



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

August 22, 2024

The Council of Park City, Summit County, Utah, met in open meeting on August 22, 2024, at 4:00 p.m. in the City Council Chambers.

Council Member Dickey moved to close the meeting to discuss property, litigation, and advice of counsel at 4:00 p.m. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco (remote), Dickey, Parigian, and Toly

EXCUSED: Council Member Rubell

CLOSED SESSION

Council Member Toly moved to adjourn from Closed Meeting at 5:24 p.m. Council Member Ciraco seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco, Dickey, Parigian, and Toly

EXCUSED: Council Member Rubell

REGULAR MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Bill Ciraco Council Member Ryan Dickey Council Member Ed Parigian Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present
Council Member Jeremy Rubell	Excused

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Dickey stated the Main Street Area Plan Committee continued their work and it was going great. There would be an open house in October, and he expected a robust discussion. Council Member Parigian asked to have a discussion on having a sliding scale for affordable housing fee waivers depending on the area median income (AMI). Council Member Dickey asked if staff should bring the Affordable Master Planned Development (AMPD) and the fee waiver policy to a work session for analysis. Council Member Parigian affirmed and indicated he wanted to look at any concessions the City gave to developers for affordable housing. He especially wanted to incentivize lower AMI housing units. Council Member Toly thought the work session should be an overall housing conversation instead of getting into the weeds. She had several questions about housing as well. Council Member Ciraco agreed and thought that would be a long and comprehensive conversation. Different projects and locations would have different answers, but he was open to it. Council Member Parigian felt there was an 80% AMI threshold, and it was difficult finding lower AMI housing. Matt Dias, City Manager, indicated staff would work with Council Member Parigian since he was a Housing liaison to plan a work session that would hit the mark on housing. Council Member Dickey indicated there were many places in the code to incentivize housing and if the code was looked at collectively, they could discuss what the City was getting in return for those housing bonuses.

Mayor Worel stated Park City had a relationship with Courchevel, France, since 1984 and they were proud of that. A student exchange was part of the relationship. She noted it was not unusual for a delegation from Courchevel to come here and noted that she went there with a Park City delegation last year. She announced that the Courchevel mayor and delegation would be coming here August 30-September 6 to learn more about how the City was a year-round vibrant city. Mayor Worel also announced a ribbon cutting event for an art project on the Rail Trail on Miner's Day.

Staff Communications Report:

1. Revised 2024 City Council Strategic Planning Retreat Summary and Decision Framework:

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

Mayor Worel opened the meeting for those who wished to give or submit comments on items not on the agenda. No comments were given. Mayor Worel closed the public input portion of the meeting.

IV. CONSENT AGENDA

1. Request to Waive an Impact Fee and a Development Permit Fee for the Voluntary Affordable Housing Portions of the Studio Crossing Development, for a Total Amount of \$1,913,012 in Accordance with Municipal Code Section 11-12-15:

Council Member Dickey moved to remove Item One from the Consent Agenda. Council Member Toly seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco, Dickey, Parigian, and Toly

EXCUSED: Council Member Rubell

1. Request to Waive an Impact Fee and a Development Permit Fee for the Voluntary Affordable Housing Portions of the Studio Crossing Development, for a Total Amount of \$1,913,012 in Accordance with Municipal Code Section 11-12-15:

Council Member Dickey stated Council Member Ciraco was not here last week and Council Member Rubell was absent today. He wanted to discuss this further when the entire Council was present.

Council Member Dickey moved to continue the request to waive an impact fee and a development permit fee for the voluntary affordable housing portions of the Studio Crossing Development, for a total amount of \$1,913,012 in accordance with Municipal Code Section 11-12-15 to September 5, 2024. Council Member Toly seconded the motion.

