



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

**December 14, 2023**

The Council of Park City, Summit County, Utah, met in open meeting on December 14, 2023, at 3:15 p.m. in the City Council Chambers.

Council Member Gerber moved to close the meeting to discuss advice of counsel and property at 3:18 p.m. Council Member Doilney seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

**CLOSED SESSION**

Council Member Gerber moved to adjourn from Closed Meeting at 4:15 p.m. Council Member Doilney seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

**PARK CITY WATER SERVICE DISTRICT MEETING**

**ROLL CALL**

Attendee Name	Status
Chair Nann Worel Board Member Ryan Dickey Board Member Max Doilney Board Member Becca Gerber Board Member Jeremy Rubell Board Member Tana Toly Matt Dias, Executive Director Margaret Plane, City Attorney Michelle Kellogg, Secretary	<b>Present</b>
None	<b>Excused</b>

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

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

## **CONSENT AGENDA**

### **1. Request to Authorize the Mayor to Execute a Memorandum of Agreement, in a Form Approved by the City Attorney, to Continue Leasing Surplus Water to Weber Basin Concurrent with the Western Summit County Project Master Agreement:**

Board Member Gerber moved to approve the Consent Agenda. Board Member Doilney seconded the motion.

#### **RESULT: APPROVED**

**AYES:** Board Members Dickey, Doilney, Gerber, Rubell and Toly

## **ADJOURNMENT**

## **WORK SESSION**

### **Housing Resolution Biennial Review:**

Browne Sebright, Affordable Housing Manager, presented this item and reviewed the City's housing resolution was used to ensure the availability of affordable housing. In 2022, the City received an updated Housing Needs Assessment and the resolution was a key component. He noted two new housing policies: the affordable master planned development (AMPD) and public private partnerships. Dejan Eskic and Jim Wood, Kem Gardner Policy Institute, performed the needs assessment and Sebright shared demographic data from the analysis. He noted that less than 2% of homes sold in the City were affordable to workforce. The analysis recommended increasing the fee-in-lieu amount for developers and updating employee generation numbers.

Eskic stated the large nightly rental pool in the City was a challenge for workforce. He indicated only 12% of the workforce lived in Park City. The average sales price for a home in Summit County was \$2.23 million. Wood indicated Park City and Salt Lake City were the two cities in Utah that were proactively working on affordable housing. He reviewed the recommendations for the housing resolution and noted Goal Seven in the General Plan addressed the need to create a diversity of primary housing opportunities. He also suggested adding language that prioritized workforce income ranges to 50% average median income (AMI) for some units.

Council Member Dickey asked if the City could mandate lower AMIs in the housing resolution. Sebright stated he would ask the City Attorney for clarification on that and assess if the housing resolution was the best place for that.

Council Member Toly indicated many people came in and out of town every day. She wanted the City's affordable housing to be for workforce only. She thought the workforce coming from Salt Lake City should be directed to public transit and noted special emphasis should be to house the municipal employees.

Council Member Dickey asked how rezoning areas for affordable housing would work. Council Member Gerber stated the goal eight years ago was to house 15% of the workforce, but now she thought the goal should be 30%. She stated aspirational goals pushed the Council and staff to think creatively. She felt younger people needed to live here so the City didn't turn into a retirement community. Council Member Doilney agreed with Council Member Gerber and stated young people were essential to a vibrant community. He supported a 30% affordable housing goal by 2034, along with transportation goals, especially with the Olympics and other big events on the horizon.

Council Member Rubell supported 15% of the workforce living in the community and indicated a larger percentage would mean more density and a potential use of open space. He favored eliminating the fee-in-lieu option, but if it remained in the resolution, it should be increased. He noted the commercial aspects of an AMPD should be looked at, since that would be a way to generate revenue to pay for the lower AMI housing. He hoped to focus on workforce housing and prioritize public safety roles and municipal employees for those units. He also thought addressing onsite versus offsite housing should be addressed with transit options for offsite housing.

Mayor Worel summarized there was interest in rezoning and setting new goals. Sebright stated the housing goal would be revisited, they would look at having an internal priority for housing City employees, and they would work to ensure transit goals aligned with the housing data. Regarding the housing resolution, employee generation numbers and fee-in-lieu should be updated. He stated he would bring back a housing resolution draft next year for the Council to review. Council Member Rubell requested an AMI and workforce wage discussion.

