PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
March 20, 2025

The Council of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually. Click here for more information.
Zoom Link:
https://us02web.zoom.us/j/81845047811

WORK SESSION

3:00 p.m. - FY26 Budget Process Overview

4:00 p.m. - Citywide Encroachment Policy Discussion

4:40 p.m. - City Council Protocols and Liaison Assignments

5:10 p.m. - Break

REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

II. PRESENTATIONS

1. Summit County Kimball Junction Environmental Impact Study Presentation by UDOT

2. Park City Library Annual Report

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Reports

1. Lottery Process to Sell a One-Bedroom Condo at Silver Star to a City Employee

2. FHWA Wildlife Crossings Pilot Program

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

V. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from February 27, 2025

VI. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Construction Agreement with Phillips & Co. Construction, in a Form Approved by the City Attorney's Office, Not to Exceed

$121,000 for Reconstruction of the 10th Street Retaining Wall

2. Request to Approve a Construction Contract with Big Horn Contractors, LLC, for $1,484,329 in a Form Approved by the City Attorney's Office to Remodel 516 Marsac Avenue into a Triplex for City Employee Housing Program

3. Request to Authorize the City Manager to Execute an Amendment with GILLIG, LLC, in a Form Approved by the City Attorney's Office for the Purchase of Four Additional Battery Electric Buses and Two Additional Depot Chargers with Six Dispensers for $5,098,888 with a Total Contract Value Not to Exceed $16,540,102

4. Request to Authorize the City Manager to Execute a Construction Agreement with Geneva Rock Products Inc, in a Form Approved by the City Attorney's Office, Not to Exceed $1,650,000 for Construction of Thaynes Pathway Phase 1 and Storm Drain Improvements

VII. OLD BUSINESS

1. Review PCMC Childcare Needs-Based Scholarship Program
(A) Public Input

2. Consideration to Approve a Construction Contract, in a Form Approved by the City Attorney's Office, with North Ridge Construction, Not to Exceed $9,467,000 for the PC MARC Aquatics Facilities Replacement Project
(A) Public Input (B) Action

3. Consideration to Adopt Resolution 02-2025, a Resolution Requesting Inclusion of Park City, Utah in the Municipal Alternative Voting Methods Pilot Project (Ranked Choice Voting)
(A) Public Input (B) Action

VIII. NEW BUSINESS

1. Discuss Public Art Management Structure
(A) Public Input

2. Consideration to Approve Ordinance No. 2025-04, an Ordinance Amending Section 2-8-21, Public Art Advisory Board, of the Park City Code
(A) Public Input (B) Action

IX. ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**

City Council
Staff Report

Subject: **FY26 Budget Process Overview**
Department: **Budget Department**
Date: **March 20, 2025**

Recommendation

Review and discuss the proposed FY26 budget plan in anticipation of the City Manager's FY26 Recommended Budget (May 1, 2026). This year, several areas of recalibration are required due to a relatively flat revenue outlook and inflationary cost increases. In response, we plan to create departmental efficiencies, consolidate positions, eliminate vacant positions, and test new technologies.

This is the most conservative budget in several years with a year of relative austerity for our departments aiming to live within their means and maintain service levels amid rising inflation and workload.

Executive Summary

Due to low projected sales tax growth, this year's budget plan primarily focuses on strategic resource allocation and identifying efficiencies where possible. We are not recommending many new positions, programs, or initiatives. Instead, the FY26 budget process emphasizes identifying efficiencies to support inflationary and rising expenses (e.g., health care, office supplies, equipment and facilities maintenance, etc.) without seeking new revenue. We are also not seeking a pay plan adjustment because of several years of making strategic investments in our workforce a high priority. Notably, the FY26 Budget refocuses on the (Council's Core Values) Connected, Balanced, and Experience.

The FY26 outlook comes on the heels of several years of revenue growth due to a strong tourism economy. While Park City's economy remains stable, we anticipate growth to level off, with only about $1.5 million (+3%) of net new revenue over FY25 in the General Fund. This is one of the lowest revenue forecasts (outside of a recession) we have projected in decades.

Compounding revenue constraints, inflation, and rising administrative expenses, including healthcare, supplies, and maintenance, remain considerable. Demand for public services, however, does not appear to mirror our flat revenue outlook. Demand for public programs, permits, and use of public facilities remains strong or even increasing.

As a result, we are reviewing all expense budgets thoroughly to propose consolidation, repurpose, and cuts in line with Council's Core Values. Austerity measures can be sensitive in the public realm, as they often involve programs, policies, external stakeholders, and positions.

Over the next several months, we propose the following calendar to ensure the City

Council has ample opportunity to review the FY26 Recommended Budget:

- **March 20**: FY26 Budget Outlook and Summary, Financial Projections, Budget Policies;
- **March 27**: General Fund and Cost Recovery, Enterprise Fund Summaries;
- **April 10**: Operating Budget;
- **April 24**: Capital Improvement Budget, Fee Schedules;
- **May 1:** Adoption of the FY26 Tentative Budget (required by law);
- **May 22:** Follow-up;
- **June 5**: Follow-up; Public Hearing (statutory and elected municipal officer compensation); and,
- **June 12:** Public hearing and Final FY26 Budget adoption.

Analysis

Park City's annual budget process is the most comprehensive opportunity to adjust community policies, programs, and initiatives. The review process impacts virtually every department, resident, business, and visitor to the greater Park City area. Each year, Park City faces significant challenges as we balance the demands for enhanced services while maintaining core service levels and cost controls. The major financial challenges facing the FY26 Budget include:

1. **Modest to flat Revenue Growth:** Sales taxes are forecasted to be flat or minimal, with around +3% in sales tax revenue over FY25 (+$1.5M (all revenues)).
2. **Budget Requests**: Departmental requests came in at +$1.7M for the FY26 General Fund, mostly due to inflation and increased demand for services.
3. **Inflation**: We anticipate 3-5% increases for many administrative items necessary to maintain existing service levels:
    a. Materials, supplies, and equipment (examples - top-soil, uniforms, gasoline, salt, chlorine, fertilizer, sports equipment, library books, cleaning products and services, utilities, vehicles, etc.).
4. **Health Insurance:** Preliminary cost estimates were very high, or about +35% (+$1.7M) if employee benefits remain the same. In response, we are pursuing additional quotes, through an RFP, for employee health care services and will recommend plan-type changes to reduce costs.
5. **Water Charges:** City facilities will pay for their water usage in a phased plan over three years. For FY26, this is an additional cost of +$233k ($54k offset through recreation fee increases). These costs will be fully discussed on March 27.

General Fund	FY26 (1/3 Pmt)	FY27 (2/3 Pmt)	FY28 (3/3 Pmt)
Non-recreation	$178,987	$374,083	$586,375
Recreation	$54,025	$95,993	$150,470
Total	**$233,012**	**$470,076**	**$736,845**

However, the FY26 Budget also has many opportunities to respond to economic uncertainty by deepening Park City's commitment to new technologies and prioritizing resource allocations. We are focused on three strategies:

1. **Intelligent Resource Allocation:** Departments are modeling 3.5% operating budget reductions that minimize impacts and/or consolidate services and positions.
    a. Expenditure review to reduce costs without diminishing Core Services;
    b. Review, consolidate, and RFP legacy contracts; and,
    c. Propose eliminating less essential programs, services, and positions.
2. **Technology and Key Performance Indicators:** Leverage new technology to improve operations, customer service, and reduce service delivery costs.
    a. Identify areas where departments already use technology and obtain effective service delivery and efficiency;
    b. Identify areas to consider expanding our use of artificial intelligence;
    c. Resurrecting KPIs –
        i. Departments will identify three areas of focus for FY26 that align with Council Core Values and offer measurable targets.
3. **Strategic Personnel Evaluation**: "Talent-Centric" and "refining to maximize our effectiveness."
    a. High-performers are our greatest asset – and why we offer competitive compensation and benefits;
    b. Prioritize and empower high-performers;
    c. Consolidate lower-performing positions and centralize tasks; and
    d. Identify and transition low performers.

Budget Process

Park City's budget development process emphasizes transparency and collaboration and is considerably longer than that of peer communities. Managers present new budget requests to two internal budget review committees, who evaluate proposals based on mandatory obligations, Council goals, and maintaining core services. The budget committees make a final recommendation to the Executive Team, and below is a breakdown of key steps:

- **Revenue Projections:** The Budget Department forecasts revenue using a model that incorporates local, national, and global economic trends;
- **Department Requests:** Managers, working with the Executive Team, submit budget requests outlining needs for the upcoming year;
- **Budget Committee Review:** Two internal committees of employees from across the City review and scrutinize requests and make recommendations to the City Manager based on alignment with City Council goals;
- **Executive Team Refinement:** The Executive Team reviews recommendations to ensure alignment with City Council goals and Core Values; and
- **Council Review, Discussion, and Adoption:** Budget documents and information are presented to the Council for review and modification over several months.

Following refinement, the tentative and final budgets are adopted in May and June, respectively, as Utah law requires.

Budget Policies

The City also relies upon a host of Budget Policies that govern the stewardship of public funds and transparency. Our Budget Policies cover revenue management, fees and rates, capital financing and debt management, reserves, capital improvements, compensation, and public service contracts (found here). The policies are organized by chapter:

1. Budget Policy: Budget process and revenue shortfall plans;
2. Revenue Management: Revenue administration, enterprise funds, investments, and reserves;
3. Debt Management and Compliance: Debt administration and compliance;
4. Capital Improvements: Capital improvement, capital financing, and asset management;
5. Internal Service Policy: Human Resource management;
6. Contract and Purchasing Policy: Public Service Contracts, grants.; and
7. Other Policies: Settlement authority.

FY24 Budget Policy Changes

For FY24, the Budget Policies underwent a cleanup and reorganization to match new organizational practices, procedures, and State Codes (staff report and redline policy changes). That cleanup included the following:

- Clarified fund balance thresholds for each type of fund in the City. Each fund type underwent an extensive review process in consultation with the City's Financial Advisor, auditor, and GASB accounting principles. Rating agency opinion was also consulted as robust fund balances contribute to higher bond rating generating lower interest rates:
  - General (Governmental) Fund: Retained 35% policy as allowed by section 10-6-116 of the Utah Code. Changed policy language from "maximum balance retained" to "strive to maintain the General Fund balance at approximately the legal maximum." Extensive research was conducted with assistance from the City's Financial Advisor to determine the wording and amount.
  - Enterprise Funds: Created a fund balance goal for the enterprise funds of 25% of operating expenditures per research and guidance from City's Financial Advisor.
  - Internal Service, Debt Service, and Special Revenue Funds: Established the goal to operate on a cost recovery basis per GASB accounting principles.
- Reorganized different sections to enhance public comprehension for residents, businesses, media, and other stakeholders;
- Consolidated policies to reduce redundancy;
- Removed out-of-date and antiquated policies no longer in use:
  - Request for Elevated Level of Service (RELS) process;
  - Salvage Policy (found in Administrative Policy);
  - Venture Fund;

- Special Event Services;
- Traffic Calming Policy; and
- Neighborhood CIP Requests Policy (found in Neighborhood First Program).

Key Policies Impacting the Budget Process
We reviewed the Budget Policies to ensure consistency with Council's Core Values and changes in state law and other modifications. Below is a summary of some of our additional research and recommendations:

- Budget Timing (p. 67): "All requests for increased funding or enhanced levels of service should be considered together during the budget process, rather than in isolation…The city will prepare the budget on an annual basis and may consider a mid-year budget adjustment."
  - *The City intentionally reviews budget requests annually and will, at times, amend the budget during the fiscal year as needed. Amending municipal budgets during the fiscal year is a common practice and necessary amendments should not be dissuaded.*
- General Fund Surplus (p. 68): "General Fund budget surplus should be used for capital projects."
  - *The General Fund annually contributed to the Capital Fund through a General Fund transfer by calculating projected revenues and expenses. Council may wish to leave General Fund surplus in the General Fund to grow the fund balance to its legal maximum instead of allocating it to capital projects.*
- Enterprise Fund Fees and Rates (p. 74): "The city will set fees and rates at levels that fully cover the total direct and indirect costs, including debt service, of the Water, Stormwater, and Golf enterprise programs."
  - *Enterprise funds don't need to be fully funded by fees associated with the enterprise. The General Fund (tax player revenues) could subsidize these funds if desired. Based upon a Council question on Feb. 27, 2025, we prepared the memorandum (Exhibit A) to facilitate a policy discussion with Council. Previous Councils, for example, had strong policy opinions on enterprise funds and associated policies.*
- General Fund Balance (p. 79-80): "The accumulation of a fund balance in the city general fund may not exceed 35% of the total revenue of the city general fund for the current fiscal period. For budget purposes, any balance that is greater than 5 percent of the total revenues of the General Fund may be used. The City will strive to maintain the General Fund balance at approximately the legal maximum."
  - *35% General Fund balance is the maximum that a City can retain per State Code. However, the City could have a lower maximum. The General Fund balance is a critical mechanism for the City to respond to emergencies, revenue shortfalls, and to maintain the City's creditworthiness.*
  - *Generally, rating agencies (p. 22) prefer higher fund balances, which helps with the City's bond rating and translates into lower bond interest rates. For example, PCMC is currently rated "Aaa" (highest) by Moody's. According to*

Moody's a 'Aaa' rating is associated with a fund balance of 35% of revenues. "Aa" rating is 35-25%, and an 'A' ratings is 25-15%. 30% of a rating evaluation is comprised of fund balances and cash. Rating analysts will consider local factors and the City's overall financial profile to arrive at the final rating.

  - *In our research, most comparable Utah cities hold about 30.2% in fund balance. For example purposes only, a ~5% fluctuation in Park City would free up approximately $2.3M to support City services delivery or capital needs. However, using fund balance to pay for ongoing expenses is highly discouraged as these funds are a one-time resource. After consulting with our Financial Advisor, we recommend retaining the current policy.*

Municipality	Fund Balance (%)
Park City	32.30%
Salt Lake City	33.00%
West Valley City	19.02%
Provo	33.00%
West Jordan	28.00%
Orem	29.27%
Sandy	12.67%
Ogden	39.42%
St. George	28.54%
Layton	28.40%
South Jordan	30.13%
Lehi	36.57%
Millcreek	35.17%

- Enterprise Fund Balance (p. 80): "The City will strive to maintain a fund balance at approximately 25% of operating expenditures in the current fiscal period."
  - *Council could consider a lower or higher fund balance goal for enterprise funds. Enterprise funds typically have a lower fund balance goal than the General Fund because they contain multi-year capital budgets that can be delayed or deferred as needed. The General Fund does not. After consulting with our financial advisor, we recommend retaining the current policy that was only implemented two years ago.*
- Debt and Assessed Values (p. 84): "Direct debt will not exceed 2% of assessed valuation."
  - *State Code allows cities to bond up to 4% of a city's total assessed valuation. An increase to this policy would raise the threshold for issuing GO bond debt. However, the 2% threshold has never been an issue when determining whether or not to bond, since the City's assessed values continue to rise. The real deciding factor for issuing new GO bond debt is whether or not the community is comfortable voting for new initiatives paid for with a property tax increase.*

- Cost Recovery of Recreation Departments (p. 27): "It is the intent of the City to recover roughly 70% of the operations and maintenance expenses incurred by the Recreation Department, PC MARC, and Ice Arena and 100% of the operations and maintenance expenses incurred by the Golf Course through sources of revenue other than taxes."
    - *Council has the ability to change the cost recovery percentages as they see fit. The Recreation and Ice Departments are held to a 70% cost recovery (excluding capital) based upon the policy objective and discussions of previous City Councils.*
    - *The Golf Department pays 100-% of its operating and capital expenses through user fees and is an enterprise fund. See Memorandum (Exhibit A). In addition, beginning in FY26, Golf will pay for its own water usage, which is +$91k in FY26.*

Proposed Policy Changes:

1. Capital Improvement Plan needs to update thresholds for capital purchases (p.90) to reflect inflationary increases. These haven't been updated in several years, and we propose the following after discussion with the Project Management and Engineering teams:
    a. Public improvements that cost more than ~~$10,000.~~ $20,000.
    b. Capital purchases of new vehicles or equipment (other than the replacement of existing vehicles or equipment) that cost more than ~~$10,000.~~ $20,000.
2. Economic Development Grants: This policy update will be taken up by the Economic Development Department, which recently incurred considerable personnel turnover. The policy states that it has been suspended for the time being.

Summary

Overall, Park City's General and Capital Improvement Funds remain strong and well-positioned to continue investing in the City's infrastructure, maintaining core programs, delivering high levels of service, recruiting and retaining a competitive workforce, and refocusing resources and positions to support community initiatives.

Exhibit A – Enterprise Fund Changes Memo

Finance

Memo

To: Matt Dias and Sarah Pearce
From: Mindy Finlinson, Finance Manager
Cc: Budget Department
Date: March 2, 2025
Re: Enterprise Fund Analysis

Question – Can an enterprise fund be moved back into the general fund?

Answer – Yes, governments can transition an enterprise fund back into the general fund and this typically only occurs under specific circumstances. An enterprise fund is generally used for services that charge fees to users, like public utilities or transportation services, and is expected to be self-sustaining. However, there are situations where a government might decide to move an enterprise fund back to the general fund, including: financial struggles, policy changes, changes in service levels, legal or regulatory requirements, oversight, and capital needs or debt.

The city has closed an enterprise fund and pulled it back into the general fund in the past. Due to unprofitability, on July 1, 2003, the city closed out the recreation fund (an enterprise fund at the time) into the general fund. The operations of the recreation facility for fiscal year 2004 were budgeted and accounted for in the general fund as part of the library and recreation department. Around this time, the Council gave policy direction that the recreations facilities maintain a 70% cost recovery.

The mechanics of converting an enterprise fund back into the general fund would likely take 2-3 months to complete. There would also be statutory limitations around approving budgets by the State deadline of June 30. Below is an outline of some of the steps we would to take:

- Assessing legal requirements
    - Ensure that the enterprise fund's intended purpose (such as a specific service like water, sewer, or transit) no longer requires separation, or can be funded through the general fund.
- Reclassifying the enterprise fund's assets, liabilities, and fund balance
    - Transfer all assets and liabilities to the general fund.
    - Determine the components of fund balance of the enterprise fund (unrestricted and restricted) and transfer to the general fund.
    - If the enterprise fund has long-term debt, ensure that the general fund assumes responsibility for the debt.
- Updating financial statements and budgets
    - The general fund's budget will need to be adjusted to reflect the activities that were previously part of the enterprise fund – adding new budget lines for capital

    - improvement projects or operational activities that were previously funded by the enterprise fund.
    - The chart of accounts would also need to be updated to reflect these changes.
- Disclosing the conversion in the financial reports
    - Make the appropriate disclosures in the financial reports, explaining the reasons for the conversion, the process followed, and the impact on financial results.
    - If required, restate prior-period financials to reflect the reclassification of assets, liabilities, revenues, and expenditures (this would be determined through consultation with the independent external auditors).

Question – How do you create an enterprise fund (moving something out of general and into enterprise). What is the process? How long does it take?

Answer – All of the accounting for the fund would have to be isolated and a beginning fund balance would have to be calculated. For reference, within the last 5 years or so we have created a new fund to manage parking activities. This work took approximately 3-4 months to finalize and set up.

A better question might be: Can the general fund subsidize an enterprise fund if the policy makers desired?

Answer: Yes, the general fund can subsidize an enterprise fund. While enterprise funds are typically designed to be self-sustaining, there are situations where the general fund may provide financial support: underperforming funds, public policy goals, infrastructure or capital costs.

In the past, the City's general fund has provided loans to enterprise funds (golf has received loans to purchase golf carts) and in the current year we will be subsidizing the water fund with a $1M cash transfer until the internal water billing starts in FY26.

The Council meeting also mentioned the differing structure and rates between the various recreational facilities and assets (ice, marc, golf, etc.). Sliding fees can be implemented without closing an enterprise fund. The general fund can subsidize an enterprise fund to meet specific policy objectives, such as making services more affordable to low-income residents, residents, or to subsidize programs to ensure broader access. This sort of subsidy is not uncommon.

In checking with our outside auditors, their recommendation is that we refrain from making immediate changes to an enterprise fund. They advise moving forward with implementing any policy direction Council sought related to the fund and allow 2-3 years to assess the fund's performance. Any subsidy from a general fund to an enterprise fund must be captured in the financial statements as a transfer and supported by footnote disclosures (similar to what we already do for other transfers between funds) in our Annual Comprehensive Financial Report.

City Council Memo

Subject: Encroachments on City Property and ROW
Author: Ryan Blair and Becky Gutknecht
Department: Property and Engineering
Date: March 20, 2025

Executive Summary

Pursuant to Council direction, the Property and Engineering teams analyzed the City's and other municipalities' codes and policies on encroachments to inform a future public policy discussion.

Generally, encroachment policies can be divided into two main sections: encroachments over City rights-of-way (ROW) and encroachments over open space or municipal property. Further, several other municipalities had different policies and procedures for exclusive and non-exclusive encroachments.

For example, we reviewed Salt Lake City, Draper, Jackson, WY, and Boulder, CO's policies based on their proximity to Park City or similar geographic and socioeconomic features. All these cities have ordinances allowing for encroachments over ROW, primarily focused on commercial property.

- Salt Lake City charges an application fee and an annual fee (resembling a lease agreement) for encroachments on ROW.
- Draper, Jackson, and Boulder charge an application fee but do not require a yearly lease fee.
- Draper, Jackson, and Salt Lake City stated that enforcement is challenging for non-ROW encroachments due to changing property ownership, loss of institutional knowledge, unaware residents and business owners, and political influence.

Research Review

Encroachments over City ROW

All municipalities reviewed had a policy for encroachments over City ROW. Draper and Jackson allowed their engineering department to review applications and issue permits. Salt Lake City has a real estate department that reviews each application and was the only city that charges an annual fee for encroachments. SLC bases the annual fee on the tax-assessed land value of the property requesting the encroachment. Boulder's Planning and Development Department reviews the applications and issue permits for commercial encroachments.

Encroachments over City Property and Open Space

While all peer cities had a policy for ROW encroachment permits, most did not have a policy for encroachments on city property and open space.

Draper's policy prohibits private encroachments on city property. However, Draper staff said enforcement is very challenging. Oftentimes, Draper private property owners who acquired property after an encroachment was constructed don't realize their landscaping or sports courts extend onto the city's open space. SLCs Open Space Department addresses encroachments on a project-based approach. When the City creates a new park or trail, it works with adjacent property owners to remove private encroachments. SLC primarily uses a voluntary compliance methodology and found roughly 10-20% of property owners will comply with compliance requests. Beyond voluntary compliance, SLC stated they also have significant enforcement challenges.

Analysis of Park City's Current Policies

Encroachment Agreement Template and Mechanics
PCMC does not require any application fee or ongoing lease fees before approving encroachments. We require encroachment agreements to be filed against the property with the County Recorder so that a permanent public record of the encroachment is maintained and the agreement transfers with the property. This is an effort towards future enforceability and accountability as documentation is passed to future owners.

Our standard form (Encroachment Agreement) is revocable, so as to allow the City to make improvements to those affected ROWs in the future if desired.

Processing of Different Types of Encroachments

Encroachments over City ROW
Our current process begins when an applicant applies for an Encroachment Agreement with Engineering.

For standard encroachment agreements (e.g., snowmelt driveways, minor landscaping, and landscaping walls), Engineering reviews the request, ensures the applicant has provided the proper paperwork, reviews and approves the application if there are not issues, and mails the agreement to Summit County for recordation. Encroachments for snowmelt driveways constitute more than 80% of our encroachment applications. We do not recommend changing this process.

For more extensive ROW encroachments, such as those involving retaining walls, and extensive landscaping, Engineering closely coordinates with other departments (Public Works, Public Utilities, Building, and Planning) to ensure the encroachment does not adversely affect future plans. Any City input is relayed to the applicant and once agreed upon, Engineering sends the Encroachment Agreement to Summit County for recordation.

One example of these more extensive encroachments is a request for a private driveway access via an unbuilt, platted ROW. After the February 2020 repeal of Land Management Code15-3-5, Driveway Standards for Private Driveways Within Platted, Unbuilt City Streets, we were left without a straightforward procedure for evaluating these requests. The repeal was due to modifications in the State's requirements for processing CUP's, but a replacement policy hasn't been written.

Encroachments over City Property and Open Space

There is no City policy to address these types of encroachments holistically. Instead, these have been addressed on a case-by-case basis based upon the aspects of the land and acquisition parameters. Further, our code does not specify or designate authority to grant encroachments within City Property, and this is an area to contemplate improvement.

Historically, when the City adopts a conservation easement on its property, a baseline report is created to outline the property's conditions when the easement is adopted. Typically, these reports document current encroachments, and a third party is contracted to inspect and provide a report of their findings to the City. In this way, encroachments can be easily tracked and enforced in accordance with the objectives of the conservation easement. Encroachments on non-conservation easement property are much harder to track and enforce.

Other Examples

The City currently operates the Dining Deck program through the Special Events Department and Temporary Winter Enclosure permitting through the Economic Development Department, per Park City Code § 15-13-10. Both allow for temporary use of City ROW for commercial businesses. Other Cities also have these programs and typically review them in their Engineering, Planning, or Real Estate Departments.

Citywide Encroachment Types

It's helpful to think of encroachments as two different types: exclusive use vs non-exclusive use. The table below illustrates different examples of these two uses.

Exclusive vs Non-Exclusive Use

Type	Description	Examples
Exclusive Use	Encroachments which are solely for the use of the private entity, usually not open to the public	Fenced in areas, monument-style mailboxes, residential decks, porches and patios, garages
Non-exclusive Use	Encroachments that can be used by the public or are for beautification reasons	Landscaping, sidewalks, bridges, heated driveways over ROW

Exclusive encroachments represent a request that impacts public land and generally can't be used by the public. We issue 1 temporary winter enclosure permit and around eight dining deck permits yearly. These are approved annually by the Council and they represent significant private use on public ROW.

Non-exclusive encroachments are typically less impactful and less permanent and can be used by the public or for beautification reasons. For reference, the Engineering Department issued 77 encroachment permits last year (62 for heated driveways). These requests are uniform in their asks and straightforward to process.

Potential Policy

Park City is a challenging environment, as our ROWs are often significantly more expansive than the actual roadways themselves, and particularly so in Old Town. This usually leads to a property's driveway cutting through the ROW and/or frontage to the property being part of the ROW.

We also have complicated legacy areas of Park City where properties were built (often inadvertently) with small sections of the structure, fencing, or other improvements encroaching into the ROW or property or in which the property has historically used City property for private access or enjoyment with or without informal permission. Some of these occurrences go back to the mining era, when homes were built on unplatted lots.

Without a recorded encroachment agreement, it is challenging to understand whether the encroachment was informally allowed or even to ensure the private owner maintains the encroachment in good condition. However, we typically address these types of legacy or historical encroachments on a case-by-case basis when a remodel or redevelopment application is submitted. At that time, the encroachment is brought to light and corrected prior to permit approval. Every City reported challenges when dealing with historical encroachments.

Unfortunately, these types of encroachments are often challenging to rectify because the property owner has typically used the encroachment for decades and has lost track of the fact that it is not their property. Frequently, the owner's continued use does not adversely affect public interest and it may be suitable to formally record an encroachment agreement. At other times, however, allowing this private use of public land is seen as inequitable or inconsistent among neighboring property owners. The City should be thoughtful when addressing these types of legacy encroachments, as there can be legal ramifications by either allowing or requiring removal.

The project team has a few policy questions for the City Council to consider:

1. Would the Council like our team to recommend public policies to clarify the most practicable way to process these different types of encroachments?
    a. Should we consider creating a different policy for non-exclusive property encroachment, exclusive property encroachments, non-exclusive ROW encroachments, and exclusive ROW encroachments? Or should we prioritize more uniform treatment of all encroachments? If you would like us to differentiate by type, are there other categories that should be examined?

b. Does the Council support using City Departments to process certain types of encroachments, such as non-exclusive ROW requests and non-exclusive property requests?

2. Similar to SLC, does the Council want us to explore charging private property owners for a private encroachment? Other cities charge an application fee or yearly lease fee for exclusive encroachments.

City Council Staff Report

Subject: City Council Protocols and Liaison Assignments
Author: Michelle Downard
Department: Executive
Date: March 20, 2025

Summary Recommendation

Review the scope and purpose of the City Council Liaison function, the protocols, and the assignments for 2025.

Analysis

For well over a decade, the Mayor and Council have held numerous Liaison positions for partner organizations, stakeholder groups, and local non-profits. In general, Liaison assignments are intended to gather stakeholder input and help to inform future public policy decisions and community initiatives made by the City Council by having more information. Liaison assignments have been loosely defined and varied from voting to non-voting, ex-officio to invited guests. For additional information and historical context, see the City Council Liaison Guide (Exhibit A) and the Council protocols (Exhibit B).

City Council Liaison Assignments

On February 1, 2024 (minutes, page 7), the City Council approved the 2024 City Council liaison assignments. Since then, on July 11, 2024 (minutes, pages 6-7), the Council approved the resolution appointing Councilmember Bill Ciraco to the Central Wasatch Commission. On January 9, 2025, (minutes, pages 7-9), Councilmember Bill Ciraco was assigned as co-primary liaison to the Legislative Policy Committee. On January 21, 2025, Ciraco also joined as an additional liaison to Bonanza Park.

Due to the LGBTQ+ Task Force's evolution into Summit Pride, which was incorporated as a 501(c)(3) and has expanded to include the Wasatch Back, that liaison assignment has been removed.

On August 22, 2024, the City Council adopted a Resolution 16-2024 (page 3-4), establishing the Nonprofit Services Advisory Committee as an alternative to the City Council liaison assignments.

On November 7, 2024, the Park City Youth Advisory Council was introduced and the inaugural roster was announced on January 16, 2025. Mayor Worel and Councilmember Tana Toly were assigned as co-primary liaisons with Linda Jager as the staff liaison.

The Public Art Advisory Board (PAAB) previously had Councilmember Tana Toly and Ryan Dickey (alternate) as City Council Liaisons. While those roles were removed on

February 1, 2024, due to staff changes, Chris Eggleton has been added and the Council may consider reappointing Council Liaisons as the PAAB considers future initiatives.

Due to staff changes, the following individuals have been added to the following roles: Rhoda Stauffer- Housing Liaison, Rebecca Ward - PC Historical Society, Michelle Downard - Bonanza Park, Chris Eggleton - Main Street Area Plan and the Park City Lodging Association, Luke Cartin- Trails & Open Space, and Tim Sanderson- Transportation and Regional Transportation Convening.

The Liaison Guide, also an exhibit to this report, focuses on liaison responsibilities when working with outside entities. For example, the guide suggests that council liaisons to outside entities should keep fellow council members informed; serve as the primary contact between the council and the entity; provide information; and avoid giving policy direction that has not been agreed to by a majority of council. Some council liaison assignments are for internal projects or departments. The Council may want to discuss whether the same general rules apply, meaning the liaisons are staff's point of contact on the projects or department work. But the liaisons should generally avoid giving policy direction that has not been agreed to by a majority of council. They should share their expertise and preferences while allowing decisions to continue to be open and transparent.

City Council Protocols

On January 21, 2025, during GRAMA, OPMA, and Ethics Training, the City Council discussed Councilmembers text messaging during City Council meetings. The Open and Public Meetings Act, Utah Code Section 52-4-210 does not prohibit this and states,

> *"Nothing in this chapter may be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in a meeting."*

The Council may consider incorporating language into the Protocols to limit text messaging during meetings. Draft redlines, which attempt to balance personal convenience, public convenience, etiquette, and other considerations, are incorporated for the Council's consideration.

Summary

Accordingly, the Council should review the scope and purpose of the City Council Liaison function, the protocols, and the liaison assignments for 2025 (Exhibit C).

Exhibit

Exhibit A	City Council Liaison Guide
Exhibit B	City Council Protocols
Exhibit C	2025 City Council Liaison Assignments

GUIDE TO YOUR CITY COUNCIL LIAISON

The Park City Council uses Liaisons to participate on select community boards and commissions in order to ensure direct working relationships and interaction with community partners and stakeholders.

The City Council Liaison role is as follows:

- Serves as the primary communication channel between Council and the board/commission;
- Serves as the primary Council contact for the board/commission;
- Assists in fielding questions the board/commission may have about Park City Municipal;
- Keeps fellow Council Members informed of current events and issues of the board/commission;
- Serves as a conduit to keep the board/commission apprised of City projects and decisions that that affects the organization;
- May speak on behalf of Council at a board/commission meeting when a policy decision has been determined by the Council; and
- Unless specified by applicable agreement or governing rules, Liaisons are not voting members of any board/commission

How you can help your City Council Liaison:

- Send meeting invitations and event information in advance;
- Send an Outlook invitation to help Council members manage their calendars;
- Provide new Council liaisons with an orientation to your Board/Commission and clarify expectations for participation; and
- Consult with your legal counsel to determine how to preserve confidentiality when required or when to exclude Council liaisons from executive discussions which the liaison may be required to share information with the rest of City Council, such as regarding personnel and/or property negotiations with the City
- While you may use your Council Liaison as a conduit to the City, you are still required to work directly with City staff on items like event applications, land use/building permits, and questions that you believe a single department might answer (such as water service to your building). Liaisons are not permitted to represent private interests of third parties, including non-profits, before city departments/agencies.

Important Notes:

- Liaisons provide information and general feedback, not formal policy positions or direction, unless they have Council permission;
- When a liaison sees a City Council agenda item for a board or commission where the liaison may be asked for an feedback, the liaison will usually try to seek input from that Board/Commission; and
- If a new Liaison is needed, the board/commission should make a request to the Mayor or previous Liaison (Council deliberations will follow at the next available Council Meeting).

For further information regarding your Council Liaison, please contact:

Michelle Downard, Resident Advocate |mdownard@parkcity.org | 435.615.5109

or visit: www.parkcity.org/government/city-council

City Council Protocol – Operating Guidelines

The Open and Public Meetings Act (OPMA), Utah Code § 52-4, regulates public bodies when conducting business and hosting public meetings. Council Protocols supplement OPMA and help implement Park City Code 2-4-5, Relationship of City Council to Administrative Service. The protocols outline best practices for communication, provide clarity and establish consistent processes for navigating communications involving the Council, community, and staff.

Protocol 1: Council Requests for Simple Information

a) City Council should direct requests to City Manager, Deputy City Manager, or Managers – with cc to City Manager.

Protocol 2: Council Requests for Research on Topic

a) City Council should direct requests to City Manager, Deputy City Manager, or Managers – with cc to City Manager.
b) If the project will require more than 2 hours of staff time, City Manager will determine whether the request requires City Council direction. If so, City Manager will seek informal or, if necessary, formal direction from the City Council.

Protocol 3: Resident Request of Council for Service

a) Refer requests directly to City Manager, Deputy City Manager, or Managers – with cc to City Manager.
    1) If the service request is within the scope of the current service policy, the issue will be addressed as soon as possible.
    2) If the service request is for a new or significantly expanded service, the issue will be referred to the City Council for direction (consistent with Protocol 4, Council Request to Place an Item on the Agenda).
    3) If the Council Member wishes to be notified of the outcome, the Council Member will request notification at the time of the referral.
b) If an email question is sent to the Mayor or designee and City Council, the Mayor or designee may respond to the individual.
c) If the Mayor and City Council receive a staff-related issue, the Mayor will forward the email to the City Manager, with a cc to Human Resources Director.
d) The Mayor and Council may agree to implement an auto-reply to Council_Mail@parkcity.org email acknowledging receipt of public input.
e) If the Mayor and City Council receive an email that is public input on an issue, the Mayor or designated City Council member may also respond on behalf of the Mayor and Council, and send it to the appropriate staff person with a cc to the City Manager and to City Council.
f) In addition to the Mayor or designee's email response, a City Council Member may also respond directly to the individual.

Protocol 4: Council Request to Place an Item on the Agenda

a) A Council Member may request an item be placed on a future agenda during "Communications and Disclosures" or direct the request to the Mayor or City Manager directly. While Council may not discuss the merits of an issue not on the agenda, they may indicate support for a future discussion.

Protocol 5: Placing a Resolution on the Agenda

a) A person or organization makes a request for a resolution not related to city operations to the City Recorder. Generally, requests should be submitted 4 weeks prior to the Council meeting.
b) The City Recorder acknowledges receipt and informs the requestor that they have the option to promote their cause during the public input portion of upcoming Council meetings.
c) The City Recorder sends the request to the Mayor, who informally polls the Council.
d) If a majority of Council agrees to put the resolution on a Council agenda, the City Recorder adds it.
e) If a majority of Council does not agree to put the resolution on a Council agenda, the resolution is not added. Any Council members supporting the cause can promote it during the Council Questions and Comments portion of the Council meeting.

Protocol 6: Council Questions on Agenda Item

a) Make request directly to City Manager, Deputy City Manager, appropriate Manager, or the author of the staff report- with cc to City Manager.

Protocol 7: Communication to Council from Staff

a) For material responses, communications should be sent to the Mayor and City Council as a group.
b) If Staff is requesting a response in less than 24 hours, Staff must notify Council via phone call or text.
c) If Staff has packet additions fewer than 24 hours before a Council meeting, the City Recorder must notify Council via text or phone call.
d) Staff should include all Council Members, Mayor and City Manager in communications when related to a policy discussion.

Protocol 9: Liaison Responsibilities

a) City Council determines its liaison responsibilities.
b) Keep fellow Council Members informed.
c) When a liaison sees an agenda item for a board or commission where the liaison may be asked for an opinion or vote on a potentially controversial item the liaison will use best efforts to contact the other Council Members before the meeting to gather input.
d) A liaison's opinion or guidance may be misinterpreted by others. It is important that others understand a liaison is providing information, not a policy position or direction. Liaisons should act with utmost care to avoid misinterpretation.
e) If a liaison appears to have made a policy decision, it should be discussed with the Mayor. If the situation involves the Mayor, the discussion should be with the Mayor pro-tem.
f) In the case where a new liaison is needed or a liaison would like to exchange roles with another Council Member, Council will discuss and determine the new liaison assignment as a group.
g) A liaison may speak on behalf of Council in the context of a board or commission meeting when a policy decision has already been made by the Council.

Protocol 10: Spokesperson for City

a) Generally, the Mayor or a member of the City Council speak for the City (as opposed to expressing their opinion as an elected official) only when they have been asked by the Mayor, on behalf of the Council, to do so.
b) For major events or issues, including emergency situations, the City Manager or designee is the City's Spokesperson unless or until the Council designates a Spokesperson.

Protocol 11: Alerts

a) The Mayor and Council can expect alerts on significant issues by text or phone.

Protocol 12: Conflict Among Council

a) Try to work it out among yourselves.
b) If you see a conflict continuing, provide feedback on a one-on-one basis, and help each other.
c) Mayor will serve as mediator. If Mayor is part of the conflict, other Council Members should strive to assist with conflict resolution.
d) It is not the role of the City Manager or other staff to resolve conflict between elected officials.

Protocol 13: Closed Session

a) Closed session is only for the purposes in Utah Code, City Code, or common law.
b) Council to stay on topics for which the meeting was closed.
c) Strategy or discussion during a closed session are not formal decisions. Formal decisions must be voted on in a public meeting.

Protocol 14: Council Meetings

a) If late to meeting, call ahead of time. If unable to attend, inform the City Manager.
b) Mayor presides over council meetings; if the Mayor is absent, the Mayor pro-tem presides.
c) Mayor and Council should notify the City Manager and City Attorney of disclosures and recusals prior to meetings when possible, and mention the disclosure during Comments.
d) Council should request to speak and the Mayor will recognize the individual by name.
e) When there is anticipated public input or a public hearing, the order during an agenda item should be:
    1) Staff presentation;
    2) Technical questions from City Council. Council should refrain from policy comments until after the public hearing or public input is received;
    3) Open public hearing or input, take public comments, close public hearing or input;
    4) Policy related questions and discussion from Council;
    5) Call for a motion and a second. Once made, the Mayor will call for discussion or comment on the motion specifically; and
    6) Formal vote or summary of direction from Council.

Protocol 15: City Manager Updates

a) City Manager provide a bi-weekly written updates on organizational issues.
b) The City Manager will provide Monthly Budget Reports to City Council.

Protocol 16: Council Budget & Travel

a) City Manager distributes approved budget after City Council adopts.

b) City Manager monitors and informs Council of available funds.
c) Council will be informally polled if travel is unanticipated.

Protocol 17: E-Communication

a) All communications among and to Council Members should be courteous and professional. Under state law, a record is public unless there is an exception making it non-public.
b) During open and public City Council meetings, members of the City Council will not text about any item on the meeting agenda.
~~b)~~c) Some communications may be labeled private, protected, privileged, or otherwise identified as non-public. These communications may not be shared outside of City government. Communications requesting or receiving legal advice are privileged and confidential and may not be shared outside of City government.

