask to speak with the group. These conversations should have structure and Council Members should communicate a consistent message. Council Member Joyce would like staff to create a one-page description of Social Equity and talking points. Briggs suggested the August 2nd meeting with Kilo Zamora would be a good time to firm up ideas and talking points.

Mayor Beerman said it would be challenging to be inclusive in an elevator speech. He also voiced that he would like the interfaith community to be included as a fourth group. Foster stated Council would be provided with the ability to send the substance of their feedback to staff.

2018 Sundance Film Festival Economic Impact Presentation

Jonathan Weidenhamer, Economic Development Manager, with Betsy Wallace, Managing Director, and Morgan Everett, Assistant Director of Administration and Government Relations of Sundance Institute, presented this item. Wallace began her presentation by thanking the community for their support during the 2018 Sundance Film Festival.

Everett explained that Sundance worked with Y2 Analytics and Blyncsy to gather the data on which the statistics were based. Because the event did not have a single point of entry, it was important to capture individual patrons a single time. Due to increased technology, Blyncsy provided this raw data which Y2 then filtered and analyzed for a very strong result. The methodology consisted of 36 sensors, in-person surveys and online surveys to capture attendance and spending habits

Over 124,000 people came to Park City and surrounding cities to attend the Festival, 44,600 traveled to Sundance from out of state, and 89% of out of state attendees planned to return to Utah within a year. The 2018 Film Festival resulted in a $191.6 million economic impact to the state with $19.2 million in state and local tax revenue. There were 3,323 jobs that were supported with $100 million in local wages. Forty two percent of Festival attendees were age 35 or younger. Patrons spent $183.7 million at the Festival, the largest component was being lodging at $62.6 million. Council Member Joyce asked where the majority of the visitors stayed. Everett responded the majority

APPROVED 08-16-2018

lodged in Park City. Media coverage was valued at $93.2 million with 62,000 stories in print, online, and television outlets. Social media gained 42 million impressions.

Wallace emphasized the global focus of Sundance Institute through cinema and year-round programs. The Institute also prioritized local audiences through their Utah Community Program which granted access to free screenings throughout the year. Wallace again thanked Council and the City for their partnership.

Council Member Henney asked if Sundance counted people as attendees who were not in Park City for the event, but entered an official venue. Also, did they account for who was in Park City regardless of the Festival versus the incremental audience for Sundance. Wallace responded the two groups were in Park City regardless of the Festival were skiers and locals. The technology already filtered out locals unless they attended a film or event. For skiers, the end of January was traditionally slow so there was a bit of overlap but it was not significant.

Council Member Henney asked if attendance on Main Street could be measured by the sensors. Wallace responded that in years past the technology was not available but that data would be gathered going forward. Council Member Henney asked for Wallace's thoughts about how The Ray venue performed during and post Festival. Wallace stated there were a couple of storefronts who voiced concern but overall the venue was successful. They made sure to have staff on the ground to ensure smooth operations.

Council Member Joyce asked if the space had been used since the Festival. Wallace replied Google used the space recently and Sundance staff would hold their staff retreat there but it was sparing due to permits and the HOA. Council Member Joyce stated he frequented the shopping center and received feedback from business owners that it was quite disruptive. Wallace responded the peak increased traffic and patronage was five days and the space was free for the business owners the rest of the year. Council Member Henney asked if Sundance held any follow-up debriefs with any of the business owners. Wallace answered that a bit of follow up was done but more needed to occur in the coming months. Council Member Joyce emphasized that the businesses were impacted a full two weeks due to Festival set up and tear down. Wallace thanked him for the reminder and added that the traffic plan required three landlord approvals.

With regard to The Ray, Council Member Ware Peek asked if there were a minimum number of events Sundance was required to host in the space. Wallace replied the HOA allowed 10 events per year. Council Member Ware Peek suggested Council facilitate community based events.

REGULAR MEETING - 6:00 p.m.

I) ROLL CALL

APPROVED 08-16-2018

Attendee Name	Status
Mayor Andy Beerman Council Member Becca Gerber Council Member Tim Henney Council Member Steve Joyce Council Member Lynn Ware Peek Council Member Nann Worel Diane Foster, City Manager Matt Dias, Assistant City Manager Mark Harrington, City Attorney Michelle Kellogg, City Recorder	**Present**
None	**Absent**

II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Council Member Worel met with the Solomon Fund who would have opportunities to visit partner agencies that had done great work with funds from their grants. She attended the Mountainlands Open House where she saw renderings of upcoming projects and noted they would celebrate their 25th anniversary soon. Council Member Worel enjoyed the work that took place at the Council Retreat.