## REGULAR MEETING

### I. ROLL CALL

Attendee Name	Status
Mayor Nann Worel Council Member Ryan Dickey Council Member Max Doilney Council Member Becca Gerber Council Member Jeremy Rubell	Present

Council Member Tana Toly Matt Dias, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	
None	<b>Excused</b>

## II. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

### **Council Questions and Comments:**

Council Member Rubell announced the peak day traffic mitigation project would begin tomorrow. The direct bus routes to the resorts had begun as well. Council Member Doilney indicated staff and the Council had a farewell party for him and Council Member Gerber. He stated his time on Council was a joy and he respected those who served on Council as well as the public who participated in the public process. He also respected those who were working and couldn't attend the meeting. Council Member Rubell thanked Council Members Doilney and Gerber for working with him for the past two years. Council Member Gerber stated it was an honor to serve the community. She felt this was a special community and everyone was blessed to live here. She expressed gratitude to the staff, Council, and community members who wanted the best for the City. Council Member Dickey thanked Council Members Doilney and Gerber for their time and efforts spent working for the best interests of the City. Council Member Toly thanked Council Member Doilney for debating the issues with her and thanked him and Council Member Gerber for their example. She would continue championing the causes they fought for.

Mayor Worel stated she and Council Member Gerber worked for the past eight years together and things wouldn't be the same. She also thanked Council Member Doilney for the opportunity to work with him. She stated she got to light the menorah at City Park Monday. She also rode transit from Richardson Flat to the resort and back on the express shoulder of the road.

### **Staff Communications Report:**

#### **1. Temporary Winter Balcony Enclosure Pilot Program Extension:**

## 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.

Meg Ryan thanked Council Member Gerber for her work on childcare and the youth council. She thanked Council Member Doilney for his work on the Council as well.

Sean Parker thanked the Council for their service.

Megan McKenna 84060 thanked Council Members Gerber and Doilney for their service and for their dedication to the working people in the City. She rode public transit and thanked the City for the investment in public transit.

Shelley Gillwald Park City Soccer Club, via Zoom read a prepared statement: "I'm speaking tonight on behalf of the Park City Soccer Club, representing our membership of over 625 players and nearly 500 families. Approximately 1/3 of our membership resides in 84060. While it is disappointing that the recreation bond did not pass, I would like to go on record formally urging the City to continue to pursue adding low impact lights to the Stadium Field at the Park City Sports Complex. It is understood that our community has a good supply of traditional grass fields, however we are greatly lacking facilities that can be utilized for games and training after sunset. PC Soccer Club hosts approximately 130 home games each Fall and Spring season, which referee availability necessitates are scheduled back-to-back. That means by the end of September when the sun sets a little after 7pm -- which is only midway through our Fall season -- there are only two fields where we are able to schedule back-to-back home games: those would be the two lit fields at Quinn's, given that Dozier and City Park are not available for Club soccer games. At the same time, we are also trying to fit in approximately 80 team practice sessions per week, only so many of which are able to score those prime afterschool time slots. The remainder of our teams, along with lacrosse, baseball, softball, and so many others, are left fighting for the scheduling scraps after various high school sports, rec league programs, and stakeholder competitions book those lit fields. Last spring, when communicating with the Basin Rec consultants on the dire need for lit and cleared turf fields -- a topic for another day with you all -- I spoke to every youth sport stakeholder organization as well as Jamie Sheetz from the High School. In addition to all of the recreation league sports, this process identified nearly 15 organizations or programs requiring lit fields, turf, or indoor facilities between late September and the end of April when all of our grass fields traditionally "reopen." These 15 organizations and programs field well over 100 individual teams, made up of over 1,800 youth athletes. All of us compete for this very limited field space. Adding lights to the stadium field, and increasing access to game, training, and recreation facilities by up to 3 hours per day, will make a significant difference for the stakeholders of our community. Again, it is our hope that you will be able to find the funds in this coming year's budget to add lights to the Park City Sports Complex Stadium Field. Thank you for your consideration. Finally, I'd like to thank both Becca and Max for their service."

Cami Richardson 84036 thanked Council Members Doilney and Gerber for their service, especially for their vision to create a LGBT taskforce. As a result, their community was thriving.

Ed Parigian agreed with all the comments given about Council Members Doilney and Gerber. He looked forward to continuing where they left off.

Logan Whitesong 84060 explained Utah's cloud seeding program and indicated they used silver iodide, and he stated this vapor clouded the sky and had negative effects on health. He talked to someone from Salt Lake and was told they only did this when there was moisture in the air to create snow. He asked for support from the City to fight this program.