EXHIBIT C

Park City Council Liaison Assignments

	ENTITY	Type	Primary or Co-Primary Liaison	Alternate	Staff	Schedule
Art & Culture	PARK CITY SUMMIT COUNTY ART COUNCIL	Non-voting	Ryan Dickey			5 meetings per year; 5:00 p.m. on the 2nd Tuesday of
	BONANZA PARK	Non-voting	Nann Worel/Jeremy Rubell/ Bill Ciraco	Tana Toly	~~Rebecca Ward/Jen McGrath~~ Matt Dias/Michelle Downard	
	PUBLIC ART ADVISORY BOARD	Non-voting			Chris Eggleton	
Community Development	PLANNING COMMISSION	Observing	"At-will" attendance		Rebecca Ward	5:30 p.m. on the 2nd and 4th Wednesday of the month
	BOARD OF ADJUSTMENT (BOA)	Observing	"At will" attendance		Rebecca Ward	5:00 p.m. on the 3rd Tuesday of the month
	BOARD OF APPEALS	Observing	"At will" attendance		Dave Thacker	Infrequent
	PARK CITY HISTORICAL SOCIETY	Non-voting	Tana Toly		~~Caitlyn Tubbs~~ Rebecca Ward	8:30 a.m. on the 2nd Thursday of every other month
	HISTORIC PRESERVATION BOARD	Observing	"At-will" attendance		Rebecca Ward	5:00 p.m. on the first Wednesday of the month
	GENERAL PLAN	Non-voting	Bill Ciraco		Rebecca Ward	
	FRIENDS OF THE FARM	Non-voting	Paige Galvin		Paige Gavin	
Economic Development	PARK CITY AREA LODGING ASSOCIATION	Non-voting	Ed Parigian	Tana Toly	Chris Eggleton	1st Wednesday of the month
	PROSPECTOR SQUARE	Non-voting	Bill Ciraco	Tana Toly	Matt Dias	Monthly
	HISTORIC PARK CITY ALLIANCE (HPCA)	Non-voting	Nann Worel/Ryan Dickey			8:30 a.m. on the 3rd Tuesday of the month
	MAIN STREET AREA PLAN	Non-voting	Ryan Dickey		Chris Eggleton	
	PARK CITY CHAMBER/BUREAU BOARD OF DIRECTORS	Non-voting	Tana Toly	Bill Ciraco	Matt Dias	Monthly
	DEER VALLEY PUBLIC-PRIVATE PARTNERSHIP AGREEMENT	N/A	Ryan Dickey	Jeremy Rubell		
	SPECIAL EVENTS	Non-voting	Ed Parigian	Bill Ciraco	~~Jenny Diersen~~ Chris Phinney	
Environmental Sustainability	RECYCLE UTAH	Non-voting	Bill Ciraco		Luke Cartin	Monthly
	ROCKY MOUNTAIN POWER/UTAH COMMUNITY OF RENEWABLE ENERGY AGENCY	Voting	Jeremy Rubell	Bill Ciraco	Luke Cartin	1st Monday of the month
Equity & Community Services	~~LGBTQ+ TASK FORCE~~	~~Non-voting~~	~~Browne Sebright~~	~~Ed Parigian~~		~~5:00 p.m. on the 2nd Wednesday of the month~~
	YOUTH ADVISORY COUNCIL	Non-voting	Nann Worel/Tana Toly		Linda Jager	
	MOUNTAINLANDS COMMUNITY HOUSING	Non-voting	Ryan Dickey			
	NATIONAL ABILITY CENTER	Non-voting	Ed Parigian			
	~~SPECIAL SERVICES CONTRACT SUBCOMMITTEE~~	~~Voting~~	~~Tana Toly~~	~~Nann Worel~~	~~Hans Jasperson~~	~~3-4 meetings each spring~~
	SENIOR CENTER / AGING ALLIANCE	Non-voting	Tana Toly	Nann Worel		Every Monday and Thursday
	EARLY CHILDHOOD ALLIANCE	Non-voting	Nann Worel	Ed Parigian		
	MENTAL WELLNESS ALLIANCE (Exec - NW)	Non-voting	Nann Worel	Tana Toly	Matt Dias	
	MOUNTAIN MEDIATION	Non-voting	Nann Worel		Mark Harrington	
	PC TOTS	Non-voting	Bill Ciraco	Ed Parigian		
	PEACE HOUSE	Non-voting	Rhoda Stauffer			Tuesday Afternoons
Essential & City Services	POLICE COMPLAINT REVIEW COMMITTEE (PCRC)	Non-voting	Jeremy Rubell	Nann Worel	Michelle Downard/Chief Carpenter	Infrequent; 1-2 meetings per year
	PARK CITY FIRE SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD	Voting – 4 year term	Jeremy Rubell	Ryan Dickey	Fire Marshal/Park City Fire District	1st Tuesday of the month
	LIBRARY BOARD	Non-voting	Ed Parigian		Adrian Juarez	
	FORESTRY ADVISORY BOARD	Observing	"At will" attendance		Mike McComb	10:00 a.m. on the 1st Thursday of the month
	SUMMIT COUNTY BOARD OF HEALTH	Non-voting	Michelle Downard		Michelle Downard	4:00 on Monday once a month
	SUMMIT MOSQUITO ABATEMENT DISTRICT	Voting	Staff- Troy Daley		Troy Daley	5:00 on the 2nd Tuesday of every month
	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT	Voting – 4 year term	Ryan Dickey	Jeremy Rubell	Clint McAffee	5:00 on the 3rd or 4th Monday of the month
	PUBLIC UTILITIES	Non-voting	Bill Ciraco	Jeremy Rubell	Clint McAffee	Quarterly
	RECREATION ADVISORY BOARD (RAB)	Non-voting	Ed Parigian		Ken Fisher; Tate Shaw	6:00 p.m. on the 1st Tuesday of the month
Housing		Non-voting	Ed Parigian	Ryan Dickey	~~Jason Glidden~~ Rhoda Stauffer	
Trails & Open Space		Non-voting	Tana Toly	Ed Parigian	~~Heinrich Deters~~ Luke Cartin	
Regional Coordination	COUNCIL OF GOVERNMENTS (COG)	Voting	Nann Worel		Matt Dias	Monthly
	COLORADO ASSOCIATION OF SKI TOWNS (CAST)	Voting	Tana Toly/Ryan Dickey		Matt Dias	
	ENVIRONMENTAL PROTECTION AGENCY (EPA)	N/A	Nann Worel/Jeremy Rubell		Matt Dias	
	FEDERAL DELEGATION	N/A	Nann Worel	Rotates depending on issue	Matt Dias	
	CENTRAL WASATCH COMMISSION	Voting	Bill Ciraco		Matt Dias	3:30 on the 1st Monday of the month
	MOUNTAINLANDS ASSOCIATION OF GOVERNMENTS (MAG)	Voting	Nann Worel	Council	Matt Dias	
	UTAH LEAGUE OF CITIES AND TOWNS (ULCT); LEGISLATIVE POLICY COMMITTEE	Voting	Nann Worel/Tana Toly/ Bill Ciraco	~~Bill Ciraco~~	Matt Dias	
	2034 OLYMPIC BID	N/A	Nann Worel	Tana Toly	Matt Dias	
	PARK CITY SCHOOL DISTRICT (PCSD)	Non-voting	Bill Ciraco	Tana Toly	Matt Dias	
Transportation	TRANSPORTATION LIAISONS	N/A	Jeremy Rubell/Bill Ciraco		~~Sarah Pearce~~ Tim Sanderson	
	REGIONAL TRANSPORTATION CONVENING	N/A	Ryan Dickey	Bill Ciraco	~~Sarah Pearce~~ Tim Sanderson	

Approved 2.1.2024

City Council
Manager's Report

Subject: Library Annual Report, FY24
Author: Adriane Herrick Juarez
Department: Library
Date: March 20, 2025

The Park City Library Director and Board would like to thank Mayor Worel and the City Council for the opportunity to present the Library's FY24 Annual Report.

The Library Board of Directors

The list of current Board Members can be found at: http://parkcitylibrary.org/about/library-board/library-board-members/

The Park City Library Board of Directors, representing the residents of Park City, and working in partnership with the Library Executive Director, evaluates library services and community needs, establishes library policies, and helps set goals and objectives. Board members inform other community members about library services, needs, and accomplishments to foster a positive public image and inclusive community support.

The Park City Library Board of Directors has five to nine voting members appointed by the Mayor with the advice and consent of the City Council. The Library Executive Director attends board meetings but is not a voting member. Board members are appointed for three-year terms and may serve two consecutive full terms. Individual Board members volunteer their time.

Annual Report

In FY24, the Library had another record-setting year. We conducted 853 programs with 24,162 participants, 548 of these were programs for children, youth, and teens with 15,840 participants:

- 252,739 people visited the Library;
- 196,428 items were checked out;
- 7,724 public computer sessions were used;
- 51,347 Wi-Fi sessions were used; and
- 160,539 website visits took place.

The Library also saw the highest-ever number of visitations in FY24, a benchmark we celebrate that points to the success of our Library's renovation. Before the remodel, in FY15, we only saw 65,000 visitors. This number has steadily risen since our grand reopening on June 13, 2015, and speaks volumes about the community's investment. The library staff is proud and honored to serve in Park City's Community Living Room of Knowledge, Opportunity, and Innovation.

The Library's Mission is to Empower Minds, Inspire Imagination, and Connect the Community. In FY24, the Library met the four goals of our strategic plan to deliver a positive User Experience, create Inclusiveness, develop Community Relationships, and provide Lifelong Learning.

The 4 goals accomplished in FY24 by Staff with support of the Library Board included:

- User Experience—We performed a 10-year Facility analysis. The Park City Library was remodeled and reopened in 2015. As we approached our 10-year anniversary, we evaluated the building to see what facility updates were needed based on use and wear and tear. A subcommittee was established, a thorough review and reset of spaces throughout the building was completed, and a new facility "style guide" was implemented. Space cleanouts and reconfigurations took place.
- Inclusivity—We prioritized and planned changes based on our collection's diversity audit, resulting in the implementation of collection development projects to bolster areas of needed growth. The Library Board was informed of the statistical results and supported the purchase of materials in areas in need of added content to support diversity across collections.
- Community Relationships—We explored the possibility of a Park City Book Festival in partnership with Utah Humanities, Summit County Libraries, and the Wasatch County Library to plan a Wasatch Back Book Festival in October 2024.
- Lifelong Learning—We assessed our YouCreate Lab and databases, with staff reviewing the offerings in our YouCreate Lab, including Unique Items, technical equipment, the sound booth, 3D printer, etc., to determine usage and needed upgrades, additions, or weeding. A YouConvene Lab was developed for patrons to utilize for remote meetings, including telehealth, court dates, Zoom meetings, etc.

The Library's Annual Report can be found in full at: https://parkcitylibrary.org/wp-content/uploads/2025/01/Annual-Report-FY-2024-1.pdf.

The Library's Strategic Plan can be found in full at https://parkcitylibrary.org/principles/.

Thank you to everyone who supported the Library in a year that saw the highest number of visitors ever recorded as 252,739 people came through our doors. This points to a host of successful programs, services, and resources embraced by the community in our state-of-the-art facility and a staff that makes everyone feel welcome. We were recognized with the Quality Library Award by the Utah State Library for rising above and beyond statewide library standards, with special mention for transformational services. We are grateful to the City Council, City Administration, the Library Board, the Friends of the Library, and our community who believe in our Library's Mission to "Empower Minds, Inspire Imagination, and Connect Community."

Successful Library Reaccreditation

In FY24, the Utah State Library Division re-accredited our library with *Quality Library Status*, indicating a level of service that exceeds the standards developed by Utah public librarians and adopted by the State Library Board. As a Quality Library, our organization is an active, involved, and vital part of the community providing essential resources. State accreditation makes the Library eligible to receive funds from the *Community Library Enhancement Fund* (CLEF).

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Utah Department of
Cultural & Community Engagement

DONNA LAW
Executive Director

KATHERINE POTTER
Deputy Director

Utah State Library
Division

CARA ROTHMAN
Division Director, State Library

November 19, 2024

Dear Mayor Nann Worel,

The Utah State Library would like to recognize the Park City Library for outstanding service to their community during the 2024 fiscal year. Please accept our congratulations on earning the Quality Library Award.

The Quality Library Award is a designation that the State Library determines during recertification, which is an annual process that requires public libraries to submit reports and data to indicate that their services are in accordance with State Library standards. The Quality Library Award is a secondary application for library directors to indicate that the work they and their staff have accomplished rises above and beyond the standards. The purpose of this award is to recognize libraries, and the dedicated people who work in them, who are offering exemplary work in their communities. In other words, the Quality Library Award provides an opportunity for the State Library to highlight transformational services that might not be obvious in the standard recertification process.

As a Quality Library, your institution is an active, involved, and vital part of the community. It provides resources and services beyond the four walls of the library with exemplary outreach to residents. The best libraries seek to serve their communities in specific ways to address local needs. The efforts being made at your library demonstrate an awareness of community needs with an appropriate and helpful response by the library.

Commitment to excellent library service indicates teamwork. It takes leadership from the director, funding and support from the city/county government, dedication from all library staff, support from the community, training for the staff and board, planning, and careful attention to community needs.

Thank you for continuing to deliver outstanding library service to Utah residents.

Sincerely,

Cara Rothman

Cara Rothman
Division Director, State Library

Utah State Library
Division
250 North, 1950 West, Suite A• Salt Lake City, Utah 84116-7901 •

City Council
Staff Communications Report

Subject: City Employee Housing Lottery to sell Deed-Restricted Silver Star Condo
Author: Rhoda Stauffer, Housing Team
Department: Housing
Date: March 20, 2025

Summary

On June 28, 2024, the City Council purchased the 1835 Three Kings Drive, 65-9, a Silver Star deed-restricted condo (Staff Report, Minutes, Page 10). The one-bedroom, one-bathroom 620 SF condo had been for sale for over five months. Several attempts to use the waitlist were unsuccessful and the seller was given permission to sell to any qualified buyer. This was also unsuccessful.

The likely cause was the spike in high mortgage interest rates and buyers speculating that they would come down. The City Council directed staff to rent the condo to a city employee for one year (in accordance with the deed restrictions) while completing a process to sell the condo to a qualified city employee.

As planned and to meet the one-year rental provision within the deed-restriction, we plan to lottery the unit in March/April. The process will mirror the successful 2023 lottery that sold a Snow Creek Cottage to a qualified city employee. The process begins with an announcement and educational/informational sessions in late March and April, followed by an application and lottery process in April and May.

The Housing Team plans to utilize the digital pre-application and full application processes currently used for selling deed-restricted homes. It is a two-step process that requires a pre-application based on estimates of income and net worth. Pre-applications are reviewed by a 3rd party vendor to ensure applicants are qualified and have the financial ability to purchase the unit. The list of qualified applicants will be reviewed to ensure employment status is met including a full-time-regular, in good standing, and no longer on probation. A 3rd party vendor will complete the lottery and send back a list of ranked applicants.

Once all qualified applicants are ranked, the top three are invited to submit full applications. Full applications require supporting documentation such as tax returns, pay stubs, verification of employment, pre-approval from a certified lender, and more. The 3rd party vendor reviews the three top applications to ensure they are qualified. The offer to purchase will be extended to qualifying employees in the order of the lottery results.

City Council Staff Communication

Subject: Wildlife Crossings Pilot Program Grant Opportunity
Author: Kate Swedburg, Grant Administrator
Alex Roy, Assistant Transportation Planning Manager
Department: Transportation Planning
Date: March 20, 2025
Type of Item: Work Session

The following is a summary report on the Federal Highway Administration's (FHWA) Wildlife Crossings Pilot Program and our planned next steps.

At the January 9, 2025, City Council meeting, the Council requested staff review and report on the FHWA Wildlife Crossings Pilot Program. This report presents a summary of the grant program.

FHWA Wildlife Crossings Pilot Program Overview

The FY2026 FHWA Wildlife Crossings Pilot Program (WCPP) provides a grant opportunity to address both Wildlife Vehicle Collisions (WVCs) and habitat fragmentation. It addresses safety and environmental challenges while encouraging innovative solutions that benefit wildlife and communities. The full Notice of Funding Opportunity (NoFo) for this program is presented in **Exhibit A**.

The program supports both construction and non-construction activities. Construction funding covers engineering, design, technology, permitting, right-of-way acquisition, fencing, and building wildlife crossings. Non-construction funding supports planning, research, and education projects, including hotspot analyses of WVCs or wildlife safety outreach.

The application period runs from May 1 to August 1, 2025, with funding available in FY26. Given potential shifts under the new federal administration, monitoring this opportunity is crucial to assess any changes in funding levels, eligibility, or project priorities. While all funding carries some risk, this grant appears more stable than others.

Additionally, this opportunity aligns with the latest DOT Order, which prioritizes minimizing safety risks and economic disruptions while maximizing benefits for families and communities. Given these priorities, a wildlife-vehicle collision mitigation project could enhance community safety and cohesion, making it a strong candidate for funding.

Proposals must demonstrate how they will improve motorist safety and habitat connectivity, detailing safety concerns, solutions, expected impacts, and maintenance plans. They should also address affected species, ecological benefits, and habitat challenges.

To strengthen their competitiveness, projects should align with at least three secondary goals, such as leveraging investments, fostering economic development, advancing innovation, promoting education and outreach, supporting research, or contributing to species survival.

FHWA Wildlife Crossings Program Funding includes:

- Up to $80M funding for FY26 from the Federal Highway Administration
- 60% promised for rural projects ($48M)
- 20% non-federal match requirement

SR-224 Wildlife Crossings Program Suitability
SR-224 is one of the main gateway corridors into Park City. The roadway is owned by UDOT and serves both Park City and unincorporated Summit County, with High Valley Transit (HVT) managing the current bus routes in the corridor and the SR-224 Bus Rapid Transit project. Park City has previously worked with UDOT, Summit County, and HVT to implement WVC reduction strategies, including maintaining a consistent 45 MPH speed limit, adding signage, and collaborating with Save People-Save Wildlife to install animal silhouettes. UDOT Region 2 leadership has stated that they do not support an overpass along SR-224 in the White Barn proximity.

Park City's Transportation Planning team has identified two potential strategies regarding the FHWA Wildlife Crossing Program.

- Prepare an application as the lead grant applicant for a non-construction project. This approach will help determine the design and location of the project, evaluate new technologies such as animal sensor activated warnings, and identify ways to promote education and outreach.

- Work with UDOT and Summit County on an application for non-grade separated WVC improvements. The location and design have not been determined but would likely include fencing.

These alternatives have been discussed with regional partners. The Park City Transportation Planning Department intends to pursue the first strategy, which the regional partners also recommend. If we are not selected for funding, we remain willing to work with our regional governmental partners to improve WVC conditions in the region.

Attachments

Exhibit A: Notice of Funding Opportunity (NoFo)
Exhibit B: Examples of Past Awards 2022-2025

U.S. DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
Notice of Funding Opportunity for Fiscal Years (FY) 2024-2026 Wildlife Crossings Pilot Program (WCPP)

AGENCY: U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA)

ACTION: Notice of Funding Opportunity (NOFO)

SUMMARY:

SUMMARY OVERVIEW OF KEY INFORMATION: **NOFO for Fiscal Years (FY) 2024-2026 WCPP**	
Issuing Agency	FHWA
Program Overview	The purpose of this NOFO is to provide grants on a competitive basis for projects that seek to achieve a reduction in the number of wildlife-vehicle collisions (WVC); and improve habitat connectivity for terrestrial and aquatic species (Title 23, United States Code (U.S.C.), Section 171).
Objectives	1) Improve safety by reducing WVCs; 2) Improve habitat connectivity for terrestrial and aquatic species.
Eligible Applicants	• A State department of Transportation (State DOT); • A metropolitan planning organization (MPO); • A unit of local government; • A regional transportation authority; • A special purpose district or public authority with a transportation function; • An Indian Tribe; • A Federal Land Management Agency (FLMA); or • Or a group of the above entities.
Eligible Project Types	Non-construction and construction projects, ranging from statewide plans and corridor studies to design and construction.
Funding	This NOFO announces two application periods: • FY 2024 and FY 2025 Funding: up to $145 million • FY 2026 Funding: up to $80 million FHWA also intends to award $2,269,418 in unawarded FY 2023 funds under this NOFO. The actual amount available to be awarded under this notice will be subject to the availability of funds.
Deadline	This NOFO announces two application periods: • FY 2024 and FY 2025 Application Opens: June 6, 2024 • FY 2024 and FY 2025 Application Period Deadline: September 4, 2024, 11:59 p.m. ET • FY 2026 Application Period Opens: May 1, 2025

	• FY 2026 Application Period Deadline: August 1, 2025, 11:59 p.m. ET
Cost-Share	The Federal share for projects under the WCPP is 80 percent of total project costs unless an exception applies (23 U.S.C. 120). This program operates using the same Federal share provision as is generally applicable to Federal-aid projects. See Section C.2 of the NOFO for more information on cost share requirements.

The purpose of this NOFO is to solicit applications for the FY 2024-2026 WCPP and will result in the distribution of up to $227,269,418 in awards. The actual amount available to be awarded under this notice will be subject to the availability of funds.

This NOFO describes the application requirements, selection and evaluation criteria, applicable program and Federal requirements, and available technical assistance during the grant solicitation period.

DATES:

Applications for FY 2024 and FY 2025 must be submitted electronically through grants.gov no later than 11:59 p.m., Eastern Time, on September 4, 2024. The Grants.gov "Apply" function will close on September 5, 2024, and will reopen on May 1, 2025, to allow for applicants to submit applications for the FY 2026 application period. Applications for FY 2026 funds must be submitted electronically through grants.gov starting on May 1, 2025, and no later than 11:59 p.m., Eastern Time, on August 1, 2025.

Applicants are encouraged to submit applications in advance of the relevant application deadline; however, applications will not be evaluated, and awards will not be made, until after the respective application deadline.

ADDRESSES:

Applications must be submitted electronically through grants.gov. Refer to Assistance Listing (formerly known as the Catalog of Federal Domestic Assistance Number): 20.205, Highway Planning and Construction.

FOR FURTHER INFORMATION:

Applicants are encouraged to refer to FHWA's Website at https://highways.dot.gov/federal-lands/programs/wildlife-crossings for more program information, including fact sheets, additional resources, and points of contact. The DOT Navigator is also a tool with additional information and guidance to assist applicants in applying for DOT funding. The Navigator includes checklists for the climate change and workforce priorities to assist applicants in responding to these criteria.

FHWA plans to conduct outreach regarding the WCPP in the form of Webinars for Tribes and all applicants. For more information, and to join the Webinars, see https://highways.dot.gov/federal-lands/programs/wildlife-crossings. Applicants are encouraged to read the NOFO prior to the Webinar and submit questions ahead of time to wildlifecrossings@dot.gov. The Webinar will be recorded and posted on FHWA's Website at https://highways.dot.gov/federal-lands/programs/wildlife-crossings. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

FHWA staff are available for general questions about the WCPP and NOFO. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions. In addition, FHWA will post answers to questions at https://highways.dot.gov/federal-lands/programs/wildlife-crossings. However, FHWA will not review applications in advance and will not provide technical assistance to any applicant, including providing guidance on how to address any information that should be included in an application.

FOR FURTHER INFORMATION CONTACT:

Freida Byrd
Agreement Officer
Office of Acquisition and Grants Management (HCFA-42)
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE.
Washington, DC 20590
Email: wildlifecrossings@dot.gov (preferred)
Phone: (202) 366-6547

Alternate:

Hector R. Santamaria
Agreement Officer/Team Leader
Office of Acquisition and Grants Management (HCFA-42)
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE.
Washington, DC 20590
Email: wildlifecrossings@dot.gov (preferred)
Phone: (202) 493-2402

Office hours are from 7:30 a.m. to 4:00 p.m., Eastern Time, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Each section of this NOFO contains information and instructions relevant to the application process for WCPP grants. The applicant should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

Table of Contents

This notice contains collection of information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424C, and SF-LLL has been approved by the Office of Management and Budget (OMB) under Control Number 2105-0520. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

NOTE: FHWA uses www.grants.gov for receipt of all applications. Applicants must register and use the system to submit applications electronically. Applicants are encouraged to register in advance of the submission deadline and to register to receive notifications of updates/amendments to this NOFO. Approval of user registrations for the site may take multiple weeks. It is the applicant's responsibility to monitor this site for any updates to this NOFO.

SECTION A – PROGRAM DESCRIPTION

1. Overview

In creating the WCPP, Congress found that there are more than 1 million wildlife[1] vehicle[2] collisions (WVC) annually that result in tens of thousands of serious injuries and hundreds of fatalities on U.S. roadways. (*See* 23 U.S.C. 171(a)(1), 171(a)(2)(B)). These WVCs pose a persistent danger to human safety, and FHWA estimated[3] the total annual cost associated with these WVCs as being over $8 billion (*See* 23 U.S.C. 171(a)(2)-(3)). In addition, Congress found that WVCs pose a danger to wildlife survival and are a major threat to the survival of species (23 U.S.C. 171(a)(2)(A)(ii), 171(a)(4)).

The Infrastructure Investment and Jobs Act of 2021 (Pub. L. 117-58, November 15, 2021, also known as the Bipartisan Infrastructure Law or BIL) authorized a total of $350 million for FYs 2022 through 2026 to be awarded by DOT, through FHWA, for the competitive WCPP. The WCPP is authorized under Section 11123(b) of BIL, and codified at 23 U.S.C. 171, with the goal of reducing WVCs while improving habitat connectivity and conservation for terrestrial and aquatic species (23 U.S.C. 171(b)). Grants are available for all project activities, including but not limited to research, planning, design, and construction. The WCPP seeks applications from State DOTs,[4] MPOs,[5] units of local government,[6] regional transportation authorities, special purpose districts, public authorities with a transportation function, Indian Tribes,[7] and FLMAs who are seeking projects to reduce WVCs and improve habitat connectivity for terrestrial and aquatic species.

The total amount of funding available in this NOFO is up to $227,269,418[8] across two application periods, combined FY2024 and FY2025 and subsequently FY2026. Applications must be submitted electronically through grants.gov no later than 11:59 p.m., Eastern Time, on September 4, 2024, for the combined FY 2024 and FY 2025 application period, which is making up to $145 million available. The opening date for the FY 2026 application period is May 1,

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[1] For the purposes of this NOFO, wildlife is defined as native wild animals. Livestock, domesticated animals, and animals with domesticated ancestors are not wildlife.
2 For the purposes of this NOFO, a vehicle is defined as a motor vehicle operating on a roadway.
[3] Federal Highway Administration (2008). Wildlife-Vehicle Collision Reduction Study. Report to Congress. Available at: https://www.fhwa.dot.gov/publications/research/safety/08034/08034.pdf . Last accessed on March 22, 2023.
[4] For the purposes of the WCPP, a "State" refers to the 50 States, the District of Columbia, and Puerto Rico (*See* 23 U.S.C. 101(a)(28)). A State DOT refers to the department of a State responsible for highway construction.
[5] For the purposes of the WCPP, an MPO is defined as the policy board of an organization established as a result of the designation under 23 U.S.C. 134(d) (*See* 23 U.S.C. 134(b)(2)).
[6] For the purposes of this NOFO, units of local government are defined using the definition found in Title 2, Code of Federal Regulations (CFR), Part 200.1.
[7] For the purposes of the WCPP, an Indian Tribe is defined per the definition in 23 U.S.C. 207(m)(1), including a Native village and a Native Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).
[8] Section 11101(d)(1) of BIL authorizes from the Highway Trust Fund $350 million to carry out the WCPP from FY 2022 through 2026. This NOFO solicits applications for the $70 million authorized for FY 2024, $75 million authorized for FY 2025, $80 million authorized for FY 2026, and $2,269,418 in unawarded FY 2023 funding. However, due to the imposition of the annual limitation on obligations on the Federal-aid highway program's contract authority, a lesser amount of this funding may be available for award.

2025. Applications must be submitted electronically through grants.gov no later than 11:59 p.m., Eastern Time, on August 1, 2025, for the FY 2026 application period which is making up to $80 million available. Funding amounts are subject to the availability of funds. See Section D.4 for more information regarding submission dates.

The primary goals of the WCPP are to improve safety, protect motorists and wildlife by reducing WVCs, and improve habitat connectivity for terrestrial and aquatic species. Reduction of WVCs and improvement of terrestrial and aquatic habitat connectivity are the primary merit criteria that will be used in reviewing applications, and each of the primary merit criteria are of equal importance.

2. DOT Administration Priorities

DOT seeks to fund projects that advance the Departmental priorities of safety, equity, climate and sustainability, workforce development, job quality, and wealth creation as described in the DOT Strategic Plan, DOT Research, Development and Technology Strategic Plan, and in executive orders (E.O.).[9] These DOT Priorities will be considered in the selection process as provided in Section E.1.d and E.2 of this NOFO, which outlines the Selection Considerations and describes the process for selecting projects that further these goals.

Section F.3 of this NOFO describes program requirements, and progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria, and the Administration's Priorities and Departmental Strategic Plan goals, as appropriate.

3. Additional Information

a. The WCPP is described in the Federal Assistance Listings under the assistance listing program title "Highway Planning and Construction" and assistance listing number 20.205.

b. DOT and FHWA are committed to considering project funding decisions holistically among the various discretionary grant programs available in BIL. DOT and FHWA also recognize that applicants may be seeking funding from multiple discretionary grant programs and opportunities. An applicant may seek the same award amounts from multiple DOT discretionary opportunities or seek a combination of funding from multiple DOT opportunities. The applicant should identify any other DOT programs and opportunities they intend to apply for (or use if the Federal funding is already available to the applicant), and what award amounts they will be seeking, in the appropriate sections of this NOFO, including Section D.2.c.ii.

[9] E. O. 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).
E.O. 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009). E.O. 14025, Worker Organizing and Empowerment (86 FR 22829), and E.O. 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

c. This is the second NOFO for the WCPP. The FY 2024 – FY 2026 WCPP NOFO is similar to FY 2022 and FY 2023 WCPP NOFO. Changes have been made to the application period timeframes in Sections A and D, and rating criteria in Section E. Applicants should read the NOFO in its entirety when applying for this funding opportunity.

SECTION B – FEDERAL AWARD INFORMATION

1. Award Amount Available

The total amount of funding available for awards under this NOFO is up to $145 million for the FY 2024 and FY 2025 application period, and up to $80 million for the FY 2026 application period, along with $2,269,418 in unawarded FY 2023 funding. FHWA intends to use this NOFO, combined with funding awarded under the FY 2022 through 2023 NOFO, to award all funding provided by Section 11101(d)(1) of BIL. The actual amount available to be awarded under this NOFO will be subject to the availability of funds.

2. Award Size and Anticipated Number of Awards

There is no minimum or maximum award size; however, applicants are encouraged to submit applications for large-scale projects with total project costs of $200,000 or greater. On December 5, 2023, FHWA announced grant selections for FY 2022 and FY 2023 application period including 10 non-construction projects requesting between $200,000 and $1.2 million, and 9 construction projects requesting between $1.5 million and $25 million. FHWA anticipates awarding between 15-50 grants using FY 2024 and FY 2025 funds and between 5-25 grants using FY 2026 funds with anticipated awards ranging from $200,000 to $25 million, although FHWA may also make awards outside of this range. The number of awards will be ultimately determined by the number and quality of applications received in response to this NOFO and the availability of funding. FHWA also reserves the right to award less than the maximum amount presented in the application. The Federal Government is not obligated to make any Federal award as a result of the announcement, and the announcement of an award does not guarantee funding to the successful applicant. FHWA will only obligate funds to successful applicants upon execution of a grant agreement.

3. Statutory Funding Provisions

FHWA will award 60 percent or more of available funds for projects located in rural areas (23 U.S.C. 171(g)). The definition of "rural areas" is found in 23 U.S.C. 101(a)(25) and refers to all areas of a State that are not urban areas. For the purpose of this NOFO, in line with 23 U.S.C. 101(a)(35), an urban area is an FHWA Adjusted Urban Area, a map of which can be found at: National Highway System | HEPGIS (arcgis.com). All locations not entirely designated as urban will be considered rural. FHWA will consider projects that are in both urban and rural areas as rural.

4. Types of Projects

FHWA seeks to award non-construction and construction projects[10] under WCPP. Examples of non-construction projects include, but are not limited to the following:

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[10] The term "construction" means the supervising, inspecting, actual building, and incurrence of all costs incidental to the construction or reconstruction of a project under this program. This includes preliminary engineering,

- Research on safety innovations to reduce WVCs;
- Research and monitoring on the effectiveness of WVC mitigation;
- Development of mapping tools to document WVCs;
- Analysis of impacts of WVCs and best practices to reduce WVCs;
- Planning studies to identify terrestrial and aquatic wildlife migration corridors and roadway barriers to habitat that lead to WVCs;
- Developing or updating Statewide Transportation and Wildlife Action Plans;
- Tracking wildlife and mapping WVCs; or
- Outreach activities to educate the public on the hazards of WVCs.

Examples of construction projects include, but are not limited to the following:

- Design and pre-construction of an underpass or overpass for wildlife passage;
- Environmental permitting and right-of-way acquisition to construct a wildlife crossing structure;
- Adaptation or replacement of a culvert or bridge structure to accommodate connectivity for terrestrial species that are experiencing WVCs;
- Construction of a wildlife overpass or underpass and fencing;
- Preservation or restoration of habitat necessary to secure the effectiveness of a crossing project; or
- Construction of multiple crossing structures in an area to connect habitat for terrestrial or aquatic species.

See Section C.3.c for more information on eligible projects and activities.

5. Type of Award

If the grant recipient is any Eligible Entity other than an Indian Tribe or an FLMA, then, pursuant to 23 U.S.C. 171(f)(2)(A)(ii), the State DOT of the State in which the project is located must administer the grant. For these entities, the State DOT must directly administer the project on behalf of the entity or administer and oversee the project by serving as a pass-through entity for the entity (23 U.S.C. 171(f)(2)(A)(ii)). These entities may not request for FHWA to directly administer the grant. FHWA cannot award a grant to these entities if the State DOT does not agree to administer the grant.

If a grant recipient is a State DOT or if a State DOT will serve as a pass-through entity to the Eligible Entity or an Eligible Partner of the Eligible Entity, WCPP funds will be awarded upon the execution of a project agreement, which is a type of grant agreement for administration of funds to a State DOT in the FHWA Fiscal Management Information System (FMIS).

If the grant recipient is an FLMA or Indian Tribe, then, pursuant to 23 U.S.C. 171(f)(2)(A)(i), FHWA must administer the grant. Grant funds will be administered with advanced payment,

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engineering, design-related services directly relating to the construction of a highway project, reconstruction, resurfacing, restoration, rehabilitation, and preservation, acquisition of rights-of-way, relocation assistance, improvements that directly facilitate and control traffic flow, and improvements that reduce the number of WVCs. *See* 23 U.S.C. 101(a)(4). The term “non-construction” means any activity that is not considered to be “construction.”

where appropriate, upon the execution of a grant agreement with FHWA or through existing agreements, and FHWA's Office of Federal Lands Highway will administer the project (23 U.S.C. 171(f)(2)(A)(i)). These entities may not request the State DOT to administer the grant. If the grant recipient is not an FLMA or Indian Tribe, grant awards will be administered on a reimbursement basis. In such situations, WCPP funds will reimburse recipients only for eligible costs incurred and for work performed after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. At FHWA's sole discretion, alternative funding arrangements may be considered on a case-by-case basis.

Grant recipients may subaward funds.

6. Availability of Funds

Selected projects will be funded with either FY 2023, FY 2024, FY 2025, or FY 2026 funds. For FY 2024 and FY 2025 funds jointly awarded for the first application period, FHWA expects to obligate FY 2024 funds before FY 2025 funds. To determine whether a project selected to receive a WCPP grant will be funded with FY 2023, FY 2024, or FY 2025 funds, FHWA will consider the estimated project start date provided in the application. Funds will be assigned after announcement of projects selected to receive an award during the grant agreement development process.

The obligation deadlines for FY 2023, FY 2024, FY 2025, and FY 2026 WCPP funds available under this NOFO are described below. FY 2025 funds cannot be obligated before October 1, 2024, and FY 2026 funds cannot be obligated before October 1, 2025. Once obligated, WCPP grant funds are available until expended (subject to requirements and policies regarding inactive obligations).

Fiscal Year	Obligation Deadline	Expenditure Deadline
FY 2023	September 30, 2026	Available until Expended
FY 2024	September 30, 2027	Available until Expended
FY 2025	September 30, 2028	Available until Expended
FY 2026	September 30, 2029	Available until Expended

Obligation of a WCPP grant occurs after a selected applicant enters a grant agreement with the FHWA and FHWA authorizes the project to proceed. For construction, this is generally after the applicant has satisfied applicable administrative requirements, including transportation planning; environmental review requirements, including those under the National Environmental Policy Act (NEPA); real property and right-of-way acquisition requirements in accordance with 49 CFR 24 and 23 CFR 710; and compliance with 23 CFR 635 subpart C "Physical Construction Authorization" for State DOT applicants or 2 CFR 200.318 – 327 for non-State DOT applicants.

If a WCPP grant includes pre-construction and construction activities, FHWA may obligate funding in phases to provide funding for specific activities where administrative requirements are not required or have already been met. For example, FHWA may use a phased obligation to obligate funding at the execution of a grant agreement for environmental review activities and then obligate funding for construction once the environmental review activities are completed.

7. Previous WCPP Grant Applications

Applicants may apply for funding in multiple application periods under this NOFO. Applicants to the FY 2022-2023 NOFO, including those that were awarded funds under that NOFO, may apply for funding in either or both application periods under this NOFO. There is no preference for applications or applicants who have previously applied or been selected or not selected for the WCPP.

FHWA will not carry over applications from the FY 2024 and FY 2025 application period to the FY 2026 application period. Each application will be evaluated independently. Applications that were not awarded WCPP funding and are still seeking funding under the WCPP NOFO, will need to be resubmitted for each subsequent application period.

FHWA intends to award funding for the FY 2024 and FY 2025 application period prior to the beginning of the application period for FY 2026 funds. Applications for projects that previously received WCPP funding under the FYs 2022-2023 NOFO may seek additional funding for the projects under this NOFO and applications that receive an award under the FY 2024 and FY 2025 application period may seek additional funding under the FY 2026 application period. FHWA, however, will not provide additional funding under this NOFO for the same application previously awarded funding. Applications for projects that previously received funding will need to clearly identify the phase and deliverables of the project for which it is seeking additional funding under this NOFO. For example, the resubmission of an identical application that received funds will not be considered; however, an application that clearly identifies how the use of prospective funding will advance additional stages of the project will be considered.

8. Period of Performance

If a grant recipient will be a State DOT or if a State DOT will serve as a pass-through entity to a non-State DOT entity awarded a grant, as described in Section B.5, the DOT Payment System will be “Current Bill” in FMIS and the start of the period of performance will begin on the date that WCPP funds are authorized in FMIS and end on the project end date in FMIS.

If a grant recipient will be a Tribe or FLMA, the DOT Payment System will be “DELPHI iSupplier” and the start of the period of performance will begin on the effective date of the grant agreement as executed by FHWA and the recipient, which will obligate the WCPP, and end on the project end date of the period of performance that is listed in the grant agreement.

SECTION C – ELIGIBILITY INFORMATION

To be selected for a grant, an applicant must meet the eligibility requirements under this Section C, including: Eligible Applicants; Cost Sharing (Non-Federal Match Requirement); and identified requirements in Other. Applications that do not meet these threshold eligibility requirements will not be evaluated as described in Section E.

1. Eligible Applicants

Eligible applicants for the WCPP are the following individual entities or a group of such eligible entities (23 U.S.C. 171(c)):

1) A State DOT;
2) An MPO;
3) A unit of local government;
4) A regional transportation authority;
5) A special purpose district or public authority with a transportation function;
6) An Indian Tribe; or
7) An FLMA.

FHWA encourages multiple eligible applicants to submit a joint application. Such applications must identify a lead applicant as the primary point of contact (POC) and identify the primary recipient of the award. Joint applications should include a description of the roles and responsibilities of each applicant and be signed or include a letter of support by each applicant.

Eligible applicants can apply for funding from the WCPP in concert with Eligible Partners, and if funding is received, may provide such funding to Eligible Partners of the project in accordance with the terms of the grant agreement (23 U.S.C. 171(f)(2)(B)). Eligible Partners include the following entities or a group of the following entities:

1. An MPO;
2. A unit of local government;
3. A regional transportation authority;
4. A special purpose district or public authority with a transportation function;
5. An Indian Tribe;
6. An FLMA;
7. A foundation, nongovernmental organization, or institution of higher education; or
8. A Federal, Tribal, regional, or State government entity.

An Eligible Entity that receives a WCPP grant and enters into a partnership with an Eligible Partner must establish measures to verify that the Eligible Partner complies with the conditions of the WCPP in using WCPP funds (23 U.S.C. 171(f)(3)). FHWA encourages applicants to include such measures they plan to implement in their applications. Regardless of whether an Eligible Partner is involved, the Eligible Applicant remains responsible for meeting the conditions of the grant agreement. Applicants are asked to describe their role with expected partners and other applicants in their applications. For more information, see Section D.2.c.I.

2. Cost Sharing (Non-Federal Match Requirement)

Cost sharing (non-Federal match) means the portion of total eligible project costs not paid using Federal funds, including WCPP funds.

As the WCPP is under Title 23, U.S.C., the Federal share for projects under the WCPP is 80 percent of total eligible project costs, unless an exception, such as ones noted below, applies (23 U.S.C. 120(b)). This means that, unless a verified exception applies, awardees must provide at least 20 percent of the total project cost (not 20 percent of the Federal share) as a non-Federal match. For example, on a $5 million project, the maximum Federal share would be $4 million and the minimum required non-Federal matching share would be $1 million. For more information, see https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fedshare_fact_sheet.cfm. Additional information on non-Federal matching requirements can be found at https://www.fhwa.dot.gov/legsregs/directives/policy/fedaid_guidance_nfmr.pdf.

There are some flexibilities that may allow the Federal share to increase to more than 80 percent of project costs, which would mean that the awardee would have to provide a smaller matching share. For example, pursuant to 23 U.S.C. 120(c)(1), the Federal share for certain safety projects may be 100 percent of the cost of such construction projects. In addition, 23 U.S.C. 120(a) and (b) authorize an upward adjustment, also known as a sliding scale, to the Federal share for projects in States containing Federal and nontaxable Indian lands. The amount of the upward adjustment is based on the percentage of Federal nontaxable Indian lands in the State.[11]

Unless specifically authorized by Congress, all matching funds must come from non-Federal sources. Examples of programs where Federal funds can be used for the matching share include the Tribal Transportation Program under 23 U.S.C. 202 and the Federal Lands Transportation Program under 23 U.S.C. 203; per 23 U.S.C. 120(k), such funds can be used toward the matching share for the WCPP for a project that provides access to or within Federal or Tribal land. Again, it is important to note that other Federal funds cannot be used as an applicant's matching share unless that ability is specifically provided by Congress in statute, such as the clear language of 23 U.S.C. 120(k). Applicants could not, for example, use Highway Safety Improvement Program funds under 23 U.S.C. 148 to serve as the matching share for a safety-related project under the WCPP.

Beyond Federal funds that are specifically authorized to be used as matching funds, the matching share can come from private, local, Tribal, and State funds. In accordance with 2 CFR 200.306, grant recipients may use in-kind or cash contributions toward the match requirements so long as those contributions meet the requirements of 2 CFR 200.306(b). Matching funds are subject to the same Federal requirements as WCPP funds.

Applicants should document cost sharing in their application, including the ability to provide the 20 percent match under 23 U.S.C. 120(b) or, if the applicant believes a different matching share applies, a justification as to why that Federal share percentage applies and documentation

[11] FHWA publishes guidance with the specific share allowable in each State based on the sliding scale.

indicating their ability to provide that alternative matching share.[12] FHWA will make the final determination on the match percentage required for each awarded project. For that reason, and since applications that do not provide a sufficient matching share will not be eligible to receive WCPP funds, FHWA recommends applicants document their ability to provide a 20 percent matching share as well as document any alternative matching share that the applicant believes is applicable. In addition, as noted in Criterion #2.1 in Section E.1.b, pursuant to 23 U.S.C. 171(e)(2)(A), FHWA will consider the extent to which a proposed project is likely to leverage Federal investment by encouraging non-Federal contributions to the project.

For each project that receives a grant under this notice, FHWA expects the project to be completed using at least the level of non-Federal funding that was specified in the application.

FHWA will not consider previously incurred costs or previously expended or encumbered funds toward the matching requirement for any project. Matching funds are subject to the same Federal requirements described in Section F.2 as awarded funds.

3. Other

a. Number of Applications

There is no limitation on the number of applications that may be submitted by an eligible applicant.

Each application must be complete and able to stand on its own merits. FHWA encourages joint applications from eligible applicants with a lead applicant identified. Further, only one project may be included in each application. An Eligible Entity may not bundle multiple disconnected projects as a single application, but one project may include multiple related components. If a project consists of multiple components of the same project, an applicant should submit one application containing all such components. When determining whether multiple activities are components of the same project, and can be included in a single applicant, or should be treated as different projects, and therefore should be provided as separate applications, FHWA will consider factors such as geographic proximity, WVC and connectivity problems, and the goals and objectives of the components of the project.

b. State Department of Transportation Consultation

All applicants, other than FLMAs and State DOTs, shall include documentation of consulting with the State DOT in which applicant is located (23 U.S.C. 171(d)(2)). For Tribes, such consultation shall be required only for projects that are not located on Tribal lands.