Council Member Gerber also enjoyed the Council Retreat. She and Council Member Joyce held Coffee with Council this week and had a great conversation regarding Social Equity.

Council Member Joyce attended the water treatment plant's open house. It was well attended and the interest was high.

Council Member Ware Peek attended a farewell celebration for City employee, Elizabeth Fregulia. She attended the second Park Silly walk-through where the focus was how to increase vibrancy on upper Main Street. Council Member Ware Peek attended HPCA and Communities that Care steering committee that focused on a partnership between mental health and religious communities.

Mayor Beerman thanked everyone who participated in the Council Retreat.

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

Mayor Beerman opened the meeting for those who wished to address the Council on items not on the agenda. No public input was given. Mayor Beerman closed the public input portion of the meeting.

APPROVED 08-16-2018

III) CONSIDERATION OF MINUTES

Consideration to Approve the City Council Meeting Minutes from June 26, 2018:

Council Member Gerber moved to approve the City Council Meeting Minutes from June 26, 2018. Council Member Worel seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

V) CONSENT

1. Request to Authorize Their First Right of Refusal and Approve a Real Estate Purchase Agreement for the Ironwood Phase II Employee Housing Unit for $250,000, in a Form Approved by the City Attorney:

Jason Glidden, Affordable Housing Manager, presented this item. Council Member Worel asked for the anticipated resale value. Glidden responded it was estimated at $800,000. Council Member Worel asked if a lot of work needed to be done on the unit. Glidden replied no work was needed on the unit. Council Member Worel asked if the City intended to purchase the unit and resell it to which Glidden affirmed. Council Member Joyce asked if the $2,800 roof assessment was in addition to the $250,000 asking price and would the unit count against the housing inventory. Glidden answered yes on both accounts but the proceeds would create the ability to build two to three additional units.

Council Member Worel moved to approve the Consent Agenda. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VI) OLD BUSINESS

1.Consideration of Applicant's (Park City Performing Arts Foundation dba Park City Institute) Request to Amend a Level 3 Special Event Permit Granted on May 17, 2018, Regarding the Potential Relocation of Six (6) of the Big Stars Bright Night Concert Dates (8/5, 8/11, 8/12, 8/16, 8/24 and 9/2) From Quinn's Junction Recreation Fields to City Park.

Jenny Diersen, Special Event & Economic Development Program Manager, and Jonathan Weidenhamer, Economic Development Manager presented this item. After

APPROVED 08-16-20

they received numerous positive comments, Park City Institute submitted a request to bring this proposal forward. Staff debriefed with Transit, Public Safety, and Parks/Rec following the previous concert. Staff was supportive of exploring the option to change the venue to City Park from Quinn's Junction but wanted to ensure that operations and logistics were properly coordinated with Park City Institute, community partners and residents. After many discussions, it was determined by staff that City Park was the best operational location and would offer better cost-savings for both the City as well as Park City Institute.

Council Member Gerber asked where cost-savings would be derived. Diersen responded Park City Institute would incur cost-savings by decreasing bus service requirements which was required at Quinn's. In addition, police coverage would also be decreased by half.

Council Member Worel requested Diersen to provide information regarding potential field damage at both locations. Diersen explained the stage was on the pavement in the parking lot at Quinn's Junction. At City Park, the stage was on the perimeter of the baseball field. There was a miscommunication with the stage provider about placing plywood on the field before building the stage. It was immediately remedied by the provider. Trash was also an issue which would be resolved by Park City Institute. Staff was currently researching options to mitigate stage sinkage on the baseball field in the event of wet grounds.

Council Member Gerber asked if Day Camp would be able to continue with normal hours and if recreational teams were scheduled to use the City Park field during concert times. Diersen replied Day Camp had normal hours, they changed pickup to the MARC which was not requested by the City. The fields were available all dates of the scheduled concerts.

Council Member Joyce asked if there was a sense of how many attendees were at the previous concert and which venue would be better equipped to handle full capacity. Diersen stated both spaces could accommodate 2,500 people while 1,700 people attended the previous concert. City Park would be the most convenient space with respect to transit lines and proximity to resorts and the high school.

Council Member Worel requested Police Chief Carpenter to review the impact on police staff. Chief Carpenter responded increased bikes reduced traffic and he was comfortable reducing police coverage from 16 officers to eight. Carpenter was confident they could move forward with the City Park relocation.