Ryan Walsh eComment: "I am submitting a public comment as president of the Park City Youth Lacrosse Organization. Even though the community has voted to reject the recreation bond that would have funded improvements to the facilities at Quinn's Junction, I humbly submit that there is an opportunity to make a significant improvement still by installing lighting at the stadium field at Quinn's Junction. Our organization is among many with participants who live in the city and county - and we all would be able to utilize more field space/time for training and games on those fields when the days shorten in the fall but the overall weather conditions permit."

Mayor Worel closed the public input portion of the meeting.

#### IV. CONSENT AGENDA

**1. Request to Approve and Accept the Fiscal Year 2023 Annual Comprehensive Financial Report (ACFR):**

**2. Request to Amend a Contract with Granite Construction Company in a Form Approved by the City Attorney, Not to Exceed \$181,351.04, to Fund Project Closeout Activities on SR-248:**

**3. Request to Approve Special Event Temporary Alcoholic Beverage Licenses during the 2024 Sundance Film Festival:**

**4. Request to Approve Type 2 Convention Sales Licenses for Operation during the 2024 Sundance Film Festival:**

**5. Request to Change the Dates for the 2024 Park Silly Sunday Market:**

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

**RESULT: APPROVED**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

#### V. OLD BUSINESS

**1. Deer Valley (DV) Development Company, Inc. Petition to Vacate Public Right-Of-Way (ROW) – Deer Valley Drive West and South Sections – The City Council Will Conduct a Public Hearing and Consider an Ordinance Approving the Vacation of**

**City Right-of-Way (ROW) as it Pertains to Deer Valley's Snow Park Base Redevelopment (2250 Deer Valley Drive South):**

Mayor Worel thanked the community for their engagement through this process. She summarized what had happened with this issue to this point. She noted there was a lot of information on the City website that the public could review. She indicated the City was entering a public-private partnership with DV and explained the terms of that partnership.

Matt Dias, City Manager, reviewed questions previously asked by the public. He explained the portion of the ROW being considered for vacation and a map was displayed showing the area. He indicated traffic lights would be installed on Deer Valley Drive regardless of the ROW vacation. He received questions about DV's required affordable housing. He clarified the partnership was in addition to the required housing. As part of the partnership, DV would be donating \$15 million and the City would match that with \$15 million. That money would be used for a regional transportation facility, with a possibility of adding workforce housing on that property.

Dias described what the Planning Commission's review of the Snow Park MPD would entail, including the traffic circulation plan, the transit center, the parking space allotment, trails, pedestrian management, etc. Regarding soil mitigation measures as part of the partnership, Dias stated DV would go to the Planning Commission and show mitigation to haul soil that was contaminated. The EPA updated their ordinances, and it was important to DV that the City stayed up-to-date to maintain health and safety standards. He also discussed the pending ordinance related to support commercial within MPDs, and noted DV's application was filed before the pending ordinance and therefore this application would not be impacted.

Margaret Plane, City Attorney, defined Good Cause as broad discretion for determining good cause for a legislative decision. The standard for Material Injury was much narrower. Good Cause is not defined in this section of State Code but is defined in the City's LMC and states it is done on a case-by-case basis. People had quoted a resolution from 1998, and she noted it was not legally binding. Good Cause was a deferential standard. The Council needed to hear the information, weigh it, and make a decision. As long as the Good Cause standard is met, the Council's decision should be upheld.

Material Injury was a narrow interpretation and must be different in kind or degree from the general public. This meant it requires a showing that a property owner would be denied reasonable access to their property. This did not require a property owner direct access to their property. The current application retains public and private access and utility easements for the adjacent property and nobody presented material that met the standards for material injury under the law.

Plane indicated the decision before the Council tonight was whether or not to vacate the ROW. That decision would be final upon plat recordation and title transfer. Before these

could happen, the parties would need to enter into a public private partnership agreement (PPPA). That PPPA would come back to the Council for approval. The Planning Commission would also need to consider the application and approve it under the LMC standards.

Todd Bennett, DV President, stated the Council and staff worked hours on this partnership. He listened to community members as this plan was developed. He knew this plan would serve the community for years to come. They would hold the first of several open houses to inform the public about the project in the near future.

Mayor Worel opened the public hearing.

Nathan Rafferty, Ski Utah President, thanked Council Members Doilney and Gerber for their work on the Council. He stressed the need for improvement to the resort infrastructure. DV was the number one resort in the world, and they needed to be innovative. Ski Utah supported the vacation of the ROW. He thought keeping the integrity of the community and improving the resorts were not mutually exclusive.