Where this requirement applies, State DOT consultation is an eligibility requirement, and FHWA will not review applications that fail to provide sufficient documentation of consultation under the criteria in Section E, and such applications will not be eligible for funding. FHWA may refer to the consultation outcome as part of the review process. Examples of documentation of consultation with the State DOT include, but are not limited to, letters, agreements, and signed

[12] See Section D.2.c.ii for more information about documenting cost sharing in the application.

meeting minutes. Applicants are not required to form an agreement with the State DOT to administer the project during the consultation process.

c. Eligible Projects and Project Costs

Eligible projects must seek to achieve a reduction in WVCs and, in seeking to achieve a reduction in WVCs, also improve habitat connectivity for terrestrial and aquatic species. (23 U.S.C. 171(b)). Eligible projects may be non-construction or construction projects (23 U.S.C. 171(b)).[13] Construction projects include all activities that lead to a built project, while non-construction projects include all other projects, such as research projects and planning studies. See Section B.4 for examples of types of projects.

Eligible project costs may include the following eligible grant activities for non-construction projects: planning, research, public outreach, and feasibility analyses.

Eligible project costs may include the following eligible grant activities for construction projects: environmental review, preliminary engineering and design work, preservation, replacement, reconstruction, rehabilitation, acquisition of real property and rights-of-way, environmental mitigation, permitting, public outreach project monitoring, construction contingencies, and operations.

Evaluation expenses, and the purchase of equipment such as cameras and detection systems for monitoring is allowable unless prohibited by statute or regulation.

FHWA recognizes that some potential projects may focus on subsets of activities within the project development lifecycle (e.g., just environmental studies and reviews or preliminary engineering) or propose to build upon or complete project activities (e.g., construction of a project after its design has been completed). FHWA will allow proposed projects that include one or multiple such subsets.

All project costs must conform to 2 CFR 200.403 and FHWA reserves the right to make cost eligibility determinations on a case-by-case basis. Submission of an eligible project is an eligibility requirement.

[13]Since the statute is silent and the range of eligible activities that may constitute a "project," FHWA broadly construes this eligibility to include both construction and non-construction activities.

SECTION D – APPLICATION AND SUBMISSION INFORMATION

1. Address to Request Application Package

All application materials may be found on Grants.gov at http://www.grants.gov.

Once at Grants.gov, select the Search Grants tab. Then enter one of the following:

- Opportunity Number: 693JJ324NF00023
- Opportunity Name: FY 2024-2026 Wildlife Crossings Pilot Program
- Assistance Listing Number: 20.205

When at one of these Webpages, select the opportunity, which will open to a Webpage with several tabs. The first tab is a synopsis of the opportunity. Select the Application Package tab to download the forms needed to submit an application.

If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. If potential applicants are unable to download the application package from the Internet, they may send a written request for a paper copy to the NOFO POC, listed on Page 2 of this NOFO.

2. Content and Form of Application Submission

a. Application Submittals

All applications must be submitted electronically through grants.gov.

The application must include the following required forms, submitted as individual pdf documents, based on the type of project:

Required Forms for Non-Construction Project Applications:	**Required Forms for Construction Project Applications**:
Standard Form 424 (Application for Federal Assistance)	Standard Form 424 (Application for Federal Assistance)
Grants.gov Lobbying Form (Certification Regarding Lobbying)	Grants.gov Lobbying Form (Certification Regarding Lobbying)
Disclosure of Lobbying Activities form (SF-LLL)	Disclosure of Lobbying Activities form (SF-LLL)
Standard Form 424A (Budget Information for Non-Construction Programs)	Standard Form 424C (Budget Information for Construction Programs)
Project Abstract	Project Abstract
Project Narrative	Project Narrative

In addition, the Key Contacts form is optional for all applications. Applicants may also submit any letters of support or endorsement for consideration by FHWA.

All mandatory Standard Forms (SF) of the 424 family are available for download at [https://www.grants.gov/forms/forms-repository/sf-424-mandatory-family.](https://www.grants.gov/forms/forms-repository/sf-424-mandatory-family)

Forms can also be found with the grant opportunity on Grants.gov under "package forms," where the forms are grouped as mandatory forms and optional forms. Under "package forms," forms listed as mandatory are required for both non-construction and construction project applications; forms listed as optional are required based on the type of project.

In Standard Form 424, applicants may leave fields 5a, 5b, 6, 7, and 13 blank.

The Standard Form 424A or 424C, as applicable, should be supported by a budget narrative explaining each element of cost (See Section B.2.c.ii). FHWA reserves the right after an application is selected for award, to request additional supporting information and or documentation for purposes of confirming costs proposed are allowable (2 CFR 200.403) Reasonable (2 CFR 200.404) and Allocable (2 CFR.405).

The applicant should ensure they include the information outlined in the WCPP Application Checklist, provided as Attachment 1, in their application.

Within the Project Narrative, applicants do not need to specifically reference the three aspects of Project Readiness described in Section E.1.c. Information provided by the applicant in the Project Readiness section of the Project Narrative on the project budget and on the technical capabilities of the project should allow FHWA to undertake the three Project Readiness assessments described below.

FHWA recommends that the Project Abstract and Project Narrative be prepared with standard formatting preferences (i.e., a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins on 8½ x 11 inch size paper). Applicants may include maps, graphics, and tables. Text in tables and captions may be smaller than 12-point font but must be legible. The Project Abstract should not exceed 1 page in length. The Project Narrative should not exceed 25 pages in length. Appendices may include documents supporting assertions or conclusions made in the 25-page Project Narrative and do not count toward the 25-page limit.

If possible, Website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the Project Narrative the relevant portion of the Project Narrative that each supporting document supports. FHWA recommends including a table of contents, and using appropriately descriptive final names (e.g., "Project Narrative," "Maps," "Memoranda of Understanding and Letters of Support," etc.) for all attachments.

To the extent practicable, applicants should provide supporting data and documentation in a form that is publicly available and directly verifiable by FHWA. FHWA may, but is not required to, request additional information, including additional data, to clarify supporting data and documentation submitted in an application, but FHWA encourages applicants to submit the most relevant and complete information they can provide. FHWA also encourages applicants, to the extent practicable, to provide data in a form that is publicly available or verifiable. To ensure a fair and unbiased evaluation of applications, FHWA will not request additional information to perfect incomplete applications.

The project narrative and project abstract must be attached to Item 15 of the SF-424. The WCPP Application Checklist should not be included as part of an application. To add an attachment to Item 15 of the SF-424:

- Click on "Add Attachments" in Item 15 to open the first pop-up window. Click "Add Attachment" and a second pop-up File Explorer/Directory window will appear, from which you can choose files to attach. Attachments can be added one at a time or all at once by holding down the CTRL key and selecting multiple files. Select "Open" to add the selected files as attachments.
- Click "Done" to finalize the attachments.
- Click "View Attachments" to see a list of files that have been added as attachments.

DOT may share application information within DOT or with other Federal Agencies if DOT determines that sharing is relevant to the respective program's objectives.

b. Project Abstract

The Project Abstract should summarize the scope of work and type of project that would be completed under the award. Applicants should briefly describe the project scope and location, and anticipated goals and outcomes, including how the project supports the program goals of improving safety by reducing WVCs; and, in doing so, improving habitat connectivity for terrestrial and aquatic species. Applicants are also encouraged to briefly describe how the project supports the goals of safety, climate change and sustainability, equity and reducing barriers to opportunity, and labor and workforce.

The Project Abstract should not exceed one page in length.

c. Project Narrative

FHWA recommends that the Project Narrative include the following sections. Following this outline will also assist evaluators in locating relevant information.

I. Basic Project Information - Description, Location, and Parties	See D.2.c.i
II. Budget Narrative - Grant Funds, Sources, and Uses of all Project Funding	See D.2.c.ii
III. Project Merit Criteria	See D.2.c.iii
IV. Project Readiness	See D.2.c.iv
V. Selection Considerations	See D.2.c.v

The Project Narrative should provide information necessary for FHWA to determine that the project satisfies project requirements described in Section C for the grant program and to assess the selection criteria specified in Section E.1. While applicants do not need to specifically reference the three aspects of Project Readiness described in Section E.1.c in the Project Narrative, information provided by the applicant in the Project Readiness section of the Project Narrative on the project budget and on the technical capabilities of the project should allow FHWA to undertake the three Project Readiness assessments described below.

i. Basic Project Information – Project Description, Location, and Parties

The applicant should provide a concise description of the project including a discussion of the proposed project's history and a description of any previously incurred costs.

The applicant may further use this section to place the project into a broader investment context, including information on other infrastructure investments being pursued by the applicant or other entities in the transportation corridor, wildlife corridor, or habitat, including other conservation grant programs administered by other Federal, State, or local agencies.

An application may describe a project that contains more than one component and may describe components that may be carried out by parties other than the applicant. FHWA expects, and will impose requirements on fund recipients to ensure, that all components included in an application will be delivered as part of the WCPP Project, regardless of whether a component includes Federal funding. The status of each component should be clearly described. FHWA may award funds for a component instead of the larger project if that component: (1) independently meets all eligibility requirements described in Section C; (2) independently aligns well with the selection criteria specified in Section E.1; and (3) meets NEPA requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of FHWA funds, even if no other improvements are made in the area and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection between one another. Applicants should be aware that, depending upon the relationship between project components and applicable Federal law, FHWA funding of only some project components may make other project components subject to Federal requirements as described in Section F.2.

FHWA strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested WCPP grant funding for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses selection criteria and produces benefits on its own, in addition to describing how the full proposal, of which the independent component is a part, addresses the selection criteria in Section E.1.

As applicable to the specific type of project, the applicant should describe the project location, including a detailed geographical description of the proposed project (such as the latitude and longitude), a map of the project's location and connections to existing transportation infrastructure, and geospatial data describing the project location. Tribal applicants should indicate whether their proposed project will be located on Tribal land. As indicated in Section C.3.b, the requirement that applicants consult with the State DOT in the State in which the applicant is located does not apply for Tribal applicants where the project is located on Tribal land.

The application should also identify whether the project is located in an urban or rural area per the definition for this program described in Section B.3 of this NOFO. If the project is located in an urban area, the applicant should identify the Adjusted Urban Area; and whether the project is located in one of four federally designated community development zones (Opportunity Zones, Empowerment Zones, Promise Zones, or Choice Neighborhoods). Information provided may be used for DOT's internal data tracking. [14]

This section of the application should further provide details about the lead applicant. Applicants should include information on their experience, qualifications, facilities, equipment, and administrative resources available to successfully execute a grant agreement with FHWA and obligate funds prior the applicable funding obligation deadline. Applicants should also include information on their ability to fulfill the responsibilities associated with managing a Federal grant award, including their ability to manage funds, maintain financial and administrative records, and fulfill reporting requirements. This section should describe the lead applicant's demonstrated experience with receipt and expenditure of Federal highway program funds under Title 23, U.S.C. or other Federal funding sources. FHWA will consider the degree of experience as part of the project readiness evaluation. If an application is rated highly under other criteria, but the applicant has no or limited experience with the receipt and expenditure of Federal highway program funds, FHWA may contact the applicant prior to final selection of awards to discuss technical resources that may be available to assist the applicant in obtaining the capacity and expertise to ensure compliance with all applicable Federal requirements and timely delivery of the project.

The WCPP funds may be provided by an Eligible Applicant to Eligible Partners, including an MPO; a unit of local government; a regional transportation authority; a special purpose district or public authority with a transportation function; an Indian Tribe; an FLMA; a foundation, nongovernmental organization, or institution of higher education; or a Federal, Tribal, regional, or State government entity. An Eligible Entity that enters into a partnership with an Eligible Partner must establish measures to verify that the Eligible Partner complies with the conditions of the WCPP in using WCPP funds (23 U.S.C. 171(f)(3)). FHWA will treat the relationship between an Eligible Entity and Eligible Partner the same as would exist between an Eligible Entity and subrecipient under 2 CFR 200.332. Regardless of whether a grant recipient forms a partnership or provides a subaward, the grant recipient remains responsible for compliance with program requirements, all applicable Federal, State, and local laws, and the terms and conditions of the grant agreement.

[14] Community development zones can be identified using the following Websites:
Opportunity Zones: https://opportunityzones.hud.gov;
Empowerment Zones: https://www.hud.gov/hudprograms/empowerment_zones;
Promise Zones: https://www.hud.gov/program_offices/field_policy_mgt/fieldpolicymgtpz;
Choice Neighborhoods: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/cn

The applicant should describe in detail the role of any expected Eligible Partner and all of the other public and private parties who are expected to be involved in delivering the project, including a specific description of the role of each entity in delivering the project and their experience with applicable wildlife crossing and aquatic organism passage guidelines or standards.

ii. Budget Narrative- Grant Funds, Sources, and Uses of all Project Funding

The application should include information regarding the project's budget that is sufficient for FHWA to evaluate the project's financial completeness. This is in addition to the submission of SF-424A (Budget Information for Non-Construction Programs) or SF-424C (Budget Information for Construction Programs), which are required forms separate from the project narrative in which the budget should be included. See Section E.1.c for more information on how FHWA will evaluate an applicant's financial completeness.

The applicant should describe the project's budget in detail and the plans for covering the full cost of the project from all sources (including the Federal share and non-Federal matching share). Project budgets should show how different funding sources will share in each activity and present those data in dollars and percentages. The budget should identify other Federal funds the applicant is applying for or has been awarded, if any, that the applicant intends to use. Funding sources should be grouped into three categories: (1) non-Federal; (2) current application WCPP Federal funding being requested; and (3) other Federal with specific amounts from each funding source.

If the project contains components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should be detailed enough to demonstrate that the project satisfies the WCPP statutory cost-sharing requirements described in Section C.2 and those associated with any additional category of Federal funding. The application should include information showing that the applicant has budgeted sufficient contingency amounts to cover unanticipated cost increases and plans to address potential cost overruns, as well as plans to fund future maintenance, operations, and preservation costs after proposed project completion, as applicable.

The project budget should identify all Federal funds to be used for future eligible costs of the project, including the requested WCPP grant amount, other Federal grants that have been awarded to the project or for which the project intends to apply in the future, and any Federal formula funds that have already been programmed for the project or are planned to be programmed for the project. For each category of Federal funds to be used for future eligible project costs, the project budget should indicate the amount, nature, and source of any required non-Federal match for those funds.

In addition to the information described above, this section should provide complete information on how all project funds may be used. For example, if a source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a source of funds is available for expenditure only during a fixed period, the application should describe that restriction. The budget should clearly identify any expenses expected to be incurred between the applicant being selected for award, and obligation of WCPP funds because such expenses, except as authorized by DOT, are not eligible for reimbursement and may not be used toward the non-Federal match requirements. Complete information about project funds will ensure that FHWA's expectations for award execution align with any funding restrictions unrelated to FHWA, even if an award differs from the applicant's request.

If needed, FHWA may request additional budget information to clarify an application. FHWA encourages applicants to submit the most relevant and complete information they can provide.

iii. Project Merit Criteria

The applicant should describe how the proposal meets the Primary Merit Criteria listed in Section E.1.a. and the Secondary Merit Criteria listed in Section E.1.b. Applicants are encouraged to organize their Project Narrative to address each criterion in order with the applicable heading to assist evaluators in locating the relevant information.

iv. Project Readiness

The application should also include information that, when considered with the project budget information, is sufficient for DOT to evaluate whether the project is reasonably expected to be delivered in a timely manner.

To assist FHWA's project readiness assessment, the applicant should provide the information requested on technical feasibility, project schedule, project approvals, and project risks, each of which is described in greater detail in the following sections. Applicants are not required to follow the specific format described below, but this organization, which addresses each relevant aspect of project readiness, promotes a clear discussion that assists project evaluators.

Section E.1.c describes how FHWA will evaluate project readiness based on the information provided in the application. Applicants also should review that section before considering how to organize their application.

1. Technical Feasibility

As applicable, the applicant should demonstrate the technical feasibility of the project (e.g., conceptual or proposed, engineering or design studies, and activities); the development and/or application of design criteria and/or a basis of design; the basis for the cost estimate presented in the application, including the identification of contingency levels appropriate to its level of design; and any scope, schedule, and budget risk-mitigation measures. Applicants should include a detailed statement of work or technical and management plan that focuses on any applicable technical and engineering aspects of the project and describes in detail the project to be completed.

The applicant must demonstrate compliance with Title VI/Civil Rights requirements, to ensure that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any program or activity, based on race, color, national origin, sex, age, or disability.

Prior to submission, applicants may obtain guidance from:

- An agency in the State with jurisdiction over fish and wildlife to ensure accurate, current, and reliable data and understand the State agency's priorities with respect to habitat connectivity;
- A Federal Agency with jurisdiction for the protection of species and habitat;
- The State DOT or other State agency responsible for maintaining trend analysis and statistics on WVCs;
- The State DOT responsible for updating the State Freight Plan that includes strategies and goals to decrease the impacts of freight movement on wildlife habitat loss;
- Institutions of higher education regarding landscape ecology, and current data;
- Experts in landscape ecology and habitat connectivity;
- FHWA data on proven safety countermeasures;
- FHWA reports such as Wildlife-Vehicle Collision Reduction Study: Report To Congress (2008), Wildlife Crossing Structure Handbook Design and Evaluation in North America (2011), and Wildlife Vehicle Collision Reduction and Habitat Connectivity Pooled Fund Study (2022); and
- Other authoritative sources.

2. Project Schedule

The applicant should include a detailed project schedule that identifies all major project milestones for their type of project. Examples of such milestones may include State and local planning approvals (programming on the Statewide Transportation Improvement Program (STIP)); start and completion of the NEPA and other Federal environmental reviews and approvals, including permitting, design completion, right-of-way acquisition, approval of plans, specifications, and estimates; procurement; State and local approvals; project partnership and implementation agreements, including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that milestones will occur in a timely manner to meet obligation deadlines per Section B.6. The schedule should, for example, demonstrate:

- All necessary activities will be complete to allow WCPP funds to be obligated and expended in a timely manner consistent with the proposed project schedule and that any unexpected delays will not put the funds at risk of expiring before they are obligated; and

- All real property and right-of-way acquisition necessary for the project will be completed in a timely manner in accordance with 49 CFR 24, 23 CFR 710, and other applicable legal requirements or a statement that no acquisition is necessary. A plan for securing any required right-of-way agreements should be included. If applicable, this section should describe a right-of-way acquisition plan that minimally disrupts communities and maintains community cohesion.

3. Required Approvals

i. Environmental Permits and Reviews

The application should provide documentation of receipt (or the schedule for anticipated receipt) of all environmental approvals and permits necessary for the project to meet the project delivery timeline specified in the project schedule and necessary to meet obligation deadlines per Section B.6, including satisfaction of all Federal, State, and local requirements and completion of the NEPA process. Specifically, in this section the applicant may elaborate on the NEPA evaluation process. If the final agency action with respect to NEPA occurred more than 3 years before the application date, the applicant should describe a proposed approach for updating this material in accordance with applicable NEPA reconsideration requirements. This section should also provide:

- Any information on reviews, approvals, and permits by other Federal and State agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies, indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State, or local requirements, and when such approvals are expected. Applicants should provide a Website link or other reference to copies of any reviews, approvals, and permits prepared.
- Environmental studies or other documents—preferably through a Website link—that describe in detail known project impacts, and possible mitigation for those impacts.
- A description of discussions with FHWA regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.
- A description of public engagement about the project that has or will occur, including details on the degree to which public comments and commitments have been integrated into project development and design, as well as of any future public engagement which is planned.

ii. State and Local Approvals

The applicant should demonstrate receipt (or the schedule for anticipated receipt) of State and local approvals required for the project, such as State and local environmental and planning approvals, and STIP or Transportation Improvement Program (TIP) funding. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.

MPOs, units of local government, regional transportation authorities, special purpose districts, or public authorities with a transportation function, and Tribes with projects not located on Tribal lands are required to consult with the State DOT in which applicant is located (23 U.S.C 171(d)(2)). Therefore, those applicants must demonstrate consultation with the State DOT in their application to be eligible to receive an award.

State DOTs are required to administer WCPP grants for MPOs, units of local government, regional transportation authorities, special purpose districts, or public authorities with a transportation function for that State in which the project is to be carried out (23 U.S.C. 171 (f)(2)(A)(ii)). Therefore, those applicants should demonstrate agreement from the State DOT to administer the grant and include documentation of any necessary State DOT approvals and oversight requirements in their application. The existence and documentation of such an agreement at the time of application is not required in order to be eligible to receive an award; however, FHWA will take this information into consideration when evaluating project readiness. All applicants should have such an agreement in place before the obligation of funding.

iii. Federal Transportation Requirements Affecting State and Local Planning

The planning requirements applicable to the Federal-aid highway program apply to all WCPP projects.[15] Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. Applicants should provide links or other documentation supporting this consideration.

Because projects have different schedules, the construction start date for a construction grant will be specified in the grant agreement signed by FHWA and the grant recipient, will be based on critical path items that the applicant identifies in the application, and will be consistent with relevant State and local plans.

iv. Assessment of Project Risks and Mitigation Strategies

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, pushback from stakeholders or impacted communities, or lack of legislative approval, affect the likelihood of successful project start, timely obligation, and completion. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks.[16] The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

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[15] In accordance with 23 U.S.C. 134 and 135, all projects requiring an action by FHWA must be in the applicable planning and programming documents (e.g., metropolitan transportation plan, TIP, and STIP). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a grant until it is included in such plans. Projects not currently included in these plans can be amended by the State and MPO. Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a grant.

[16] FHWA considers an applicant's lack of experience with receipt and expenditure of Federal highway funds under Title 23, U.S.C. a material risk.

To the extent they are unfamiliar with the Federal-aid highway program, applicants should contact the FHWA Division Office in their State as found at Field Offices Federal Highway Administration (dot.gov) for information on what steps are prerequisite to the obligation of Federal funds to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements. Indian Tribes should contact the Office of Tribal Transportation, and FLMAs should contact the Office of Federal Lands Highway for additional information specific to those processes.

v. Selection Considerations

The applicant should include a section to describe how the application aligns with and advances the Selection Considerations listed in Section E.1.d such as safety, climate change and sustainability, equity, and workforce development, job quality, and wealth creation. This information will be considered as provided in the selection process described in Section E.2.

3. Unique Entity Identifier (UEI) and System for Award (SAM)

Applicants must follow the instructions on grants.gov to successfully use the Website to apply. Use of grants.gov may entail the following steps for those setting up new accounts or first-time users:

1) Register with SAM at www.SAM.gov
2) Obtain a valid UEI;
3) Create a grants.gov account; and
4) Respond to the registration email sent to the E-Business POC from grants.gov , and log in at grants.gov to authorize the Applicant as the Authorized Organization Representative (AOR). Please note that there can be more than one AOR for an organization.

For grants.gov training resources, including video tutorials, refer to: Home | GRANTS.GOV. For assistance with grants.gov registration and application submittal, refer to the Grants.gov Support Center: Support | GRANTS.GOV.

Applicants are required to use a UEI issued during the SAM.gov registration process to do business with DOT.

Each applicant is required to:

a. Be registered in SAM before submitting their application;
b. Provide a valid UEI in their application; and
c. Continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by a Federal awarding agency.

Please see https://grants.gov/applicants/applicant-registration/ for more information on the SAM.gov registration process.

FHWA may not make a Federal award to an applicant until the applicant has complied with all applicable UEI and SAM requirements. If an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

NOTE TO APPLICANTS: SAM.gov requires the registrant to provide a UEI number to complete the registration. These processes can take several weeks to complete so should be started well before the applicable application deadline.

4. Submission Dates and Times

This NOFO announces two application periods. For the combined FY 2024 and FY 2025 application period, where FHWA intends to award up to $145 million in FY 2024 and FY 2025 funds and $2,269,418 in unawarded FY 2023 funds, the application period will begin on June 6, 2024 and applications must be submitted electronically through grants.gov no later than 11:59 p.m., Eastern Time, on September 4, 2024.

The Grants.gov "Apply" function will close on September 5, 2024, and will reopen on May 1, 2025, to allow for the submission of applications for the FY 2026 application period. For the FY 2026 application period, where FHWA intends to award up to $80 million in FY 2026 funds, applications must be submitted electronically through grants.gov starting on May 1, 2025, and no later than 11:59 p.m., Eastern Time, on August 1, 2025.

Applications will not be carried over from the FY 2024 and FY 2025 application period to the FY 2026 application period, and interested applicants will need to resubmit applications for the FY 2026 application period.

The applicable application deadline (September 4, 2024, at 11:59 p.m. Eastern Time for the FY 2024 and FY 2025 application period; and August 1, 2025, at 11:59 p.m. Eastern Time for the FY 2026 application period) is the date and time by which the full and completed application, including all required sections, has been successfully uploaded into grants.gov.

FHWA will additionally announce the FY 2026 application period on the program Webpage: https://highways.dot.gov/federal-lands/programs/wildlife-crossings.

Applicants are encouraged to submit applications as soon as possible once the applicable application period begins; however, applications will not be evaluated, and awards will not be made, until after the application deadline. A late application will not be reviewed or considered unless the Government determines that doing so is in FHWA's best interest. FHWA will not consider late applications that are the result of failure to register or comply with grants.gov applicant requirements in a timely manner. If Applicants are unable to use the system due to verifiable technical difficulties, applicants must follow the instructions listed in Section D.7.e below.

5. Intergovernmental Review

An application under this NOFO is not subject to the State review under E.O. 12372.

6. Funding Restrictions

a. Unless authorized by FHWA in writing after FHWA's announcement of WCPP awards, any costs incurred prior to FHWA's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement per 2 CFR 200.458.

b. Grant funds may not be used to support or oppose union organizing, whether directly or as an offset for other funds.

7. Other Submission Requirements

a. Scalable Project Options

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund an application at the full requested amount. If an applicant advises that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FHWA may award a lesser amount whether a scalable option is provided.

b. Submission Location

Applications must be submitted to grants.gov.

c. File Types and Size

Applicants should submit documents in .docx or pdf format.

For the submitted application package, FHWA suggests that pictures, graphics, and other large files be reduced in number and quality to keep the size of the files of the application manageable and in line with the grants.gov maximum size of 200 megabytes for the entire grant application package.

d. Consideration of Applications

Only eligible applicants who comply with all submission deadlines described in this notice and electronically submit a valid and complete applications through grants.gov will be considered for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

e. Incomplete Applications

FHWA may, but is not required to, request additional information, to allow an application to confirm, correct, or complete missing information in the project application.

f. Late Applications

Applicants experiencing technical issues with grants.gov that are beyond the applicant's control must contact WildlifeCrossings@dot.gov prior to the applicable application deadline with the username of the registrant and details of the technical issue experienced. The applicant must provide:

1) Details of the technical issue experienced;
2) Screen capture(s) of the technical issues experienced along with corresponding grants.gov "Grant tracking number;"
3) The "Legal Business Name" for the applicant that was provided in the SF-424;
4) The POC name submitted in the SF-424;
5) The UEI associated with the application; and
6) The grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the registration process before the deadline; (2) failure to follow grants.gov instructions on how to register and apply as posted on its Website; (3) failure to follow all instructions in this NOFO; and (4) technical issues experienced with the applicant's computer or information technology environment.

After FHWA reviews all information submitted and contact the grants.gov Help Desk to validate reported technical issues, FHWA staff will contact late applicants to approve or deny a request to submit a late application through grants.gov. FHWA will not accept appeals of FHWA's decision to approve or deny a request for a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

g. Compliance with Section 508 of the Rehabilitation Act of 1973

DOT and FHWA encourage applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at https://www.access-board.gov/ict/.

SECTION E - APPLICATION REVIEW INFORMATION

FHWA will award WCPP funds based on project selection criteria, and the application review process as described in this Section E. Section E.1 describes the project selection criteria. The criteria incorporate the primary and secondary statutory considerations listed in 23 U.S.C. 171(e).

FHWA will rate applications independently against the project selection criteria based on the data and information provided in the application. There is no preference for applications or applicants who have previously applied or been selected for the WCPP.

Each project selection criteria lists the criterion-specific considerations that FHWA will use to assign ratings of *Strong Alignment*, *Alignment*, or *No Alignment* for each criterion. Section E.2 describes the application review using these ratings and selection process including the different FHWA teams and levels of review. FHWA will first review an application using the Primary Merit Criteria described in Section E.1.a. As described further in Section E.2, FHWA will then review applications rated *Strongly Recommended* or *Recommended* in the Primary Merit Criteria using the Secondary Merit Criteria described in Section E.1.b. Following that, FHWA will then review remaining applications rated *Strongly Recommended* or *Recommended* in the Secondary Merit Criteria through a Project Readiness review as described in Section E.1.c.

1. Criteria

a. Primary Merit Criteria

Pursuant to 23 U.S.C. 171(e)(1) and to further the purpose of this program, there are two primary merit criteria. Each of the primary merit criteria are of equal importance.

Criterion # 1.1: Reduction of Wildlife Vehicle Collisions. FHWA will assess the extent to which the proposed project is likely to protect motorists and wildlife by reducing the number of WVCs.

The application should include the following information where it is available and relevant to the proposed project: (1) the current and projected WVC problem in the proposed project area; and the severity, impacts, and costs of those WVCs; (2) type and configuration of any transportation facility on the landscape within the proposed project area, relevant existing and projected traffic analyses of the relevant area, existing and projected WVC data (including road departures) for the project area, effectiveness of any deployed WVC mitigation measures within the project area, and planned transportation projects that may affect species within the project area; (3) species involved in WVCs within the proposed project area, travel (migratory or movement) corridors that may contribute to WVCs within the proposed project area, roadside habitats and connected habitat corridors of species involved in WVCs within the proposed project area, and other contributing factors that may lead to WVCs as a result of existing conditions within the proposed project area; (4) the specific actions that the project will take to improve safety by reducing WVCs, and; (5) the magnitude of and timeframe for the expected reduction in the number of WVCs as a result of the project, expected improvements to safety of motorists and wildlife based on the proposed project, and a description of the long term maintenance needs for any constructed infrastructure.

In describing how the proposed project will address safety by reducing WVCs, applicants should provide sufficient project details such as descriptions of fencing or other features to demonstrate that WVCs will be reduced.

In providing information responsive to (1) through (5) above, applicants should include supporting information such as anecdotal knowledge; Tribal, State, or regional plans (e.g., transportation safety plans); data; modeling; or graphics to support conclusions.

In evaluating the extent to which the information provided demonstrates that the project will improve safety by reducing WVCs, FHWA will consider the context and intensity of harm to motorists and wildlife, and the degree to which the project mitigates or removes those harms by reducing WVCs.

> *Strong Alignment*: The application demonstrates that the project will significantly improve safety by reducing WVCs.
>
> *Alignment*: The application demonstrates that the project will moderately improve safety by reducing WVCs.
>
> *No Alignment*: The application does not demonstrate or poorly demonstrates improving safety by reducing WVCs.

Criterion #1.2: Improvement of Terrestrial and Aquatic Habitat Connectivity. FHWA will assess the extent to which the proposed project is likely to improve terrestrial and aquatic habitat connectivity.

The application should include the following information where it is available and relevant to the proposed project: (1) the current and projected terrestrial or aquatic habitat connectivity problem within the proposed project area; (2) the specific species population(s) that will benefit from improved habitat connectivity caused by the project; (3) the ranges, and travel corridors of such species population(s); (4) surrounding land use of the proposed project area, including any crucial habitat[17] or protected land status and connectivity to the larger landscape; (5) the impact to relevant wildlife movement from transportation and other landscape features within the proposed project area; (6) the specific actions that the project will take to improve habitat connectivity, and; (7) the potential benefit of the proposed project regarding habitat connectivity for terrestrial and aquatic species. If there is a potential for construction of the proposed project to increase human- wildlife interaction, the applicant should explain how the project and increased interactions will not conflict with the goal of improving habitat connectivity.

[17] Crucial habitats are places containing the resources, including food, water, cover, shelter, and wildlife corridors that contribute to survival and reproduction of wildlife, are necessary to prevent unacceptable declines, or facilitate future recovery of wildlife populations.

In providing information responsive to (1) through (7) above, applicants should include supporting information such as anecdotal knowledge; Tribal, State, or regional plans (e.g., transportation and wildlife corridor plans, or State Wildlife Action Plans); surveys; data; modeling; or graphics to support conclusions.

Applicants should provide sufficient project details that demonstrate how the proposed project will improve habitat connectivity, such as fencing lengths and spacing of new and existing crossings.

In evaluating the extent to which the information provided demonstrates that the project will improve habitat connectivity, FHWA will consider the context and degree of the impact of current habitat barriers, and the degree to which the project improves connectivity by removing or reducing those barriers and providing connectivity.

> *Strong Alignment*: The application demonstrates how the project will significantly improve wildlife habitat connectivity for terrestrial or aquatic species.
>
> *Alignment*: The application demonstrates how the project will moderately improve wildlife habitat connectivity for terrestrial or aquatic species.
>
> *No alignment*: The application does not demonstrate or poorly demonstrates an improvement to wildlife habitat connectivity for terrestrial and aquatic species.

b. Secondary Merit Criteria

Pursuant to 23 U.S.C. 171(e)(2) and to further the purpose of this program, there are six secondary merit criteria. Secondary merit criteria will only be evaluated for applications with either *Strong Alignment* or *Alignment* in both Primary Merit Criterion #1.1 and #1.2.

As described further in Section E.2, it is not necessary for applicants to receive a *Strong Alignment* or *Alignment* rating for all Secondary Merit Criteria in order to receive a WCPP grant.

Criterion #2.1: Leveraging Investments. FHWA will assess the extent to which the proposed project is expected to leverage Federal investment by encouraging future non-Federal contributions[18] to the project, including projects from public-private partnerships. Expended contributions will not be considered for this criterion.

The application should include relevant information on (1) the extent to which the proposed project is supported by contributions, other than funds received under the program, to advance, implement, construct, maintain, or operate the completed deliverable; and (2) the source(s) of the other dedicated non-Federal contributions, including documentation of their current and long-term availability.

[18] Non-Federal contributions include Federal funding that qualifies as a non-Federal match for this program. For more information on such funding, see Section B.2.

Strong Alignment: The application documents substantial, dedicated non-Federal contributions above what is required for non-Federal share.

Alignment: The application documents dedicated non-Federal contributions.

No Alignment: The application does not document or poorly documents the inclusion of dedicated non-Federal contributions.

Criterion #2.2: Economic Development and Visitation Opportunities. FHWA will assess the extent to which the proposed project is expected to support local economic development and improve visitation opportunities.

The application should include relevant information on how the proposed project will equitably support or enable local economic development and improve visitation opportunities in the local area of the proposed project. Projects may demonstrate that they support or enable local economic development by, for example, demonstrating how the project will directly or indirectly create good-paying jobs or improve the passage of freight through the project area. Projects may demonstrate that they improve visitation opportunities by, for example, demonstrating how the project will attract visitors to wildlife viewing, hunting, or fishing opportunities.

Strong Alignment: The application describes how the project will support the local economy and improve visitation opportunities.

Alignment: The application describes how the project will either support the local economy or improve visitation opportunities.

No Alignment: The application does not demonstrate or poorly demonstrates support of the local economy or improvement of visitation opportunities.

Criterion #2.3: Innovation. FHWA will assess the extent to which the proposed project will incorporate innovative technologies, including advanced design techniques and other strategies to enhance efficiency and effectiveness in reducing WVCs and improving habitat connectivity for terrestrial or aquatic species.

The application should include relevant information on how and the extent to which the proposed project will utilize new technologies and innovations to (1) enhance the efficiency and effectiveness of the project in reducing WVCs; and (2) enhance the efficiency and effectiveness of the project in improving habitat connectivity for terrestrial and aquatic species.

Strong Alignment: The application describes how the proposed project will employ at least one new technology or innovation that is expected to substantially enhance the project's efficiency and effectiveness in reducing WVCs or improving habitat connectivity for terrestrial or aquatic species.

Alignment: The application describes how the proposed project will employ at least one new technology or innovation that is expected to enhance the project's efficiency and effectiveness in reducing WVCs or improving habitat connectivity for terrestrial or aquatic species.

No Alignment: The application does not demonstrate or poorly demonstrates incorporation and application of new or innovative technologies that are expected to enhance the proposed project's efficiency and effectiveness in reducing WVCs and improving habitat connectivity for terrestrial or aquatic species.

Criterion #2.4: Education and Outreach. FHWA will assess the extent to which the proposed project will provide educational and outreach opportunities.

The application should include relevant information on how the proposed project will equitably provide outreach and educate the public on (1) the impacts of WVCs to motorist safety, wildlife injury and mortality, and habitat connectivity; (2) best practices and innovations to incorporate safety and habitat connectivity into transportation design; (3) the impacts of the project to improving motorist safety and habitat connectivity; and (4) best practices, innovations, and individual efforts the public can take to reduce WVCs, protect motorists and wildlife, and improve habitat connectivity. In responding to (1) through (4) above, applicants should include supporting information such as any outreach or education plans.

In evaluating the effectiveness of outreach, FHWA will consider the extent and level of active engagement of educational and outreach opportunities.

Strong Alignment: The application describes how the proposed project will effectively and equitably engage and educate the public on WVCs, motorist safety, or habitat connectivity.

Alignment: The application describes the proposed project's plan to engage the public on WVCs, motorist safety, or habitat connectivity.

No Alignment: The application does not demonstrate or poorly demonstrates a plan for public engagement on WVCs, motorist safety, or habitat connectivity.

Criterion #2.5: Monitoring and Research. FHWA will assess the extent to which the proposed project will include monitoring and research to allow FHWA or others to evaluate, compare effectiveness of, and identify best practices in selected projects.

The application should include relevant information on how the proposed project will: (1) identify historical trends and baseline conditions for the area to be affected by the project; (2) establish methodologies, criteria, and metrics for monitoring the area to be affected by the project, including the timeframes for monitoring; (3) record and track relevant data including locations of WVCs, the location of wildlife, the total reduction in WVCs, and improvement of habitat connectivity; (4) evaluate the effectiveness of the project; (5) identify best practices; and (6) make data, results, information, or reports available. See Section F.2.b for data collection and monitoring requirements and information on allowable costs for such activities.

In evaluating the effectiveness of the monitoring and research plan, FHWA will consider the robustness of protocols, extent of monitoring, and the applicant's stated plan to assess project effectiveness and identify best practices.

Strong Alignment: The application demonstrates that the proposed project includes an effective plan to monitor, evaluate, and report on WVCs or habitat connectivity.

Alignment: The application demonstrates that the project includes data collection and monitoring efforts for WVCs or habitat connectivity.

No Alignment: The application does not demonstrate or poorly demonstrates data collection or monitoring efforts for WVCs or habitat connectivity.

Criterion #2.6: Survival of Species. Pursuant to 23 U.S.C. 171(a)(4) and 23 U.S.C. 171(e)(2)(F), FHWA will assess the extent to which the proposed project is expected to benefit birds, fish, reptiles, mammals, and amphibians that are federally Threatened or Endangered Species and species that are Proposed or Candidates for listing.[19]

The application should indicate if species that benefit from the proposed project are federally Threatened or Endangered Species, or Proposed or Candidate for listing, and information on how those species are expected to benefit from the project.

In evaluating the directness of the benefit to these species, FHWA will consider the suitability of project features for the species, and the species' mobility, movement patterns, and habitat relative to the project area.

Strong Alignment: The application demonstrates that the proposed project is expected to directly benefit one or more federally-listed Threatened or Endangered Species or Proposed or Candidate for listing.

Alignment: The application demonstrates that the proposed project is expected to indirectly benefit or may provide direct benefits in the future for one or more federally-listed Threatened or Endangered Species, Proposed or Candidate for listing species.

No Alignment: The application does not demonstrate or poorly demonstrates a benefit to any Threatened and Endangered, Proposed or Candidate species for listing.

c. Project Readiness

FHWA will consider project readiness to assess the likelihood of a successful project. In the project readiness analysis, FHWA will consider three components: Technical Assessment, Environmental Review and Permitting Risk, and Financial Completeness. The evaluation of these components will be based on information contained within the application. See Section D for information on what to include in the application. The application should contain a section

[19] See Section 4 of the Endangered Species Act (16 U.S.C. 1533; see 50 CFR 17.11).

that explicitly addresses Environmental Review and Permitting Risk (described in Section D.2.c.iv.3).

In addition, applicants that are required to consult with the State DOT per Section C.3.b or have the State DOT administer their grant per Section B.5, must include a section that explicitly addresses that consultation and should include a section that addresses coordination with the State DOT to administer the grant. Otherwise, the Technical Assessment and Financial Completeness Assessment will be based on information contained throughout the application.

Project readiness will only be evaluated for applications that are *Strongly Recommended* or *Recommended* in both Primary and Secondary Merit Criteria, as further detailed in Section E.2.

Technical Assessment. The Technical Assessment will assess the applicant's capacity to successfully deliver the project in a technically sound manner and in compliance with applicable Federal, State, and local requirements based on factors including, but not limited to, the recipient's experience working with Federal Agencies, civil rights compliance (including compliance with Title VI of the Civil Rights Act of 1964 and accompanying FHWA regulations, the Americans with Disability Act, and Section 504 of the Rehabilitation Act), previous experience with DOT or FHWA discretionary grant awards, the technical experience and resources dedicated to the project, and the ability for applicants to maintain the project in accordance with Federal law. This assessment will result in a rating of "certain," "somewhat certain," or "uncertain." Lack of previous project delivery in accordance with Federal requirements will not by itself result in a rating of "uncertain," but may result in a rating of "somewhat certain."

In order to ensure successful and timely project delivery, MPOs, units of local government, regional transportation authorities, special purpose districts, or public authorities with a transportation function should include information on their support from the State DOT in the State where the project is located indicating that the State DOT will administer a WCPP grant for the subject project pursuant to 23 U.S.C. 171(f)(2)(A)(ii). Selected applicants will need an agreement with the State DOT prior to FHWA obligating funds to the State DOT as a pass-through entity. While applicants do not need this agreement prior to submitting an application, FHWA recommends that applicants include information on support from their State DOT. FHWA will not be able to authorize a project where the application does not demonstrate an agreement with the State DOT to administer the project, where applicable, and may consider applications requiring State DOT agreement but lacking indication of State DOT support as possessing less certainty during the Technical Assessment.

Environmental Review and Permitting Risk. The FHWA will assess the project's environmental approvals and likelihood of the necessary approvals affecting timely project obligation and completion, which will result in a rating of "low risk," "moderate risk," or "high risk." See Section B.6 for obligation deadlines and requirements.

Applicants should provide the information described in Section D.2.c.iv.3, which FHWA will use to assess (1) the extent the proposal describes the environmental review and permitting process for the proposed project, including a realistic timeline, key milestones to be achieved, and the status of permitting and environmental compliance; (2) the status of NEPA and other necessary reviews or approvals, and whether the applicant has secured necessary Federal, State, and local permits or approvals, or how the proposed project will timely complete the environmental review and permitting process; and (3) components of the project that could prevent the project from obtaining needed environmental approvals or significantly extend the time for approvals and project completion, and any proposed response plan.

Financial Completeness. FHWA will review the availability of matching funds and whether the application presents a complete funding package, and will receive a rating of "complete," "partially complete," or "incomplete."