Council Member Gerber asked Diersen to review dates that conflicted with other events occurring in the City. Diersen responded that the conflicting events did not pose

APPROVED 08-16-2018

logistical concerns. While City Park was ideal for staff, it was important to speak with Old Town residents about the impact.

Mayor Beerman opened the public hearing.

Angela Moschetta of Future Park City stated the concert in City Park created nostalgia of previous concerts in the park. Future Park City collected 107 digital signatures from a diverse group of individuals in support of relocating the series to City Park. The move would support a number of Council priorities including transportation and Social Equity.

Sarah Berry of Future Park City added concert in City Park created community and Park City Institute was a generous partner. She suggested setting a deadline for a final decision.

Teri Orr of Park City Institute explained 1,700 tickets were sold while 2,000 people were in attendance. The two concerts at both locations went smoothly with the partnerships with the City and community members. The City Park concert felt like a community backyard. The stage company had some hiccups with set up and trash pickup but that was remedied. The series was truly a local event and moving the event to City Park would further the community atmosphere.

Joe Butterfield congratulated the City and Park City Institute on a great event. He lived in the heart of the City Park area where parking was extremely challenging due to multiple events. Butterfield suggested a residential parking permit for those who lived on the streets that were directly impacted. Council Member Henney asked Butterfield if the impacts of events on residents outweighed the community building aspect. Butterfield responded he fully supported the events.

Mayor Beerman closed the public hearing.

Council Member Henney indicated he did not receive any negative feedback about the event. He was in support of the consideration to relocate. Council Member Gerber was concerned that Council did not receive negative feedback due to the public thinking it was a one-time event. She would like further community outreach done by staff and continued discussions with the neighborhood.

Council Member Joyce was reluctant to relocate groups who had previously reserved the park unless there was an adequate alternative.

Council Member Ware Peek stated she would defer to staff's recommendation to relocate. She also received positive feedback from the public and looked forward to hearing more from the community. She asked if tickets were offered to those residing in the immediate neighborhood. Orr responded yes. Council Member Ware Peek asked if

APPROVED 08-16-2018

the stage would stay up through the series. Diersen answered the stage would stay up for the August 10th and 11th concerts.

Jonathan Weidenhamer asked Council for feedback regarding reporting the findings of staff outreach to the community. Mayor Beerman was happy the public was supportive of the concert but expressed concerned that residents had hit their thresholds. He would like to determine if a lack of negative feedback was due to residents thinking it was a single event. Mayor Beerman asked Council if they would be willing to knock on doors to gain first-hand feedback. Council affirmed.

Orr was concerned the audience would be confused if every concert in the series changed location. She would like their marketing materials to reflect the same location.

Mayor Beerman asked if Diersen could provide additional information regarding the Park City Baseball Tournament. Diersen replied the Tournament was a new Level Two event which was booked at City Park due to Quinn's being scheduled for the concerts. If the relocation was approved, Diersen would move the Tournament to Quinn's. Diersen explained community outreach was scheduled in the coming days for Kimball Arts Festival and Tour of Utah and suggested including the concert series as a way to streamline efforts.

Council Member Worel asked if there was a conflict on August 10th with Mountain Village Live Music. Diersen answered the impact was minimal as this event attracted 40-50 people. Foster asked if staff would have enough time to make changes by August 5th if Council provided feedback from the community at the August 2nd meeting. Diersen was confident it could be done.

Weidenhamer stated staff requested that Park City Institute begin the concerts an hour early at 6:00 p.m. due to the load out at Deer Valley. Orr believed it would negatively affect overall ticket sales and the success of the event. Council Member Gerber suggested a later concert start time might benefit Kimball Arts Festival. Diersen responded the 6:00 p.m. start time would promote walking between the events. She was firm on keeping the start time at 6:00 p.m. on days that included Deer Valley concerts if City Park was the determined location. Mayor Beerman determined the start time would be revisited if the series moved back to Quinn's, but it did not have the needed support at this time.

Council Members Ware-Peek and Henney supported staff's recommendation.