Tom Kelly 84098 had skied DV for 30 years and he enjoyed it. He thought DV resort had been a great partner with the community and had a direction of excellence. The project was well-conceived, and it would provide a benefit to skiers and the community.

Jack Thomas stated there was a process to making a decision and no matter what the decision, someone would be displeased. This resort had engaged with the City for years in an open and transparent manner. He appreciated DV's persistence. He thought it was in the best interest of the community to move forward with this plan. He also thanked Council Members Gerber and Doilney for their passion for the community.

Teri Whitney 84060 stated change was inevitable. DV gave a lot of thought to the design of the Snow Park project and she supported it.

Diego Zegarra 84060 supported the proposed project and thought it would help with the City's housing and transportation issues. He also thanked Council Members Doilney and Gerber for their work.

Jennifer Wesselhoff, 84060, Park City Chamber and Visitor's Bureau President, indicated there were many opportunities for public comment on this issue. She praised the Council for listening to the constituents and weighing the public benefit. She encouraged the Council to act by approving the ROW vacation. She thought the partnership between the City and DV would be essential as the City worked on issues prior to the Olympics in 2034.

Eric Lee 84060 legal counsel for several Deer Valley HOAs and private individuals, stated he was concerned with a due process issue. Council Members Dickey and Doilney were involved in the negotiation process leading to the PPP. They decided the



statutory factors of Good Cause and absence of Material Harm had been established for some time. If they were committed to the notions of an absence of harm and that good cause existed, then they had prejudged the issues and they had bias. The law says that the decision maker is disqualified from voting on the matter at hand.

Robert Boone, 84060, urged the Council to postpone the vote in light of the previous commenter's assertions. The Council needed to get it right. He wanted to see the full terms of the agreement. He needed time to consider the partnership.

Sean Parker 84060 stated behavior could be changed with the proposed transit center, but there would still be a 31% increase in traffic. He also thought the partnership was in DV's favor. A Public Infrastructure District (PID) would give the resort a better bond rate. He wanted some commitments around the traffic mitigations and how the partners reached the \$15 million amount.

Charlotte O'Connell 84060 thanked the Council for their service. She asked for the vote to be delayed. She asked where the \$15 million from the City would come from, and where the money would come from for soil mitigation. She asked where the water would go when the parking lots went in.

William Wallace 84060 was a secondary homeowner and indicated his community had walkways and bike paths. Traffic mitigation processes worked in his community. He loved the City and thought it was great to raise their family. He thought DV elevated their experience.

Tanner Blackburn, Deer Crest Manager, stated the resort had changed and would continue to change. Deer Crest supported DV and supported public transit.

Jennifer Bever, 84060, supported the DV project.

Kim Tessitore, 84060, supported the ROW vacation on behalf of Powder Run. She hoped the project could move forward to the Planning Commission. She reviewed the benefits of the project for everyone coming to the mountain.

John Stafsholt 84060 didn't understand the \$15 million partnership and he didn't think it was publicly or privately vetted. He didn't like that the taxpayers were on the hook for \$15 million. He noted the City voted to not approve the \$30 million recreation bond that would have benefited all the City.

Allison Keenan 84060 stated she spoke on the issue many times. She agreed with Robert Boone and Sean Parker. She thought the current ROW had significant utility to the City. She didn't think \$15 million was adequate compensation. Additional information was needed on the PPPA. She hoped the LOI would be amended to include specific detailed mitigation. She asked Council to delay the vote.

John Greenfield 84060 stated DV was a good partner, but this was about the deal made within the last couple of weeks. He thought Council should consider if the public needed a couple more meetings to discuss this.

Allison Kitching 84060 wanted this to be open and transparent. In June, the community was not part of the conversation. She wanted to know about the process that led to the public private partnership. She thought the community would appreciate understanding the process even if the outcome was not what they wanted.

Megan McKenna 84060 supported the ROW vacation. She thanked those who were engaged with the process. She also appreciated the presentations before the comments last week and this week.

Alex Butwinski 84060 stated he didn't know what a No vote would accomplish. This was step one of a long process. He didn't want perfect to be the enemy of good. There were enough facts to know this was good. He also thanked Council Members Doilney and Gerber for their service.

Chris Conabee thanked Council Members Doilney and Gerber for their service. He was vice president of the Silver Lake Village Plaza Association. They all supported the ROW vacation. He noted the state's population grew by half a million since 2015. This impacted roads and traffic. There was no one solution to fix things, but several small solutions would help.

Steve Issowits 84060 and 84121, related the history of DV. He supported the ROW vacation. He thanked Council Members Gerber and Doilney for their service.