RESULT: CONTINUED TO SEPTEMBER 5, 2024

AYES: Council Members Ciraco, Dickey, Parigian, and Toly

EXCUSED: Council Member Rubell

V. OLD BUSINESS

1. Consideration to Adopt Resolution 16-2024, a Resolution Establishing the Nonprofit Services Advisory Committee:

Hans Jasperson, Budget Analyst, was present for this item and indicated this was a continuation of discussion that would address how the committee would prioritize funding and how it would be organized. Jasperson reviewed the funding priorities and noted that he expanded the priorities per the Council's direction. This would allow the Council's priorities to be emphasized while allowing nonprofits to be more flexible and innovative as they addressed the priorities.

Jasperson reviewed the resolution and indicated the purpose of the committee was to evaluate applications, interview applicants, and make award recommendations. The committee would be comprised of five to seven members, and they must live, work, volunteer and/or own property or a business within the City boundaries. A majority of members must live in the City limits. Priority would be given to those with nonprofit experience. He also reviewed the committee selection process as well as how

committee members would address conflicts of interest. He felt confident a diverse group of people would apply to be on this committee.

Jasperson indicated the resolution to form the committee did not address removal from office, but noted this would be addressed at the next meeting. Mayor Worel thought it was a good idea to have some nonprofits come present to Council on what they were working on.

Mayor Worel opened public input.

Craig Weakley 84060 commended the Mayor and staff for the work done on this. He expressed concern regarding the exclusion of nonprofit employees and board members from participating on the committee. He knew there were concerns of conflicts of interest, but that would exclude hundreds of people who were qualified to be on the committee. He requested that point be reconsidered and noted that any conflicts of interest could be addressed through recusal.

Diego Zegarra 84060 thanked the Council for their investment in the City. He worked for a nonprofit and was considering this committee. He referred to other City committees such as the Recreation Advisory Board (RAB) and stated they didn't bar athletes from being on that committee, and stated nonprofit employees and board members should not be barred either.

Helen Nadel was similarly concerned with the exclusion on nonprofit employees or board members from being on the committee. She felt the committee would lose out on a lot of knowledge from this group. Other groups addressed this issue with recusal.

Joel Zarrow 84098 stated the work done from service contracts was amazing. He understood the challenge being faced. He suggested language that said the committee shall have no more than two members who were employees or board members of nonprofit organizations. He also was pleased to see language saying that members could have nonprofit organization experience.

Megan McKenna 84060 agreed with the previous speaker and supported a committee that was more inclusive.

Angelica Espinoza 84060 stated she worked for a nonprofit in the community and she advocated for nonprofit employees and board members to be part of the committee.

Jocelyn Scudder 84060 worked for a nonprofit and stated she agreed with all the comments presented today. She thanked the Council for supporting nonprofit organizations. She shared it would be beneficial to have nonprofit employees or board members on the committee because of their vast knowledge of how nonprofits work.

Emily Fisher eComment: "I have reviewed the proposed Nonprofit Service Advisory Committee resolution and I'm in full support of the proposed resolution as written. Unfortunately, I will not be able to attend the meeting tonight but please add my input and email to the record for public comment on this item. If you would like to discuss further or have any questions for me, please reach out via email or my cell phone. I am available this afternoon if needed. Thank you for your time and attention to the makeup and functioning of this committee and I look forward to the new process."

Mayor Worel closed public input.

Council Member Toly was excited for this committee and echoed the public comments advocating for nonprofit employees and/or board members being on the committee. Council Member Ciraco noted in the funding priorities, most of the categories were specific but the core services was broader. He asked that Jasperson narrow that description. He also noted the language which allowed people who didn't currently serve on nonprofit boards a chance to serve here. He felt this would accommodate a broader and more diverse committee. Council Member Dickey supported striking the nonprofit exclusion and stated he wanted experts in the field to participate. Council Member Parigian stated there were many former board members and employees in the area who could serve on the committee, so he supported the language as presented.

Mayor Worel stated it was suggested that the number of board members who served on a board be limited to two and asked Council Members Dickey and Toly if they would agree to that. Council Member Toly agreed. Council Member Dickey stated they should have trust in future councils and future boards, so he wanted to strike the language. Council Member Parigian did not want any participation from current nonprofit employees or board members. Council Member Ciraco stated if there was no interest from the public as the policy was currently written, then he would consider a change.