2. <u>Consideration to Approve Ordinance 2018-43, an Ordinance Amending the Land Management Code of Park City, Utah, Chapters 15-2.1 Historic Residential-Low Density (HRL); 15-2.2 Historic Residential (HR-1); 15-2.3 Historic Residential (HR-2); 15-2.4 Historic Residential Medium District (HRM); 15-2.5 Historic</u>

APPROVED 08-16-2018

Recreation Commercial (HRC); 15-2.6 Historic Commercial Business (HCB); 15-2.7 Recreation and Open Space (ROS); 15-2.8 Protected Open Space (POS); 15-2.9 Rural Estate (E-40); 15-2.10 Estate (E); 15-2.11 Single Family (SF); 15-2.12 Residential (R-1); 15-2.13 Residential Development (RD); 15-2.14 Residential Development-Medium Density (RDM); 15-2.15 Residential- Medium Density (RM); 15-2.16 Recreation Commercial (RC); 15-2.18 General Commercial (GC); 15-2.19 Light Industrial (LI); 15-2.22 Public Use Transition (PUT); 15-2.23 Community Transition (CT); 15-3 Off-Street Parking; 15-4 Supplemental Regulations; and 15-15 Defined Terms, to Update References to Setbacks and Yards

Bruce Erickson, Planning Director with Tippe Morlan, Elizabeth Jackson, and Laura Newberry, Planners, presented this item to clarify aspects of the Land Management Code with respect to the definition of a 'setback.' The Planning Commission gave unanimous approval and the City Attorney asked for additional clarification regarding Old Town. No changes would be made other than the definition.

Council Member Ware Peek asked if a deck was part of a yard. Morlan replied that as long as it was 30 inches of final grade. Council Member Joyce commented that it looked like the word "area" was a defined term. Morlan answered that "area" was indeed a defined term.

Erickson added the Planning Department would be conducting outreach in the coming weeks.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Worel moved to approve Ordinance 2018-43 with the amendment of having the new definition as shown in the slideshow. Council Member Henney seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VII) NEW BUSINESS

1.**Consideration to Approve Resolution 19-2018, a Resolution Concerning the Authorization of OED to Conduct the Commercial Property Assessed Clean Energy District (C-PACE District), within Park City Municipal Corporation Governing Body ("Governing Body")**

Luke Cartin, Environmental Sustainability Manager, presented this item. C-PACE was a state-administered program to fund large clean energy upgrades to businesses.

APPROVED 08-16-2018

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Henney moved to approve Resolution 19-2018, a resolution authorizing OED to conduct the Commercial Property Assessed Clean Energy District within Park City Municipal Corporation Governing Body. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

2. Consideration to Approve Resolution 20-2018, a Resolution Opposing Federal Immigration Policies That Separate Families Seeking Asylum

Matt Dias, Assistant City Manager, presented this item. As a result of direction received from Council, staff sent letters to key staff and Congressmen – Lee, Hatch, and Bishop's offices condemning federal immigration actions at the border. Staff also created a resolution as a symbolic gesture to inform the community about Council's feelings about the issue and to show support to immigrant residents.

Council Member Gerber asked if the resolution could include language of support to reunify families. Dias responded it could be included with an amendment.

Council Member Ware Peek commented that she liked how the resolution tied multiple issues together in a concise way. Council Member Henney thanked staff for drafting the resolution as it demonstrated that it was an important issue to the community.

Council Member Ware Peek moved to approve Resolution 20-2018, a resolution opposing federal immigration policies that separate families seeking asylum as amended. Council Member Henney seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

3.Consideration to Approve the Level Three Special Event, Park City Kimball Arts Festival to be Held on Friday, Saturday and Sunday, August 3, 4 & 5, 2018, Including the Estimated City Service Fee Reduction in the Amount of $142,789.60, Based on the City Services Agreement, Findings of Fact, Conditions of Approval and Conclusions of Law in a Form Approved by the City Attorney

Jenny Diersen, Special Event & Economic Development Program Manager, and Chris Phinney, Events Coordinator, presented this item. Minor changes to the event included ticket price, emergency command location, gala location, patio addition for spirits

APPROVED 08-16-2018

garden, programming addition on Studio on Main, VIP lounge, and event parking rates with first hour free.

Council Member Henney asked if the patio space being dark outside of the Festival would be inconsistent with the Vibrancy code. Mayor Beerman asked if the patio was an extension of the building and not an independent space. Diersen responded Kimball was not aware the code applied to the space and the patio was vital for event vibrancy.

Council Member Worel asked where volunteers and staff would park. Diersen answered key staff members would have parking but Kimball encouraged volunteers and staff to access public transit. Council Member Worel asked if staff could access parking at the employee Homestake Lot. Diersen responded she would investigate that option.

Council Member Worel asked Diersen to expand on the reasoning behind invoicing Kimball for $10,000. Diersen explained that Kimball was invoiced every year to contribute to staff time and offset police coverage.