The Project Readiness Ratings will be evaluated using the table below:

Rating	**1**	**2**	**3**
Technical Assessment	*Uncertain*: The team is not confident in the applicant's capacity and capability to deliver this project in a technically sound manner that satisfies applicable Federal, State, local, and program requirements.	*Somewhat Certain*: The team is moderately confident in the applicant's capacity and capability to deliver the project in a technically sound manner that satisfies applicable Federal, State, local, and program requirements. The project may need additional assurances, oversight, or resources.	*Certain*: The team is confident in the applicant's capacity and capability to deliver the project in a technically sound manner that satisfies applicable Federal, State, local, and program requirements.

Rating	1	2	3
Environmental Review and Permitting Risk	*High Risk*: There are known environmental concerns associated with the project that would preclude timely implementation. The project may not have completed or begun NEPA or there are known environmental, or litigation concerns associated with the project.	*Moderate Risk*: There are potential environmental review, or permitting concerns, but these can likely be addressed without significant delays. The project may not have completed NEPA or secured necessary Federal permits, and it is uncertain whether they will be able to do so in the time necessary to meet the project schedule.	*Low Risk*: The project does not have or has already completed the NEPA process and other environmental reviews, or it is highly likely that they will be able to complete the NEPA process and other environmental reviews in the time necessary to meet requirements and their project schedule.
Financial Completeness	*Incomplete*: The project lacks definite funding from other Federal or non-Federal sources and sound fiscal management approaches.	*Partially Complete*: Project funding appears stable and highly likely to be available in time to meet the project's schedule.	*Complete*: The project's funding from other Federal and non-Federal sources is fully committed and there is demonstrated funding available to cover contingencies and cost increases.

The Project Readiness Ratings will then be translated to a high, medium, or low overall rating, using the table below:

Project Readiness Rating	**Description**
High	All 3s OR two 3s and one 2
Medium	One 3 and two 2s OR all 2s
Low	Any 1s

d. Selection Considerations

After completing the merit review, among projects of similar merit, DOT may prioritize projects that advance the Departmental priorities of safety, equity, climate and sustainability, and workforce development, job quality, and wealth creation as described in the DOT Strategic Plan, DOT Research, Development and Technology Strategic Plan, and in executive orders.

i. Safety

DOT and FHWA are committed to advancing safe, efficient transportation, including in the WCPP. As part of FHWA's commitment to safety, FHWA seeks to fund projects that provide substantial safety benefits and advance safe, efficient transportation under the WCPP. The National Roadway Safety Strategy (NRSS), issued January 27, 2022, commits DOT to respond to the current crisis in roadway fatalities by "taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation's roadways," in pursuit of the goal of achieving zero roadway deaths and serious injuries through a Safe System Approach which focuses on five key objectives: safer people, safer roads, safer vehicles, safer speeds, and post-crash care.

FHWA will prioritize projects that demonstrate the extent to which the project will improve the overall safety of the traveling public, mitigate any significant safety risks that could result after the project completion, does not negatively impact the safety of the traveling public, and any relevant group applicable to the program, and align with the NRSS. FHWA will consider the benefits of reduced public burden and economic drain caused by WVCs, such as loss of income, medical costs, costs of replacing property damage, and decline in productively and quality of life.

ii. Climate Change and Sustainability

FHWA will prioritize projects for which reducing greenhouse gas (GHG) emissions and improving climate resilience are a primary project purpose. Applicants are encouraged to use the DOT Navigator Climate checklist in responding to this selection consideration. Applications that align with this selection consideration will be those that use data-driven and evidence-based methods to demonstrate that the project will significantly reduce GHG emissions in the transportation sector; and incorporate evidence-based climate resilience measures or features that advances objectives in the National Climate Resilience Framework.

iii. Equity

FHWA will also prioritize projects that will create positive outcomes that will reduce, mitigate, or reverse how a community is experiencing disadvantage through increasing affordable transportation options, improving health or safety, reducing pollution, connecting Americans to good-paying jobs, fighting climate change, and/or improving access to nature, resources, transportation or mobility, and quality of life. Applicants are strongly encouraged to use the USDOT Equitable Transportation Community (ETC) Explorer (arcgis.com) to understand how their project area is experiencing disadvantage in any of five areas that transportation projects with a direct relationship. FHWA will prioritize investments while mitigating economic displacement economically susceptible residents and businesses. Some examples include the preservation and/or production of affordable housing; expanding affordable, safe transportation and mobility optionsto areaswhere good jobs are concentrated; and supporting entrepreneurship, smallbusiness growth, tourismand access to capitalthrough local hiring. FHWA also will prioritize investments where the applicant will engage the public, including disadvantaged communities, during all phases of the project, including planning, design, construction, and implementation.Three Major Components of DOT's Justice40 Initiative | US Departmentof Transportation.

iv. Workforce Development, Job Quality, and Wealth Creation

FHWA will prioritize projects that demonstrate the extent to which the project will support the creation of good-paying jobs with the free and fair choice to join a union including through the use of a project labor agreement, promote investments in high-quality workforce development programs with supportive services to help train, place, and retain people in good-paying jobs or registered apprenticeships. These programs should have a focus on women, people of color, and others that are underrepresented in infrastructure jobs (people with disabilities, people with convictions, etc.), and adopt local and economic hiring preferences for the project workforce or include other changes to hiring policies and workplace cultures to promote the entry and retention of underrepresented populations. DOT and FHWA also will prioritize projects that use the WCPP to support wealth creation, consistent with DOT Equity Action Plan, through the inclusion of local inclusive economic development and entrepreneurship considerations, such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

2. Review and Selection Process

The WCPP grant application review and selection process consists of an intake and eligibility review, a technical review, a senior-level review, and selection of projects to award grants by the FHWA Administrator. All teams and evaluators will be composed of DOT staff.

a. Intake and Eligibility Review

For each application received, the Technical Evaluation Team will conduct an application intake and eligibility review based on the statutory eligibility requirements in Section C. The eligibility review will assess whether the applicant is an Eligible Entity, meets cost share requirements, submitted an Eligible Project, and has completed the required consultation with the State in which the Eligible Entity is located, if applicable. FHWA will also review whether the applicant submitted all required documents, as specified in Section D.2.a. Only applications from eligible entities that submit a complete application in conformance with the instructions in this NOFO will be further evaluated against the project selection criteria in Section E.1 that occurs in the Technical Review phase. Applications that are not eligible will be given a rating of *Not Eligible* and will not be evaluated further.

b. Technical Review

For eligible projects that advance to the Technical Review phase, the Technical Evaluation Team will consider whether the application is responsive to the project selection criteria in Sections E.1.a. and E.1.b. Each application will receive a rating of *Strong Alignment*, *Alignment*, or *No Alignment* for both Primary Merit Selection Criterion. Based on these ratings, applications will be rated as *Strongly Recommended*, *Recommended*, or *Not Recommended* for the Primary Merit Selection Criteria category. Applications that are rated as *Not Recommended* for the Primary Merit Selection Criteria will not be evaluated further and will not receive funding under this application cycle.

All applications that are rated *Strongly Recommended* or *Recommended* for the Primary Merit Selection Criteria will be evaluated under the Secondary Merit Selection Criteria described in Section E.1.b. For each of the six Secondary Merit Selection Criteria, applications will be rated as *Strong Alignment*, *Alignment*, or *No Alignment.* Following the rating of each criterion, applications will receive a rating of *Strongly Recommended*, *Recommended*, or *Not Recommended* for the Secondary Merit Selection Criteria category.

i. Primary Merit Criteria

The Technical Evaluation Team will evaluate all eligible applications for their alignment with the two Primary Merit Criteria in Section E.1.a.

> *Strongly Recommended* applications have (1) *Strong Alignment* with both Primary Merit Criteria; or (2) *Strong Alignment* with one Primary Merit Criteria and *Alignment* with the other Primary Merit Criteria.
>
> *Recommended* applications have *Alignment* with both Primary Merit Criteria.
>
> *Not Recommended* applications have *No Alignment* with one or both Primary Merit Criteria.

The Technical Evaluation Team will only continue to evaluate applications that receive a *Strongly Recommended* or *Recommended* rating. Applications that are *Not Recommended* will receive an overall rating of *Not Recommended* and will not receive funding under this application cycle.

ii. Secondary Merit Criteria

Only applications that are *Strongly Recommended* or *Recommended* from the Primary Merit Criteria will be evaluated for their alignment with the six Secondary Merit Criteria in Section E.1.b by the Technical Evaluation Team.

> *Strongly Recommended* applications have (1) *Strong Alignment* with two or more of the six Secondary Merit Criteria; and (2) *Alignment* with all the remaining Secondary Merit Criteria.

Recommended applications are applications that are not evaluated as *Strongly Recommended* and which have *Alignment* or *Strong Alignment* with at least three of the six Secondary Merit Criteria.

Not Recommended applications have *No Alignment* with four or more of the six Secondary Merit Criteria.

Applications that receive a rating of *Not Recommended* for the Secondary Merit Criteria will receive an overall rating of *Not Recommended* and will not receive funding for this application cycle.

c. Project Readiness Evaluation

Only applications that are *Strongly Recommended* or *Recommended* from the Primary Merit Criteria and *Strongly Recommended* or *Recommended* from the Secondary Merit Criteria will undergo a Project Readiness Evaluation. As described in Section E.1.c, FHWA will undertake a Technical Assessment, Environmental Review and Permitting Risk Assessment, and Financial Completeness Assessment for each such project. Based on the results of those assessments, projects will receive a Project Readiness rating of *High*, *Medium*, or *Low* as described in Section E.1.c.

Applications that receive a rating of *Low* for their Project Readiness rating will receive an overall rating of *Not Recommended* and will not receive funding for this application cycle.

d. Overall Rating

The Technical Evaluation Team will assign overall application ratings based on the ratings for the Primary Merit Criteria, Secondary Merit Criteria, and Technical Assessment as follows.

Applications that are rated as *Highly Recommended* are those that receive ratings of (1) *Strongly Recommended* in Primary Merit Criteria; (2) either *Strongly Recommended* or *Recommended* in Secondary Merit Criteria; and (3) either *High* or *Medium* in Project Readiness.

Applications that are rated as *Recommended* are those that receive ratings of (1) *Recommended* in Primary Merit Criteria; (2) either *Strongly Recommended* or *Recommended* in Secondary Merit Criteria; and (3) either *High* or *Medium* in Project Readiness.

Applications that are rated as *Not Recommended* are those that receive ratings of (1) *Not Recommended* in Primary Merit Criteria; (2) *Not Recommended* in Secondary Merit Criteria; or (3) *Low* in Project Readiness.

Not Eligible applications are those that do not meet eligibility requirements in Section C as considered by the Intake and Eligibility Review described under Section E.2.a and were not evaluated for Project Selection Criteria.

All *Highly Recommended* and *Recommended* applications will be reviewed by the FHWA Office with jurisdiction over the project; applications from Tribes will be reviewed by FHWA's Office of Tribal Transportation, applications from FLMAs will be reviewed by FHWA's Federal Lands Highway Division Office in the area where the project is located, and all other applications will be reviewed by FHWA's Division Office in the State in which the project is located. FHWA offices will review the respective applications and evaluate whether there are any aspects in the delivery of the proposed projects that may prevent the project from timely moving forward upon receipt of a WCPP grant.

The Technical Evaluation Team will also evaluate each *Highly Recommended* and *Recommended* application against its alignment with the Selection Considerations.

The Technical Evaluation Team will send to the FHWA Senior Review Team (SRT) the overall application rating for each *Highly Recommended* and *Recommended* application and evaluation of alignment with the Selection Considerations.

Applications that are *Not Recommended* or *Not Eligible* will not be provided to the SRT at any point.

e. Senior-Level Review

The FHWA SRT consists of senior FHWA officials who have been requested to serve by the FHWA Administrator. The SRT, which may include, the FHWA Administrator's participation in the SRT review process, advises the FHWA Administrator on which *Highly Recommended* and *Recommended* projects the FHWA Administrator should select for funding. The SRT will advance as many *Highly Recommended* applications to the FHWA Administrator as possible for grant awards, considering the requirement that 60 percent of available funds must be awarded to projects in rural areas.

The SRT may also advance *Recommended* applications or advance a *Recommended* project over a *Highly Recommended* project, after considering the application's alignment with the Selection Considerations, the rankings of individual Primary and Secondary Merit criterion, the results of each assessment for Project Readiness, and geographic diversity, while ensuring the effective use of Federal funds and compliance with the requirement that 60 percent of the funds be awarded to projects in rural areas.

In addition to recommending applications to the FHWA Administrator, the Senior Level Review Team may also advise the FHWA Administrator on options for reduced awards, or awards under a different funding category than identified in the application, ensuring consistency with the requirement that 60 percent of the funds be awarded to projects in rural areas.

f. Administrator Selections

The FHWA Administrator makes final project selections from the list of applications provided by the SRT. The FHWA Administrator has the authority to award WCPP grants. The FHWA Administrator has the discretion to determine which applications best address the goals of the WCPP, the Selection Considerations, geographic diversity, as well as ensuring the effective use of Federal funding. If necessary to meet the requirements of 23 U.S.C. 171(g), the SRT may provide additional recommended applications to the Administrator based on the process described in Section E.2.e.

FHWA is not obligated to make any award as a result of this notice.

3. Additional Information

a. FHWA may, during the selection process, enter into discussions with an applicant that may include mutually agreeing upon a lesser amount of a potential award than originally requested in the application if necessary due to the quantity, size and scope of the applications received in response to this notice and the results of the application review process. Discussions may include scalable project options as described under Section D.7.a of this notice. Discussions do not obligate FHWA to make an award.

b. Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR 200.206. As part of this review, FHWA will review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding Agency previously entered. FHWA will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants. FHWA reserves the right to deny an award based on the results of the risk assessment.

SECTION F – FEDERAL AWARD ADMINISTRATION INFORMATION

1. FEDERAL AWARD NOTICES

Following the evaluation outlined in Section E, the FHWA Administrator will announce awarded projects by posting a list of selected projects at the FHWA Newsroom. Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, FHWA will contact the POC listed in the SF 424 to initiate negotiation of the grant agreement for authorization. Recipients of WCPP grant awards will not receive lump-sum cash disbursements at the time of award announcement. Instead, FHWA will reimburse WCPP grant funds or provide advance payment of WCPP grant funds only after a project agreement has been executed. For a grant provided to a State DOT or where a State DOT is serving as a pass-through entity, FHWA will reimburse grant funds to recipients only after a grant agreement has been negotiated and executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. For a grant provided to an Indian Tribe or FLMA, FHWA will provide grant funds only after a grant agreement has been negotiated and executed. FHWA intends to provide grants funds to Indian Tribes and FLMAs as advance payments if applicants meet the conditions of 2 CFR 200.305(b)(1).

If the negotiations regarding a grant agreement do not result in an acceptable submittal, FHWA reserves the right to terminate the negotiation and decline to fund the Applicant. Only the Agreements Officer or other authorized representative can commit FHWA and bind the Federal Government to the expenditure of funds.

Unless authorized by FHWA in writing after FHWA's announcement of WCPP awards, any costs that a recipient incurs before FHWA executes a grant agreement for that recipient's project are ineligible for reimbursement and are ineligible match for cost share requirements.

2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

All direct awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR Part 200, as adopted by DOT at 2 CFR Part 1201. In addition, applicable Federal laws, rules, and regulations set forth in 23 U.S.C., and 23 CFR, shall apply to awards provided under this program.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of DOT; and applicable Federal financial assistance and contracting principles promulgated by OMB. In complying with these requirements, recipients must ensure that no concession agreements are denied, or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If FHWA determines that a recipient has failed to comply with applicable Federal requirements, FHWA may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

In particular, E.O. 14005 directs the executive branch departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Any grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carriers Safety Regulations (FMCSR), or vehicles that are exempt from FMVSS or FMCSR in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

The online clauses entitled "General Terms and Conditions for Assistance Award" apply to direct awards to FLMAs and Tribes, and are available in full text online at: https://www.fhwa.dot.gov/cfo/contractor_recip/gtandc_generaltermsconditions.cfm

Please visit the WCPP Website for the General Terms and Conditions for FY 2022-2023 WCPP awards: https://highways.dot.gov/federal-lands/programs/wildlife-crossings-pilot-program/wcpp-terms-and-conditions-fy22-23. The FY 2024-2026 WCPP Terms and Conditions will be similar to the FY 2022-2023 WCPP Terms and Conditions, but it will include relevant updates consistent with this notice.

a. Public Access to Documents

The applicant agrees that any resulting deliverables/documentation submitted to the FHWA under the grant agreement may be posted online for public access and/or shared by FHWA with other interested parties. FHWA anticipates the documents cited herein may be posted on an FHWA Website or another appropriate website.

b. Data Rights

The recipient must make available to FHWA copies of all work developed in performance with the project agreement, including but not limited to software and data. Data rights under the project agreement shall be in accordance with 2 CFR 200.315, Intangible property.

c. Public Access Requirements and Compliance for Research Projects

In response to the White House Office of Science and Technology Policy memorandum dated February 22, 2013, entitled Increasing Access to the Results of Federally Funded Scientific Research, DOT is incorporating Public Access requirements into all funding awards (grants) for scientific research. This section sets forth the requirements a recipient receiving funding for a research project must satisfy to be in full compliance with the DOT Public Access plan. For all wholly or partially Federal funded scientific research agreements, the recipient hereby agrees to comply with the requirements of the DOT Public Access plan. A recipient of research funding is required to include these obligations in any sub-awards or other related funding agreements. The full requirements of the DOT Public Access plan requirements include, but are not limited to, the following:

i. **Copyright License.** Recipient hereby grants to DOT a worldwide, non-exclusive, non-transferable, paid-up, royalty-free copyright license, including all rights under copyright, to all Publications and Digital Data Sets as such terms are defined in the DOT Public Access plan, resulting from scientific research funded either fully or partially by this funding agreement. Recipient herein acknowledges that the above copyright license grant is first in time to any and all other grants of a copyright license to such Publications and/or Digital Data Sets, and that DOT shall have priority over any other claim of exclusive copyright to same.

ii. **Reporting and Compliance Activities.** Recipient hereby agrees to satisfy the reporting and compliance requirements as set forth in the DOT Public Access plan, including, but not limited to, the submission and approval of a Data Management plan, the use of Open Researcher and Contributor ID numbers, the creation and maintenance of a research project record in the Transportation Research Board's Research in Progress database, and the timely and complete submission of all required publications and associated digital data sets as such terms are defined in the DOT Public Access plan. Additional information about how to comply with the requirements can be found at: https://ntl.bts.gov/public-access/how-comply.

d. Critical Infrastructure Security, Cybersecurity, and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber risks, consistent with Presidential Policy Directive 21 – Critical Infrastructure Security and Resilience, and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Each applicant selected for WCPP grant funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the U.S. Department of Homeland Security, will be required to do so before receiving funds.

e. Domestic Preference Requirements

As expressed in E.O. 14005, *Ensuring the Future Is Made in All of America by All of America's Workers* (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Funds made available under this notice are subject to the domestic preference requirement at the Build America, Buy America Act (Pub. L. No 117-58, div. G 70901–70927), as well as FHWA's Buy America requirements (23 U.S.C. 313) and Buy American requirements (41 U.S.C. 8301 et seq.), as applicable. FHWA expects all applicants to comply with that requirement.

The applicability of Federal requirements to a project may be affected by the scope of the NEPA reviews for that project. For example, under 23 U.S.C. 313(h), Buy America requirements apply to all contracts that are eligible for assistance under Title 23, U.S.C., and are carried out within the scope of the NEPA finding, determination, or decision regardless of the funding source of such contracts if at least one contract is funded with Title 23 funds, like in the case of one NEPA finding for an entire corridor with multiple phased projects for separate segments.

f. Civil Rights and Title VI

As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR part 21), the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act, and all other civil rights requirements and accompanying regulations. This should include a current Title VI plan, completed Community Participation plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and FHWA's Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

g. Federal Contract Compliance

As a condition of receiving a grant award and consistent with E.O. 11246, Equal Employment Opportunity (30 FR 12319, and as amended), all federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on the geographic area in which the project is located for construction work hours and for work being performed by people of color.[20] Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing E.O. 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. The OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally-assisted projects over which OFCCP has jurisdiction and that have a project cost above $35 million. DOT will require project sponsors with costs above $35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their award.

h. Project Signage and Public Acknowledgements

Recipients are encouraged for construction and non-construction projects to post project signage and to include public acknowledgements in published and other collateral materials (e.g., press releases, marketing materials, Website, etc.) satisfactory in form and substance to DOT, that

[20] https://www.dol.gov/sites/dolgov/files/ofccp/ParticipationGoals.pdf

identifies the nature of the project and indicates that "the project is funded by the Bipartisan Infrastructure Law." In addition, grant recipients employing project signage are required to use the official Investing in America emblem in accordance with the Official Investing in America Emblem Style Guide. Costs associated with signage and public acknowledgements must be reasonable and limited. Signs or public acknowledgements should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or burden to the grant recipient. Grant recipients are encouraged to use recycled or recovered materials when producing signs.

3. REPORTING

a. Progress Reporting on Grant Activities

Each applicant selected for WCPP grant funding must submit progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the WCPP. Details including the reporting frequency can be found in the Grant Agreement and General Terms and Conditions.

b. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10 million for any period of time during the period of performance of this Federal award, then the applicant, during that period of time, must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently FAPIIS) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

c. Performance and Program Evaluation

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. DOT may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff. Applicants must agree to provide the required data or, if applicable, access to right-of-way or adjacent wildlife corridors for long-term data collection by FHWA or agencies with wildlife jurisdiction. As appropriate, applicants must agree to supply any supporting design reports outlining site conditions (e.g., geomorphic, and biological) and the constructed "as-built" plans including documented post-construction conditions specific to WVCs and habitat connectivity which will establish baseline conditions for future monitoring.

Recipients and sub-recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency" (codified at 5 U.S.C. 311). Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A-11, Part 6, Section 290).

For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR part 200).

d. WCPP Project Specific Reporting Requirements

Each applicant selected for WCPP grant funding must collect and report to FHWA information on the project's performance based on performance indicators FHWA identifies related to program goals (e.g., reducing the number of WVCs and improving habitat connectivity for terrestrial and aquatic species) and other information as requested by FHWA. Performance indicators should include measurable goals or targets that FHWA will use internally to determine whether the project meets program goals and whether grant funds achieve the intended long-term outcomes of the WCPP. FHWA will work with grant recipients to establish a recommended two to four performance measures that enable FHWA to measure and evaluate the outcomes of each individual grant. Indicators may document changes from an established baseline such as number of WVCs within the project area or degree of ecological benefit from habitat connectivity (e.g., considering pre-project baselines or post-project outcomes). Other indicators or metrics may consist of monitoring or maintenance activities where construction occurs, including those proposed to occur after completion of project construction. Performance reporting is expected continue for several years after project construction is completed.

e. Other

FHWA reserves the right to request additional information, if deemed needed, to better understand the status of the project. The successful applicant will provide additional financial reporting beyond the regular reporting frequency if such statements are necessary to address

FHWA's Stewardship and Oversight responsibility of the funds. The successful applicant also agrees to allow periodic project inspections and FHWA will provide notice for such inspections.

SECTION G – FEDERAL AWARDING AGENCY CONTACTS

For questions concerning this NOFO and the WCPP, please contact the POC listed on page 2 of this NOFO.

In addition, DOT will post answers to questions and requests for clarifications on FHWA's Website at https://highways.dot.gov/federal-lands/programs/wildlife-crossings. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FHWA directly, rather than through intermediaries or third parties, with questions.

SECTION H – OTHER INFORMATION

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) State on the cover of that document that it ''Contains Confidential Business Information (CBI);'' (2) mark each page that contains confidential information with ''CBI''; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. FHWA will protect confidential information complying with these requirements to the extent required under applicable law. If FHWA receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, FHWA will follow the procedures described in its FOIA regulations at 49 CFR 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under 40 CFR 7.29 will be exempt from disclosure under FOIA.

2. Publication/Sharing of Application Information

Following the completion of the selection process and announcement of awards, FHWA may publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1, FHWA may make application narratives publicly available or share application information within DOT or with other Federal Agencies if FHWA determines that sharing is relevant to the respective program's objectives.

3. DOT Feedback on Applications

Debriefs by FHWA are available to applicants not selected for award to receive information about the evaluation of their application. Contact WildlifeCrossings@dot.gov to request a debrief.

4. Other Funding Opportunities

The WCPP is a new grant program created under the BIL. For safety and conservation related Federal assistance you may refer to other programs including, but not limited to the following:

- FHWA Bipartisan Infrastructure Law Competitive Grant Programs;
- FHWA's Bridge Investment Program;

- FHWA’s Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Program;
- FHWA’s Tribal Transportation Program;
- FHWA’s Federal Lands Transportation Program;
- FHWA’s National Culvert Removal, Replacement and Restoration Grants;
- National Oceanic and Atmospheric Administration's fish passage initiatives; and
- US Fish and Wildlife Service's National Fish Passage Program.

Exhibit B: Examples of Past WCPP Awards from FY 2022 - 2025

1. US-89 Wildlife Safety Corridor Project

   Amount: $5,497,000
   Project Description: The Utah Department of Transportation will receive approximately $5.5 million to construct three wildlife underpasses and extend existing wildlife fencing along US89. These underpasses will reduce the number of wildlife-vehicle collisions and reconnect mule deer habitat and critical ranges.
   Project Type: Construction
   Applicant: Utah Department of Transportation
   Project Location: Kanab, UT
   Fiscal Year: 2022 - 2023

2. I-90 Missoula to Garrison Wildlife Crossing Feasibility Study

   Amount: $424,242
   Project Description: The Montana Department of Transportation (MDT) will receive $424,242 to complete a feasibility study for installing wildlife crossings across 68 miles on I-90 between Missoula and Garrison, Montana. By identifying key wildlife migration corridors, the study will help MDT determine the need, type, and feasibility of constructing one or more wildlife crossings that will effectively accommodate both wildlife and motorists and ultimately reduce the number of WVCs.
   Project Type: Planning
   Applicant: Montana Department of Transportation
   Project Location: Missoula, MT to Garrison, MT
   Fiscal Year: 2022-2023

3. Glenn Highway Wildlife-Vehicle Collision Mitigation Study

   Amount: $626,659
   Project Description: Alaska Department of Transportation and Public Facilities will conduct a study that will develop a comprehensive solution to preventing vehicle collisions with moose along Glenn Highway, Alaska's busiest highway. The plan will emphasize installation of wildlife crossings between the Airport Heights and Glenn/Parks highway interchanges and will include options for enhancing habitat connectivity for terrestrial and aquatic species.
   Project Type: Study
   Applicant: Alaska Department of Transportation and Public Facilities
   Project Location: Anchorage, AK
   Fiscal Year: 2024 -2025

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

February 27, 2025

The Council of Park City, Summit County, Utah, met in open meeting on February 27, 2025, at 2:45 p.m. in the Council Chambers.

Council Member Toly moved to close the meeting to discuss litigation at 2:48 p.m. Council Member Dickey seconded the motion.

RESULT: APPROVED
AYES: Council Members Dickey, Parigian, and Toly
EXCUSED: Council Members Ciraco and Rubell

CLOSED SESSION

Council Members Ciraco and Rubell arrived at 2:53 p.m.

Council Member Toly moved to adjourn from Closed Meeting at 3:25 p.m. Council Member Parigian seconded the motion.

RESULT: APPROVED
AYES: Council Members Ciraco, Dickey, Parigian, Rubell, and Toly

WORK SESSION

SR-224 Bus Rapid Transit (BRT) Alignment Update:
Alex Roy and Tim Sanderson, Transportation Department, presented this item. Roy reviewed they were answering questions posed at the last discussion of this item. Roy reviewed the history of work done on the SR224 BRT project. He displayed travel congestion data and noted most of the congestion in the winter months was from Canyons to Ute Boulevard. After BRT was implemented, travel times would be reduced by six or seven minutes from Canyons to the Fresh Market segment. Council Member Rubell asked if this included lane widening and signal enhancements, to which Roy affirmed and noted there were elements of signal priority in the model. Council Member Rubell asked if there was impact analysis on the road widening aspect. Roy indicated they didn't explore that. Council Member Rubell asked if any benefit would be achieved if the road was not widened. Roy stated if transit was not hitting signal priority, then the time savings would not be as significant and thought signal priority only had limited

benefits. Council Member Rubell thought signal priority made sense if transit didn't have to stop but regular traffic did. He asked when the time savings data was analyzed, to which Roy stated two hours of rush hour each way. Sanderson indicated the model assumed that traffic would worsen by 2050.

Council Member Toly asked if the modeling considered park and rides and other developments like the Canyons' parking garage or the proposed SR248 park and ride. Roy stated modelers used a statewide approach and it didn't consider parking reductions on a granular scale.

Roy indicated most of the widening on SR224 would be on the east side in order to accommodate these lanes. They added a four-foot buffer for snow storage along the route. Roy reported the ridership for Thaynes Canyon Drive and Snow Creek Drive as 1914 and 380 respectively. He felt these stops would benefit the community because they were close to the golf course, Hotel Park City, and the shopping center. They looked at the Park Avenue/Deer Valley Drive/ Empire Avenue intersection and he showed three alternatives. Roy noted the dual left turns option had a slightly higher benefit.

Council Member Ciraco asked if all lanes would benefit from the traffic signal priority, to which Roy affirmed. Council Member Toly referred to the Park Avenue/Deer Valley Drive/Empire Avenue intersection and asked if they wanted Council direction. Roy stated they would like to hear the Council's opinion. Council Member Toly asked how they imagined changing the through lane on Park Avenue to just residential drivers. Roy indicated they wouldn't limit it to just residential, but there would be signs discouraging use by nonresidents. Council Member Toly asked if there needed to be two right-turn lanes. Roy stated right-turn lanes didn't have the same congestion as other lanes. Council Member Toly did not want the cross streets to Park Avenue to become cut-through streets, to which Roy stated traffic management would come up with mitigation for that. Council Member Toly asked if there would be a conversation on changing Deer Valley Drive configuration. Roy indicated they could look at that but not in this project. Council Member Toly asked for the team to look at the streets wholistically, especially since work needed to be done to improve SR248 as well.

Council Member Parigian asked for 2025 travel times on SR224, to which Roy stated he would get those figures. Council Member Parigian asked how long the proposed phase-in bus lane would be from Thaynes to the white barn. Roy thought the taper would begin just before the bus got to Thaynes, just north of SR248. Council Member Parigian asked what the advantage would be to having it that far north. Roy thought there was less right-of-way so there would be less impact to the neighborhood and land. He added this concept was created when the bus was going to Bonanza Park, but now that plan had changed.

Council Member Parigian referred to the Thaynes bus stop going south and asked where the stop would be located. Roy stated it would be located after the Thaynes intersection if going south and after Snow Creek going north. Council Member Parigian asked if they analyzed why people would stop there. Roy indicated it was a higher stop on the corridor, which was a consideration. The other consideration was that this would be a critical stop for transferring to Old Town or other points. Council Member Parigian questioned the validity of the travel times estimated in 2050. Roy indicated the modelers used a state standard and he agreed since it was so far out, it might not be completely accurate. Council Member Parigian thought it would be more accurate estimating for 10 years out.

Council Member Rubell stated the timing model was based on best case and worst case. He asked how this would impact the local movements. Roy indicated they could look at that. Sanderson asserted signal priority would only hold the light as a bus approached so there would not be a significant impact. Council Member Rubell asked what the regular buses would do. Sanderson indicated the other routes would not be changed and they would use the same bus stops as BRT would. Council Member Rubell asked if the regular bus would use the BRT lane, to which Sanderson affirmed. Council Member Rubell thought that use would slow down BRT. He also noted that currently bikes and buses used the shoulder and asked if the BRT would be a safety issue. Roy indicated bikes could still use the BRT lane. They were also looking at widening the trails. He acknowledged the BRT lane was not as wide as the current shoulder. Council Member Rubell asked how the road would impact landscaping and the trail by the hotel. Sanderson stated it would impact the landscaping. Council Member Rubell asked if the General Plan would need to be changed. Roy stated he could talk with the Planning Director about what the impacts would be and asserted most of this was in the UDOT corridor and it might not have the same requirements. Council Member Rubell asked if the median by the white barn would remain to which Roy affirmed, and noted they might have some breaks in the median for public safety and streets crews.

Council Member Rubell asked about snow storage in heavy winters. Roy indicated he talked to the Public Works Department and they asked for the buffer to be as wide as possible, and that was a compromise for shrinking the footprint of the road. Council Member Rubell referred to the narrower lanes and asked if it would be a problem for resort shuttles and sprinter vans. Roy added the snow was normally hauled off and they could look at that for this road. UDOT set safety standards, and they felt comfortable with these lane widths. Sanderson indicated the narrower lanes were generally safer for vehicles. Council Member Rubell asked about wildlife mitigation for the road. Roy noted the road width would increase by 10 feet so animals would have farther to cross. They were open to considering wildlife mitigations with the partners of this project.

Council Member Ciraco referred to the 2050 travel times and asked how the travel time would decrease by 50% when the speed increased by 10%. Roy indicated he would talk with the modelers and find out. Council Member Rubell noted this model was a perfect case scenario.

Council Member Rubell did not support the widening of SR224 and stated there was a significant benefit from Kimball Junction to the white barn, but the benefit diminished going into the City. This had more risks to wildlife, and it would make it harder to use the extra entrance. They couldn't quantify the widening. He preferred to look at things using value and impact. He didn't want seven lanes. He wanted to collaborate with High Valley Transit (HVT) to look at the project for the impact value, he thought they could do a lot better. He didn't want it to go to SR248. He hoped they could look at changing the solution for the best fit for the community.

Mayor Worel expressed concern regarding funding for the project. She asked if the federal funding would change if the scope was modified. She stated the Council wanted to bury power lines and work on SR248 and she hoped for funding for those projects too. She wanted to have a discussion with UDOT to see how much of the scope could be changed without affecting federal funding. Council Member Dickey agreed and stated he didn't know what traffic would look like in 2050. The data showed there wasn't a problem getting to the white barn now. He also didn't want to jeopardize the relationship with UDOT. He supported talking with UDOT. Council Member Ciraco agreed to speak with UDOT as well. The UDOT right-of-way was there, and it didn't need to be completely built out now. Council Member Toly was concerned about the funding as well. She asked what it would look like if the road was not widened.

Council Member Parigian agreed with Council Member Rubell and asserted he wanted a small town feel and character. He didn't think this project fit the City's goals. He felt a project got better each time it was refined, and he hoped the partners would agree. Council Member Rubell stated they had been asking the same questions for three years. He hoped HVT and the county would agree, and they could go to UDOT with the benefits of the revised plan. Council Member Ciraco asked to see data reflecting the benefit on the 2.5-mile segment of the corridor from the Canyons to Thaynes Canyon Drive.

Council Member Toly thought they needed to figure out safety for people who took pictures of the white barn. Matt Dias summarized they would do additional analysis and put together a delegation to visit UDOT partners. Canice Harte, Summit County Council Member, stated everything he heard was reasonable and he was happy to partner with the City and explore all options.

<u>Land Use Appeal Authority Review:</u>
Margaret Plane, City Attorney, and Mark Harrington, Senior City Attorney, presented this item. Plane indicated the most important question for the Council's consideration was if they would like the Planning Commission to initiate a review and consider changes of the appeal process and reconsider Park City Code 15-1-18. If the Council

was favorable to that, she would want to know what specific matters the Planning Commission should look at. Currently the City had three land use authorities: Planning Commission, Board of Adjustment, and Appeal Panel. The Council asked her to connect with the board chairs, including the Historic Preservation Board (HPB). There was informal feedback within the boards, and generally the chairs understood the Council's intent to shift appeals to a separate entity. Currently, there were no pending appeals to be considered so it was a good time to discuss the makeup of the board. As Plane met with the chairs, there was some discussion on replacing the Appeals Panel with professionals and a desire to know what that would look like. They also discussed public hearings as part of the appeal process, and it was felt those should be removed from the hearings. There was a bill in the legislature that proposed to do away with public hearings for appeals as well. They discussed standings and there were mixed opinions. Regarding HPB, they felt they had expertise in design reviews and were qualified to handle appeals. The Board of Adjustment was currently handling design appeals, and they felt confident in continuing to do that.

Council Member Toly asked why HPB was removed from the HDDR reviews 10 years ago. Harrington stated it was a conflict between the desired role the HPB wanted to have in the pre-application process, and if they did that then they couldn't also sit as the appeal panel. They were given the option, and they chose to participate in the HDDR process, but now they don't do that.

Council Member Parigian asked what the history was for three-person panels and why was it considered instead of five or seven members. Harrington indicated that came as a result of a dialogue for an alternate appeals process when the Council was the appeal authority as well as the applicant, and also in other appeal situations. He noted a three-person panel was common.

Council Member Rubell noted the conflict with having the Council as the appeal authority was when the Council wanted to do a backroom deal, like negotiating outside the regular process. It might be appropriate in some cases, but not all. He asked how to get feedback from the Planning Commission when something violated the LMC, yet was consistent with the Council's strategy and the Council had the ability to modify the LMC to reflect the Council's strategy. He thought that was a cleaner process than using an appeal authority. Harrington stated a backroom deal was limited to land acquisition or buyout. But full transparency was in the front and the best thing to do was keep alignment code-wise with the Council and Planning Commission. Prioritzing code changes when the Council saw a conflict would be the first step.

Council Member Rubell asked how they could get to a better operating environment to get proposed code changes to the Council for a quicker processes, so the vision of the Council was realized. Then if there were appeals, they would be contrary to the Council's goals, not just contrary to the LMC. Plane clarified if the application met code, it should be approved. If the question was unclear, the tie would go to the property owner.

Council Member Rubell felt there was a lot of opportunity to update the code to reflect the evolution of the City and the Council's goals. There were gaps that had a huge impact. He wanted to know what they could do to expedite some areas of the code to reflect today's Council goals. Plane thought that was important to staff and the boards, but she wasn't prepared to discuss that tonight. Council Member Rubell asked to bring back this discussion at a future meeting. Council Member Toly asked to clarify that if the Council was the appeal authority, then they couldn't listen to Planning Commission meetings or have conversations on the issue with the public. Harrington stated they weren't prohibited from listening to meetings, but they shouldn't talk about it.

Council Member Rubell asked if they could come back and discuss areas of the LMC that were not strategically aligned with the Council's goals. The Council supported that discussion. Council Member Toly stated the Planning Commission had been going through the LMC. Rebecca Ward, Planning Director, stated the purpose of the General Plan was to find opportunities to update the code. Each year the Planning Commission went through the General Plan and made recommendations to update code. They had a prioritization work session for the code in early 2024 and a staff comms was sent to the Council in April 2024. They wanted to focus on updates for the Bonanza Park area and she noted several other code sections that were being prioritized. They were also directed by the Council to develop childcare opportunities. There were several code amendments that were drafted and ready to present to the Council. They had pending 2024 amendments in progress and now because they were working on the General Plan, they could recognize comprehensive updates to the LMC and that would initiate that process. If there were areas of the code not being addressed, they could schedule a work session.

Council Member Dickey indicated he knew the Planning Commission had been working on code, applications, and the General Plan, so he didn't want to highlight it if Ward didn't think there was a problem. Council Member Rubell stated the commissioners were frustrated and he felt there was an opportunity to have a conversation to expedite the process and align strategies. These discussions could inform the strategic levers that the Planning Commission felt were unclear. He thought there was reason to be frustrated. Mayor Worel indicated the Planning Commission chair discussed this with her and there were areas the Planning Commission needed policy direction on. She would work with Ward and Chair Hall to see what policy direction they needed from the Council to move forward.

Council Member Rubell asked why the Planning Commission had to consider code changes. Harrington stated it was in the code. Council Member Rubell asked if there were any applicants to fill the appeal panel open seat, to which Plane stated there were none.

Council Member Dickey asked if the process could be more efficient if the City used a hearing officer. Harrington stated it was a narrow set of criteria for appeals and was an administrative decision, not legislative. The Board of Adjustment considered variances, and it was based on fairness. Council Member Dickey asked if the other appeal boards were removed, would BOA still exist for variances. Harrington stated the Council had authority to move everything to one authority but there weren't any comments about moving variances when they talked with the board chairs. Council Member Dickey thought it was strange to have a de Novo review without a public hearing. He favored on-the-record reviews.

Council Member Ciraco favored on-the-record review process. He thought the Planning Director had expertise in the process but felt there was merit to having a professionally trained hearing officer. Council Member Toly supported a hearing officer and then looking at having the HDDR return to HPB. If there was no conflict of interest, it should go back to them. Council Members Ciraco and Dickey agreed.

Council Member Parigian favored reviewing the standard of review. He thought the boards were working, but he was concerned with only having three members on the Appeal Panel. He leaned toward keeping it local because they were vested in the outcome.

Council Member Rubell stated he hoped to see ways to preserve the strategy of the Council without making it hard for people to do things that fit that strategy for their own property. He wondered why the Planning Commission wasn't the appeal authority and felt that could eliminate layers of government. The current appeal set up was for Snow Park so the Council could negotiate. Now the question was if Council should give away its authority so they could do certain things. He thought if the code was right, the front door was easier to go through because it was transparent. He favored terminating the Appeal Panel and sending it to the Planning Commission for a recommendation and then giving the appeal authority to the Council. Council Member Dickey stated having the Council as the appeal authority was a challenge and he felt it with Washington School House. He stated the goal was to allow people to do what they wanted that aligned with the Council's goals that the code allowed. He thought the hearing officer would do it better. They hadn't talked about settlement authority, and he thought the Planning Commission should discuss all these things and report back with their opinion. Council Member Rubell asked what the channel was for the hearing officer to give the Council feedback on the major LMC provisions involved in the appeal.

Council Member Parigian stated the LMC had options and asked how a hearing officer would get that done without being here. Plane stated if there was an appeal, the hearing officer would be provided with the recordings and transcript and would then review the code and would make a determination about whether there was an error or if the code was correctly applied. Council Member Parigian clarified the hearing officer could not overturn the logic. Harrington affirmed and stated the ordinance could be nuanced with the level of discretion it gave in terms of presumptions and who had which. The hearing officer would not be re-doing discretionary decisions.

Council Member Ciraco asked if Council Member Rubell wanted the Council to be the appeal authority so they could be held accountable. Council Member Rubell stated yes, but if there was feedback from a hearing officer that could consider the code, that could check the box and give greater understanding in the global settlement authority and how that played into the process. Council Member Ciraco agreed with Council Member Rubell.

Mayor Worel thought it would be beneficial to have a hearing officer review. In her experience, most Council members didn't have the expertise to make a decision. It would be helpful to have an expert weigh in on the appeal. She noted the Council could review the hearing officer's ruling as an additional layer if Council so desired, but in general, the Council didn't have the expertise. Plane indicated Salt Lake City had many hearing officers that heard land use appeals. Oftentimes the hearing officer's written decision was flexible and stated that they interpreted the code a certain way, but if the Council saw it conforming to what the applicant argued, then the Council could amend the code following the Planning Commission recommendation and review process. The Council agreed to initiate a review with the Planning Commission.