Council Member Dickey moved to adopt Resolution 16-2024, a resolution establishing the Nonprofit Services Advisory Committee, with the amendment to strike Section 8(b). Council Member Toly seconded the motion.

RESULT: FAILED

AYES: Council Members Dickey, and Toly

NAYS: Council Members Ciraco, Parigian, and Mayor Worel

EXCUSED: Council Member Rubell

Council Member Ciraco moved to adopt Resolution 16-2024, a resolution establishing the Nonprofit Services Advisory Committee. Council Member Parigian seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco, Dickey, and Parigian

NAY: Council Member Toly

EXCUSED: Council Member Rubell

2. Environmental Regulatory Program Updates:

Ryan Blair and Bella Marceau, Environmental Sustainability Department, presented this item. Blair reviewed his outreach efforts regarding the soil cover ordinance. Marceau stated they updated the webpage and added a good gardening section. Blair displayed the webpage and reviewed the links and information therein. Marceau indicated they created a mining history scavenger hunt which would include environmental information. They also promoted the library sustainability center with a display of good gardening books.

Blair referred to the Bonanza Park environmental site assessment and noted there were multiple contamination sources from the former gas station, dentist office, and violations to the soil ordinance. He noted there was no ground water contamination. He stated there was funding that could be accessed to help with the cleanup efforts. He asked if Council supported a voluntary cleanup program for the site and reviewed the process for entering into the program.

Council Member Ciraco asked if this was a necessary step to qualify for the Brownfield funding. Blair indicated it wasn't required but it would help. Council Member Parigian asked if the City could back out if it conflicted with the development, to which Blair affirmed.

Blair also updated the Council on the Gordo soils remediation and stated there were zero complaints on dust as the soils were removed. He indicated the goal was to ship the soils to the Summit County Three Mile landfill, but some of the soils had higher levels of contamination. Because of this, those soils were moved to another landfill. He noted the project would wrap up by the middle of September.

Blair reviewed some proposed soil ordinance technical updates, including offsite versus onsite disposal, consistent cap requirements, downgraded penalty change, and more emphasis on state and federal regulations for disposal. Council Member Dickey asked if the penalty reduction gave people the option to pay a fine instead of disposing of their contaminated soil. Blair stated those people would still have to remediate the soil and they would make sure the ordinance was being followed. The most common violations were during construction and staff would be there to ensure compliance. Margaret Plane, City Attorney, stated a class B misdemeanor had the option of jail time and they wanted to keep the infraction a civil matter.

Council Member Ciraco wanted to make sure the fines exceeded the cost of the infraction. Plane stated the infraction was regulated by the state.

Mayor Worel opened public input. No comments were given. Mayor Worel closed public input.

Blair indicated he would come back in a month with the soil ordinance amendments, and he would keep the Council updated on the Bonanza Park soil remediation and the RFP.

3. 2024 Legislative Update:

Council Member Toly attended a Legislative special session and stated the emphasis was on affordable housing. She reviewed incentives the Commission on Housing Affordability proposed, including the reduction of zoning requirements, increasing residential density, expediting the land use process, and expediting administrative land use for identical plans. Council Member Toly indicated they would be hearing a lot about reduced parking requirements, impact fees, and blanket upzoning. She stated they met regularly, and she would continue to update the Council.

Council Member Parigian asked how this would affect Park City. Matt Dias stated these were proposals that the Legislature was considering enacting. They were deliberating the proposals. There was a concerted effort to make it easier and incentivize development from a state level. Sometimes it was incompatible with what Park City wanted. Council Member Parigian asked if this was an attempt by the state to control cities' land use abilities, to which Dias stated it could be. Council Member Toly indicated they were going to these committee meetings and advocating for what was written in the Park City land use code. But they also had to be cognizant of other cities as well.