Council Member Henney voiced that the dark space ordinance should apply to all events and should be enforced year-round.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Amy Roberts, Kimball Arts Festival, voiced concern over the overlap of timing with the Festival closing at 6:00 p.m. and the Park City Institute concert starting at 6:00 p.m. and indicated there would be an impact on traffic and closing logistics as well as a decrease in attendees.

Council Member Worel moved to approve the Level Three Special Event, Park City Kimball Arts Festival to be held on Friday, Saturday and Sunday, August 3, 4 & 5, 2018, including the estimated city service fee reduction in the amount of $142,789.60, based on the City Services Agreement, findings of fact, conditions of approval and conclusions of law in a form approved by the City Attorney. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

4. Consideration to Approve Ordinance No. 2018-44, an Ordinance Repealing Title 6, Chapter 2 of the Municipal Code of Park City: Burglary and Robbery Alarms

Malena Stevens, Public Safety Executive Assistant, and Rebecca Gillis, Finance Manager, presented this item. The Burglary and Robbery Alarm code was enacted in

APPROVED 08-16-2018

1982 and required residents with a home alarm to pay $100 to the City and deduct $25 for each call. Resident payments were never tracked, which resulted in $73,000 that was with the City. The Finance Department would cut checks to those they could contact. Unclaimed Property Division would receive $64,000 and property owners could claim it there.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Gerber moved to approve Ordinance No. 2018-44, an ordinance Repealing Title 6, Chapter 2 of the Municipal Code of Park City: Burglary and Robbery Alarms. Council Member Ware Peek seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

Council Member Gerber moved to close the meeting to discuss personnel. Council Member Joyce seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

CLOSED SESSION

Council Member Worel moved to adjourn from Closed Meeting. Council Member Gerber seconded the motion.

RESULT: APPROVED
AYES: Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

VIII) ADJOURNMENT
With no further business, the meeting was adjourned.

_____
Leah Langan, Deputy City Recorder

APPROVED 08-1-2018

Joseph E. Tesch (Utah Bar No. A3219)
Stephanie K. Matsumura (Utah Bar No.10370)
TESCH LAW OFFICES, P.C.
314 Main Street, Suite 201
P.O. Box 3390
Park City, Utah 84060-3390
Telephone: (435) 649-0077
Facsimile: (435) 649-2561
joet@teschlaw.com
stephaniem@teschlaw.com

Attorneys for Petitioners/ Applicants

PARK CITY MUNICIPAL CITY COUNCIL

JON and HEATHER BERKLEY (represented by Jonathan DeGray, Architect) 9308 Tournament Canyon Drive Las Vegas, Nevada 89144 Telephone: (702) 501-5005 *Owners of 424 Woodside Avenue, Park City, Utah* Applicants/ Appellants v. **PARK CITY MUNICIPAL CORPORATION HISTORIC PRESERVATION BOARD** Appellee	**MOTION TO STRIKE THE CITY COUNCIL STAFF REPORT DATED JULY 12, 2018 CONCERNING THE APPEAL OF HISTORIC PRESERVATION BOARD DENIAL OF THE RELOCATION AND REORIENTATION OF A SIGNIFICANT STRUCTURE** Park City Project Number: PL-16-03369

COMES NOW, Jon and Heather Berkley (the "Applicants" or "Petitioners") by and through their counsel of record, Joseph E. Tesch and Stephanie K. Matsumura of Tesch Law Offices, P.C., and moves the Park City Council ("Council") to strike the Staff Report dated July

1. Beginning on the page marked as 172 of the Staff Report[1], the Staff includes an entire "Analysis" that contains a "response to each issue" submitted by the Appellants. The Staff's response to each issue raised in the Appellants' brief exceeds the provision of "technical and legal advice and professional judgment," and advocates for the HPB's position by providing an adversarial response to Appellants' issue on appeal.