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 Jeremy Rubell Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	**Present**
None	**Excused**

II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:
Council Member Rubell stated they talked about the needs for Public Works and Transit at the Ironhorse facility at the retreat. He asked when that would come back for discussion and noted he also wanted to talk about the Vail/Bonanza property. Matt Dias

stated there was not a date set, but he would meet with staff and get back on that. Council Member Rubell asked when Council would discuss the City Manager road map that they didn't get to at the retreat. He also asked to have a discussion on enterprise funds because Golf was an enterprise fund, but the MARC and ice arena were not enterprise funds. He wanted to discuss whether it was appropriate for some recreation facilities to be subsidized while others operated as enterprise funds. Dias indicated that would be part of the budget process since that would be a budget policy. Council Member Rubell asked if the enterprise discussion was time sensitive for enacting something before the budget was passed in June. He asked that to come back as a staff communications report, so it wouldn't be too late to discuss it in this budget cycle.

Council Member Toly also asked when Council would talk about the City Manager work plan, to which Dias stated that would be scheduled for one of the March meetings. Council Member Ciraco displayed a photo of SR224 in 1975. He reminded people that the BRT was now being discussed and how the road used to be, and the rural area was something that people loved.

Mayor Worel stated Nicholas Janssen in Park City High School was named one of 5,000 candidates in the Presidential Scholars Program. She noted the Lessons in Leadership event would be held on March 7. She also indicated she attended the first steering committee meeting for the 2034 Olympics and she looked forward to working with the group.

Staff Communications Reports:

1. November Sales Tax and December Budget Monitoring Report:

Council Member Rubell indicated the November Transient Room Tax (TRT) was down 75% from the budgeted amount and asked for some insight on the number. Jed Briggs, Budget Manager, indicated they looked at when the money was received and noted there were issues with when the numbers were released. The December, 2024 numbers were released late, which made this year's November number look less. He stated most sales tax numbers looked very even. Council Member Rubell asked if it would correct itself next month, to which Briggs affirmed.

2. Property Tax Assessments:

Council Member Rubell wanted to understand why some properties paid less tax if others had increased since it was a closed system. Briggs stated the county pinpointed different neighborhoods to review, and data showed which neighborhoods went up and which ones went down. The value was impacted by home sales in neighborhoods. There were also other entities that had taxes within the property tax statement. These entities increased their taxes and that would cause a tax increase. Council Member Rubell asked for a joint Council discussion on this topic. Mayor Worel stated the March joint meeting was full but they could add it to the next joint meeting.

Council Member Toly indicated the tourism tax was up 4% this year. She knew there were a lot of impacts that hit residents and asked if the City could lower its property tax percentage. Council Member Rubell noted that two GO bonds expired which lowered property taxes, but other entities filled that gap when they raised their taxes. He wanted to discuss this with the county. Dias indicated that the City did a lot of work to be transparent in its budget. Council Member Dickey understood how property tax worked and he didn't have an issue with it, but he was in favor of reducing the City's property tax. The Council requested this on a future agenda.

3. 2025 Legislative Session Update:
Council Member Rubell stated they were going to tie some issues to the Legislative Policy Platform and he hadn't seen that yet. Margaret Plane stated two bills came out that she wanted to discuss: SB333 Olympic Venue Bill allowed the creation of major sporting event venue zones. It would be like a community reinvestment area (CRA) and local government would still have control which would allow them to impose specific taxes that could be implemented in a zone and then dedicated to use as increment to benefit that zone. One tool would allow the City to implement a 15% accommodation tax. There wasn't clarity on how the taxes could be stacked. It was a complicated bill.

Plane referred to SB337 and indicated it would develop a Beehive Development Agency, and it would be governed by a five-member board. The CEO would recommend significant community impact projects (SCIPS) to meet objectives they would establish. The SCIPS would not need local consent so they would be exempt from Land Use Management and Development Act, Condominium Act, and others, and they would be entitled to property and sales tax increment up to 75% for 25 years.

Council Member Rubell stated nothing on the list had a gray area regarding the Legislative Policy Platform. Matt Dias didn't think the process was different than other years. They had some of Council at the legislature with staff and they all were advocating on numerous issues.

Council Member Ciraco asked about the bill which would allow the county to impose tourism taxes. Dias stated it was being contemplated in a couple places, such as in SB 333. This stated a county of a certain class would have access to an additional resort community sales tax. Council Member Ciraco asked if there would be an implication to the City's tourism tax. Dias didn't think there would be an impact because it wouldn't affect an incorporated area. Plane indicated there was a line in the bill that would give one county a broader ability, and pursuant to the Legislative Policy Platform they were reviewing it with Council.

4. Senior Center Feasibility Update:

5. 2024 Golf Capital Improvements:

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

Mayor Worel opened the meeting for any who wished to speak or submit comments on items not on the agenda.

Sean Parker, 84060, indicated the senior center was one thing where the Council could think strategically. He suggested Bonanza Park for a senior center. He thought many things in a community center would be in a senior center. He noted the Kimball Art Center (KAC) would be at Bonanza and the seniors would like to be near that. Developer-led projects needed profits. Having a City priority would reduce the profit. He thought this could be a signature building and asked Council to think more strategically.

Debbie Stafsholt distributed a handout regarding parking at the senior center, MaWhinney Lot, lower Library Field, and the main library and read library attendance statistics that showed an average of 684 visitors per day. She indicated when there were events at the library all the parking was filled and there were cars parked on the street. She hoped the City would research the appropriateness of the senior center in Old Town.

Kelly Perkins 84060 represented Park City Cycling Club and stated he was interested in the SR224 BRT discussion. He stated widening the road didn't necessarily make it safer. He wanted the road safe for cyclists. Safe roads got bikes off sidewalks and bike paths. Cleaning the shoulders would make cycling safer.

Patricia Stokes 84060 volunteered at the Park City Library and was chair of the Board of Trustees. She was a member of the senior center as well. She was grateful the Council was considering a new senior center. She indicated 60% of the seniors who came to the center did not live in 84060. She thought of the ripple effects of bringing people to Old Town and suggested putting the senior center in the 5-Acre Bonanza parcel or at Quinn's Junction on the Gordo property.

Mayor Worel closed the public input portion of the meeting.

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from February 6, 2025:

Council Member Toly moved to approve the City Council Meeting minutes from February 6, 2025. Council Member Ciraco seconded the motion.

RESULT: APPROVED
AYES: Council Members Ciraco, Dickey, Parigian, Rubell, and Toly

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Contract with Mark Rane in a Form Approved by the City Attorney's Office, Not to Exceed $59,000 for an Artistic Shade Structure for the Creekside Bike Park:
2. Request to Authorize the City Manager to Execute Contracts with Selected Artists in a Form Approved by the City Attorney's Office Not to Exceed $40,000 for Artwork on Eight Bus Shelters in Phase One of Park City's Bus Shelter Upgrade Project:

Council Member Dickey moved to approve the Consent Agenda. Council Member Toly seconded the motion.

RESULT: APPROVED
AYES: Council Members Ciraco, Dickey, Parigian, Rubell, and Toly

VI. OLD BUSINESS

1. Consideration to Approve Ordinance No. 2025-02, an Ordinance Amending Section 2-8-19, Nonprofit Services Advisory Committee, of the Municipal Code of Park City:
Hans Jasperson, Budget Analyst, presented this item and stated a City goal was to create a transparent process for granting funds to nonprofit organizations. He reviewed the requirements for committee members. The amendments presented today would prohibit an elected official from serving on a committee. Another change would require a committee member with business dealings with an organization applying for funding to recuse themselves from participating. He noted some good people were serving on this committee and he was inspired by their dedication.

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

Council Members Ciraco and Rubell felt this process went smoothly and they thanked Jasperson.

Council Member Rubell moved to approve Ordinance No. 2025-02, an ordinance amending Section 2-8-19, Nonprofit Services Advisory Committee, of the Municipal Code of Park City. Council Member Ciraco seconded the motion.

RESULT: APPROVED
AYES: Council Members Ciraco, Dickey, Parigian, Rubell, and Toly

VII. NEW BUSINESS

1. Deer Valley Development Company Public Infrastructure District (PID) Request: Jed Briggs, Budget Manager, Randy Larson, Bond Counsel and Special Counsel to help with the public infrastructure process proposed by Deer Valley, and Wade Budge, counsel for Deer Valley, were present for this item. Larson stated a PID was a separate governmental entity organized to allow for separate funding. It had no land use authority and no ability to provide services. A PID was discretionary, and it was up to Council to decide whether to allow it or not.

Budge requested moving forward with their application for a PID for the Deer Valley area. On December 14, 2023, the Council approved a letter of intent with Deer Valley on the Snow Park project. Last night, the Planning Commission approved the parking structure for Deer Valley. Now they wanted to discuss how to finance the parking structure. PIDs were formed as stand-alone entities, and this one would only be on Deer Valley-owned property. They submitted a petition for a PID. A governing document would accompany a PID. A PID would facilitate public improvements that had a public benefit. This PID would finance the parking structure and the multi-modal center, it would operate within parameters of governing documents. It would impose a property tax only on the petitioner's property boundary within the PID area, and future unit buyers within the PID would be notified of the PID. The City would have no financial liability.

Budge noted the public/private partnership agreement (PPPA) and indicated he hoped to proceed with that, but tonight the PID would not be up for action, they just wanted public comments. The PPPA needed to be in place soon because on April 2, they would go to Planning Commission to seek plat approval. Plat approval was contingent on the transfer moving forward.

Council Member Parigian asked how a PID helped Deer Valley. Budge indicated project improvements that could go to the bond market would give them a better interest rate. A PID was tax exempt from federal income tax. Council Member Ciraco clarified this was Deer Valley's property, but it would eventually be developed with condos and they would pay the PID. Council Member Rubell stated there was a tax equity issue. The report indicated the mill levy could be three times the City's current mill levy. Deer Valley was not going to seek that and he asked what they were looking for. Budge indicated they hadn't gone to the bond market and they wanted to bond for the right amount. Since the total amount had not been determined, they went with the state default. He said the risk was put on the people buying the bonds but there was no risk to the City. Council Member Rubell noted there was risk to the City since the City could put a bond on the ballot and it could receive a mixed response because some residents were paying the PID tax already. He reviewed the PID process and asked if it was guaranteed by the investor. Larson stated in this market of bonds, the default risk was transferred to the bondholders.

Council Member Rubell asked if the PID could be in the PPPA as part of the whole deal. Budge stated without the PID, there would be a transit stop on Doe Pass Road and that was the wrong location. They analyzed the parking structure and felt the PID was needed in order to fund the $15 million for other transportation projects in the community. Council Member Rubell asked if they would list all the financing tools they would use in the PPPA.

Council Member Rubell asked if the PID governing board was public, to which Larson affirmed and stated the members were property owners in the district. Council Member Rubell asked if the PID would have a budget to which Larson affirmed.

Council Member Parigian asked if Deer Valley would have three PIDs, to which Larson affirmed and explained they wanted the PIDs to be issued close to the phase of construction being worked on.

Mayor Worel opened the public hearing.

Sean Kelleher 84060 stated there were two levels of taxes, one the City would get on the property and one the petitioner paid for the improvements. He thought the bond deal was $400 million and the City would save the property owner $12 million the first year. He wanted the City to realize the leverage points it had to approve the PID. He also sent the Council the following eComment: “KSL, the nominal owner of Alterra, placed their entire Alterra asset in a new private equity fund (a "Continuation Fund"). This Continuation Fund matures in 10 years, meaning that KSL will be highly motivated to sell the asset right around the time of the Olympics coming to town. The investors in the Continuation Fund - one of which is an Asian government - are the real owners of Alterra and will force this sale on KSL. Here's what the Chief Investment Office of KSL told the press around the time of the Continuation Fund completion: "We see strong organic growth in the business, minor volume growth, ability to grow ancillary revenues, and ability to grow pricing in excess of inflation". Besides the "happy" news that we should expect higher ticket prices over the next few years, KSL is telling us that Alterra is a very attractive asset and they expect strong earnings going forward. So if they're telling PCMC that they need the PID to make Snow Park work, it's just not consistent with their public comments. I know the development costs for Snow Park sounds like a lot of money, but in the world of private equity and institutional debt financing it's really not. KSL could put these plans in front of a dozen Wall Street lenders and get $1 billion pretty quickly. That said, there's no question that financing via the PID instead of private lenders will save KSL tens of millions. So what PCMC's cut of the savings should we grant them the PID? The point to all this is just to clarify the real interest & intent of Alterra/KSL; to make sure that City Council knows what leverage it may have in negotiations; and to protect the community when KSL liquidates Alterra in 2032-34, just as the Olympics comes to town). So: I'm no PID expert, but I believe the Creating Entity (i.e., PCMC) can impose additional specific restrictions on the PID. For example, PCMC & Alterra/KSL have an LOI from 2023 outlining some very nice things that Alterra/KSL is pledging to do, but, to my knowledge, are not yet contractually obligated, like affordable housing; how about PCMC makes those pledges a little more concrete in exchange for the creation of the PID? Also, my understanding of the PID property taxes is that the PID charges incremental property taxes on top of PCMC/Summit County's standard property taxes. If so, PCMC should require that PCMC/SC have a "super-senior" claim on all property taxes collected from the future PID property owners. That way, any property tax delinquencies hit the PID, not PCMC/SC. This protects the City when the inevitable downturn comes (remember the post 2002 Olympics real estate market?) and PCMC is left holding the bag. Since KSL/Alterra will deny that they intend to sell the property by 2034, let's call their bluff and get a cut of the sale price if the property is part of a definitive agreement to sell in the next 10 years. This isn't just to be obstreperous; new investors will inevitably create new costs for PCMC and we should be compensated for that risk. Additionally, PCMC should charge an annual management fee for the PID, reflective of a portion of the money KSL is saving via PID financing. Finally, what do all of us locals get to deal with this mess for the next decade? Here's two pretty simple requests: 1. substantial fines, paid by Alterra, for construction vehicles operating outside of approved hours, parked in restricted areas like residential streets, etc.; 2. "locals passes" that allow the purchase of multiple days of passes for substantial (like 75%) discounts during the construction period. 3. traffic mitigation strategies, such as temporary traffic lights at key intersections (similar to what's been installed at the Old Town traffic circle)."

Sean Parker 84060 thought those basis points could be spent on mitigating traffic. That was an example of public benefits and was something the City should be looking for. He also thought the letter of intent (LOI) was narrowly negotiated. He hoped the City would use its leverage for public benefit.

John Stafsholt 84060 indicated the City had a transportation problem, but the thing that worked was the eight lanes of drop-off parking. With this proposal, eight lanes were being reduced to two lanes. He asserted the City had the leverage to control what was best for the community.

Mayor Worel closed the public hearing.

Council Member Rubell agreed with some of the comments and he asked that the PPPA include all the financing tools in the development before approval. The plat was dependent of the agreement. Before approval, he wanted to see the full picture and see them honor the agreement.

Council Member Ciraco stated Deer Valley was a good partner with the City so far and he looked forward to continuing the dialogue. The Council wanted to make a deal that would benefit the residents. Council Member Dickey stated the Council did the right thing by voting to approve the LOI last year. He noted the PID was part of that and the City was protected by virtue of the plat and the road vacation. The risk to the City was any plat could be approved but that risk was very low. He supported moving forward with the PID and the agreement when the time came. Budge indicated in the governing document that the City gave to Deer Valley was tied to the development plan that got approved last night so they were tied to that plan.

2. Consideration to Approve Ordinance 2025-03 An Ordinance Approving an Extension to the Sunset Clause and to Amend Conditions of Approval 3,4,7, and 8 for Ordinance 2023-03 to Rezone a Six-Acre Pod from Recreation and Open Space to Estate within Parcel PCA-S-79-C (Bransford Parcel):

Virgil Lund, Planner, presented this item and reviewed the history of the parcel. The applicant requested an extension to the sunset clause for an additional two years and to allow an additional tipping site on the Bransford parcels. Lund also requested the final plat review be shifted from the City Council to the Planning Commission.

Doug Ogilvie, Empire Pass Master Owners Association (EPMOA) stated they would benefit from the tipping site. He requested an amendment to Condition of Approval 2 to state “except for any approved tipping sites.” Council Member Parigian asked for more information on tipping sites. Ogilvie explained there were separate activities on the Bransford property. Some tipping sites were full, and they were looking for other sites. This site was a gully and they would fill and revegetate it. The EPMOA charged for tipping and all the dirt had to be certified clean. Lund stated the tipping site was an amendment to the Flagstaff Development Agreement Technical Report 15, so it would go back to the Planning Commission for final review and action.

Anne Bransford indicated this was a great example of neighbors working together on the mountain. Council Member Ciraco asked why this rezone needed to be extended for two years. Bransford stated two years ago they received 107 inches of snow, and it took a long time to melt. They were in litigation with Extel for two years and it was settled in June. They also had conservation orientations with Summit Lands, and they were working on the property. Council Member Ciraco asked if this could be completed in the next two years. Bransford stated there were challenges but they were moving forward.

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

Council Member Dickey felt it was bad policy to request a rezone for open space and not a plat approval simultaneously. That said, he felt this request was reasonable.

Council Member Parigian moved to approve Ordinance 2025-03, an ordinance approving an extension to the sunset clause and to amend Conditions of Approval 3,4,7, and 8 for Ordinance 2023-03 to rezone a six-acre pod from Recreation and Open Space to Estate within Parcel PCA-S-79-C (Bransford Parcel) with the amendment to Condition of Approval 2 to read "except for any approved tipping sites." Council Member Ciraco seconded the motion.

RESULT: APPROVED
AYES: Council Members Ciraco, Dickey, Parigian, Rubell, and Toly

3. Bonanza 5-Acre Site Request for Proposal Update:

Michelle Downard, Resident Advocate, and Jed Briggs, Budget Manager, presented this item. Downard reviewed the City was seeking a development partner with best possible terms. The RFP was revised and refined. The key changes included a long-term lease for one dollar per year for at least 60 years. Briggs stated the City would contribute $30 million for public benefit features such as underground parking, low AMI housing, and public spaces. Downard indicated the RFP would be published tomorrow and the response deadline would be March 31st.

Council Member Dickey expressed concern with the scoring and the description that the project should meet code as well as proposed code changes. He felt that would be confusing to a developer. Downard stated the intent of the RFP was to let the responder know they must comply with code. There was a possibility that the code would change and if it did, they would have to comply with that. Council Member Dickey wanted to clarify that or not mention the code. He was more interested in what a developer proposed. Council Member Rubell suggested stating it should comply with code except for building height which they would allow to 45 feet, as well as parking strategies. Matt Dias stated they called out future zoning to make sure applicants were aware of it.

Council Member Toly referred to the scoring and criteria and asked if the review committee would be looking at the existing code for Number Three, to which Council Member Dickey affirmed, but noted he wasn't concerned about the code. Council Member Ciraco clarified four stories was available with underground parking and low AMI % housing. Ward stated under the current code there was flexibility for additional height with certain criteria and there was no limit on what the ask could be. The Council agreed to stick with the 45-foot height limit. Dias indicated Section W was Land Use and Zoning which stated the City would consider building heights up to 45 feet. They wanted to change the zoning to the existing Land Management Code. Downard updated the scoring to say LMC.

Council Member Dickey referred to market-rate commercial and asked that the RFP specify that it would be small to medium size with no tenant over approximately 3,000 square feet. That number was struck from the document. Council Member Ciraco requested language for a local retail experience. Council Member Rubell noted there should be language that promoted rent control. Council Member Toly was against subsidized rents for commercial. Dias stated whatever proposal was accepted, the Council would do the final negotiations. Council Member Rubell suggested stating they wanted a variety of commercial rental price points.

Council Member Dickey referred to the $30 million contribution towards the total cost of the project and thought it was covered by TRT revenue. Briggs explained there was TRT bonding capacity and options for Council to consider. He reviewed the Council originally considered funding the entire project. Then they decided to have a public/private partnership and would contribute less. The Council had the ability to increase the amount they wanted to bond for. The $30 million represented how much a parking garage, open space, and lowering the AMI for affordable housing might cost.

Council Member Parigian stated they just picked the $30 million randomly and they didn't know what everything cost. Mayor Worel indicated they needed to go into a project with a budget. The $30 million didn't include the land so the City actually invested more than $30 million. Dias explained this amount would drive additional scope into the RFP, but negotiations would continue after a proposal was accepted. It was decided to put "approximately $30 million."

Council Member Dickey stated the City had many projects that produced no revenue so this project had a number in order to daylight the actual cost of the project. He wanted a proper budget for this project and compare it to other City priorities. He was prepared to support it, but didn't want to vote on this without first comparing the contribution to other project needs. Dias noted historically, the budget allocated 100% of TRT funds to the Bonanza Park 5-acre site so this was not a random allocation.

Council Member Rubell stated the challenge was that the project would not be free and give the City everything they wanted. The Council should demonstrate they wanted to commit to meet the City's goals. He proposed removing the scoring criteria based on the finances by including a number. They wanted the best project for what the City could afford. The Council agreed to deemphasize the cost in the scoring.

Regarding the location of the Kimball Arts Center, Council Member Dickey did not want to dictate where to put the building. Council Member Toly referred to scoring on residential units and wanted to score on affordability. The Council agreed. Council Member Toly asked for the timeline after March 31st. Downward stated the scoring committee would meet, review, and score the RFPs. They would identify those for interviews. Ultimately, they would bring a recommendation to Council to enter into negotiations. Dias stated they would give Council an update after the RFP closed.

Council Member Toly referred to the RFP language regarding "uses of each building include a target tenant mix." She asked if an anchor tenant would be in each building and she felt an anchor tenant was a chain store. The Council agreed to remove that sentence.

Council Member Parigian stated the Kimball Art Center was given .785 acres in the LOI and he requested to remove the word “approximately”. Also, 20% of units could be 20% of square footage and he wanted that worded differently. The Council preferred to keep the language at 20% of units. Council Member Parigian suggested adding 30% AMI to current development goals, to which the Council agreed.

Council Member Rubell stated the Council had wanted to get the project moving for the last two years. He was concerned about the resource capacity, and he wanted to see progress. He didn’t think revising the RFP would delay the process and he felt being more specific was the right thing to do.

Dias stated they would put out the revised RFP with these latest changes. He indicated the scoring committee would recommend the top scorer. He asked if the Council accepted that or if they wanted the top two. Plane stated if the Council wanted to see the top two, then that would need to be in the RFP. The Council would use the same criteria to make the final selection. Council Member Dickey asked if there were multiple rounds of scoring. Grant Herdrich, Procurement Manager, stated there would need to be a plan that the committee’s score would be cancelled and then the Council would score anew or the scoring could be cumulative. Council Member Rubell asked if the Council could interview the top two applicants and have new scoring based on the interview. He thought that would benefit the respondents because they would know the Council supported them. Herdrich recommended the Council use scoring to select the winner. Plane stated they could interview and score the applicants in a public meeting or a closed meeting. Council Member Toly preferred interviewing and scoring in an open meeting. Dias stated this would be as close as possible to the scoring of the committee. Plane noted the packet would be nonpublic because it would be a competitive disadvantage to release it publicly.

Council Member Dickey requested three years of audit financials in the RFP. The Council agreed.

Dias reviewed the two finalists would be sent to the Council from the scoring committee. The Council would replicate the process of the committee. They would score the technical and interview together and then make a decision.

VIII. ADJOURNMENT

With no further business, the meeting was adjourned.

____
Michelle Kellogg, City Recorder

City Council Staff Report

Subject: Construction Agreement with Phillips & Co. Construction for 10th Street Retaining Wall Reconstruction
Author: Steven Dennis, PE, PMP
Department: Engineering
Date: March 20, 2025

Recommendation

Consider a request to authorize the City Manager to execute a construction agreement with Phillips & Co. Construction, in a form approved by the City Attorney's Office, not to exceed $121,000 for reconstruction of the 10th Street retaining wall.

Executive Summary

The City continues to prioritize pedestrian safety and connectivity for our residents and visitors. This manifests through the construction of new trails and pathways as well as the periodic maintenance and improvement of existing infrastructure. As part of that effort, Phillips & Co. Construction will demolish a failing retaining wall that has damaged an existing stairway, reconstruct a new retaining wall, and install a new stairway to replace the old one.

Analysis

On March 11, 2024, a design professional services contract was executed with Alliance Engineering to prepare construction documents to reconstruct the upper portion of the 10th Street stairs retaining wall (between Empire Ave and Norfolk Ave).

On February 20, 2025, Staff opened bids from six contractors who responded. One was disqualified for not submitting the proper documents. Of the remaining five bids, Phillips & Co. Construction was the lowest bidder and has the necessary qualifications to perform the work.

Construction is anticipated to start late April and will last approximately ten weeks. During certain construction activities, 10th Street will need to be closed and Staff will ensure the closure is properly signed and communicated to the public. The work is entirely within City right-of-way and outside the Soils Ordinance Boundary.

Funding

The current project budget is approximately $160,000, which is funded entirely by the Lower Park RDA. The table below provides a breakdown of how the project budget is being allocated.

Project Budget	$160,000
Design Professional Services	$28,000
Construction	$121,000
Remaining Budget/Contingency	$11,000

Exhibit(s)
Exhibit A – Existing Wall/Stairs Photo

Exhibit A – Existing Wall/Stairs Photo

City Council Staff Report

Subject: 516 Marsac Avenue (Old Peace House) Construction Contract
Authors: Rhoda Stauffer, Housing Program Manager
Department: Housing
Date: March 20, 2025
Type of Item: Administrative

Recommendation

Consider approving a contract with Big Horn Contractors, LLC, for $1,484,329 in a form approved by the City Attorney's office. This contract follows the City Council's direction to renovate the Old Peace House property into a triplex suitable for the City's municipal employee housing program.

Background

516 Marsac Avenue is a 0.18-acre (7,660 sf) lot in the Old Town neighborhood of Park City. The property fronts Marsac Avenue and Ontario Avenue and contains steep slopes in the rear of the Lot. The current structure is a congregate facility with five bedrooms, three bathrooms, a communal kitchen, and a four-car garage. The City acquired the property from the Peace House on January 26, 2017. For over two decades the property had been used as a shelter for victims of domestic violence until the Peace House relocated to a new facility.

Three City Council work sessions resulted in a decision to redevelop the building into a triplex for rent to city employees: June 23, 2022 (Staff Report, Meeting Minutes—beginning on p.4), October 6, 2022 (Staff Report, Meeting Minutes—beginning on p. 6), and December 15, 2022 (Staff Report, Meeting Minutes—beginning on p. 10),

The City Council approved a contract with Shape Architecture on April 27, 2023 (Staff Report, Meeting Minutes – p. 11). At the January 10, 2024, meeting of the Planning Commission, Shape Architecture received approval of a CUP application to convert the existing structure into a triplex (Staff Report p. 96, Meeting Minutes p. 15). The triplex includes two 2 bedroom/2 bath units and one 3 bedroom/2 bath unit. In exchange for a reduction in parking, the number of vehicles allowed per unit will be limited by lease agreement to one enclosed parking space for each of the two 2-bedroom units and two enclosed parking spaces for the 3-bedroom unit.

Shape Architecture completed the first set of construction drawings in spring 2024 and applied for a building permit. A cost estimate was completed on April 17, 2024, totaling $1.7M, and based on this, the budget team set aside $2M for the project. Shape completed the bid set of construction drawings in mid-July 2024. Initially, staff requested contractor bids due in September, with a goal to begin construction in the fall 2024. The first step of construction is to remove the top floor and roof, leaving the rest of the structure open to the elements as winter arrives. So, the Housing Team decided to move the start of construction to spring 2025 and sought updated bids due February 21, 2025. Construction will begin April 1, 2025, and is scheduled to take one year.

The Housing Team solicited bids using a qualified vendor list. On January 29, 2024, a Request for Statements of Qualification (RSOQ) process was completed to compile a qualified list of vendors for small construction and refurbishment projects. The resulting list contains seven general contractors and is good for three years.

Analysis

Three of the seven approved vendors submitted bids. The bids were reviewed by members of the Housing Team, representatives of Shape Architecture, and Dave Gustafson, a project manager with the City's engineering department. The lowest responsible bidder was Big Horn Contractors, LLC, with a total bid of **ONE MILLION FOUR HUNDRED EIGHTY-FOUR THOUSAND THREE HUNDRED TWENTY-NINE DOLLARS ($1,484,329.00).**

Bids received are as follows:

Bidder	Bid Amount
Big Horn Contractors, LLC	$1,484,329.00
Bailey Builders, Inc.	$1,574,742.01
New Star General Contractors	$1,741,984.25

Funding

The City allocated funds from the Lower Park Ave RDA bond funds and the Additional Resort Communities Sales Tax revenue that the City can utilize for housing projects.

City Council Staff Report

Subject:	**Purchase of Four Battery Electric Buses**
Author:	**Tim Sanderson, Transportation Director**
	William DeGroot, Transit Manager
Department:	**Transportation**
Date:	**March 20, 2025**

Recommendation
Authorize the City Manager to execute an amendment with GILLIG, LLC, in a form approved by the City Attorney's Office, to purchase four additional battery electric buses and two additional depot chargers with six dispensers for $**5,098,888** with a total contract not to exceed $**16,540,102**.

Executive Summary
On August 15, 2024, the Council approved the purchase of nine 35-foot battery electric buses ("BEBs"), three ABB depot chargers with nine dispensers, and workforce development training. The Transportation Department is now requesting the Council's approval to increase the order to include a total of 13 vehicles and 5 ABB depot chargers with 15 dispensers. This request would expend all remaining Federal Funds allocated for purchasing BEBs and associated equipment as previously awarded to Park City, but within a shorter time period.

If approved, this project will include the following:

August 15 Council Approved Not to Exceed Contract[1]	
Nine 35-foot, Low-Floor Battery Electric Buses:	**$11,010,852**
Adjustment for actual vehicle production cost	**- $342,504**
Three Depot Chargers with Nine dispensers:	**$820,380**
Adjustment for actual charger production cost	**- $295,580**
Workforce Development Training for Fleet Staff	**$248,066**
	$11,441,214
Additional Vehicle and Charger Purchase	
Four 35-foot, Low-Floor Battery Electric Buses	**$4,741,488**
Two Depot Chargers with Six dispensers	**$357,400**
	$5,098,888
Final Contract Amount with GILLIG, LLC	**$16,540,102**
Additional Costs to Complete Project	
Design and Installation Budget for Five Chargers	**$445,580**
CAD/AVL Equipment for Thirteen Vehicles	**$588,948**
	$1,027,028
Total Final Project Cost	**$17,574,630**

[1] The original contract included the quoted rates prior to PCMC pre-production meeting in February 2025. Vehicle and charger final price is lower now that final production schedule is underway.

Fortunately, the total project budget of $17,574,630 will be covered with $14,059,704 in Federal grants awarded to Park City, with a local match of $3,514,926. After the RFP process is completed, the Transportation Department will return to the Council for final approval of the charger installation and the CAD/AVL equipment.

Background and Analysis

Proterra Vehicle Status
The Transportation Department is in the process of requesting the early release of 13 Proterra transit buses approximately five years before reaching their scheduled useful life. This decision is due, in part, to Proterra's bankruptcy, lack of part availability, and reliability concerns. At the time of purchase, the Federal Transportation Administration ("FTA") assigned the vehicles a useful life category of 500,000 miles or 12 years. Transit operations staff worked diligently to use the vehicles through many obstacles; however, the buses are unlikely to reach their Federal useful life due to maintenance issues and trouble finding parts. The request for early release is awaiting FTA concurrence.

BEB Vehicle Innovations
The Transit BEB industry has made numerous improvements in recent years. Vehicles with a battery capacity of 686 kW are now offered, bringing the anticipated mileage range on a single charge to approximately 281 miles under ideal conditions.

Last winter season, on average, the City's fleet of 2016 diesel transit buses drove 273 miles as a daily maximum, while the 2023 BEBs drove 206 miles daily. If the new BEBs run between 247-281 miles as a daily average, they would be considered a close match to our diesel fleet in terms of reliable service miles. After the installation of the Shortline Road Overhead Charger System this spring, these vehicles will participate in opportunity charging during lunch breaks and shift changes, enabling the vehicle to continue running for a full 21-hour day, our full peak winter City-Wide service.

Furthermore, these new vehicles will fall under the FTA category with a 350,000-mile/12-year useful life. By using the vehicles as a full-day transit asset, staff anticipate the vehicles will reach their useful life in approximately 6-8 years. For example, the 2016 diesel bus fleet has accumulated an average of 365,302 miles since November 2016.

Even with continual innovations, these vehicles do experience complications. We also anticipate future innovations that may require updates to the vehicles. Transportation and Fleet will continue to work closely with manufacturers to solve issues as they arise and develop a greater understanding of the vehicle capabilities on a long-term scale.

Delivery Timelines
New availability has opened in the production line for these vehicles. If approved, we anticipate quick execution of the contract amendment with an anticipated delivery of all

vehicles this fall, alleviating the additional operational pressure caused by the Proterra early release.

Federal Funding Status
Federal administrative memorandums were recently issued to pause funding disbursements for electric vehicle initiatives. This pause is not currently in effect due to court filings by other agencies, and we believe the timing of our request is strategic.

Most of PCMC's awarded funds are formula-based (FFY 2019, 2020, 2021, 2024 5339 and FFY 2020, 2024 5311), giving us greater confidence in the reimbursement potential. The FFY 2022 5339 (c) Low-No Emission Grant for Bus and Bus Facilities is a discretionary grant awarded specifically for purchasing battery electric buses. This grant type has an increased likelihood of being paused. However, it is important to highlight that Congress codified these funds in the Bipartisan Infrastructure Law. Transportation holds confidence in the fact that the funds were codified by law but that the date of final reimbursement might be delayed. The Transportation Department will inform the City Council and City Attorney's Office of any changes.

Funding

The Federal funding for this project accounts for 80% of the overall budget. Under the terms of the grants, the City will contribute 20% of the project. There is an existing approved budget for the nine-bus procurement that the Council previously approved. The four-bus increase is a new FY26 budget request.

Funding Awarded for the Nine Bus Purchase Approved on August 15, 2024:

	Federal Funding	Local Match Total	Total Project Cost
FFY 2021 5339	$1,210,010.00	$302,502.50	$1,512,512.50
FFY 2021 5339	$2,389,669.00	$597,417.25	$2,987,086.25
FFY 2022 5339 (c) Discretionary – Low-No Emission Grant for Bus and Bus Facilities	$6,095,770.00	$1,523,942.50	$7,619,712.50
TOTAL	**$9,695,449.00**	**$2,423,862.25**	**$12,119,311.25**

Funding Awarded for the Additional Four Bus Purchase:

	Federal Funding	Local Match Total	Total Project Cost
FFY 2020 5311	$1,579,052.00	$394,763.00	$1,973,815.00
FFY 2019 5339	$841,203.00	$210,300.75	$1,051,503.75
FFY 2020 5339	$344,000.00	$86,000.00	$430,000.00
FFY 2024 5311	$800,000.00	$200,000.00	$1,000,000.00
FFY 2024 5339	$800,000.00	$200,000.00	$1,000,000.00
TOTAL	**$4,364,255.00**	**$1,091,063.75**	**$5,455,318.75**

	Federal Funding	**Local Match Total**	**Total Project Cost**
TOTAL PROJECT	$14,059,704.00	$3,514,926.00	$17,574,630.00

If the City Council approves and the Federal funding is not reimbursed, PCMC would be required to cover any non-reimbursed grants. To facilitate such a payment would require future Transportation capital projects to be deferred or defunded to free up the Transportation Fund Balance needed to cover the additional costs. While it is a potential outcome, although unlikely, that we could lose all our federal funding.

Transportation is concerned most about the FFY 2022 5339 (c) discretionary grant and the FFY 2024 5311 and FFY 2024 5339 formula grants that have not yet been obligated by the FTA, amounting to $7,695,770. If these grants are not reimbursed, the Transportation Fund Balance would have the capacity to cover the Federal portion by deferring or defunding capital projects. If Transportation had to cover the whole $17M, it would require deferring or defunding a significant number of capital projects.

If the City Council does not want to risk the uncertainty of the discretionary Federal funding, Transportation can reduce and/or cancel the orders. If this is the Council's direction, Transportation will report back to the Council this spring with a mitigation plan for the 2025-2026 Winter service, as designed with our current available fleet. Regardless, Transportation will return to Council with a complete asset allocation plan this summer.

City Council Staff Report

Subject: Construction Agreement with Geneva Rock to Construct Thaynes Pathway Phase 1 and Storm Drain Improvements
Author: Steven Dennis, PE, PMP
Department: Engineering
Date: March 20, 2025

Recommendation
Consider a request to authorize the City Manager to execute a construction agreement with Geneva Rock Products Inc (Geneva), in a form approved by the City Attorney's Office, not to exceed $1,650,000 for construction of the Thaynes pathway phase 1 and storm drain improvements project. Over 80% of the project is grant-funded.

Executive Summary
The City remains focused on prioritizing pedestrian safety and connectivity for all users. This is achieved through developing new trails and pathways and ongoing maintenance and upgrades to existing trail infrastructure. This project will build a 12-foot-wide shared-use path along Thaynes Canyon Dr, stretching between Three Kings Dr and SR-224, and an 8-foot sidewalk along Snow Creek Dr, between SR-224 and McLeod Creek Trail. Additionally, several storm drain lines in the neighborhood will be improved, as well as additional landscaping.

Analysis
On November 21, 2023, a design professional services contract with Alliance Engineering was executed to collect topographic survey data for the Thaynes Pathway Phase 1 Project (Project).

On March 7, 2024, the City Council approved a design professional services contract with Kimley-Horn & Associates to design and prepare construction documents for the Project.

In September 2024, we combined the Project with a neighborhood storm drain improvement project to improve economies of scale and minimize construction impacts.

On February 27, 2025, bids from four contractors responded to the solicitation. Geneva was the lowest bidder and has the necessary qualifications to perform the work. Construction is anticipated to start in May and wrap up in November. Some construction activities will require lane closures and one-way flagging operations. Staff will ensure these closures are properly signed and communicated to the public.

While the work is entirely within City and Utah Department of Transportation (UDOT) rights-of-way, a temporary construction easement has been secured from one property owner to ensure proper tie in with the adjacent grade. The project is outside the Soils Ordinance Boundary.

Funding
The current project budget is approximately $2,620,000, of which over 80% is grant-funded. No additional funding is being requested at this time.

Table 1

Funding Source	Amount
UDOT Grant	$960,000
Summit County 3rd Quarter Grant	$1,160,000
Transit Fund	$500,000
Current Project Budget	$2,620,000

Table 2

Scope of Work	Amount
Phase 1 Design Services	$252,000
Phase 1 Construction	$1,650,000[1]
Funding for Future Phase/Contingency	$1,023,000

[1] Approximately $305,000 of this amount is associated with the storm drain improvements and will be funded by the Public Utilities Department.

Exhibits
Exhibit A – Thaynes Shared Use Path Visualization
Exhibit B – Hotel Park City Visualization
Exhibit C – Snow Creek Sidewalk Visualization

Exhibit A – Thaynes Shared Use Path Visualization

Exhibit B – Hotel Park City Visualization

Exhibit C – Snow Creek Sidewalk Visualization

City Council
Staff Report

Subject: **Child Care Needs-Based Scholarship Program**
Author: **Michelle Downard**
Department: **Executive**
Date: **March 20, 2025**

Summary

Review the Upwards' Impact Report and performance data on Park City's Child Care Needs-Based Scholarship Program. The program provides financial support to qualifying lower-income households and the workforce with young children.

Due to its success, Upwards forecasts that the budget ($1M) will be exhausted by December 2025, or about six months through FY26. The program will terminate if the program criteria are not adjusted, or an additional budget is applied in FY26. Upwards estimates about $300,000 may be necessary to continue the program through FY26.

We recommend that the City Council direct us to seek additional funding in the FY26 budget or request a September financial update. In September, we would have a clearer financial forecast and time to adjust the budget.

Background

Park City's Needs-Based Child Care Scholarship program has been nationally recognized, increased DWS Child Care Assistance participation, and supported 97 households with 112 children. The Impact Report (Exhibit A) and performance data (Exhibit B) are attached.

The City Council made a one-time $1,000,000 allocation on June 22, 2023, to create the assistance program, after establishing a working group to recommend program criteria reflective of City Council policy discussions and using the Park City Childcare Needs Assessment. Council discussions were held (November 17, 2022, May 11, 2023, May 25, 2023, June 1, 2023), July 27, 2023, August 22, 2023, October 26, 2023, November 16, 2023, and November 30, 2023. The City Council approved a Funding Administrator contract with Upwards.

On March 14, 2024, May 16, 2024, and September 26, 2024, the Council received program updates implementing the programmatic and qualifying scholarship criteria (Exhibit C). In addition, extra efforts were made to support childcare needs, including subsidizing rent for a childcare provider (PCTots) in the Park City Library and analyzing the Land Management Code to assess childcare provider barriers. Also, the Park City Community Foundation (PCCF) continues to encourage new capacity through new Friends, Family, and Neighbor child care provider enrollment bonuses and free CPR classes, encourages business engagement, facilitates the Child Care Task Force, and advocates for additional State funding.

The Park City School District (PCSD) has also expanded the preschool program for both 3- and 4-year-olds and offers childcare tuition assistance. Additional details regarding these efforts to support early child care are outlined in Exhibit D.

Additionally, the Child Care Availability and Affordability Act was recently introduced in the U.S. Senate to help working families by reducing the financial burden of child care and incentivizing businesses to invest in child care benefits for employees. The bill expands the Employer-Provided Child Care Credit, increases the excludable amount for dependent care assistance programs, and increases the maximum expenses eligible for the Dependent Care Tax Credit.

Recognition

Media coverage of the launch, expansion, and program success over the past year has been widespread and included, "Park City offering financial help to cover child care costs." *Fox 13 Utah,* January 2, 2024., "Child care scholarships still available for Park City residents." KPCW, February 29, 2024., "Scholarship program for Park City child-care service expands to Summit County residents." *Park Record*, June 3, 2024., and "Park City's Child-care program received national recognition." *KPCW*, December 4, 2024.

In December 2024, the Program was featured by the U.S. Chamber of Commerce Foundation at the National Child Care Innovation Summit and is highlighted in a case study on the Employer Child Care Navigator - Executives Partnering to Invest in Children (EPIC) & the U.S. Chamber of Commerce Foundation.

The Utah Legislature funded the Child Care Solutions and Workplace Productivity Plan (December 2024), which recognized the Park City Scholarship Program (page 25-26) as it analyzed child care availability, child care provider challenges, affordability, and identifies recommendations to expand access to safe, affordable, quality child care to better meet the needs of Utah families.

Capacity

In addition to affordability, local child care capacity has been a concern. Since the launch of the Program, no participating Summit County child care centers have closed their doors. However, two new centers opened:

- Love and Learning in November 2023 with capacity for 33 children, and 8 children enrolled with Park City and Summit County scholarships.
- Mountain Sprouts in June 2024 with capacity for 56 children, and 6 children currently with Park City or Summit County scholarships.

The Program has strengthened the financial stability of local child care providers who reported the following:

- 27% expanded services or hired additional staff; and
- 20% receive the incentive for serving children enrolled in DWS child care assistance.

The PCSD Preschool expansion has also provided some relief in the capacity needs for 3- to 5-year-olds. However, child care for infants to 3-year-old (eligible for preschool) continues to be the most costly and least available.