Council Member Dickey asked if the Utah League of Cities and Towns (ULCT) would go after short term rentals. Dias didn't know but thought there was a growing sentiment that short term rentals were contributing to the higher priced housing market. He felt the state's position was changing and they acknowledged short term rentals was a contributing factor to higher home prices.

Plane noted that there was some consensus there should be deed restrictions on starter homes for primary residents. Council Member Toly indicated more cities were joining in on the resort caucus at ULCT events. These cities were asking Park City what could be done to reduce tourist impacts. She suggested another update could be given in September.

VI. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

Environmental Regulatory Program Updates

August 22, 2024



— Soil Ordinance Outreach —

- Winter 2023
- A series of community discussions on the effects of mining history on residents.
 - Topsoil Assistance Program → New outreach program
- Meant to address current issues that residents face.
- Lead to one time funding of \$20,000.

Good Gardening Program

Goals

- Create new fact sheet on the Soil Cover Ordinance.
- Update Soil ordinance website on building page and Environmental regulatory page.
- Create a Good Gardening section of Environmental regulatory page.
- Partnership with Park City Library for community events and engagement.

— Website Renovations —

<https://www.parkcity.org/departments/environmental-regulatory-affairs/good-gardening>



Community Engagement

- Mining History Scavenger Hunt
 - Garden Box Kits- Demoed at Prospector Park
 - Engage with local resources and educational opportunities
- Library Sustainability Center
- Housing Resource Fair
- More to come!

Know Your Park City History

This scavenger hunt style checklist will help you learn more about the environmental history of Park City! If you collect enough points you are able to redeem a free garden box kit.

Complete these activities and earn at least 5 points for a Kit

- ☐ Hike Daly Tunnel (1 pt)
- ☐ Hike Armstrong Tunnel (1pt)
- ☐ Hike Treasure Mountain (1 pt)
- ☐ Visit Spiro Tunnel (1pt)
- ☐ Visit Park City Museum (2 pts)
- ☐ Visit PC library's sustainability section and check out a gardening book (1pt)
- ☐ Check out a book from the PC library on Park City history (1 pt)
- ☐ Attend (1) Friends of ski mountain mining history lecture (2 pts)
- ☐ Visit the Good Gardening website (1pt)
- ☐ Attend a Good Gardening Event (1 pt)

Once you've collected the required amount of points, scan this QR code and fill out this form. After you complete, you will be able to redeem your garden box kit.

PARK CITY
1884

DRAFT

This specific QR code isn't functional, but will be on the final draft.



— Acronym Cheat Sheet —

ESA- Environmental Site Assessment

VOC- Volatile Organic Compounds

VCP- Voluntary Cleanup Program

DERR- Department of Environmental Response and Remediation

ABCA- Brownfield Cleanup Alternatives report



———— Bonanza Park Study ————

Phase II ESA

- Community-Wide Assessment Grant
- Multiple potential contamination sources
 - Gas station/auto repair shop
 - Soil ordinance
 - Dentist office
- 18 boreholes Soil and Groundwater Samples

Results

- 28,178 cubic yards of contaminated material
 - Mostly metals
 - No VOC's in Soil
- Minor Groundwater impacts
- Additional funding for cleanup
 - Brownfield cleanup funds
 - ABCA- 1st step completed

Bonanza Park

- Voluntary Cleanup Program
 - State regulated cleanup program
 - Entrance may help secure additional funding
 - Protects the City from Liability
 - Could allow for keeping some material onsite
- Pre-meeting with DERR, then application
 - RFP

Bonanza Park Discussion

- Recommend City enter VCP program
- Thoughts?



— Soil Ordinance Updates —

Technical Updates:

- Continuation of changes made last year
- Offsite vs Onsite Disposal
- Consistent Cap Requirements
- Penalty update
- Emphasize State and Federal rules on disposal

— Offsite vs Onsite Disposal —

Offsite disposal- material destined for disposal or use outside of real property boundary

Onsite disposal- reincorporation of material onsite. Clarified onsite to mean the property boundary in which the soil was generated

State law prohibits moving material between different properties, even if owner is the same.