2. On Pages 180-183 of the Staff Report, the Staff:

   a. Advocates that Anne Oliver is one of Park City's own and is well qualified to provide a formal assessment of the proposed Reorientation/ Relocation of the historic home—*This is contrary to the Park City Code because: (i) the Council is required to review factual matters (including the credibility of Ms. Oliver) anew; and (ii) advocates that the HPB was correct in relying on Ms. Oliver's assessment. The effect of course is to increase her credibility.*

   b. Advocates that the HPB did not apply the criteria for Landmark Designation to 424 Woodside Avenue but instead, "agreed with Ms. Oliver's analysis."—*This is contrary to the Park City Code because it advocates that: (i) Ms. Oliver's analysis was corrected under the Park City Code; and (ii) the HPB correctly relied upon Ms. Oliver's assessment. This is beyond technical advice.*

3. On Pages 187-189 of the Staff Report, the Staff:

   a. Advocates that the HPB correctly determined that the proposal did not comply with Park City Code Section 15-11-13(A)(c)(1) through (4)—*The Staff's arguments in support of this conclusion extends beyond the provision of technical advice and professional judgment advocating for the HPB decision.*

[1] Appellants note that the Staff Report is part of a larger packet of documents for the July 12, 2018 City Council Meeting. The page numbers appear to correspond with all of the pages contained in the Packet, however, for convenience hereafter, Appellants will refer to those pages as "Page X of the Staff Report."

CONCLUSION

Only a blind mouse would be fooled into believing that the Staff Report is not adversarial in nature, in support of the HPB's decision and far beyond the requirement that the Staff's involvement be limited to technical advice. Therefore, if we are to follow our law, the Council should strike the Staff Report in its entirety. In the alternative, the Council should strike all provisions that extend beyond the provision of technical and legal advice and professional judgment and/ or any portion of the Staff Report that advocates for a position.

DATED this 11th day of July, 2018.

TESCH LAW OFFICES, P.C.

Joseph E. Tesch
Stephanie K. Matsumura
Attorneys for Appellants

SERVICE

Hand Delivered to Planning Department on July 11, 2018.

Delivered by email only on July 11, 2018 to Mark Harrington, Bruce Erickson and Hannah Tyler.

Joseph E. Tesch

Finance

Memo

To: Diane Foster, Wade Carpenter, Legal Department

From: Rebecca Gillis

Cc: Nate Rockwood

Date: July 16, 2018

Re: Equitable Sharing Report FY2018

Attached is a copy of the year-end equitable sharing report. The report indicates the total revenue collected and expenditures of the equitable sharing program during FY2018. The City began a partnership with the Summit County Sheriff's Office in FY2013 and the DEA/Metro Narcotics in FY2016. The program allows the City to collect revenue from assets confiscated as part of drug related cases in which Park City Police participate in the arrest.

The attached report indicates that one payment was made to Park City in FY2018 from Metro Narcotics for a total of $22,948.20. The funds are received in the police confiscations fund as specified by federal regulations. Funds were received in FY2013, FY2014, FY2016 and FY2018. Expenditures in the amount of $25,851.15 from the funds occurred for operations in FY2018. To date all funds received have been spent in accordance with applicable requirements on utilities at the Public Safety Building.

Your signatures are required prior to submission. Please let me know if you have any questions or concerns.

022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT

Account Number					Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Prct Used
41001	POLICE SPECIAL REVENUE FUND									
07000	CAPITAL OUTLAY									
07420-000-000	CRIMINAL FORFEITURE RESTRICTED ACCOUNT				0.00	0.00	0.00	0.00	0.00	0.00
8/24/2017	genjrnl		GJ	18068		2,878.80				
9/14/2017	genjrnl		GJ	17848		2,051.84				
9/14/2017	genjrnl		GJ	18441		-2,051.84				
9/27/2017	genjrnl		GJ	18069		1,454.65				
10/12/2017	genjrnl		GJ	17853		1,890.68				
10/12/2017	genjrnl		GJ	18442		-1,890.68				
10/18/2017	genjrnl		GJ	18070		1,793.29				
10/25/2017	genjrnl		GJ	18071		81.41				
10/25/2017	genjrnl		GJ	18071		200.17				
11/16/2017	genjrnl		GJ	17850		1,948.61				
11/16/2017	genjrnl		GJ	18443		-1,948.61				
11/29/2017	genjrnl		GJ	18072		1,842.95				
11/30/2017	po		PO	POL-004709				728.00		
	Vendor:	003475	L.N. CURTIS & SONS		Check # 0					
11/30/2017	po		PO	POL-004715				8,108.80		
	Vendor:	001028	SALT LAKE WHOLESALE SPORT		Check # 0					
11/30/2017	po		CA	POL-004709				-728.00		
	Vendor:	003475	L.N. CURTIS & SONS		Check # 0					
11/30/2017	po		CA	POL-004715				-8,108.80		
	Vendor:	001028	SALT LAKE WHOLESALE SPORT		Check # 0					
12/13/2017	genjrnl		GJ	17851		2,060.90				
12/13/2017	genjrnl		GJ	18073		2,246.93				
12/13/2017	genjrnl		GJ	18444		-2,060.90				
1/17/2018	genjrnl		GJ	18074		73.17				
1/24/2018	genjrnl		GJ	17852		2,426.95				
1/24/2018	genjrnl		GJ	18017		-2,426.95				
1/24/2018	genjrnl		GJ	18018		196.77				
1/24/2018	genjrnl		GJ	18079		2,426.95				
1/24/2018	genjrnl		GJ	18445		-196.77				
1/31/2018	genjrnl		GJ	18075		1,389.48				