DWS Participation

As constructed, Park City's Program does not provide scholarships for child care expenses covered by Federal or State funding, nor does it duplicate Summit County scholarships. Our Program has directly increased DWS Child Care Assistance participation (State funding) in Summit County from approximately 5 to 23 in 2024. In addition, DWS child care assistance participation statewide almost doubled in 2024 with 64% also enrolled in the PCMC Program. DWS participating households received an average scholarship of $749 per month from the state, resulting in an average of $17,227 monthly financial support to families. See Exhibit E for additional information about DWS Child Care Assistance and other child care funding.

Impact Report

The Impact Report (Exhibit A) analyzes the first year's performance (including Summit County's performance) with key performance metrics, direct beneficiary feedback, financial impact, and economic benefit and increased workforce productivity. Benefits identified within the report include:

- 79% of families reported significant relief from financial stress; and
- 60% of parents were able to select a high quality child care provider they could not have otherwise afforded.

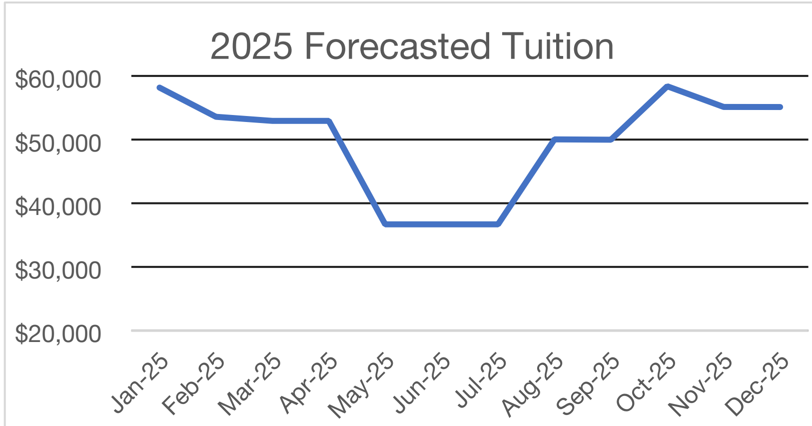
The Impact Report also found that the scholarship program has delivered measurable economic and social impact, reaching families most in need, including:

- 60% greater access to high-quality child care;
- 60% improved job stability; and
- 32% reentered the workforce.

PCMC Scholarship Awards

By December 31, 2024, 28 participating child care providers were awarded Park City scholarships to 97 households to support a total of 112 children. Households are primarily located within Park City, followed by Summit and Wasatch County with a few households scattered along the Wasatch Front. The average scholarship amount, based on the 10% household contribution and the cost of child care resulted in an average scholarship of $457.14 for residents and workforce. Additional Park City scholarship performance data is provided in Exhibit B.

As of December 31, 2024, $349,579 in scholarships had been distributed to qualified households, including $309,379 in tuition scholarships and $40,200 in provider incentives. This left $650,420 of the allocated $1,000,000 available for distribution.



Funding
While tuition awards fluctuate based on multiple factors (federal/state funding, applications, preschool and child care service expansions, tuition, programmatic and scholarship criteria, etc.), Upwards forecasts our funding will be exhausted around December 2025. Since the Program's launch, participating families have been notified that the funds are available on a first-come, first-served basis.

Programmatic and Qualifying Criteria
When the Program was established, based on the uncertainty of the number of applications, we effectively focused on the greatest need: lower-income Park City households and the workforce with young children. The survey results from the Impact Report highlighted key areas for improvement, including enlarging the provider network, adjusting the scholarship amount, and adjusting household eligibility and income limits. Providers also advocated for increasing financial support to cover a larger portion of child care costs, which would directly address one of the most significant barriers to child care access.

Council Considerations
The City Council maintains the ability to adjust the program at any time. While no adjustments are currently recommended, the Council may consider adjustments to any of the program, including resident and workforce household eligibility, scholarship amounts, and provider incentives. Any increased scholarship allocations would have a financial impact and would exhaust resources even earlier than December 2025.

Summary
The City Council should review the Impact Report and programmatic performance update and discuss the potential for the future of the Program:

EXHIBITS
A Park City | Summit County Child Care Impact Report
B Park City Scholarship Performance Data
C Programmatic and Qualifying Scholarship Criteria
D Additional PCMC, PCCF, and PCSD Efforts that Support Local Child Care
E Other Child Care Funding Programs

EXHIBIT A

IMPACT REPORT:

Needs-Based Childcare Scholarship Program

Delivering Economic Returns & Strengthening Workforce Stability

1/1/24 - 12/31/24

photo provided by the Park City Community Foundation (PCCF)

Upwards

PARK CITY 1884

Early Childhood ALLIANCE
PARK CITY COMMUNITY FOUNDATION

SUMMIT COUNTY UTAH

Executive Summary

This report offers a results-driven analysis of the inaugural year of the Needs-Based Child Care Scholarship Program, administered by Upwards, a leading care solutions company. The program's success is evaluated through key performance metrics, direct beneficiary feedback, and financial impact assessments. It examines the program's role in improving child care affordability for Park City and Summit County's residents and workforce, increasing the number of families enrolled in Utah's Department of Workforce Services (DWS) Child Care Assistance Program, and generating measurable cost savings and return on investment for local government. This report provides the first local-level examination of the economic impact of child care tuition assistance programs, distinct from existing state-level analyses in Nebraska[1], New York[2], and Virginia[3].

Launched in January 2024 in Park City, Utah, and expanded to Summit County in June 2024, the program is an innovative public-private partnership leveraging local government funds and private sector expertise to address the child care affordability crisis. With an initial investment of $1 million from capital and general funds, Park City Municipal Corporation (PCMC) selected Upwards to administer the program through a competitive procurement process. Park City Community Foundation's Early Childhood Alliance covers administrative costs, allowing 100% of public funds to go directly toward tuition payments.

Cost avoidance of $262K and cost savings measures totaling $4.64 million have strengthened Park City and Summit County's ability to support the local economy while maintaining fiscal responsibility, resulting in a return on investment of 213%. Looking ahead, the program offers a replicable model for other communities facing similar challenges, demonstrating how targeted public investment can yield substantial economic and social returns.

photo provided by PCCF

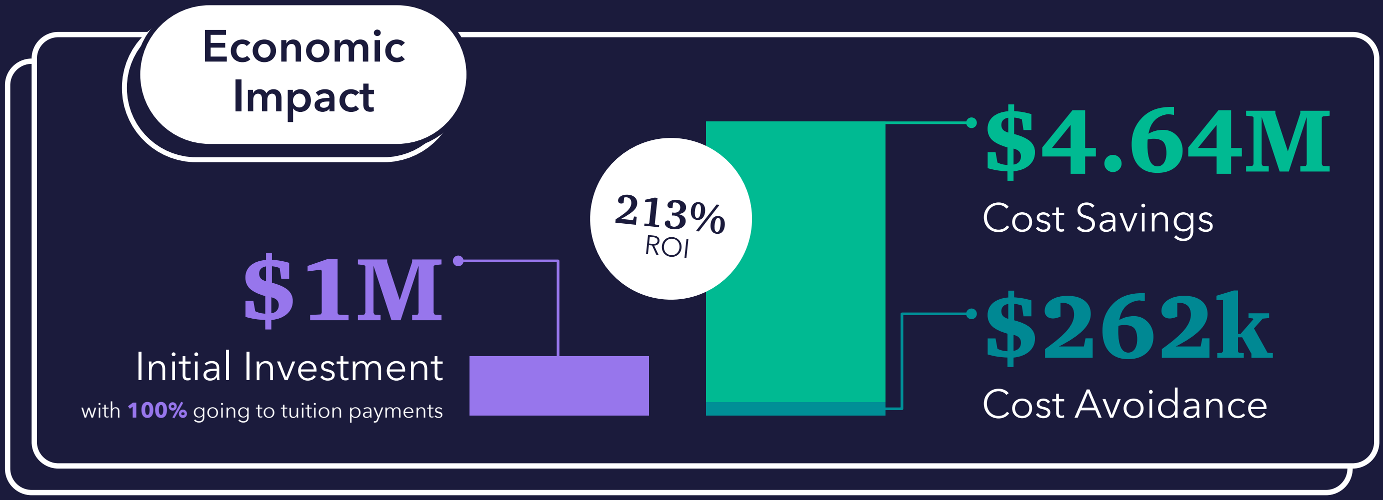
First-Year Impact

Needs-Based Childcare Scholarship Program

Program Overview

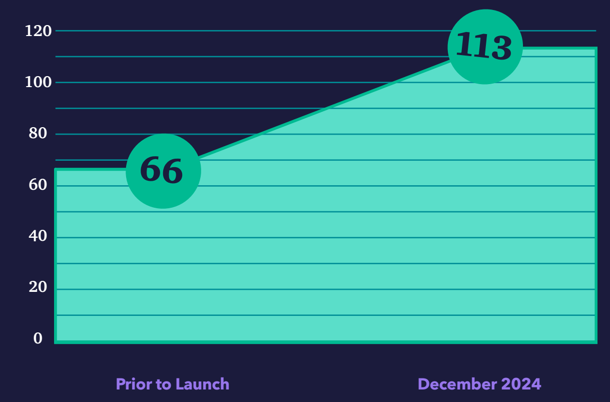
JAN 2024 — **Program Launch** in Park City

JUNE 2024 — **Expansion** to Summit County



Beneficiary Impact & Enrollment Growth

DWS Child Care Assistance Program enrollment doubled since the launch of the needs-based scholarship program



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3. Osborne, C., Kresse, A., Skatter, N., Xu, N., Huffman, J., & Craig, S. (2023). Early Investment, a Lifetime of Returns: Articulating the Value of Early Childhood Investments in Virginia. Prenatal-to-3 Policy Impact Center.

Child Care in Park City and Summit County: A Snapshot

At the time the Program began, Park City and Summit County faced significant challenges in child care access and affordability. A 2023 survey by the Early Childhood Alliance found that 66% of families in the region spent over 10% of their household income on child care, exceeding the federal affordability benchmark of 7%. Additionally, 63% of working parents reported that child care challenges directly impacted their employment stability.[4]

State and federal funding for child care assistance programs existed but were underutilized. For example, Utah's Department of Workforce Services (DWS) Child Care Assistance Program provided financial support, yet many families were unaware of their eligibility, found the application process cumbersome, struggled to locate providers who accepted subsidies, or could not afford the required co-payment.[5] Compounding this challenge, $1.16 million in COVID-era federal funding earmarked for local child care was set to expire, adding urgency to the need for action.[6]

Recognizing the severity of the issue, Park City Community Foundation's Early Childhood Alliance conducted a needs assessment to quantify the demand for child care and develop actionable solutions. Their findings informed the design of the Needs-Based Child Care Scholarship Program, which aimed to address affordability, workforce retention, and underutilized state resources.

photo provided by PCCF

Program Overview

The Program provides targeted financial assistance to families in Park City and Summit County with children up to kindergarten age and whose household incomes are below 100% of the Area Median Income (AMI).[7] The Program is the first of its kind due to its inclusion of municipal employees and the local workforce, regardless of their immediate residency. It complements Utah's Department of Workforce Services (DWS) Child Care Assistance Program, encouraging families to apply for both to maximize available resources.[8]

The program is limited to regulated child care providers within Summit County for residents and the workforce. However, municipal employees were allowed to choose any regulated provider. This adjustment broadened family access and increased provider participation statewide. The program adheres to market rates and includes targeted financial incentives to encourage providers to serve DWS-subsidy recipients.

Key program features include a simplified registration process, care coordination by bilingual (English/Spanish) specialists, bilingual marketing campaigns, and prospective and enrollment-based provider payments. These elements ensure that the program is both user-friendly and efficient, maximizing the impact of public dollars.

By December 31, 2024, the program has supported **125 families**, **150 children**, and **28 child care providers.**

Types of Scholarships

$200/MO
WORKFORCE

$200/MO
PCMC

UP TO
$1700/MO
RESIDENT*

*Resident Childcare Needs-Based
Residence or location: Park City or Summit County resident
Household income: Less than 100% AMI
Childcare provider: Regulated childcare provider in Summit County
Child age: Up to kindergarten eligibility age
Minimum parent contribution: 10% of household income per month
Utah Department of Workforce Services (DWS) support: Income-eligible applicants must apply for DWS support
Scholarship amount: Difference between parent contribution (10%) not to exceed $1700 after federal, state benefits

PCMC Employee
Residence or location: Employed by Park City Municipal Corporation
Household income: N/A
Childcare provider: Regulated child care provider
Child age: Up to kindergarten eligibility age
Minimum parent contribution: No minimum
DWS support: N/A
Scholarship amount: $200 / month / child

4. Early Childhood Alliance, "Park City: Needs Assessment," May 2023, p. 4.
5. "Child Care: Subsidy Eligibility and Use and State Waiver Requests Related to New Program Requirements," Briefing to Senate Committee on Health, Education, Labor and Pensions and House Committee on Education and the Workforce, Oct. 23, 2024, p. 11.
6. Early Childhood Alliance, "Park City: Needs Assessment," May 2023, p. 4.
7. Since May 2024, Park City Municipal Corporation employees are no longer subject to an income eligibility limit.
8. Utah's Department of Workforce Services (DWS) Child Care Assistance Program sets an income limit at 85% of the State Median Income (SMI). In contrast, Park City's Needs-Based Scholarship Program extends eligibility up to 100% of the Area Median Income (AMI), increasing the income threshold by approximately $50,000 and making child care assistance accessible to moderate-income families.

Park City

97 FAMILIES

112 CHILDREN SERVED

Summit County

28 FAMILIES

38 CHILDREN SERVED

Key Program Achievements

28

PROVIDERS PARTICIPATING

Impact on Families

Based on a survey conducted by Upwards in December 2024 and January 2025, the program has delivered substantial financial relief, helping parents stay employed while alleviating job-related stress.[9]

79%

of families reported experiencing significant relief from financial stress.

55%

of child care providers observed improved financial stability for families.

60%

indicated the program enabled them to select a child care provider they would otherwise not have been able to afford.

Testimonials from Families

"This program has allowed us to stay in Park City—something we thought was no longer possible due to the high cost of living."

- Sydney J., Park City Workforce

"We were ready to move to another state because we couldn't find anything affordable. Luckily, we got into the program and stayed here in Park City."

- Anonymous, Park City Resident

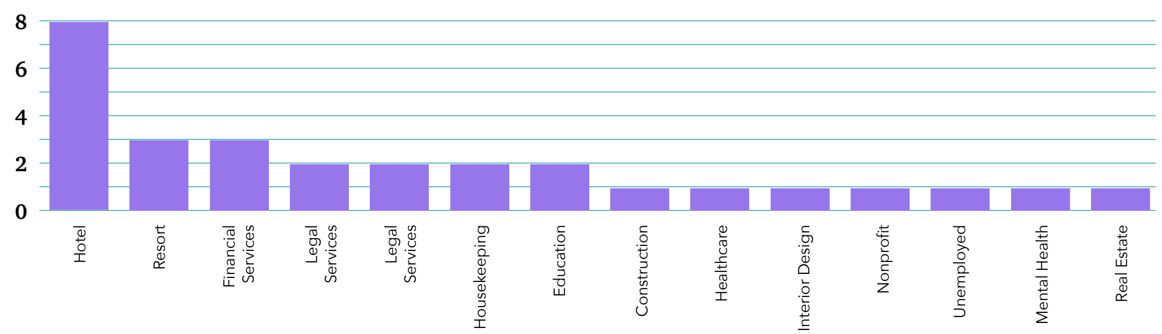
"Without the scholarship, I could not find any school with space that would take only the state subsidy without me having to pay copious amounts out of pocket that I could not afford... When I first moved here the only schools that could take my son were schools that were geared toward tourists and had costs of up to $200 per day, which the state subsidy does not cover. Needless to say, I was unable to find child care for my son and was getting in trouble at work due to having to miss. I was also having a hard time paying my bills and was homeless. Thanks to Upwards I was able to get my child in an amazing school that has cared for him as family and been so flexible toward my work situation..."

- Stephanie M., Park City Resident

9. These figures represent a conservative estimate based on partial survey data (42% response rate from families and 39% response rate from providers).

Case Study: Local Workforce Participation

The program's success is not only reflected in the number of families served but also in the breadth of industries represented among participants. Particularly, the hotel industry had the most participants, and their testimonials showcase the program's role in workforce retention and increased productivity.



Testimonials from Families

"This program has given me the ability to provide for my children and spend more quality time with them. Before I found out about Upwards, I was stressed out ready to give up because I was paying more for daycare than what I would make working. When I spoke to Stephanie[10] and found out that there was help for single moms like me, it was such a blessing to have the support from Upwards. It's helped us so much. I'm so thankful."

Evelyn H., Hotel Employee, Park City

"It's made it affordable so I didn't have to quit my job, prior to getting the scholarship I was spending over half my monthly income on childcare."

Britt B., Hotel Employee, Park City

"I am a single mother with one income. Joining this program has relieved a lot of stress in how I can afford child care."

Ana H., Hotel Employee, Park City

Spanish-Speaking Participants:

Facilitating Access to Quality Early Education

Notably, feedback from Spanish-speaking participants focused on access to high-quality early education for their children. The program's bilingual support and outreach efforts were key to ensuring these families were able to benefit.

"La ayudada que recibo de la beca me a ayudado mucho en la cuestión económica ya que ese dinero que ellos me proporcionan me ahorran para mis gastos familiares y me permite que mi hijo tenga un mejor cuidado y mejor educación."

Translation: "The help I receive from the scholarship has helped me a lot financially, since the money they provide me saves me money for my family expenses and allows me to provide my son with better care and education.."

Diana H., Summit County Resident

"Da una gran ayuda para que mi hija tenga un cuidado adecuado."

Translation: "A great help in ensuring that my daughter has adequate care."

Anonymous, Summit County Resident

"Lo mejor de esta ayuda es que me ayudo bastante en el tema financiero y la tranquilidad de saber que mi hijo está con las personas correctas para su educación."

Translation: "The best thing about this help is that it helped me a lot with the financial aspect and the peace of mind of knowing that my son is with the right people for his education."

Yaritza C., Summit County Resident

"Mucho porque es una súper ayuda económicamente y aparte porque mi niño está aprendiendo mucho…y se está desarrollando muy rápido con las enseñanzas que le dan las maestras son muy lindas con mi niño y él está aprendiendo muchísimo en todos los aspectos"

Translation: "It's a great help financially, especially since my child is learning a lot…and is developing very quickly with the teachings that the teachers give him. They are very nice to my child, and he is learning a lot in all aspects."

Jazmin R., Summit County Resident

10. This parent is referring to Stephanie De Leon, Upwards' Senior Care Specialist who provides support to families when applying and enrolling in the Program.

Impact on Child Care Providers

The Program has strengthened the financial stability of local child care providers by increasing enrollment and disbursing timely, reliable payments. Incentives for DWS-subsidized care expand revenue streams, helping providers sustain operations, hire staff, and improve access to child care.

- **82%** benefitted from an increase in enrollment[11]
- **27%** expanded services or hired additional staff[12]
- **20%** of participating providers receive **$300 incentives per DWS-enrolled child**
    - **$40,200** in provider incentives distributed in 2024, accounting for **13% of total tuition payments**, further supporting providers serving these families.

photo provided by PCCF

Financial Impact Analysis

The program has delivered measurable financial relief to participating families while simultaneously strengthening the local child care sector. Key metrics include:

- **Average monthly scholarship:** $471.85 per family (Park City), $787.39 (Summit County).[13]
- **Prospective & enrollment-based provider payments:**[14] Stabilized income for **88%** of regulated child care providers in Summit County, adhering to market rates.
    - **100%** of enrolled children remained with the same provider except for 13 children who either withdrew or aged out from the Program.
    - **91%** of providers were satisfied with the timeliness of payments.[15]
- Families served:
    - **63%** of participating families served had incomes below 85% of AMI, demonstrating the program's focus on those most in need.

Cost Savings:

Impact on Workforce Retention, Workforce Development, and Economic Stability

The Program has contributed to adding resilience to the local workforce by supporting parents in maintaining employment, re-entering the workforce, and reducing turnover rates among employers, including PCMC.

60%

of participants maintained continuous employment.[16]

32%

of participants rejoined the workforce.[17]

- Additionally, four out of five (**80%**) unemployed participants obtained employment within three months of joining the program.[16]
- Estimated annual economic value: **$1.84 million**, calculated from 27 families retaining employment at an average annual salary of $68,126.58.[18]

ESTIMATED ANNUAL ECONOMIC VALUE:

$1.84 million

11. This figure represents a conservative estimate based on partial survey data (39% response rate) conducted by Upwards in January 2025.
12. ibid.
13. This amount reflects the average scholarship awarded to residents, whereas workforce scholarships are set at a flat rate of $200 per month. While the Program supports both residents and workforce members, residents are eligible for greater benefits based on their income level and the actual cost of care.
14. The program follows the updated Child Care and Development Fund (CCDF) Final Rule, which requires states to issue payments to providers prospectively—either in advance or at the start of services—and to reimburse based on enrollment rather than attendance. 2024 CCDF Final Rule, 45 C.F.R. (2024).
15. Upwards' survey, January 2025.
16. Upwards' survey, December 2024.
17. ibid.
18. The average annual salary is based on verified income documentation collected by Upwards to determine income eligibility.

Testimonials

“I literally wouldn’t be able to work without this program. We make too much to qualify for other benefits, but still not enough to afford childcare.”

Melissa S., Summit County Resident

“I work as a medical assistant and this has allowed me to also go back to school and get my advanced EMT to continue and effectively help Summit County on the ambulance and stay employed at my current job at Kamas Health Center.”

Jordan L., Summit County Resident

“We have a family of 5, and having this allows us to be able to work and provide for our family as we had no options for child care and could not afford it along with the cost of living up here. My husband had to stop working for 2 years because we had no childcare, and caused us a huge amount of stress and financial burdens on us. We were constantly crying and worrying about how to support our kids. This allowed us to be able to support our kids and work and give everyone a good life.”

Anonymous, e-Commerce Industry, Park City

Employee Turnover

- **$2.76 million** in avoided turnover costs.
- **31**% of parents reported that the program allowed them to stay employed.
- Calculation: The average cost to replace an employee is **1.5× annual salary.**[19]
- ($68,126.48 × 1.5) × 27 = **$2,759,122 in avoided costs.**

Employee Productivity

- **44%** of parents reported the ability to take on additional work hours.[20]
- If each family worked **just 5 additional hours per week**, the potential economic value at minimum wage ($7.25/hour[21]) would be: 23 families × $7.25/hour × 5 hours/week × 52 weeks = **$43,355 annually**

Testimonials

“Every little bit helps. We were able to extend childcare hours and flex my work hours to allow my husband to pick up an extra day of work. I qualify for $200 from my employer. This amount has been very important to our family; it takes the edge off and allows my husband to work part-time. We would need a significant amount more if we were paying full-time childcare, with current salary thresholds.”

Anonymous, Summit County Resident

“It has been a big help as a single mom. Allows me to work more and provide for my son.”

Dulce R., Park City Resident

“It has allowed us to put him in daycare 5 days a week. This has enabled us to work more.”

Anonymous, Park City Resident

19. McFeely, Shane, and Ben Wigert. “This Fixable Problem Costs U.S. Businesses $1 Trillion.” Gallup, March 13, 2019.
20. Upwards’ survey, December 2024.
21. Utah Labor Commission. “The minimum wage in Utah is $7.25 per hour.”

photo provided by PCCF

Economic Empowerment and Ripple Effects

- Reliable child care enables families to remain in the workforce, strengthening local economic activity.
- Total measurable economic impact: **$4.64 million (minimum)**.
- Breakdown:
  - $1.84M from retained employment.
  - $2.76M from reduced turnover.
  - $43K from increased work hours.
- Total Investment (City + County): **$1.485M**
- **ROI: 213%[22]** → Every $1 invested yielded a return of $3.13 in economic impact.

TOTAL MEASURABLE ECONOMIC IMPACT:

$4.64 million

Conservative Estimate

These figures represent a conservative estimate based on partial survey data (42% response rate from families and 39% response rate from child care providers). The program's actual economic impact is likely higher when factoring in:

1. The survey reached less than half of participants.
2. Local economic multiplier effects.
3. Long-term career progression benefits.
4. Reduced business costs from improved employee retention.
5. Increased tax revenue from sustained employment.

The program continues to drive workforce stability and economic resilience, benefiting families, businesses, and the broader community.

22. ROI = [(Net Economic Impact - Project Cost) / Project Cost] x 100

Cost Avoidance:

Financial Impact of Increased Use of State (DWS) Child Care Assistance

Prior to the program's launch, only 66 eligible children in Summit County were enrolled in DWS. By December 2024, this number had risen to 113, showing significant improvement in the utilization of state resources.[23]

Of the 47 additional children enrolled in the DWS-subsidy program, 30 were also enrolled in the Needs-Based Child Care Scholarship Program as of December 2024. Income-eligible families were required to apply for the DWS-subsidy program, and Upwards actively facilitated and encouraged access to both state and scholarship benefits.

This success highlights the program's role in helping families fully access available state assistance. By maximizing the use of available state resources, this approach demonstrates fiscal prudence, reduces duplication of funding, and increases the overall impact without significantly raising costs.

photo provided by PCCF

Key Activities to Facilitate Access to State (DWS) Childcare Assistance:

- **Eligibility Documentation:** Thorough documentation and maintaining participant files.
- **Presumptive Approvals for Scholarships:** Income-eligible applicants were quickly approved for the Needs-Based Child Care Scholarship, with adjustments based on DWS verification.
- **Direct Family Support:** Providing families with guidance on the DWS application process and supporting their enrollment in both state and scholarship programs in partnership with the Holy Cross Ministries' Promotor/a Outreach Program.[24]

Direct DWS Financial Benefits to Families

Participating families enrolled in the DWS program receive an average of $749.31 per month in child care assistance from the State of Utah.[25] With 30 children participating, this translates to:

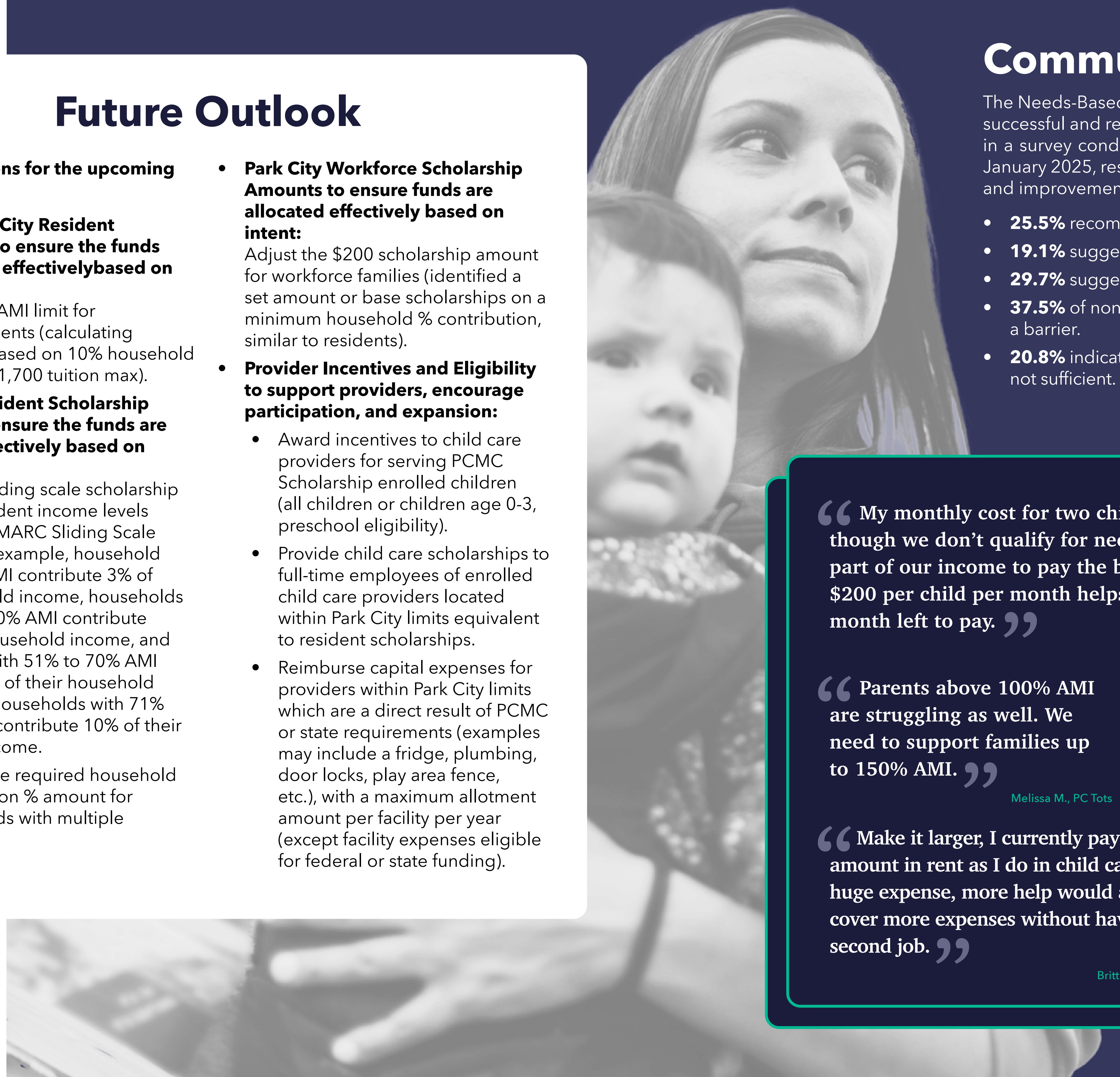
- $21,896 in monthly financial support provided to local families.
- $262,752 in annual subsidies directly offset child care costs for participating families.

23. Utah Department of Workforce Services. Public Assistance Data.
24. Holy Cross Ministries' Promotor(as) are bilingual, bicultural outreach workers who assist individuals in navigating the complexities of healthcare and other social services, including child care subsidies.
25. Upwards verifies the awarded dollar amount by collecting Notice of Decision letter issued by DWS.

Future Outlook

Recommendations for the upcoming year include:

- **Eligible Park City Resident Households to ensure the funds are allocated effectivelybased on intent:**
  Eliminate the AMI limit for Park City residents (calculating scholarshipsbased on 10% household income and $1,700 tuition max).
- **Park City Resident Scholarship Amounts to ensure the funds are allocated effectively based on intent:**
  Establish a sliding scale scholarship based on resident income levels similar to the MARC Sliding Scale Program. For example, household below 30% AMI contribute 3% of their household income, households with 31% to 50% AMI contribute 5% of their household income, and households with 51% to 70% AMI contribute 7% of their household income, and households with 71% to 100% AMI contribute 10% of their household income.
  - Amend the required household contribution % amount for households with multiple children.
- **Park City Workforce Scholarship Amounts to ensure funds are allocated effectively based on intent:**
  Adjust the $200 scholarship amount for workforce families (identified a set amount or base scholarships on a minimum household % contribution, similar to residents).
- **Provider Incentives and Eligibility to support providers, encourage participation, and expansion:**
  - Award incentives to child care providers for serving PCMC Scholarship enrolled children (all children or children age 0-3, preschool eligibility).
  - Provide child care scholarships to full-time employees of enrolled child care providers located within Park City limits equivalent to resident scholarships.
  - Reimburse capital expenses for providers within Park City limits which are a direct result of PCMC or state requirements (examples may include a fridge, plumbing, door locks, play area fence, etc.), with a maximum allotment amount per facility per year (except facility expenses eligible for federal or state funding).



Community Feedback:

The Needs-Based Child Care Scholarship Program has been successful and received positive feedback. Looking forward, in a survey conducted by Upwards in December 2024 and January 2025, respondents highlighted key areas for growth and improvement:

- **25.5%** recommend enlarging the provider network.
- **19.1%** suggest modifications to the scholarship amounts.
- **29.7%** suggest adjusting household eligibility.
- **37.5%** of non-participating families cited income limits as a barrier.
- **20.8%** indicated the scholarship amounts were not sufficient.

Testimonials

“My monthly cost for two children is ~$2,500, and even though we don't qualify for need-based help, it is still a large part of our income to pay the bill. The PCMC scholarship of $200 per child per month helps, but there is still over $2,000 per month left to pay.”

Matthew L., PCMC Employee

“Parents above 100% AMI are struggling as well. We need to support families up to 150% AMI.”

Melissa M., PC Tots

“The program is helping so many families. Hopefully, this will continue and help families outside the 84060 area code as well.”

Victoria, C., Alpine Adventurers Academy

“Make it larger, I currently pay the same amount in rent as I do in child care, it's a huge expense, more help would allow me to cover more expenses without having to take a second job.”

Britt B., Park City Workforce

“Base the amount on need, not just location. Consider 84098.”

Sydney J., Park City Workforce

Closing:

A Model for Sustainable Investment

The Needs-Based Child Care Scholarship Program serves as a replicable model for other municipalities, highlighting the power of public-private collaboration in addressing child care challenges. The Program has directly benefited over 120 families and 28 child care providers, making child care more affordable for residents and supporting the local workforce. The measurable economic advantages—such as reduced workforce turnover and increased productivity—demonstrate the program's effectiveness in generating a strong return on investment for Park City and Summit County. Through cost savings and cost avoidance strategies, the initiative optimizes the deployment of taxpayer dollars while addressing a critical community need.

By leveraging both local and state resources, the program offers a proven framework for sustaining high-quality, affordable child care while strengthening local economies. Its success underscores the importance of strategic investment in early childhood education as a driver of long-term economic stability and growth.

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upwards.com/childcare-assistance/park-city
(323) 410-5479

photo provided by PCCF

Appendix

Recognition:

Media coverage of the program's launch, expansion, and success over the past year has been extensive, including local, regional, and national stories such as:

- **"Park City offering financial help to cover childcare costs,"** Fox 13 Utah (January 2, 2024)
- **"Utah Bills Itself as 'Family-Friendly' Even as Lawmakers Have Long Neglected Child Care,"** ProPublica (January 5, 2024)
- **"Child care scholarships still available for Park City residents,"** KPCW (February 29, 2024)
- **"Scholarship program for Park City child-care service expands to Summit County residents,"** Park Record (June 3, 2024)
- **"Park City's Child-care program received national recognition,"** KPCW (December 4, 2024)

In December 2024, the program was featured at the **National Child Care Innovation Summit** by the **U.S. Chamber of Commerce Foundation** and selected as a case study on the **Employer Child Care Navigator** website, a collaboration between **Executives Partnering to Invest in Children (EPIC)** & the **U.S. Chamber of Commerce Foundation**.

Additionally, the Utah Legislature recognized the **Park City Scholarship Program** in its "Childcare Solutions and Workplace Productivity Plan" (published December 2024) as a vital supplement to Utah's **DWS Child Care Assistance Program**. The report acknowledged its role in improving affordability for families whose income exceeds the state's 85% **State Median Income (SMI)** cap.[26]

Impact on Employment:

- "We would likely not be able to work our current jobs without the scholarship. It is instrumental to our monthly financial situation." – Kimmy A., PCMC employee
- "Me permite pagar una guardería para poder trabajar y asegurar un techo y el bienestar de mi hija." Translation: "It allows me to pay for childcare so I can work and ensure a roof over my daughter's head and her well-being." – Yosleidy M., Park City Resident
- "We can only afford part-time daycare, and this allows us to add an extra day, which helps a lot for two working parents!" – Sydney J., Park City Workforce
- "I don't think I will be able to work if I have to pay the full amount. It will take my whole paycheck." – Anonymous, Summit County Resident

Impact on Affordability:

- "I'm so grateful for the support. Upwards helped me get my child into daycare that I could actually afford." – Stephanie M., Park City Resident
- "It helps take the pressure off the monthly bills - with 2 kids in daycare it helps a lot to close the gap." Matthew L., PCMC employee
- "Helped lower the rising cost of childcare for two full-time working parents." – Anonymous, PCMC employee
- "He podido cubrir otros gastos de mis hijos gracias a la beca." Translation: "I have been able to cover other expenses for my children thanks to the scholarship." – Celia S., Summit County Resident

26. Utah Legislature, Childcare Solutions and Workplace Productivity Plan (December 2024), pages 25-26.

Appendix cont.

- "A qué el costo sea menos y así solvente otros gastos necesarios." Translation: "Lowering the cost helps cover other necessary expenses." – Anonymous, Park City Workforce
- "En mi caso fue un gran alivio ya que pasaba por mucho estrés al no poder costear el cuidado infantil, es una gran alegría poder tener al alcance esta beca y ser parte de una comunidad a pesar de las diferencias económicas. Gracias." Translation: "In my case it was a great relief since I was going through a lot of stress from not being able to afford child care. It is a great joy to have this scholarship within reach and to be part of a community despite the economic differences. Thank you." – Anonymous, Park City Resident
- "Upwards has helped me tremendously, we are now able to afford groceries and activities for my kids." – Ana H., Park City Workforce
- "Able to put both children in care without putting a massive financial strain on the family." – Barbara S., Park City Resident
- "It has allowed us to be able to afford it! With money left over for essentials." – Anonymous, Park City Workforce

Impact on Early Childhood Education:

- "Nos ayuda mucho ya que podemos llevar a nuestro hijo al programa y el pueda interactuar con más niños." Translation: "It helps us a lot because we can enroll our child in the program, allowing them to interact with more children." – Anonymous, Park City Workforce
- "A partir que fuimos elegibles para la beca he visto el avance de conocimiento de mis hijos, me eh visto menos presionada para poder cubrir, renta, despensa y poder comprarles ropa o zapatos para cuando lo necesitan. Muchísimas gracias." Translation: "Since we became eligible for the scholarship, I have seen my children's knowledge advance. I have felt less pressured to cover rent, groceries, and to be able to buy them clothes or shoes when they need them. Thank you very much." – Celia S., Summit County Resident
- "Estoy muy agradecida con el programa porque ha permitido que mi hija se vincule a su nuevo ambiente, el aprendizaje didáctico a Sido muy beneficioso para ella, antes lloraba porque no podía comprender pero ahora se le facilita aprender y entender de una forma muy divertida, con juegos, bailes y otras actividades que realizan, ha sido la mejor decisión que como padres hemos podido tomar con respecto al cuidado y bienestar de nuestra pequeña." Translation: "I am very grateful for the program because it has allowed my daughter to connect to her new environment, the didactic learning has been very beneficial for her. Before she cried because she could not understand but now it is easier for her to learn and understand in a very fun way, with games, dances and other activities that they do, it has been the best decision that we as parents have been able to make with respect to the care and well-being of our little one." – Karina C., Housekeeping Industry, Park City Workforce
- "Mi hijo esta feliz aprendiendo y educandose rodeado de mas ninos y aprendiendo con mucho." Translation: "My son is happy learning and educating himself surrounded by other children and learning with a lot." – Adriana O., Summit County Resident
- "Me gusta mucho tener mucho la ayuda de la beca porque mi hijo ah aprendido mucho en la guarderia y le gusta el ir." Translation: "I really like having the help of the scholarship because my son has learned a lot in daycare and he likes going." – Anonymous, Park City Resident
- "Me ayudado muchísimo tanto como en el pago y también aque mi hija se desenvuelve muy bien. Mi hija es más sociable y la más feliz por estar en la escuela." Translation: It has helped me a lot both in terms of payment and also because my daughter is doing very well. My daughter is more sociable and the happiest to be at school." – Arely C., Park City Resident
- "We feel like our son has already learned so many new things. Gave my child opportunities he otherwise wouldn't have with other kids." – Kristin S.,

Impact on Mental Health

- "I can now afford to use the childcare facility that reduces my commute time and allows me to offer additional time slots for my therapy clients. This increases the availability of mental health services in the county AND increases my earning potential." – Megan F., Summit County
- "I am a single mother who struggles to make ends meet due to having a 1-year-old. I was able to find a 9-5 job that works with my schedule and in turn, I have been able to be part of society. I have mental health issues and having a break and not having to worry about my kiddo has been super helpful as well." – Javen B., Summit County Resident

Customer Service Testimonials:

- "You are all doing fantastic! I am grateful for your scholarship program. I am happy to be a participant." – Leanne S., Mountain Sprouts Children's Center
- "Kept me in mind when the program was expanded, very helpful and efficient!" M.H., Summit County Resident
- "Answered any questions I had. Was very kind and helpful and patient. Thank you." – J.R., Summit County Resident
- "Stephanie was incredibly helpful and readily available with information and resources. I really am grateful for her being our point of contact" A.C., Summit County Resident
- "It's great to talk to a real person and not a bot! Stephanie responds quickly and has been a huge help for my family." – M.S., Summit County Resident
- "It has been a great experience working with Stephanie. She has been really nice, explains things really well so I can understand how it all works."

Appendix cont.