Consistent Cap

Proposed change is to eliminate difference in cap requirements between vacant and occupied properties

Consistent 200 ppm lead for all property

Low impact and in line with EPA guidance



Penalty Change

Downgrade from Class B Misdemeanor to an Infraction

Fine and no jail time



Emphasize State and Federal Regulations

Further reinforce changes made last year

Emphasize disposal facility waste characterization requirements

Allow for segregation and proper use and disposal of clean and contaminated material

Streamlines enforcement- City is focused on the cap



— Ordinance Update Discussion Questions—

- Thoughts on proposed changes?
- Anything additional you would like to see addressed?
- Plan is to come back in Fall with proposed Ordinance for consideration

NONPROFIT SERVICES ADVISORY COMMITTEE



OVERVIEW

- Review proposed Public Service Contract funding priorities
- Review proposed resolution to establish the Nonprofit Services Advisory Committee
- Review next steps for the Nonprofit Services Advisory Committee
- Public input
- Council input and action



FUNDING PRIORITIES

Council Priority	Description	Examples of Programs & Services
Core Services	Enhance the public safety, physical and mental health, and well-being of our community	• Basic needs assistance (food, utilities, clothing, etc.) • Emergency services • Medical care • Mental health services • Domestic violence shelter and prevention
Community	Increase accessibility to resources and create safe, attractive gathering places. Expand and enhance events to maintain community pride	• Arts & culture education or events • Childcare and youth services • Services for seniors.
Housing	Increase the availability of affordable housing for the City and core service workforce. Help people maintain existing housing	• Affordable housing development • Outreach and advocacy • Educational services for homebuyers and renters
Recreation	Promote balance, connectivity, and experience through recreation	• Expand recreation access to local youth and/or marginalized groups • Improve affordability, safety, or sustainability of recreation
Equity	Expand equitable outcomes for local residents	• Engage diverse perspectives, differing ideas, and individuals from different backgrounds • Address disparities in outcomes due to race, ethnicity, income, ability, age, gender, sexual identity, and other factors
Sustainability	Support clean energy, a healthy environment, and sustainable community resources.	• Recycling and waste reduction • Education • Conservation

RESOLUTION OVERVIEW

- **Purpose and Authority**

- Evaluate applications for Public Service Contracts
- Interview applicants
- Make award recommendations to City Council

- **Organization**

- 5-7 members
- *All members* must live, work, volunteer, own property, or own a business within Park City municipal boundaries.
- *A majority* of members must have their primary residence within Park City municipal boundaries.
- Priority given to members who have experience with nonprofit organizations (accessing or delivering services)



RESOLUTION OVERVIEW

- **Selection and Appointment**

- Appointments made by the Mayor with the advice and consent of Council
- The inaugural Committee nominees will be selected by a panel of City staff and Council liaisons
- Council will have final approval
- In the future, sitting Committee members will participate in the interview and selection process for new members

- **Terms**

- Service limited to two consecutive three-year terms
- Committee member terms will be staggered



RESOLUTION OVERVIEW

- **Conflicts of interest**
 - Members are subject to City's Conflict of Interest Code and Utah Municipal Officers' and Employees' Ethics Act
 - Members may not be employed by or serve on the board of a nonprofit organization that applies for or is likely to apply for grant funding through PCMC



RESOLUTION OVERVIEW

- **Removal from Office**

- The current resolution does not address removal from office
- This will be addressed in a future Council meeting
- The Committee will adopt the removal policy approved by Council for all City Boards and Commissions



NEXT STEPS

- Tentative timeline, if the resolution is adopted
 - Announce new Committee to the public and open applications for members (August)
 - Conduct interviews (September)
 - Present Committee nominees to Council for approval (September or October)
 - First meeting and orientation for Committee members (October)
 - Open RFP for Public Service Contracts (October)
 - Committee presents funding recommendations to Council (December)