022 CRIMINAL FORFEITURE RESTRICTED ACCOUNT

Account Number				Adjusted Appropriation	Expenditures	Year-to-date Expenditures	Year-to-date Encumbrances	Balance	Prct Used
07420-000-000 CRIMINAL FORFEITURE RESTRICTED ACCOUNT				(Continued)					
2/14/2018	genjrnl	GJ	18076		1,822.58				
2/15/2018	genjrnl	GJ	18080		2,558.62				
3/14/2018	genjrnl	GJ	18081		2,289.94				
3/15/2018	genjrnl	GJ	18077		19.03				
3/22/2018	genjrnl	GJ	18078		1,692.76				
3/28/2018	genjrnl	GJ	18082		3,080.42				
6/27/2018	budadj	BA	BUDADJ18	49,071.00					
07420-000-000 CRIMINAL FORFEITURE RESTRICTED ACCOUNT				49,071.00	25,851.15	25,851.15	0.00	23,219.85	52.68
Total CRIMINAL FORFEITURE RESTRICTED ACCOUNT				49,071.00	25,851.15	25,851.15	0.00	23,219.85	52.68
Grand Total				49,071.00	25,851.15	25,851.15	0.00	23,219.85	52.68

OMB Number 1123-0011
Expires January 31, 2018

Equitable Sharing Agreement and Certification

NCIC/ORI/Tracking Number: UT0220500
Agency Name: Park City Police Department
Type: Police Department
Mailing Address: 2060 Park Ave.
Park City, UT 84060

Finance Contact
Name: Gillis, Rebecca
Phone: 435-615-5229 **Email:** rebecca.gillis@parkcity.org

ESAC Preparer
Name: Gillis, Rebecca
Phone: 435-615-5229 **Email:** rebecca.gillis@parkcity.org

FY End Date: 06/30/2018 **Agency FY 2019 Budget:** $6,590,294.00

Annual Certification Report

	Summary of Equitable Sharing Activity	Justice Funds [1]	Treasury Funds [2]
1	Begining Equitable Sharing Fund Balance (Must match Ending Balance from prior FY)	$2,902.95	$0.00
2	Equitable Sharing Funds Received	$0.00	$0.00
3	Equitable Sharing Funds Received from Other Law Enforcement Agencies and Task Force (Complete Table B)	$22,948.20	$0.00
4	Other Income	$0.00	$0.00
5	Interest Income	$0.00	$0.00
6	Total Equitable Sharing Funds Received (total of lines 1-5)	$25,851.15	$0.00
7	Equitable Sharing Funds Spent (total of lines a - n below)	$25,851.15	$0.00
8	Ending Equitable Sharing Funds Balance (difference between line 7 and line 6)	$0.00	$0.00

[1] Department of Justice Asset Forfeiture Program participants are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA
[2] Department of the Treasury Asset Forfeiture Program participants are: IRS, ICE, CBP and USSS.

	Summary of Shared Funds Spent	Justice Funds	Treasury Funds
a	Law enforcement operations and investigations	$25,851.15	$0.00
b	Training and education	$0.00	$0.00
c	Law enforcement, public safety and detention facilities	$0.00	$0.00
d	Law enforcement equipment	$0.00	$0.00
e	Joint law enforcement/public safety operations	$0.00	$0.00
f	Contracting for services	$0.00	$0.00
g	Law enforcement travel and per diem	$0.00	$0.00
h	Law enforcement awards and memorials	$0.00	$0.00
i	Drug, gang and other education or awareness programs	$0.00	$0.00
j	Matching grants (Complete Table C)	$0.00	$0.00
k	Transfers to other participating law enforcement agencies (Complete Table D)	$0.00	$0.00
l	Support of community-based programs (Complete Table E)	$0.00	
m	Non-categorized expenditures (Complete Table F)	$0.00	$0.00
n	Salaries (Complete Table G)	$0.00	$0.00
	Total	$25,851.15	$0.00