- “She was exceptional in every aspect, she’s extremely professional kind with her words and very easy to work with I’d recommend her for future help with anybody within your company please recognize her for her dedicated work.” – B.B, Park City Resident
- “Stephanie has stayed in contact with me and encouraged me to finish my application. She worked directly with our school and even called me to clear things up and review . Greatly appreciate the support in our community !! Thank you.”– K.B., Park City Workforce
- “This service is very good because people like us need a helping hand for the support and education of our children I thank you for the attention received.” – Fernando P., Park City Workforce
- “My provider was hesitant to enroll, and Stephanie and Evelyn persevered. Stephanie is proactive and very responsive to messages. I could tell that Stephanie was on my team and truly wanted to get us enrolled. Thanks Stephanie!” – A.A., PCMC Employee
- “I had a really great experience, and I am so grateful for you, Stephanie. You don’t know how badly I needed this childcare and you kept up with me reminding me and also giving me alternatives so that the whole process was not so overwhelming. I am so thankful for that. Charley loves his school and is learning so much and I am able to go to work and know he is safe and not worried about him. I really appreciate you and this Upwards program for providing me assistance that I could not find anywhere else and so terribly needed!” – S.M., Park City Resident
- “The people at Upwards, mainly Stephanie, have helped by giving me further resources and made sure I was aware of all deadlines and reached out multiple times. Very easy to work with.” – Javen B., Summit County Resident

Upwards PARK CITY 1884 Early Childhood Alliance Park City Community Foundation Summit County Utah

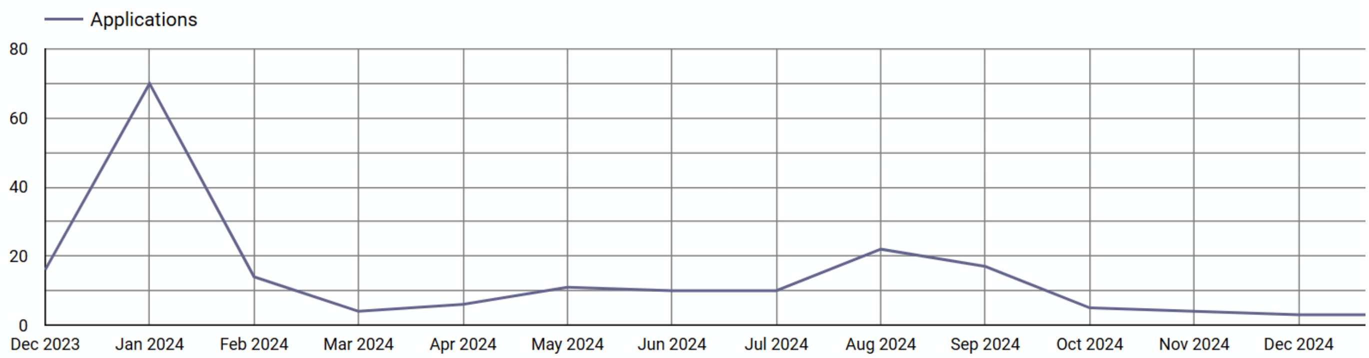
press@upwards.com | (310) 438-5492 | upwards.com

EXHIBIT B

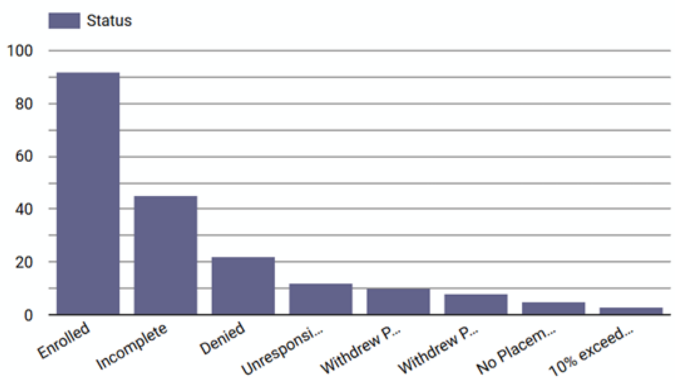
Park City Needs-Based Child Care Scholarship Data

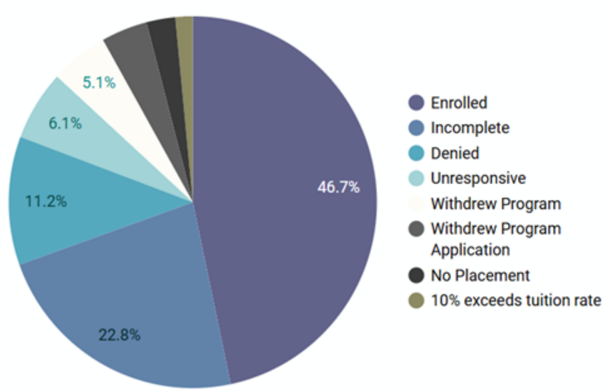
January 1, 2024 – December 31, 2024

Number of Applications Over Time

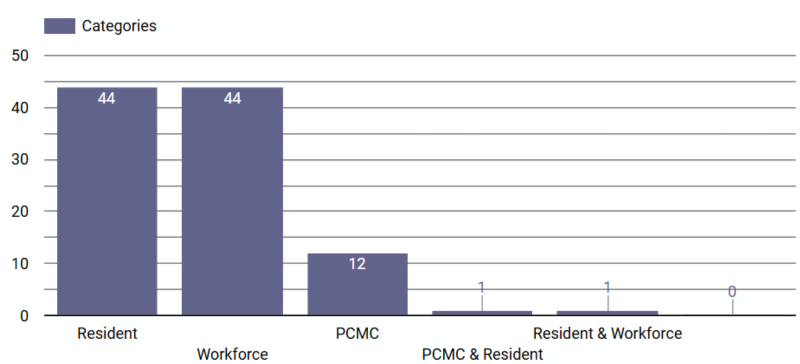


Applications By Status





Enrolled Family Categories



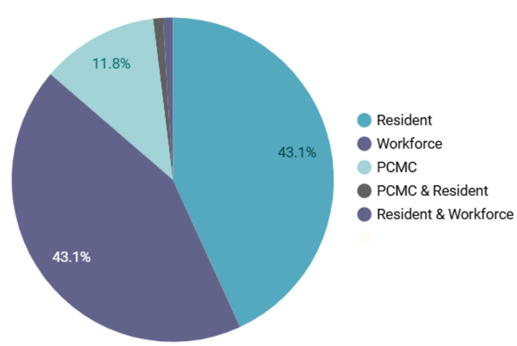
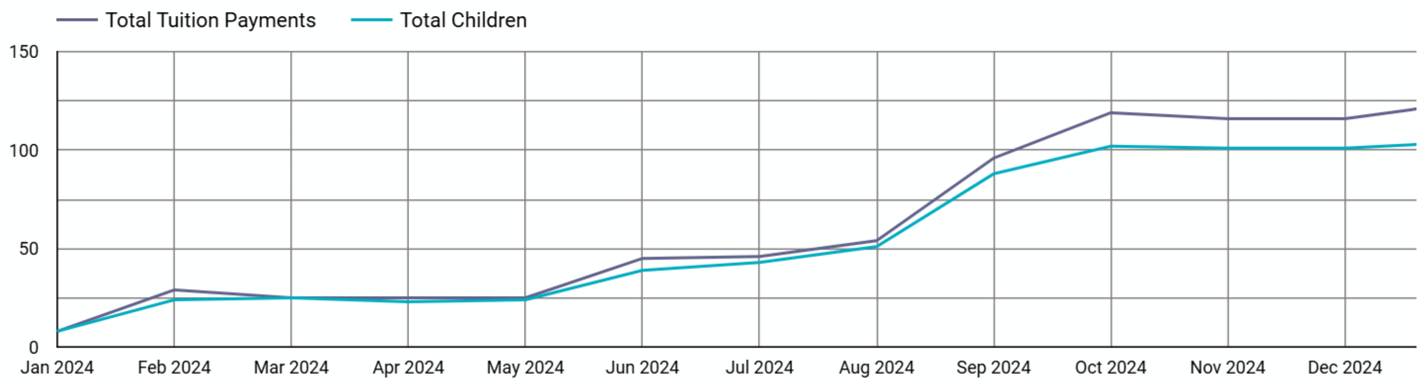
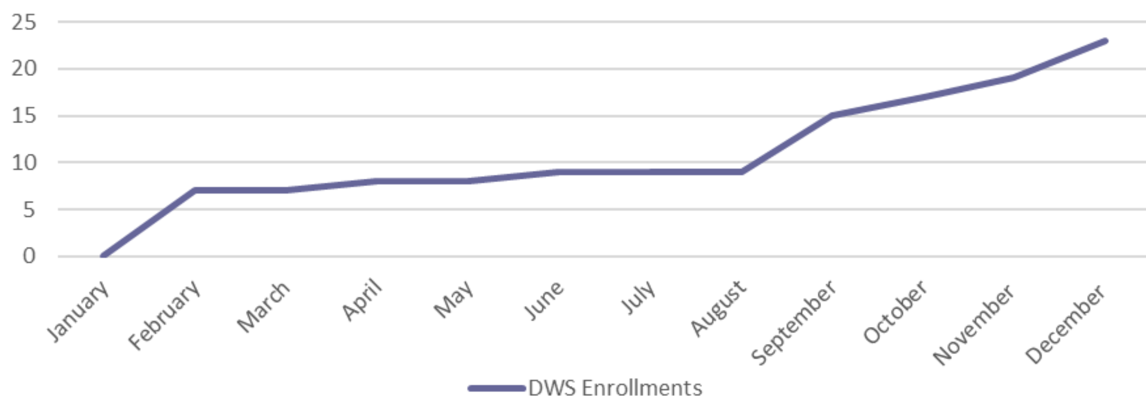


EXHIBIT B

Tuition Transactions Over time



DWS Enrollments



Workforce

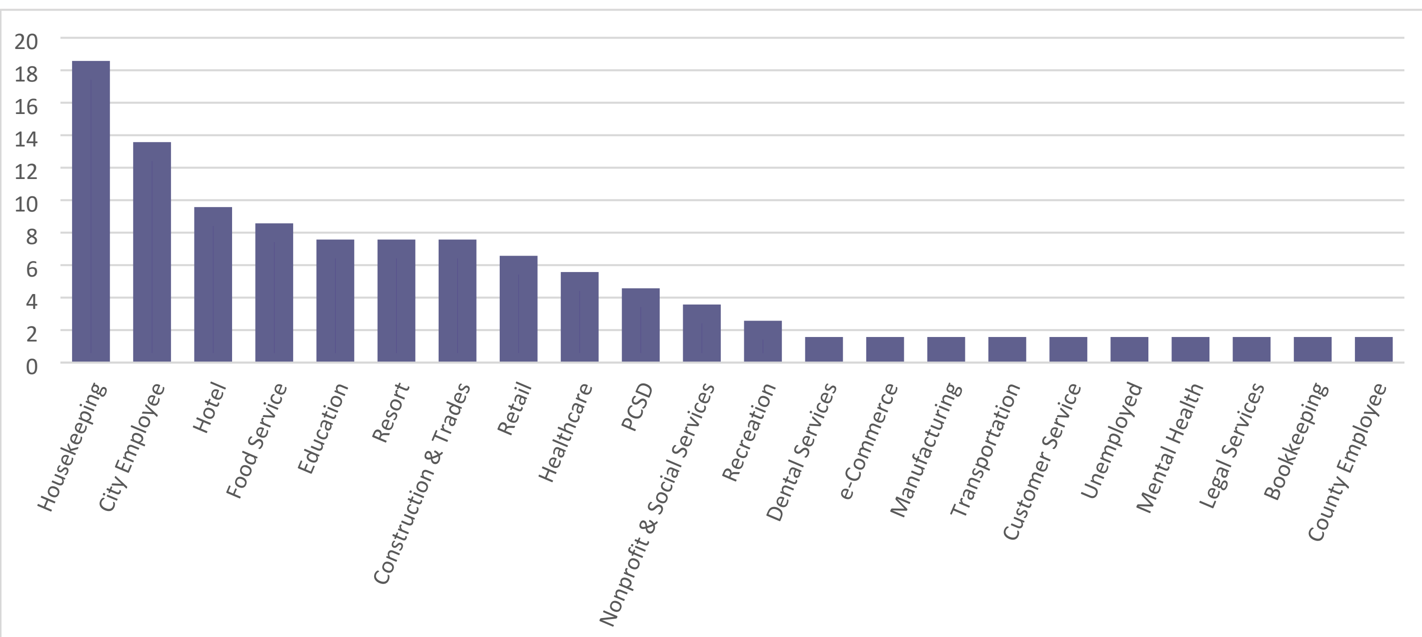
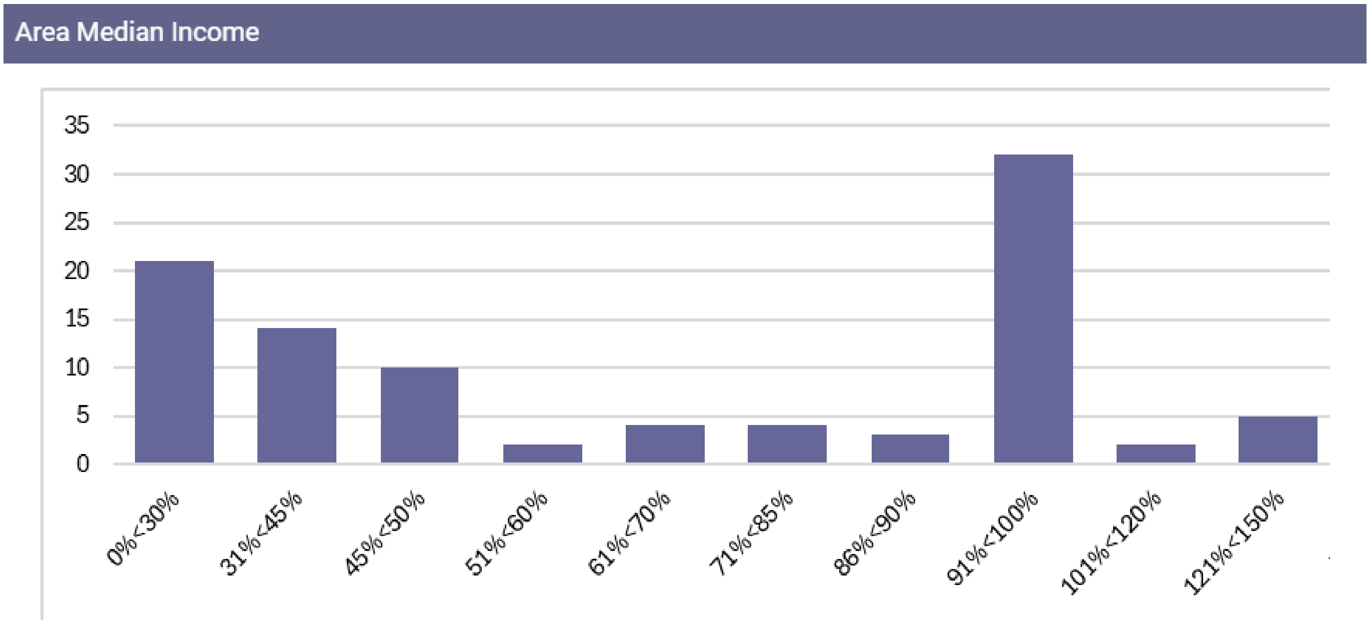


EXHIBIT B



Avg Scholarship Amount By Area Median Income

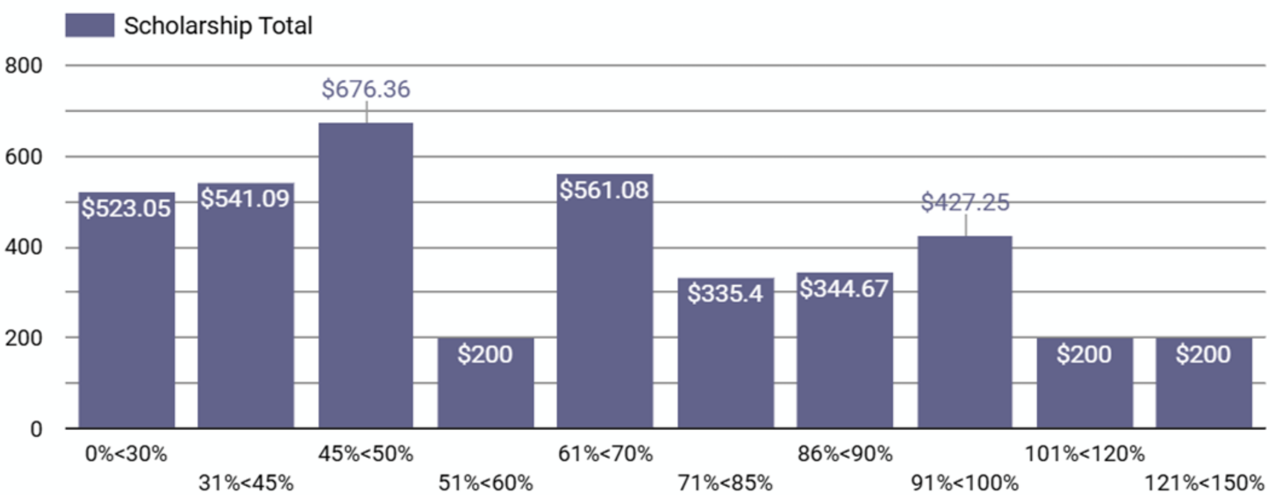


EXHIBIT C- Programmatic and Qualifying Scholarship Criteria

<u>PCMC Child Care Needs-Based Scholarship Program Criteria</u>

1. **Resident Child Care Tuition Scholarship**
    a. Requirements
        i. At least one parent is a Park City resident;
        ii. Children up to kindergarten eligibility age;
        iii. A household income of less than 100% Summit County AMI;
        iv. Child enrolled in a regulated child care provider located within Summit County; and
        v. Households must contribute 10% of the household income to child care per month (aggregate, not per child).
    b. Scholarship Available
        i. PCMC scholarship will cover the remaining child care expenses up to actual costs, but no more than $1,700 monthly tuition per child per month, however,
            1. Households who are identified as potentially eligible (as identified by the administrator) must apply for DWS Child Care Assistance or any other federal or state-funded program; and
            2. The scholarships will not be provided for childc are expenses awarded federal or state assistance.
2. **Workforce Child Care Tuition Scholarship**
    a. Requirements
        i. At least one parent is a Park City resident or works within Park City;
        ii. Children up to kindergarten eligibility age;
        iii. A household income of less than 100% Summit County AMI; and
        iv. Child enrolled in a regulated child care provider that is located within Summit County.
    b. Scholarship Available
        i. $200 per child per month; or
3. **Full-time PCMC Employee Children Tuition Scholarship**
    a. Requirements
        i. At least one parent is an employee of Park City Municipal
        ii. Children up to kindergarten eligibility age;
        iii. and
        iv. Child enrolled in any regulated child care provider (not limited to providers located in Summit County).
    b. Scholarship Available
        i. $200 per child per month.
4. **Regulated Child Care Provider Incentive to Serve Children Enrolled in DWS Child Care Assistance**
    a. Requirements
        i. Children up to kindergarten eligibility age;
        ii. Park City resident or workforce child enrolled in DWS Child Care Assistance; and
        iii. A regulated child care provider located within Summit County.
    b. Incentive available
        i. $300 per child per month.

Additional Efforts to Support Child Care

PCMC

PCTots- On September 14, 2023, the City Council approved a $70/year lease (with a 5% annual rate of inflation) for a child care provider (PC Tots) who offered year-round, all-day child care for up to 20 children at the Park City Library (previously a limited-hours child care co-op). In exchange, PC Tots prioritizes up to ten spots for 1- PCMC employees, 2- PC resident children, 3- PC workforce children. Currently, 2 PCMC employee children, 6 PC resident children, and 9 PC workforce children are enrolled at this facility. (Two children meet the criteria of both resident and workforce.) Therefore, in total, 15 of the 19 currently enrolled children satisfy the priorities identified in the lease and at the time of this report, there was one available spot. New enrollments are given priority consistent with the lease. Since no PCMC employee children are currently on the waiting list for the PC Tots Library location, the Park City Municipal Human Resources Department notified staff of this availability and encouraged interested households to join the waiting list.

Land Management Code- The Planning Department provided a staff communication report to the City Council on June 12, 2023 outlining child care land use regulations. Child care has also been an important consideration for the Planning Commission as outlined in the March 27, 2024, August 28, 2024, and January 8, 2025. In coordination with the General Plan, we continue to consider other opportunities to support child care.

Park City Community Foundation's Early Childhood Alliance

Capacity- To encourage participation in the Park City or Summit County Child Care Scholarship Programs, the Park City Community Foundation (PCCF):

- **Incentivized new Friends, Family and Neighbor (FFN) child care providers**. PCCF donated $5,000 to be provided in $500 bonuses to the first ten enroll FFN providers. Upwards has agreed to distribute this funding without any additional administrative fee. 446 postcards were and 100 community fliers were distributed throughout the community. However, we have had 0 new FFN enrollments or bonuses awarded.
- **Offered Free CPR Classes.** Park City Community Foundation's Early Childhood Alliance, Summit County Health Department, Peace House, and WIC have partnered to offer free CPR/First Aid classes and certifications for community members taking care of young children in Summit County (required to become a regulated provider). Learn more about this program here.

Increased Business Engagement- Strengthening partnerships with local businesses to encourage the inclusion of child care benefits in employee offerings, which will further reduce the child care burden for working parents while boosting the local workforce. As part of this effort, the Park City Community Foundation and the Park City Chamber of Commerce are exploring the possibility of collaborating with the Best Place for Working Parents organization to develop an employer toolkit. This toolkit would equip local businesses with resources to support working families, including a tax education campaign that highlights available child care-related tax credits and incentives.

Task Force- Consistent with the City's workgroup recommendation, the Park City Community Foundation established a joint task force to consider long-term child care industry stability, including Summit County, PC Chamber, PC Community Foundation, PC School District, child care providers, parents, and other stakeholders. The task force commissioned the Child Care Strategic Action Plan.

Advocate- The Early Childhood Alliance continues to advocate the state to invest more Temporary Assistance for Needy Families (TANF) funds in child care. The Department of Workforce Services recently asked the state legislature to approve a motion allowing any remaining unobligated TANF funds to be used for child care.

Park City School District

The Park City School District (PCSD) is the only district in Utah to fund preschool. In 2021, voters approved a bond that allowed the expansion of preschool classrooms, allowing for increased capacity and subsidized tuition based on household income. So far, 199 children have enrolled for the 2025-2026 school year.

Capacity	3's	4's	**Total**
2023-2024	70	124	**194**
2024-2025	70	160	**230**
2025-2026	100	143	**243**

In addition to increasing the capacity, PCSD also expanded the 3-year-old program from a half-day, 2-day a week program to a full-day, 5-day a week program.

PCSD's preschools are enrolled in the Park City Scholarship Program and has 30 enrolled children receiving some type of financial support.

- 10 receive PCSD's Scholarship Rate (free and reduced lunch and child care tuition assistance provided from PCEF)
- 4 receive DWS assistance
- 1 receives Solomon Fund assistance
- 15 receive PCMC Scholarships subsidy

Other Child Care Funding Programs

Federal Funding

In March 2021, the American Rescue Plan provided $24 billion in funding to the child care industry. Stabilization funds formally expired on September 30, 2023. During the 2023 calendar year, 17 child care providers in Summit County received $2,000,038 of federal child care stabilization. In October 2023, ongoing child care stabilization payments were reduced by 50% and ended in September 2024.

State Funding

The Utah Department of Workforce Services (DWS) offers a Child Care Assistance Program to help with the cost of child care. Child care assistance is available for up to 12 months and will not be provided in excess of the cost of child care.
To be eligible, applicants must qualify with the following:

1. children must be under the age of 13 (or 18 if the child has special needs) and a U.S. citizen, authorized non-U.S. citizen, refugee, or U.S. permanent resident;
2. the household income must be 85% of the statewide median income or below;
3. Parents or guardians of the children must work an average of 15 or more hours per week earning at least minimum wage. For a two-parent or two-guardian household, the second parent must work an average of 30 hours per week;
4. need child care for employment, school, or training; and
5. the child must be enrolled with a regulated provider.

In addition to the Child Care Assistance Program, the Kids in Care Program offers child care assistance for recently unemployed parents or guardians for up to 150 hours while job searching.

In 2023, the Utah Legislature funded the Child Care Solutions and Workplace Productivity Plan. The Plan was released in December 2024 and analyses child care availability, child care provider challenges, affordability, and identifies recommendations to expand access to safe, affordable, quality child care to better meet the needs of Utah families.

Summit County Scholarship Program

The Summit County Child Care Program was launched on June 3, 2024. PCMC collaborated with Summit County to help them access Upwards, allowing area residents one program administrator. Like Park City, Summit County retains the right to adjust the programmatic and qualifying scholarship criteria to distribute county funds. However, thus far, the County program has mirrored the City's for county residents and workforce (but not duplicate scholarships).

On December 11, 2024, as part of the annual budget, Summit County Council approved $300,000 in additional funding.

City Council
Staff Report

Subject: PC MARC Pool Project
Author: Ken Fisher, Recreation Director
Department: Recreation
Date: March 20, 2025

Recommendation

Discuss options to continue the PC MARC Aquatics Facilities replacement project by approving a construction contract, in a form approved by the City Attorney's Office, with North Ridge Construction, not to exceed $9,467,000.

Background

June 2022: Water Design Group completes a pool assessment of existing aquatics facilities at the PC MARC (Exhibit A: Pool Assessment).

July 2022: The City Council directed the Recreation Team to begin the process of replacing the PC MARC Aquatics Facilities due to their age and ongoing maintenance issues.

February 2023: The Recreation Team discussed a wide range of recreation needs before the November 2023 GO Bond for Recreation Facilities, including new PC MARC pools.
Staff Report
Minutes

June 2023: The City procured VCBO Architecture to produce schematic designs to expand the Park City Sports Complex, PC MARC Fitness, and the PC MARC pools ($87K). After the 2023 GO Bond failed, the City Council refocused VCBO toward advancing the PC MARC Aquatics Facilities project.

February 2024: The Council received an update on the conceptual designs for the PC MARC Aquatics Facilities project.
Staff Report
Minutes

May 2024: The Council executed an Amendment with VCBO not to exceed $426,500 (total contract $513,500) to develop construction-level documents to replace the PC MARC Aquatics Facilities. After considerable effort and scrutiny, the PC MARC Aquatics Facilities project received a Conditional Use Permit from the Planning Commission on May 8, 2024.

November 2024: On November 7, 2024, the Council received an update on the final pool designs and supported bidding the project for construction.
Staff Report

Minutes Pg. 8

February 2025:

- Feb 11: RFP Pre-Bid meetings were held
- Feb 25: RFP Bid Opening was held

Analysis

We received four qualified bids, ranging from North Ridge Construction's low bid of $9,467,000 to a high bid of $10,278,930. North Ridge has completed several projects for PCMC, such as 3rd Street Stairs, Park and Streets Bus Barn Remodel, 1450/1460 Retreat at the Park, and Main Street Sidewalks. North Ridge is based in the Snyderville Basin and is the only local company to bid on our project.

Unfortunately, the bids were higher than anticipated in November 2024. This may be due to instability in the market, as the construction firms indicated that subcontractors were hesitant to bid given a turbulent and uncertain market for labor and materials. The pools, as designed, would be formed using stainless steel shells, which is the most common construction method for public pools.

The Council originally approved $7.5 million in the FY25 Capital Budget as an estimate, and the City received a $200,000 RAP Tax Grant this fall from Summit County. To move forward with the RFP's lowest bidder, Northridge, the project requires an additional $2,240,350 in funding (including a 5% contingency).

A few options for the City Council to consider:

- **Budget additional funds to contract with Northridge and remain on schedule:** Recreation proactively submitted an additional FY26 CIP request to potentially close the $2,240,350 funding gap.

- **Scale back project scope:** The original concept designs had a smaller leisure pool and replaced the six-lane lap pool with a similar one. In response to public engagement, the lap pool was expanded from 6 to 8 lanes, causing the pool to shift locations and requiring the chiller to be replaced and relocated. The leisure pool also expanded in size and amenities based on public input.

  One downside of a project redesign is that it would likely delay construction for a season. In addition, the leisure and lap pools have exceeded their useful life and are now at a relatively critical juncture regarding our ability to maintain these assets and provide an adequate level of service.

- **Value Engineer the Project:** The pool design would remain the same, but creative elements would be removed from the project to reduce costs. This may also delay construction for another season. But if desired by Council, we propose the following cost-saving measures as a starting place:
  - Eliminate the Hot Tub = $250,000 savings

- Eliminate the Synthetic Turf = $105,000
- Eliminate Climbing Wall and Mining Structure = $80,000
- Remove the Rock Veneer and replace with decorative block = $70,000
- Relocate existing chiller in lieu of replacing with a new chiller = $200,000
- Eliminate demolition of existing recreation pool, deck, and equip vault = $105,000
- The total cost savings are approximately $800,000

However, value engineering of this magnitude would require the project to be rebid, which would delay the project.

Other Pool Projects in Utah

Regarding the integrity of our bid costs, we have prepared a cost per square foot comparison for pools recently built in Utah over the last two years for perspective. Pool costs can be significantly affected by the pool type and configuration. However, this demonstrates that the actual pool costs are within the costs seen over the last two years. For example:

- Ogden Marshall White Center: 6,312 sq. ft. of pool surface at $435 sq. ft.;
- Beaver: 6,844 sq. ft. of pool surface at $583 sq. ft.;
- Spanish Fork: 28,674 sq. ft. of pool surface at $493 sq. ft.; and
- Park City MARC Pools: 9,098 sq. ft of pool surface at $485 sq. ft.

Importantly, the existing aquatics facilities continue to have structural and mechanical issues, such as a lap pool boiler that must be replaced and a major leak in the leisure pool. If the PC MARC Aquatics Facilities project is delayed, the boiler must be replaced so the pool remains operational in the interim. This has not been done in anticipation of the pools being replaced this summer. The leisure pool leak is scheduled for temporary repair this spring to have the pool operational this season while the other pool is slated for construction.

Funding

We have $7.7 million awarded in FY25 CP 0598 for the PC MARC Aquatics Replacement project. The fund balance includes the $200,000 Summit County RAP Tax grant.

Proactively, the Recreation Team requested an additional $2,240,350 for the FY26 budget process, bringing the total aquatics budget to $9,940,350. The team hopes to obtain additional funding and maintain important project deadlines. This amount includes a 5% contingency fund for the project.

The Budget Department and City Manager reviewed the request for additional funding. They supported the request, given that North Ridge is the lowest bidder, the existing pools are well over 30 years old, and there is a tight timeline for us to remain on schedule without losing another construction season.

Water Design Inc.
6740 S 1300 E, Ste 110 Salt Lake City, Utah 84121 phone: (801) 261-4009 fax: (801) 261-4069

June 15, 2022

Mr. Brent Tippets
VCBO Architecture
524 South 600 East
Salt Lake City, Utah 84102

Re: Park City MARC -Swimming Pools and Spa Assessment Study
Project No. 22-807FS

Dear Mr. Tippets,

Water Design, Inc. visited the Park City MARC facility in Park City, Utah on June 1, 2022. The visit was requested to perform the following scope of services;

1. Provide a site visit to the facility to meet with the owner/client and to interview the pool operator, assess the facility, take necessary field measurements and data gathering, review existing conditions, and analyze the exiting swimming pool and its associated equipment.
2. Perform an engineering analysis and operational review of the existing swimming pools and their equipment conditions.
3. Compare existing swimming pool systems to current code requirements and industry best practices. Provide written comments and/or findings regarding the existing conditions and code deficiencies with the pool systems.
4. Work with VCBO to explore long term goals and provide recommendations related to potential options for repairs, upgrades, and/or replacement of items.

Water Design will utilize the Standards for Design, Construction, and Operation of Public Swimming Pools R392-302 (the code or pool code) as published by the Utah Department of Health and adopted by the Summit County Health Department. This code will be used as the basis for this report and its findings. The findings and recommendations formulated from my site visit will be presented in this report as follows:

Summary Description of Existing Pool and Spa Designs/Systems/Installations:

The above referenced project includes one (1) leisure (activity) pool, one (1) hot spa pool, and one (1) lap pool. We understand that the lap pool and spa pool were built approximately 30 years ago sometime in the early 1990s. The leisure pool was built in 2003. The pools and the spa all operate on individual sets of equipment for each pool. There are two separate equipment rooms/locations (one for the leisure pool and spa pool equipment combined and a separate equipment room for the lap pool equipment).

The leisure pool is a freeform activity type pool. The pool features several amenities including some recently installed interactive water play toys, a current channel, a helical open flume slide and a shallow entry area. The leisure pool utilizes a standard surface skimmer design. The water is drawn from the surface skimmers and main drains directly to the circulation pump and is then filtered, heated, treated and returned to the pool as a “closed” system. The leisure pool circulation pump and motor have been replaced since the facility originally opened. This pump motor is operating but was observed to be excessively loud. The pool water is sanitized with calcium hypochlorite (pellet type chlorine) and is balanced with liquid acid. The chemicals are fed into the pool return line by a chemical automation system and are injected downstream from the heater.

The spa is a non-symmetrical (stretched) hexagon shaped structure with an underwater bench, therapy jets and one set of entry steps. The spa pool utilizes a standard surface skimmer design. The water is drawn from the surface skimmers and main drains directly to the circulation pump and is then filtered, heated, treated and returned to the spa as a “closed” system. The spa circulation motor has been replaced a few times over the years according to maintenance staff and the entire pump is considered old. The spa system also consists of a separate hydrotherapy system complete with pumps, piping, fittings, and hydrotherapy jets. The spa pool water is sanitized with calcium hypochlorite (pellet type chlorine) and balanced with liquid acid. The chemicals are fed into the spa return line by a chemical automation system and is injected downstream from the heater.

The lap pool was designed to include a 25 yard lap pool area with six (6) lap lanes (each lap lane is 7’-0” wide), and includes starting platforms, lane dividers, etc. The lap pool also has an offset entry area with stairs. The lap pool utilizes a perimeter gutter system that consists of a number of pre-cast gutter stones with built in skimmer weirs. The gutter allows water from the surface of the pool to skim over the gutter weir and flow in the gutter cavity to a series of collection pipe(s) where the water is directed into a piping network that flows by gravity to a remote surge tank located in the pump room. Water is also collected from the two main drain fittings at the deepest point of the pool and flows by gravity to the same remote surge tank. The balance of flow between the gutter and main drain systems is controlled by a modulating float valve in the surge tank. Water is then drawn through a single pipe from the surge tank by a circulation pump and is delivered to the filter and heater prior to returning to the pool through a series of wall fittings. The pool water is sanitized with calcium hypochlorite (pellet type chlorine) and balanced with liquid acid. The chemicals are fed into the pool return line by a chemical automation system and are injected downstream from the heater.

Both of the pools as well the spa have been constructed using shotcrete/gunite construction with a smooth plaster finish. We understand that the lap pool and spa were last replastered in 2005 (17 years ago). It is our understanding that the leisure pool still has its original plaster finish (19 years ago).

Data was collected to determine the existing properties of the pool circulation systems. The results of these calculations are tabulated below.

Existing Conditions:

Leisure Pool System Data:

Age of Pool:	~30 years old
Pool Size:	92’-11” long x 47’-5” wide with 12’x 14’ offset entry area
Pool Depths:	1’-0” to 6’-0” to 3’-6” water depths
Pool Surface Area:	2,774.4 Sq. Ft.
Estimated Pool Volume:	77,375 Gallons (published original plans)
Pool Perimeter:	288 feet
Minimum Code Approved flow rate:	380 Gallons per Minute (GPM) @ 3.4 hr turn-over
Existing Flow Meter Reading:	Not operating at visit but usually operates at ~280-400 GPM (per maintenance personnel)
Existing Filter Turn-over Rate:	~ 4.6 to 3.2 hour Turn-over (meets code requirements)
Circulation Pump:	Pentair EQKT-1000 - 10 HP (rated for 425 GPM at 75 ft TDH)

Hair & Lint Strainer:	Molded Plastic (integral with pump)
Existing Filters:	Four (4) 36" diameter Pentair TR140C high rate sand filters (28.2 Sq. Ft. total filter area)
Allowable flow range of filters:	310 GPM min to 508 GPM max (per code requirements)
Chemical Controller:	US Filter –Strantrol System 5F
Chlorine Feeder:	PPG Accu-tab 3070AT Powerbase feeder
pH Feeder:	Hydrochloric Acid -Stenner 45M5 Peristaltic Pump
CO2 Feeder:	None (removed)
Heater:	Two (2) RBI Heaters (1,480,000 Btu input) outdoor heaters
Water Level Controller:	Aquaticontrol ELC-800
Chemical Electrical Interlock Device:	Stratton-Bratt interlock box (recently installed to meet new code requirements. May still need full commissioning)

<u>Spa System Data</u>:

Age of Pool:	~30 years old
Spa Size:	Approximately 12'-8" long x 12'-8" wide
Spa Depths:	3'-0" water depth
Spa Surface Area:	~ 124 Sq. Ft.
Estimated Spa Volume:	~ 2,147 Gallons
Spa Perimeter:	~ 44 feet
Minimum code required flow rate:	72 Gallons per Minute (GPM) to meet ½ hr requirement
Existing Flow Meter Reading:	80 GPM (typically runs between 70-80 GPM)
Existing Filter Turn-over Rate:	~ ½ hour turn-over (meets code requirement)
Circulation Pump:	Sta-Rite Max-e-Pro 2 HP
Hair & Lint Strainer:	Plastic (integral with pump)
Existing Filters:	Pentair TR-100 (30" diameter) Hi Rate Sand filter (4.9 sq. ft. total filter area)
Allowable flow range of filters:	64 GPM min to 88 GPM max (per code requirements)
Chemical Controller:	US Filter –Strantrol System 4
Chlorine Feeder:	PPG Accu-tab 1030AT Powerbase feeder
pH Feeder:	Hydrochloric Acid -Stenner Peristaltic Pump 45M2
CO2 Feeder:	None
Heater:	Raypak B-R377A (~377,000 Btu input)
Water Level Controller:	Aquaticontrol ELC-800.
Chemical Electrical Interlock Device:	Stratton-Bratt interlock box (recently installed to meet new code requirements. May still need full commissioning)

<u>Lap Pool System Data</u>:

Age of Pool:	~19 years old
Pool Size:	75'-0" long x 42'-0" wide with 12'x 14' offset entry area
Pool Depths:	Approximately 3'-4" to 5' -0" water depths
Pool Surface Area:	3,322 Sq. Ft.
Estimated Pool Volume:	112,760 Gallons
Pool Perimeter:	258 feet
Minimum code required flow rate:	311 Gallons per Minute (GPM) to meet 6 hr requirement (Existing flow range does not meet code)
Existing Flow Meter Reading:	185 GPM (typically runs at 290-300 GPM per operator)
Existing Filter Turn-over Rate:	~6.4 to 10.1 hour turn-over (does not meet code requirement at any of the existing flow ranges)

Circulation Pump:	Pentair EQK500 5 HP (rated for only 240 GPM at 65 ft TDH) (need larger pump to meet min. flow rate & turn-over rate)
Hair & Lint Strainer:	Molded Plastic Strainer (integral with pump)
Existing Filters:	One (1) Pentair THS3484 high-rate sand filter (19 Sq. Ft total filter area)
Allowable flow range of filters:	247 GPM min to 342 GPM max (per code requirements)
Chemical Controller:	BecSys5
Chlorine Feeder:	PPG Accu-tab 3070AT Powerbase feeder
pH Feeder:	Hydrochloric Acid -Stenner Peristaltic Pump 10-30
CO2 Feeder:	None (removed)
Heater:	RBI Heater (3,200,000 Btu input)
Water Level Controller:	N/A
Chemical Electrical Interlock Device:	Stratton-Bratt interlock box (currently being installed to meet new code requirements. Still needs installation completion and commissioning)

<u>Observed Code, Condition, and other Deficiencies & Recommended Considerations</u>:

<u>Leisure (Activity) Pool</u>:

- Circulation Pump is excessively noisy and may have been damaged with water or have a different problem. Consider troubleshooting and replacing as needed.

- The Basket Strainer for the slide pump is ferrous and rusted. Consider replacing this strainer with a fiberglass strainer to match the other pumps in the pump vault.

- Observed tile on the current channel (river) island (outside radius area) were large format tiles that were missing grout and exposing sharp edges to the tile. This is a safety concern. Consider cutting tile into smaller pieces and reinstalling grout to provide a smoother transition around the radius without exposing sharp edges that can be a safety hazard.

- The chemical controller is an older model (no longer available) but appears to be fully operational. Consider future replacement of this device in ongoing maintenance budgets for when it fails.

- The pool plaster appears damaged. Observed mottling, etching, thinning areas, spalling, roughening, and cracking of the plaster. The plaster has exceeded its life expectancy by approximately double the time. Consider replastering the swimming pool.

- The pool coping to deck expansion joint is failing. It is cracked or missing in most places around the pool. Consider replacing the expansion joint with proper sealant system including new backer rod and deck-o-seal sealant.

- The pool deck has settled or subsided in area near the north-west area of the pool. This may be evidence of soft soils and/or water infiltration into the surrounding soils in that area. We did not observe evidence that the pool had settled any. There are some elevation differences apparent that may constitute a toe stub or trip hazard. Consider further exploration and remediation of the decks in this area.

- The suction outlet covers in the current channel area do not appear to have been replaced since original installation (likely in the ~2010-2012 time frame). Suction outlet covers have a life expectancy rating on the cover and need to be replaced when they are expired. These outlets appeared to have a 10 year life and are likely nearing, or have exceeded, the expiration timeframe. Consider replacing these covers with new matching suction outlet covers (if not matching, review and engineering may be required for new covers).

- One underwater pool light appears to be burnt out and requires replacement.

- Observed multiple broken or chipped depth markers on the pool deck. They are damaged and in some cases have sharp edges where broken and are dirty or faded. This is a safety concern. All broken, chipped, or faded depth markers should be replaced.

- Observed “NO RUNNING” tiles that were sticking up proud of the deck surface exposing sharp edges. This is a safety concern. Any broken, chipped, faded, or raised tile markings should be replaced.

- The grating covering the backwash pit in the equipment room was severely corroded and was compromised and poses a safety hazard to maintenance personnel. This grating should be replaced. Consider a rated non-metallic grating as the replacement.

- The Pentair TR-140C filters are aging, show signs of leaking, and are nearing their life expectancy. Consider planning for replacement of these filters as part of an ongoing maintenance plan.

- The pH feed pump appears to be aging and may require replacement soon. Consider replacing this pump as part of a maintenance plan.

- There are a few other items that are aging as well, but are still operational (i.e. River pump, Water Feature pump, Slide pump, Strantrol 5F controller, etc.). Consider planning for replacement of these items in an ongoing maintenance budgets for when they fail.

- Consider adding variable frequency drives (VFD) to the circulation, slide and current channel pumps (toy pump already has new VFD). This will allow better flow control and will provide for a soft start to the pumps, and will help save operational energy to run these pumps.

- General piping in the equipment room has aged and appears to have been repaired and patched as needed over the years. Consider replumbing the equipment room complete with required valves, gauges, controls, equipment connections, etc. to extend the life of the systems moving forward.

- Consider exploring a taller water slide for the pool to enhance play value and recreational opportunities for the younger patrons. Address bird nesting problem that is happening on the slide tower by use of screening or other deterrents for both the existing and any future slide tower considered.

Spa Pool:

- Circulation Pump is aging and has exceeded its life expectancy. It appears to still be providing enough flow for the system. Consider replacing with a new high efficiency pump with integral VFD for more precise flow control and energy savings.

- The circulation system does not have an isolation/control valve on the pump located between the pump discharge and the filter influent connection. Consider adding a valve at this location for isolation and more precise flow control.

- The Pentair TR-100 Filter appears to be aging (over ~15 years old) and is in poor condition. This means is nearing or has exceeded the life expectancy of this type of filter. The filter was observed leaking at connections/seams during the visit. Consider replacing the filter with a commercial grade filter (i.e. TR-100C or similar).

- Both Hydrotherapy Jet pumps are aging and has exceeded its life expectancy. Consider replacing the pumps with new high efficiency pumps with integral VFDs for more precise flow control and energy savings. Isolation/Control valves are required on all pipes to/from the pool. The jet piping did not have required valves installed. Isolation/control valves should be installed on the influent and discharge pipes of all pumps.

- The chemical controller is an older model Strantrol System 4 (model no longer available) but appears to be fully operational. Consider future replacement of this device in ongoing maintenance budget as it fails.

- The spa pool plaster appears damaged. Observed substantial mottling, staining, etching, thinning areas, spalling, roughening, and cracking of the plaster. The plaster has exceeded its life expectancy by about double the anticipated timeframe. Consider replastering the spa pool.

- The vertical water depth markers are faded where they have touched the water surfaces and are no longer legible. The depth markers should be replaced with new contrasting markings as this is a bather safety item.

- The spa appears to be leaking. Observed the automatic water make-up system cycling regularly during our visit evidencing a leak. This may be due to the poor condition of the plaster in the spa and would be hard to pinpoint a specific leak location. Other penetrations, piping, and fittings should also be explored and verified for water tightness by an experienced pool leak detection company.

- Observed that the supply inlets (returns into spa) do not appear to have the code required inlet orifices to promote uniform flow, mixing and turn-over of the spa water. Inlet orifices should be properly sized and installed on the spa pool. See supporting information section below for additional information.

- General piping in the equipment room has aged and appears to have been repaired and patched as needed over the years. Consider replumbing the equipment room complete with required valves, equipment connections, etc. to extend the life of the systems moving forward.