Commission on Housing Affordability: Where we are today (August 19th, 2024 Draft)

Will the proposal result in more housing units that are more directly affordable to the buyer or renter? Will the proposal result in more home ownership?			
ULCT Goal: Encourage creation of more affordable owner-occupied housing in all communities		Gov. Cox Goal 1: 35,000 “starter homes,” which includes condos, townhomes, and single family but with focus on small, single-family detached housing on small lots. Gov. Cox Goal 2: Take “Utah Way” national	
2024 Action: incentivize the creation of affordable, owner-occupied units by financing the infrastructure, deed-restricting some units, and planning for sufficient densities (SB 168, SB 268)		2024 Action: create financing opportunities to incentivize builders to create these units (HB 572)	
CHA Action 1 (proposed): utilize publicly owned land for affordable, owner-occupied housing units	ULCT: working with CHA on Action 1 ULCT Action 1 (proposed): remove barriers to condos (CHA work group studying it) ULCT Action 2 (still working on best option): “disincentivize corporate owned housing” by a) new fee/tax on vacant housing units; b) making it easier for local gov’ts to regulate short-term rentals; c) change the definition of primary residential property tax deduction to exclude corporate owned housing (constitutional amendment likely needed); d) offer tax incentive to sell a rental unit to a first-time home buyer; e) land use regulation that offers higher density and other benefits in exchange for the creation of affordable, owner-occupied units ULCT Action 3 (proposed): expand first-time home buyer assistance to existing units ULCT Action 4 (still working on best option): MIHP safe harbor provision which could simplify the MIHP process and grant automatic compliance for certain planning actions that have resulted in more opportunities for affordable, home ownership	PRC Action 1 (proposed): reduce zoning requirements that hinder the production of “starter homes,” including parking and garage requirements PRC Action 2 (proposed): increase residential density by state law, either by upzoning everything or allowing external ADUs by right PRC Action 3 (proposed): expedite the administrative land use process, such as time frames for determining a complete application and plan review PRC Action 4 (proposed): expedited the administrative land use process for “identical plans” and require a defined “nominal” fee for review CHA Action 1 (proposed): use data to understand current zoning and infrastructure capacity CHA Action 2 (proposed): decide next steps from the legislative housing audit	ULCT counter proposal on PRC Action 1 (still working on details): a) willing consider reducing garage requirements so long as there is a nexus to affordable home ownership, b) willing to consider clarifying how local governments calculate parking requirements; if a city requires a garage, then the garage should count toward the requirements POLICY TRADE OFF on PRC #1: without garages, cities likely face more code enforcement, public safety, and parking spillover challenges which we would need to mitigate to ensure the quality of life of the residents Unanswered Q on PRC #1: even if the city doesn’t require a garage, would the builder build a house without a garage? ULCT Opposed to PRC #2 Unanswered Qs on PRC #3 and #4: definitions for 3 and 4; what is the nexus back to affordable home ownership? ULCT: working on CHA #1 and #2 response
How does the proposal allocate the current and future costs of infrastructure and ensure the sustainability of infrastructure?		How does the proposal preserve the quality of life of current and future residents?	
2024 Action: create paths to finance water, sewer, roads, and other public infrastructure (HB 13, HB 572, SB 168, SB 268)			
PRC Action 1 (proposed): reduce private sector’s infrastructure costs by standardizing bonding processes and requiring cities to accept surety bonds as an assurance for infrastructure PRC Action 2 (proposed): change the definitions of water exactions Political Subs Action 1 (proposed): tighten the use of impact fees, particularly in light of the U.S. Supreme Court’s Sheetz decision (Craig Call research)	ULCT Action 1 (proposed): codify the transportation utility fee ULCT: working on response to PRC #1, #2, and Political Subs #1	ULCT Action 1 (proposed): restore some ability for cities to regulate certain objective design standards for placemaking	