Table B: Equitable Sharing Funds Received From Other Agencies

Transferring Agency Name	Justice Funds	Treasury Funds
Metro Narcotics Task Force	$22,948.20	

Table C: Matching Grants

Matching Grant Name	Justice Funds	Treasury Funds

Table D: Transfers to Other Participating Law Enforcement Agencies

Receiving Agency Name	Justice Funds	Treasury Funds

Table E: Support of Community-based Programs

Recipient	Justice Funds	

Table F: Non-categorized expenditures in (a) - (n) Above

Description	Justice Funds	Treasury Funds

Table G: Salaries

Salary Type	Justice Funds	Treasury Funds

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section: 1400 New York Avenue, N.W., Washington, DC 20005.

Did your agency purchase any controlled equipment? ☐ YES ☒ NO

Affidavit

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the Guide during the reporting period and that the recipient Agency is compliant with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the applicable nondiscrimination requirements of the following laws and their implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By submission of this form, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the Department of Justice and Department of the Treasury Equitable Sharing Programs. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

1. Submission. This Document must be submitted within 60 days of the end of the Agency's fiscal year. This Document must be signed and submitted electronically. Electronic submission constitutes submission to the Department of Justice and the Department of the Treasury.

2. Signatories. This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the head of the agency that appropriates funding to the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, administrator, commissioner, and governor. The governing body head cannot be from the law enforcement agency and must be from a separate entity.

3. Uses. Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the Department of Justice and the Department of the Treasury Equitable Sharing Programs as set forth in the current edition of the *Guide to Equitable Sharing for State and Local Law Enforcement Agencies (Guide).*

4. Transfers. Before the Agency transfers funds to other state or local law enforcement agencies, it must first verify with the Department of Justice that the receiving agency is a compliant Equitable Sharing Program participant. Transfers of tangible property are not permitted.

5. Internal Controls. The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures, joint law enforcement operations funds, and other sources must not be commingled with federal equitable sharing funds.

The Agency certifies that funds are maintained by the jurisdiction maintaining appropriated funds and agrees that such accounting will be subject to the standard accounting requirements and practices employed by the Agency's jurisdiction in accordance with the requirements set forth in the current edition of the *Guide*, including the requirement to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or supplantation of existing resources with shared assets is prohibited. The Agency must follow its jurisdiction's procurement policies when expending shared funds. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Guide*.

6. Audit Report. Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Super Circular,

Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards. The Department of Justice and the Department of the Treasury reserve the right to conduct periodic random audits or reviews.

7. Freedom of Information Act. Information provided in this Document is subject to the FOIA requirements of the Department of Justice and the Department of the Treasury.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?

☐ **Yes** ☒ **No**

Agency Head

Name: Carpenter, Wade
Title: Police Chief
Email: wade.carpenter@parkcity.org

Signature: _____ Date: 7/17/18

To the best of my knowledge and belief, the information provided on this form is true and accurate and has been reviewed and authorized by the Law Enforcement Agency Head whose name appears above. Entry of the Agency Head name above indicates his/her acceptance of and agreement to abide by the policies and procedures set forth in the *Guide to Equitable Sharing for State and Local Law Enforcement Agencies*, including ensuring permissibility of expenditures and following all required procurement policies and procedures. Entry of the Agency Head name above also indicates his/her acceptance of and agreement to abide by requirements set forth in this Equitable Sharing Agreement, and any policies or procedures issued by the Department of Justice or the Department of the Treasury related to the Asset Forfeiture or Equitable Sharing programs. The Law Enforcement Head also certifies that no items on the Prohibited list, as detailed in "Recommendations Pursuant to Executive Order 13688", were purchased with equitable sharing funds on or after October 1, 2015.

Governing Body Head

Name: Foster, Diane
Title: City Manager
Email: Diane.Foster@parkcity.org

Signature: _____ Date: July 17, 2018

To the best of my knowledge and belief, the agency's current fiscal year budget reported on this form is true and accurate and the Governing Body Head whose name appears above certifies that the agency's budget has not been supplanted as a result of receiving equitable sharing funds. Entry of the Governing Body Head name above indicates his/her acceptance of and agreement to abide by the policies and procedures set forth in the *Guide to Equitable Sharing for State and Local Law Enforcement Agencies*, this Equitable Sharing Agreement, and any policies or procedures issued by the Department of Justice or the Department of the Treasury related to the Asset Forfeiture or Equitable Sharing Programs.

☒ I certify that I am authorized to submit this form on behalf of the Agency Head and the Governing Body Head.