- The spa pool is over 30 years old now and is nearing the typical life expectancy of this type of pool. Due to the history of the pool leaking and the existing plaster condition, consideration should be given to future replacement of the spa pool. The integrity of spa pool structure could not be observed during the visit (requires destructive testing to fully determine the condition of the structure), but based on experience with this type and age of pool as well as the plaster condition not adequately protecting the underlying spa shell, we would expect that this pool will continue to have increasing problems due to deterioration of the pool structure, rebar, and finishes. Consideration should be given to the unknown condition (but likely deteriorated nature) of the spa pool shell before substantial monies are invested into the spa pool so that the invested money will provide the value and life expectancy warranted for the investment.

Lap Pool:

- It appears as though there has been some settling/subsidence of the swimming pool on the north side of the pool. This is evidenced by the waterline extending or flooding to the back of the gutter coping along the north side of the pool whereas the other sides do not have this flooding. The pool is still skimming at this point, but additional settlement may render portions of the pool edge dry and void of skimming. This could be rectified and/or mitigated by replacing the gutter coping stones, waterproofing the gutter (and gutter to coping joint) and setting them at a new level to provide a consistent skimming level around the pool. This pool also has a history of leaks (current small leaks and multiple substantial leaks over the years) that has likely contributed to this condition by wetting the supporting pool structure and subgrade soils. The pool deck on the north side of the pool appears to have experienced excessive settling as well and has steeper slopes than typical and to have had modifications to mitigate toe stubs and trip hazards. Settlement is likely to continue and worsen over time. See supporting information section below for additional information.

- The lap pool is reportedly losing water. Based on the settled pool as well input and feedback from previous water loss events there is likely that this water loss to be occurring are at the back of the gutter (at the joint beneath the stones) at the pool deck where the gutter stones are allowing flooding of the deck. The condition of the plaster may also be a contributing factor to water loss experienced. See plaster narrative below.

- The pool coping stones (pre-cast concrete coping sections) have deteriorated over the years. The finish has etched, is chipped, is rough, and some of the stones are broken. There is grout missing from the front and back of many of the stones which is impeding adequate skimming as it allows water to bypass the skimmer weirs and enter the gutter from below the water surface through the gaps created by the missing grout. Consider replacing the coping stones and sealing between the front and back between each stone.

- The pool gutter coping to deck expansion joint is failing. It is cracked or missing in places around the pool. Consider replacing the expansion joint with proper system including new backer rod and deck-o-seal sealant. If the coping stones are replaced as discussed above, this would need to happen after replacement of the stones as well and could be done at the same time to minimize rework. See supporting information section below for additional information.

- The pool plaster appears damaged. Observed mottling, spalling, etching, thinning areas, roughening, and cracking of the plaster. The plaster has exceeded its life expectancy by approximately double the time. Consider replastering the swimming pool.

- The Pool deck along the south side of the swimming pool (near the stairs to the building) reportedly experiences extensive movement during the seasonal cycles. This may be due to frost heave from saturated soils underneath the pool deck. It reportedly heaves in the winter and settles back to roughly the normal spot when it warms up. There is still some vertical movement observed from the last cycle and the staff needs to modify that area yearly to avoid toe stubs and trip hazards. Staff believes that the ground where the lap pool is built is always wet due to swampy/bog type conditions in the area. Consider exploring the subgrade conditions and whether a drainage system can be installed to mitigate the yearly cycle of heave/settling.

- The pool circulation pump has been recently replaced with a Pentair EQK500 (5 HP) pump from the previous pump operating that was installed when both the filter and pump were replaced. This specific pump selected and its related pump curve does not provide the code minimum flow rate needed for a 6 hour turn-over for this pool as required by the code (see flow data in chart above for deficiency). A Pentair EQK750 (7.5 HP) would likely be needed in order to provide the flow rate required to meet the code or a custom trim impeller type pump with lower horsepower.

- The pH feed pump appears to be aging and may require replacement soon. Consider replacing this pump as part of an ongoing maintenance plan.

- The pool heater is aging (~11 years old) but is still operational. It is nearing the end of its life-expectancy however and may need repairs or replacement in the near future. Consider future replacement of this device in ongoing maintenance budgets for when it fails. See supporting information section below for additional discussion about heating options and ideas for all pools.

- The pool depth markers and "NO DIVING" markers do not meet the requirements of the code. Additional depth markers should be added (and existing damaged markers should be replaced). See additional supporting information discussion below.

- The pool lights on the north wall of the pool are not operational. The fact that all of the north lights are failed at the same time may indicate an electrical issue with the lighting circuit or connections. It could be just coincidence that they have all failed in the same location, so bulb replacement could be tried to initially troubleshoot the situation. Recommend consulting a licensed electrical professional to ensure that underwater lighting connections are per code and have proper GFI protection grounding.

- This lap pool is over 30 years old now and is nearing the typical life expectancy of this type of pool. Due to the history of the pool leaking, existing settling, existing plaster and coping stone conditions, consideration should be given to future replacement of the pool. The integrity of the pool structure could not be observed during the visit (requires destructive testing to fully determine the condition of the pool structure), but based on experience with this type and age of pool along with the condition of the plaster in the pool we would expect that this pool shell has had water infiltration and will continue to have increasing problems due to deterioration of the pool structure, rebar, and finishes. Consideration should be given to the unknown condition (but likely deteriorated nature) of the pool shell before substantial monies are invested into the pool so that the invested money will provide the value and life expectancy warranted for the investment.

Additional Supporting Information & Code Deficiencies:

- **Lap Pool Depth Markings:**
  Deficiency: The code requires that the water depth be marked on the pool deck and on the vertical pool wall with minimum 4" high numbers around the pool at every one (1) foot of depth with a maximum spacing of 25' from each other. The existing lap pool does not meet this requirement.

  Solution: Add new depth markings as necessary at each one foot depth not to exceed 25' spacing on both the horizontal pool deck and vertical pool wall as required by the pool code. Depths are recommended to be marked in feet and inches with numbers that are required to be minimum 4" high.

- **Lap Pool Diving Markings:**
  Deficiency: The code requires that "NO DIVING" be marked adjacent to the pool on the pool deck with minimum 4" high letters around the pool at a maximum spacing of 25' from each other. The existing lap pool does not meet this requirement.

  Solution: Add new "NO DIVING" marking tiles at 25' spacing on the horizontal pool deck as required by the pool code. The "NO DIVING" should be marked with letters that are minimum 4" high.

- **Spa Inlet fittings:**
  Deficiency: The code requires that inlets be designed with a non-adjustable orifice providing enough head loss to insure a balanced flow through all inlets. The existing lap pool inlets appear to be open ended pipe cut flush with the pool finish and with no type of restricting orifice in place. The spa inlets appear to be the same and should be verified for compliance.

  Solution: Inlet orifices should be installed at all return pipes. The inlet orifice should be sized based on the design flow rate of the pool/spa system.

Industry Standard Deficiencies:

- **Lap Pool Gutter Design**
  Deficiency: The lap pool system was designed with an overflow gutter system that was intended to be installed level to provide effective skimming and cleaning of the entire water surface. The perimeter gutter system is not level around the entire pool. The elevations of the precast gutter stones are not level within acceptable tolerances along the perimeter length of the pool and are also not uniformly level from front to back of the stones. This does not allow proper skimming action as certain parts of the gutter are over surged with waters and other areas do not have enough water flow. The long side of the pool (the side away from the facility) was flooding and water was observed reaching the back of the gutter stones and in many cases extending past the stones and up onto the deck. Maintenance personnel report water seeping through the deck joints and getting under the pool deck.

  Potential Solution: Modify or replace existing gutter stones. In areas where the gutter is not level the stones (and possibly some of the deck) should be removed and re-installed to provide a level gutter edge around the entire perimeter of the pool. This will not allow water to reach the back of the stone during normal operation. It will provide for a more balanced skimming action as well as provide enhanced gutter flow rates up to 100% of the original design capacity of the circulation system.

- **Pool Heating Systems:**
  Deficiency: The existing pools utilize condensing boilers for heating the pool water. These types of boilers do not perform well when operated with lower water temperatures like the facility operates during winter months. These boilers coupled with the fact that the existing pools are circulated year-round at low water temperature (just enough heat to prevent the water from freezing) makes the boilers more susceptible to condensation and related sooting or corrosion problems.

  Recommendations: The owner has previously expressed a desire to consider sustainable options for upgrading the existing facilities. This coupled with the inherent problems of operating stand-alone pool boilers year-round in this climate would suggest that the owner should consider replacing their pool boilers with either high efficiency "indirect" pool heaters or with a heat exchange system associated to the heaters. A heat exchange system can be more efficient and performs better for year-round circulation. It allows for the use of high efficiency and/or modulating boilers (not available in stand-alone pool type boilers) coupled with the ability to cross utilize the heat for multiple heating applications. This more efficient heat exchanger system will provide for long term operational cost savings. We recommend that any analysis of any mechanical system upgrade include analysis for utilizing a high efficiency boiler/heat exchangers system for heating the pool water. The size of the lap pool and the location of the lap pool equipment inside the main building make it the best candidate for a central central boiler plant if this type of approach is desired, and the system could be used on all pools (with some added expense of running piping and heat exchangers to the remote stand-alone pool equipment locations). Alternately, each pool could consider their own "indirect" type pool heaters (includes a boiler and heat exchange system on a common heater skid) for each pool. If the owner is interested in a heat exchange type system the cost of both approaches should be considered in making a decision.

Disclaimers:

The above recommendations are the professional opinion of Water Design, Inc. and are based only upon our site visit and observations. They are intended to address the pools as they are existing today. The observations in this report should not be relied upon as all inclusive since they deal primarily with some of the larger items that were observed as concerns for the pools. Prior to construction and implementation of any of these recommendations, construction documents stamped by a qualified engineer shall be submitted to the local health and building departments for their review and approval.

END OF REPORT

If you have any questions, please call me at (801) 261-4009.

Cordially,

Tom Anderson
Thomas P. Anderson
Water Design, Inc.
6740 S 1300 E, Ste 110
Salt Lake City, Utah 84121

City Council Staff Report

Subject: Ranked Choice Voting Resolution
Author: Michelle Kellogg, City Recorder/Election Officer
Department: Executive
Date: March 20, 2025

Recommendation

Pursuant to the City Council's request, adopt a resolution requesting inclusion of Park City, Utah in the Municipal Alternative Voting Methods Pilot Project (Ranked Choice Voting) for the 2025 Mayoral and City Council Municipal Election.

Executive Summary

At the March 13, 2025 Council meeting, a majority of the City Council supported participating in the Utah Municipal Alternate Voting Method Pilot Project, also known as Ranked Choice Voting (RCV) for the 2025 Municipal Election. In the determination to participate, the Council supported foregoing a Primary Election, and moving the Declaration of Candidacy period to August 12-19, 2025 to support the inclusion of all candidates interested in running.

Upon passage of the resolution, the City Recorder will, prior to May 1, 2025, notify the Lt. Governor's Office and the Summit County Clerk's Office that Park City is implementing Ranked Choice Voting for this election cycle. In addition, the City Recorder will work with the Communications Team to build a robust educational outreach plan. We currently have a Ranked Choice Voting webpage that voters can read to become familiar with this voting method. Election Day is November 4, 2025.

Exhibit

A: RCV Resolution

Resolution No. 02-2025

A RESOLUTION REQUESTING INCLUSION OF PARK CITY, UTAH IN THE MUNICIPAL ALTERNATIVE VOTING METHODS PILOT PROJECT (RANKED CHOICE VOTING)

WHEREAS, the State of Utah, by its State Legislature, has made available a pilot project for participation in the alternate voting methods for municipal elections beginning January 1, 2019 and ending on January 1, 2026; and

WHEREAS, House Bill 35 as passed during the 2018 General Session allows municipalities to conduct nonpartisan races using instant runoff voting in accordance with the requirements of Utah Code Title 20A, Chapter 4, Part 6 and all other applicable provisions of the law, during any odd numbered year that the pilot project is in effect; and

WHEREAS, the Park City Council, before May 1 of the odd-numbered year, must provide written notice to the Lieutenant Governor and the Summit County Clerk stating that Park City Municipal Corporation intends to participate in the pilot project for the 2025 municipal election; and

WHEREAS, Park City Municipal intends to contract with Summit County to conduct municipal elections and has the resources and capability necessary to participate in the pilot project; and

WHEREAS, the Park City Council finds that it will be in the best interest of Park City and its residents to hold its 2025 municipal election by instant runoff voting;

NOW THEREFORE, BE IT RESOLVED, that the Park City Council adopts instant runoff voting for the 2025 municipal election and that by this resolution, gives notice to the Lieutenant Governor and the Summit County Clerk that Park City intends to enter the pilot project by use of instant runoff voting for its 2025 municipal election; and

BE IT FURTHER RESOLVED that the City Recorder and City Attorney are hereby authorized and directed to do all things necessary to cause the 2025 Park City municipal election to be held in accordance with the instant runoff voting process.

PASSED and Adopted this 20th day of March, 2024.

PARK CITY MUNICIPAL CORPORATION

____

Mayor Nann Worel

Attest:

____

Michelle Kellogg, City Recorder

Approved as to Form:

____

Margaret Plane, City Attorney

City Council Staff Report

Subject:	**Public Art Program Management Structure**
Author:	**Sarah Pearce and Chris Eggleton**
Department:	**Executive and Economic Development**
Date:	**March 20, 2025**

Recommendation

Discuss the Public Art Program's current management structure and consider an option to publish a request for proposal (RFP) for project management services.

Additionally, consider a recommendation from the Public Art Advisory Board (PAAB) to create a grant process for arts & culture organizations.

Public Art Program Management

Public art is a visual enhancement and a powerful tool for fostering connectivity and a sense of place in Park City. Since 1984, when the Park City Art Foundation dedicated the City's first artwork, *Park City Scape* by James McBeth, Park City has been enriched by over 100 artworks that celebrate our unique history and culture. This vibrant Public Art Collection stands as a testament to the City Council's investment and the unwavering dedication of the PAAB.

In 1999, the Arts Council of Park City and Summit County (Arts Council) laid the foundation for the Art in Public Places plan. By 2003, the City Council established the PAAB, a board of residents appointed by the Mayor and City Council. Initially, the Arts Council managed the PAAB and its projects through a Special Service Contract. In 2016, organizational staffing changes led the Arts Council to transfer these responsibilities back to the City, and they continue to support PAAB by actively marketing RFP opportunities to artists locally, regionally, and nationally and providing supplemental expertise when requested.

Recently, an organizational staffing change prompted us to re-evaluate the management of the City's Public Art Program. The program resides in the Special Events Department, which previously had considerable expertise due to the manager's background. Recognizing the opportunity to explore a more dedicated and specialized approach, we recommend pursuing an outside and specialized project manager to work directly with the PAAB while the City continues to provide administrative support.

Park City's Public Art program uses two capital funding sources – Percent For Art and the Capital Improvement Projects (CIP) budget. The Percent For Art program is set to allocate nearly $1 million across 12 current and potential capital projects over the next several years. Additionally, the PAAB is updating its strategic plan to outline projects for the FY26 CIP budget.

To bring these projects to fruition, the scope of work includes:

- Hosting monthly PAAB meetings, setting agendas, facilitating meeting discussions, and advancing projects. (See Exhibit B – PAAB Calendar);
- Collaborating with PAAB and associated departments to determine project parameters and fund allocation;
- Creating and executing RFP;
- Supporting PAAB in reviewing proposals and selecting artists;
- Managing the contracting, execution, and installation of public art projects with City staff support; and,
- Partnering with the City on marketing and engagement plans for completed projects.

<u>Comparative Structures</u>
We researched public art program structures and found a healthy mix of approaches. For example:

- Moab's public art program, managed by the Moab Arts & Recreation Center, includes diverse initiatives such as murals, sculptures, classes, and performances, with project budgets ranging from $2,000 to $5,000. Two City-funded FTEs support the program - an Arts & Special Events Director and an Associate Arts Director.

- Ogden's public art program is managed by the Ogden City Arts, Culture, and Events Division. Ogden allocates up to $30,000 annually for minor public art projects and hosts events like the First Friday Art Stroll. A City-funded full-time Arts Coordinator and the Ogden City Arts Advisory Committee support the program.

- Jackson Hole Public Art, a local non-profit organization, manages public art with a dedicated team, including an Executive Director, Project Manager, and Development Coordinator. The town of Jackson contracts with Jackson Hole Public Art for individual projects. The town itself does not have public art staff.

- Summit County, Utah hires the Arts Council of Park City and Summit County to manage its public art program, with a county staff liaison from the Library providing administrative support. The Arts Council spends approximately 20-30 hours per month with a $31,500 annual contract. They typically execute one project per year, maintain eight Art Pianos throughout the County, and oversee the Summit County Fine Art Collection traveling exhibit, which is housed at the County Courthouse in Coalville, along with a permanent exhibit of George Beard photographs in the Ledges Event Center.

After considerable analysis and discussion, we recommend that the Council consider allowing us to explore the Summit County model and procure outside expertise with the City's administrative support.

The rule of thumb with public art projects is to allocate between 12-15% for administrative expenses. Based on that formula and given the volume of upcoming projects, we recommend a $40,000 annual budget for project management, sought via an RFP that will provide a competitive procurement opportunity. If Council agrees, we can issue an RFP, aiming to have a project manager on board by May.

Arts & Culture Grant Recommendation
The Arts Council is developing an Arts & Culture Master Plan. The study's initial findings identify several challenges:

- **Funding and Resources**: Funding for the arts is a recurring concern, especially when compared to other priorities like recreation, human services, and affordable housing.
- **Visibility and Accessibility**: Many feel that the arts are not prominent or accessible enough, especially outside Main Street and Park City proper. This limits opportunities for both artists and the broader Summit County community.
- **Community Engagement**: While certain events draw large crowds, there is a sense that deeper, sustained engagement with the arts is lacking, particularly among locals and those outside affluent circles.
- **"Arts for Whom?"**: A tension exists between catering to tourists and serving the local community. This raises questions about the kind of art being promoted and who benefits from it.
- **Cost of Living and Artist Support**: The high cost of living makes it difficult for artists to live and work in the area, hindering the development of a vibrant, organic arts community. Existing support systems are seen as insufficient.

For comparison, the City of Aspen supports non-profit organizations and individuals contributing to the community's cultural vibrancy through arts and culture grants. In 2024, the city allocated $941,900 in grants to local arts and culture organizations. The City of Boulder has a nine-year plan to integrate creativity into the community's social, physical, and cultural environment. One key program provides General Operating Support grants for cultural organizations and public art programs.

At the March 13, 2025 meeting, the City Council discussed the City’s Public Service Contracts and the recommendations from the Nonprofit Advisory Committee. The Council directed the committee to find a way to support the arts and culture organizations that did not receive a grant award recommendation.

Additionally, the Park City Public Arts Advisory Board is beginning work on its annual strategic plan and will incorporate findings from the Arts & Culture Master Plan into its recommendations. One immediate recommendation is to create a grant process for arts & culture organizations facilitated by the PAAB. Funding could be allocated to the public art budget for a separate granting process. The PAAB could begin work immediately by evaluating the Nonprofit Advisory Committee's existing applications from Park City Film, Arts Council of Park City & Summit County, Egyptian Theatre, and Ballet West.

Funding

We recommend utilizing the existing Public Art CIP budget to fund the project manager. This approach eliminates the need for a budget increase, ensures swift project progression, and prevents any negative impact on other capital budget requests or allocations.

Funding for the arts & culture grant program would need to be allocated through the FY26 budget process.

City Council Staff Report

Subject: **Public Art Advisory Board Code Amendments**
Author: **Sarah Pearce and Luke Henry**
Department: **Executive and City Attorney's Office**
Date: **March 20, 2025**

Recommendation

Consider an ordinance to amend Section 2-8-21, the Public Art Advisory Board (PAAB), of the Park City Code. These amendments provide better alignment with Park City Municipal's other boards and commissions.

Background

In 1999, the Arts Council of Park City and Summit County (Arts Council) laid the foundation for the Art in Public Places plan. By 2003, the City Council established the PAAB, a board of residents appointed by the Mayor and City Council. The PAAB's purpose is to provide recommendations to the City Council on public art projects and artist selection.

The currect section of the Park City Code dealing with the PAAB, section 2-8-21, was enacted in 2024. This section largely codified the existing structure of the PAAB and kept in place a rule that the PAAB would be governed by a policy adopted by Council. Under the current code and policy, the PAAB has:

- An eight-member board;
- Staggered terms;
- Members are allowed to serve up to two consecutive, three-year terms; and,
- The Arts Council's role includes providing non-voting support and expertise to the PAAB through guidance on various projects and initiatives.

Analysis

On September 5, 2024, Council adopted an ordinance consolidating and streamlining the administration of boards, commissions, and committees. At that time, we minimized changes to the structure of boards through the ordinance and kept the Council-approved PAAB policy in place.

At this time, we recommend making changes to the PAAB code section to make it better align with other City boards by including the following:

- The Public Art Advisory Board will consist of between five and nine members, and one additional representative from the City Council who is a non-voting member.
- All members must live within Park City municipal boundaries.
- The Board will follow the City's Procurement Rules and processes that generally foster broad-based competition in procuring public art.
- A maintenance schedule shall accompany each piece as it is accepted into the collection. The Public Art Advisory Board shall review the Park City public art

collection on an ongoing basis or as needed for general maintenance and repairs.

- If the structural integrity of an artwork is critically damaged or risks causing harm, the City Manager may authorize its immediate removal and placement in storage. The Public Art Advisory Board will make a recommendation on the repairing, resiting, or deaccessioning within a reasonable time following the removal.

Additionally, the PAAB follows the policies in the Public Art Advisory Board Policy Handbook. If the City Council approves the amendments outlined in this report, we will amend the policy handbook to reflect the changes.

Exhibits

Exhibit A – Redlined Changes to Section 2-8-21 of the Park City Code
Exhibit B – Ordinance No. 2025-04, An Ordinance Amending Section 2-8-21, Public Art Advisory Board, of the Park City Code
Exhibit C – Public Art Advisory Board Policy Handbook

PROPOSED CODE AMENDMENTS

2-8-21 Public Art Advisory Board

A. **Purpose and Authority.** ~~The Public Art Advisory Board will create and propose updates for a public art policy and plan, make recommendations to the City Council regarding public art placement and expenditures, and establish future funding opportunities for public art.~~

1. The Public Art Advisory Board will create a public art policy and plan, make recommendations to the City Council regarding strategic planning, acquisition, expenditures, funding and budgetary requests, project identification, donations, proposals or qualifications, maintenance, repair, re-siting or deaccessioning of public art, and establish future funding opportunities for public art.

2. The City Council finalizes all decisions regarding the acquisition and deaccessioning of public art, regardless of funding amount. The Public Art Advisory Board can make decisions about resiting minor works, but decisions regarding resiting major works must be approved by the City Council.

B. **Organization.** ~~The Public Art Advisory Board will consist of eight members.~~

1. The Public Art Advisory Board will consist of between five and nine members. The City Council may appoint a Council Liaison.

2. All members must live within Park City municipal boundaries.

C. ~~**Policy.** The Public Art Advisory Board will be governed by a policy that will be adopted by Council.~~ **Rules and Regulations.**

1. The Board will follow the City's Procurement Rules and processes that generally foster broad-based competition in procuring public art.

2. A maintenance schedule shall accompany each piece as it is accepted into the collection. The Public Art Advisory Board shall review the Park City public art collection on an ongoing basis or as needed for general maintenance and repairs.

3. If the structural integrity of an artwork is critically damaged or risks causing harm, the City Manager may authorize its immediate removal and placement in storage. The Public Art Advisory Board will make a recommendation on the repairing, resiting, or deaccessioning within a reasonable time following the removal.

Exhibit B

Ordinance No. 2025-04

AN ORDINANCE AMENDING SECTION 2-8-21, PUBLIC ART ADVISORY BOARD, OF THE PARK CITY CODE

WHEREAS, the Public Art Advisory Board was established by Council in 1999, to provide recommendations to the City Council on Public Art programs, initiatives and purchases.

WHEREAS, Board members are tasked with evaluating artist proposals to make recommendations to the Council on City public art projects.

WHEREAS, the City Council finds that providing more uniform rules for governance of the Public Art Advisory Board with the City's other boards and commissions will aid in transparency and administration.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:

Section 2-8-21 of the Park City Code is amended and adopted to read as outlined in Exhibit A. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 20th day of March, 2025.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Nann Worel

Attest:

____
Michelle Kellogg, City Recorder
Approved as to form:

____
City Attorney's Office

Public Art Advisory Board and Public Art Program Guidelines and Policies

Park City Public Art History

Beginnings

To enhance Park City as a leading cultural destination, the Park City Council has taken steps to promote and maintain the vision of the public art collection. The public art collection helps to ensure the aesthetic quality of daily life and provides a Sense of Place in the community. Public Art is a fundamental element and defining characteristic of the City.

The Park City Art Foundation dedicated Park City's first piece of public art, *Park City Scape*, by artist James McBeth, in October 1984. This piece currently resides on the south side of Park City's historic Miner's Hospital Building at City Park.

In February 1999, the Park City Summit County Arts Council established the first Art in Public Places plan to help create the framework for a strong and healthy public art program. The plan was formulated, in part, to help guide the selection process for the art at the Park City Transit Center, funded through a grant from the Federal Transit Authority.

In December 2002, the City Council first discussed a public art policy.

In May 2003, the planning department solidified the City's commitment to art by clarifying and codifying a section of Park City Code Title 15, the Land Management Code, specifically addressing the placement of art on public property. Park City Code section 15-4-15 addresses requirements for light, safety, and appropriate outdoor materials for art on public property.

In July 2003, the Council allocated $200,000 as seed money for a new Public Art Program. In December 2003, the City Council adopted a Public Art Policy, establishing a Public Art Advisory Board to be administered by the Park City Summit County Arts Council.

In May 2004, Park City Council appointed a Public Art Advisory Board to create this strategic art plan, make recommendations to the City Council regarding public art placement and expenditures, and establish future funding opportunities for public art. By July 2004, the Public Art Advisory Board and the Park City Summit County Arts Council prepared the first Park City Public Art Plan.

In 2015, the Park City Summit County Arts Council's administrative duties shifted to the City. The Arts Council continued to support and advise the board as a non-voting member and helps market opportunities to local, regional, and national artists. At that time, the City Manager appointed a staff liaison who took on board administration, strategic planning, and project implementation. In August 2016, the Public Art Board Policies, Mission, and Vision were updated, allowing members to serve staggard terms and updated term limits to two consecutive, three-year terms. In 2020, the Park City Public Art Advisory Board membership was increased from 7 to 8 members.

Today

The arts are an integral part of the Park City community. Park City is filled with artwork. Art galleries, private collections, performance venues, and non-profit organizations thrive in Park City and are dedicated to elevating arts and culture throughout the City.

The City Council works with the Public Art Advisory Board and arts organizations to ensure a cohesive plan for public art is in place now and in the future. To accomplish this, continued collaboration among many departments and community partners is essential.

Today, Park City's Public Art Collection has grown to more than 150 artworks in the Permanent collection. Whether riding the bus, walking on Poison Creek Trail, visiting Main Street, or visiting the many city-owned buildings, you will find artwork that both inspires the future and celebrates our past. A Public Art Map is available on the City's website.

Glossary of Terms

Deaccessioning: The removal of an existing Permanent work of art from Park City's Public Art collection. The policy for deaccessioning is outlined in the attached re-siting and deaccessioning policy. (Exhibit A)

Percent for Arts Qualifying Projects: Any city-funded capital project for new or remodeled facilities where the budget is or exceeds one million dollars. This does not include infrastructure maintenance projects such as annual streets, trails, technology, parks, public utility maintenance, or environmental remediation. The cost of land acquisition does not qualify for percent for arts allocations.

Permanent: A period lasting or remaining unchanged indefinitely.

Private Art: Any visual work of art owned privately, which is displayed in or on City Property for any length of time.

Public Art: Any visual work of art displayed for any length of time in or on City Property or on non-City property if the work of art is installed or financed, wholly or in part, with City funds or grants procured by the City.

Request for Proposals (RFP): A document used to solicit proposals for a specific opportunity. The RFP defines proposal requirements including the project budget, criteria and constraints, description of the project site, and format for submission.

Requests for Statement of Qualifications (RSOQ): A solicitation to receive statements describing the qualifications of proposers with respect to specified criteria.

Re-Siting: The relocation of an existing work of art in Park City's Public Art collection. The policy for Re-Siting is outlined in the attached re-siting and deaccessioning policy. (Exhibit A)

Site-Specific: A work commissioned, created, purchased, or donated for a particular place.

Sense of Place: Based on the findings of the Community Visioning from 2009, 'Sense of Community' is defined as what unites Parkites – a common ground – despite diverse social, economic, and cultural backgrounds. While our natural setting and recreational opportunities have brought many people to Park City, the strong sense of community keeps people here. It is essential to residents that the Sense of Community they know remains intact and retains its funkiness, diversity, and playfulness. For Parkites, the presence of arts and culture adds to our quality of life through diverse local opportunities to enjoy and explore the arts through many mediums.

Temporary: A period lasting only a limited time.

Visual Art: Art forms of sculpture, monuments, murals, frescos, reliefs, fountains, banners, benches, and architectural furniture. Works of art include the art mediums of weaving, carving, painting, assemblage, collage, welding, casting, mixed media, multimedia, and sculpting.

Administration

Park City's Public Art Advisory Board (PAAB) members are appointed by the Mayor with the advice and consent of the City Council under Park City Code section 2-8. The Public Art Advisory Board is made up of eight members who live within Park City limits. Board members may not serve more than two consecutive, three-year terms. Terms are staggered. Members must reapply for a second term. Appointments to fulfill vacant terms do not include term limits. Terms begin on July 1 and end on June 30 or until vacancies are filled. Board members are not compensated.

The City Manager or their designee shall appoint a Staff Liaison to the board as ex-officio without vote. A City Council liaison may also be appointed to the Board as ex-officio without a vote. It is encouraged that students from the community serve as ex-officio without a vote.

PAAB makes recommendations to the Staff Liaison, who shall make recommendations to the City Council regarding strategic planning, acquisition, expenditures, funding and budgetary requests, project identification, donations, proposals or qualifications, maintenance, repair, re-site or deaccession of public art, and policy refinements. The City Council finalizes all decisions regarding Public Art, regardless of funding amount.

The PAAB works to make recommendations to help promote and cultivate the Strategic Plan, Public Art Policy, and Public Art Collection by expending funds on and facilitating artworks to:

- Connect the Park City community through visual art in public places.
- Stimulate vitality, vibrancy, and economy of the City.
- Enhance Park City's standing as a leading cultural destination.
- Advance public understanding of visual art.
- Enhance the aesthetic quality of daily life and provide a sense of place.

Mission

Enrich and connect the Park City community through visual art in public places.

Vision

Inspire a complete community, celebrating Park City's vibrant history, culture, and environment.

Goals and Strategies

1. Maintain and Preserve the Public Art Collection
   a. Perform an annual collection review.

    b. Maintain a current inventory of the collection.
    c. Respond in a timely manner to damage or maintenance needs.
2. Acquire Public Art that aligns with the Mission of PAAB
    a. Adhere to the selection process criteria and standards.
    b. Select artists whose work aligns with the specific project's vision and goals.
    c. Align projects with the City's values and priorities.
    d. Advocate for private and public collaborations.
    e. Be responsible stewards of public art funds.
    f. Establish collaborations with City Departments.
    g. Maintain a current Strategic (Project) Plan document.
3. Select Public Art and Reflect a Sense of Place
    a. Create a cohesive and relevant collection that tells the story of our community.
    b. Connect to Park City's history and landscape.
    c. Reflect Park City's diverse culture and unique neighborhoods.
4. Engage the Community Through Public Art
    a. Increase public involvement through educational opportunities, outreach, and awareness.
    b. Respond to the community's concerns and suggestions.
    c. Promote the current Public Art Collection.

Overview of Public Art Selection and Approval Process

1. The Public Art Advisory Board identifies the Strategic Plans annually and makes recommends to the Staff Liaison. This should include the project potential site location and budget.
2. The Staff Liaison reviews the recommendations with the City Manager and brings them to the City Council annually for approval before beginning the procurement process.
3. After approval by the City Council, the Staff Liaison will generate a Request for Proposals (RFP) or Request for Statement of Qualifications (RSOQ) in accordance with Park City's Purchasing Policy.
4. The Public Art Advisory Board shall review artists' proposals and select based on the guidelines and criteria outlined in this document and the requirements of the RFP.
5. The Staff Liaison will present the Public Art Advisory Board's recommendation to the City Council for final approval.
6. After projects are approved, the City will enter into a contract with the artist and coordinate with the Public Art Advisory Board for installation through completion and final acceptance of the project.

Acquisition

All artwork purchases must follow the City's Purchasing Policy and process outlined in this document.

Donations

The Public Art Advisory Board reviews and recommends proposed artwork donations for Park City.

Donors will present a proposal to the Public Art Advisory Board following the donation policy (Exhibit B). The Board will review the proposal and decide whether to accept or deny it based on the financial considerations and design criteria listed in this policy.

Specific Proposal by Artists

An artist or group of individuals may propose a project to the Public Art Advisory Board. The Staff Liaison shall consult the City's Purchasing Policies to determine the procurement process for such a proposal.

Purchase of Art

The Public Art Advisory Board may consider purchasing artwork if the piece identified meets the intent of the Public Art Policy. Once a piece is identified, the selection and approval process outlined above will be followed according to the City's Purchasing Policies. In this case, no more than ten percent (10%) of the cost of the work may go toward a dealer or agent.

Design Criteria

The Public Art Advisory Board shall use the following criteria as guidelines in identifying, selecting, and accepting public art.

1. **Quality**: Acquisitions for Park City's Public Art Collection shall be of exceptional quality and enduring value. Consideration shall include artists experience in successful projects, material selection craftsmanship and reflect artistic excellence.
2. **Authenticity**: Work shall be original and not identical to something already existing in the collection. Works of art shall be compatible in style, scale, material, form and content with their surroundings, and should form an overall relationship with the site, the collection as a whole and the community.
3. **Engagement**: A vital element of a successful Public Art Program is the connection of the work to the community. A work with such engagement should help the community feel ownership of the art and an ongoing appreciation of the work. Work may tell a story of the community's past or present and may portray a sense of the place, people, and spirit that live here. The artwork may speak to a specific community, area, or neighborhood or it may unite us.
4. **Creativity**: Creativity can be communicated through various artistic styles. The artist should be able to explain why their work is creative and how their concept solves the problem through vision, process, thoughts, ideas, feelings, use of materials, and other areas. Artwork should create excitement, be unique and original, and have the ability to inspire and create a sense of wonder. Artwork may be innovative or imaginative and have the ability to transcend traditional ideas or techniques and create new meaningful interpretations or inspire the community and our imagination.
5. **Other Considerations**: Ensure that public art is safe, accessible, and durable, as pertains to the appropriate time period of display of the work and is compatible with community standards. Artworks shall not require excessive maintenance or repair costs. Lighting and site preparations should be considered. Artworks that require frequent maintenance are discouraged. Artwork shall not create safety problems for the public or create liability for the City.

Site Location

The Qualifying Percentage for Arts Projects will be located at the facility's location. For projects from other funding sources, the Public Art Advisory Board will identify locations that maximize public interaction with art.

Installation

The artist is responsible for all applicable permits pertaining to the artwork installation. City permitting fees shall be waived for the artist to avoid unnecessary project expenses to the artist.

Maintenance

The City is committed to the collection's documentation, preservation, and maintenance.

The Public Art Advisory Board ensures long-term enjoyment of the collection and takes action to prevent the deterioration of works before they become disrepair or require deaccession (Exhibit A). A maintenance schedule shall accompany each piece as it is accepted into the collection. The PAAB shall review the Park City Public Art Collection on an ongoing basis or as needed for general maintenance and repairs.

If artwork is damaged or destroyed, the Staff Liaison will inform the Public Art Advisory Board of how maintenance will be accomplished.

Conditions requiring excessive maintenance may require the deaccessioning of the artwork. In this case, please refer to the deaccessioning policy.

Funding

Establishing a diverse, ongoing funding mechanism for public art is key to sustaining a vibrant and diverse public art program. The Public Art Advisory Board will make a funding recommendation to the Staff Liaison, who will review it with the Budget Department and City Manager before taking the recommendations to City Council for approval.

Funding methods include:

1. **Percent for Arts Allocation**: Refer to the Percent for Arts Qualifying Projects definition. The funding allocation will used for art at the specific site where the project occurs.
2. **Annual Budget for Public Art**: Park City Municipal Corporation may allocate a certain set amount for public art in each capital budget cycle with a recommendation from the Public Art Advisory Board for the general public art fund. These budget appropriations are not site specific.
3. **Public–Private Partnerships**: A project may be funded partially through Public Art Funds and partially through private, business, development, civic, and/or other organization contributions. For such contributions, funding shall first be reviewed with the Public Art Advisory Board, who shall recommend to the City Council for review and final approval.
4. **Local, State, and National Grants**: Park City Municipal Corporation may be eligible for grants to support the Public Art Program. When applying for grants, the Staff liaison should coordinate with the Public Art Board as well as the Budget and Finance Department.

5. **Maintenance Funds**: The Public Art Advisory Board shall review and recommend a Maintenance Fund Budget for public art in accordance with the City's budget cycle.

Resiting and Deaccessioning Policies

Re-siting Works of Art

The Public Art Advisory may consider moving a public artwork for any of the following reasons:

- The site is being eliminated, is no longer publicly accessible, or other changed circumstances require the work to be removed.
- The site is being changed so that the artwork is no longer compatible with its setting.
- The artwork's condition or security cannot be reasonably guaranteed at its current site.
- The artwork has become a danger to public safety.

If the Public Art Advisory Board determines that one or more of the above conditions exist:

- It may make a good faith effort to discuss re-siting with the artist or donor.
- If the Public Art Advisory Board cannot recommend an alternate site, the artwork may be recommended for deaccession or placed into storage until other options become available.
- Decisions regarding resiting major works must be approved by the City Council.

Compromising Conditions

If the structural integrity of an artwork is critically damaged or risks causing harm, then the City Manager may authorize its immediate removal and placement in storage. The City Manager will notify the Staff Liaison to the Public Art Advisory Board who will make a recommendation on the repair, re-site, or deaccession at its next regularly scheduled meeting.

Deaccessioning Works of Art

Deaccessioning is a procedure for removing an artwork from the City's collection. Deaccessioning may only be considered after careful and impartial evaluation of the artwork. All contractual documents relating to the work must be consulted before the beginning of the deaccessioning process.

The Public Art Advisory Board may recommend the deaccession of artwork based on these criteria:

- A new site for an artwork cannot be found for a piece that needs re-siting.
- The artwork is beyond reasonable repair.
- The artwork requires excessive maintenance.
- After proper and thorough community education and outreach, there is an adverse public reaction to the artwork.

After review, if the Public Art Advisory Board recommends deaccession of the artwork, the City Council shall have final authority.

Park City Public Art Donations Policy

The Public Art Advisory Board is responsible for considering and reviewing public art donations on behalf of the City.

The Public Art Advisory Board makes donation recommendations based on the same selection design criteria it uses to acquire works for the public art collection. The Public Art Advisory Board recommends whether to accept or decline art donations to the City Council. The City Council has the final authority on all decisions regarding public art donations.

The donation process is outlined below.

I. Written Proposal

The donor must submit a written proposal to the City for the Public Art Advisory Board for review. The proposal should include a description and specifications of the proposed donation, including artist, title, dimensions, material, proposed location, value, and a profile of the artist and the donor. A maquette, drawing, or photograph of the work, site drawings, installation details, value of the artwork, and maintenance instructions must also be included. Any funding requests for the donation must also be included in the proposal.

II. Design Criteria

Donated artwork shall be considered by reviewing the Design Criteria as outlined in this policy.

III. Site Criteria

The written proposal should describe the proposed site for the donation. The placement of artwork must be appropriate to the site's size, scale, design, and environment.

The artwork's relationship to pedestrian and public access to the work should also be considered.

The City departments such as Engineering, Building, Planning, and Public Works will review site location as part of the Public Art Advisory Board's review process.

IV. Memorial Gifts

The proposal must document the significance of the event or person being memorialized. The memorial may represent broad community values and should be meaningful or thought-provoking to future generations. The proposal should outline the location of the memorial and provide context for the site.

V. Terms of Agreement

When the artwork is accepted into the Public Art Collection, the terms of the Final Art Acceptance Agreement shall be included in the recommendation to the City Council in a form approved by the City Attorney's Office.

PARK CITY PUBLIC ART ADVISORY BOARD MEMBER ROLES

The Public Art Advisory Board will:

- Read and review board agendas, meeting packets, and minutes, as well as any other necessary materials.
- Participate in annual Open Meetings training; review the Park City Officials Handbook; sign an oath of office and disclosure statement; and sign the ethics pledge.
- Attend City Council meetings or community functions as appropriate.
- Only voting members may make motions and vote.
- Annually appoint a Board Chair and Vice Chair position.
  - The Board Chair is responsible for running meetings, including keeping the board focused on agenda items, keeping time at meetings, and summarizing the board's motions for minutes. Additionally, the Chair may assist the Staff Liaison in setting meeting agendas and presenting at City Council or community events.
  - The Vice Chair shall assist the Chair and serve as Chair when the Chair is unavailable.
- Two absences are allowed annually.
- No more than one form of electronic participation shall be permitted at one meeting.

Board Member Removal

According to Park City Code section 2-8, the Mayor has the authority to remove a board member, with the advice and consent of the City Council, due to cause, which includes willful misconduct or intentional failure to perform stated duties.

Liaison Roles

- Park City Council Liaison:
  - Provides advice and input from the City Council's perspective and serves as a resource to the Public Art Advisory Board.
  - Provide input to the City Council related to the Public Art Advisory Board.
- Staff Liaison:
  - Advise, provide input, and serve as a resource for the Public Art Advisory Board, and coordinate communications with other City Departments on projects and obtain department and City Council approvals.
  - Create and post agendas and board packets and distribute them to the board prior to meetings.
  - Record and distribute meeting minutes
  - Provide budget updates, disperse approved allocations for public art projects, and coordinate budgetary requests as appropriate.
  - Manage public art projects in process from creation of Request for Proposals/Qualifications through completion and final acceptance of installation.
  - Oversee updating the Strategic Plan and implementation of Public Art projects and manage the maintenance, repair, and inventory of the Public Art Collection.
- Executive Director of the Park City Summit County Arts Council:
  - Provides input and serves as a resource to the Advisory Board.
  - Provides feedback regarding the work of the Arts Council and the Park City Public Art Advisory Board.

    - Serves as a resource for grant opportunities. Grant writing should be performed by the City Staff Liaison.
    - Promotes the Park City Public Art Collection.
    - Helps to form partnerships and collaborations between the Park City Public Art Advisory Board and the Summit County Public Art Advisory Board, as well as, other arts and culture organizations.
    - Provides marketing of RFP or RSOQ opportunities to local, regional and national artists as they are made available.
- Youth Liaison
    - Provides advice and input from the youth perspective and serves as a resource to the Public Art Advisory Board.