Ted Ligety 84060 stated DV had always been a great partner. Evolution was needed to continue being a world class destination.

Brad Olch thanked Council Members Doilney and Gerber for their service. He stated this was a great PPP proposition. It was a lot easier to build a transportation facility with a partner. DV bought affordable housing units for their employees. He encouraged the Council to vote for the ROW vacation so the project could move forward.

Whitney Olch 84060 supported the project and the ROW vacation. She saw a lot of change in the City over the years and people were proud of those changes now. She was happy to see DV partnering with the City. She thanked Council Members Doilney and Gerber.

Steve Nail 84060 stated DV was a world class resort. The Olympics were coming and the City needed to prepare. He favored the ROW vacation.

Paul Lambdin, 84060, supported Robert Boone's request to delay the vote. He thought the partnership was insufficient. He wanted to see transparency. He opposed the ROW vacation.

Angela Moschetta 84060, read a prepared statement stating the City was telling the community all their concerns did not matter. She asserted the 1998 resolution was as good as code. She reviewed the promises in the partnership agreement. She hoped Council would back the community and negotiate better terms with DV.

Casey Christ thought the partnership was a great move and he supported it.

Holly Standefer 84060 supported the proposed plan and thought it would be a great asset to her HOA, which was next to the project.

Ronda Sideris 84060 saw a lot of change over the years and thought everyone liked the changes made. She asked Council to vote Yes.

Holland Lincoln 84060 supported the ROW vacation. It seemed to be a win-win situation and a good example of a public private partnership. It was time to move forward.

Lauren Loberg 84060 wasn't opposed to change but was opposed to the ROW vacation. She thought the Council was discussing the broader plan and that was not what they were considering. She asked them to think about it as it was presented.

Written comments are attached to this document:

Mayor Worel closed the public hearing and asked Mike Owens, Park City Fire District, to address the Council about the concern regarding emergency access to Doe Road. Owens indicated they were part of the planning process with the developers and they made sure the fire code was met. There were conditions on the ROW portion of the road, mainly that they had to maintain access during construction.

Mayor Worel stated the ordinance to vacate would come for a vote tonight, as well as a resolution to enter into a letter of intent (LOI). Council Member Rubell stated the map displayed showed the bus area and not the drop-off area. The code did not require front door access to snow. He referred to the soil provision and asked what the intent was. Mayor Worel stated there was concern from residents about minimizing dump trucks on the road. DV wanted to move the soil up the mountain so trucks wouldn't have to go down Deer Valley Drive. They knew this plan would all have to be approved by the EPA regulators. Council Member Rubell reviewed what was being voted on. He agreed with some of the comments that they needed to get into the details and know how it would impact the community. The LOI was contingent on the PPPA. That agreement would come back to Council for approval when the time came. Tonight, the Council would vote on a document that hinged on a proposed agreement.

Council Member Doilney thanked the community for all the public input. He asserted the liaisons did not go into negotiations with a preconceived decision and they only wanted to have a conversation on what it looked like. He also didn't see the word promise in any of the documents. This was the first step in the process. He noted as more information was shared with the public, the more support the ROW vacation received. The Council needed to represent the majority of the community and he didn't want to listen to the attempts to kill this plan.

Council Member Gerber thanked everyone for their comments. The Council assigned Council Members Dickey and Doilney to help with the negotiations with DV. Every public comment about traffic and safety strengthened the City's position as they negotiated. Some of the public didn't think the proposed plan was fair, but she stated it was tricky. She thought the PPPA was a good compromise.

Council Member Dickey addressed Lee's comments and stated he negotiated a draft agreement, and then they listened to public comments. He thought this partnership was a big win for the City. The money would have a big impact on traffic. Parking had been addressed. He was excited for the gondola and a better project area. The ordinance to vacate the ROW was dependent on a PPPA, the Planning Commission decision on the MPD, and the PID. He thought there was no reason to wait to vote.

Council Member Toly stated the Council directed staff in September to look for a space for a regional transportation facility. She gave an example of a regional park and ride that was a partnership between a ski resort and Jackson Hole, Wyoming. She reviewed the history of Park City since 1959, when it was proposed to have summer and winter sports in Park City. She asserted the County was growing and the City needed to be prepared.

Mayor Worel indicated the question wasn't just about the road, but about the future of the City. The Olympics were coming, and this was an opportunity to build the infrastructure needed when we welcomed the world to town and to mitigate traffic. A decision needed to be made so the Planning Commission could move forward. She hoped the community would stay engaged in the process because it would be long.

Council Member Rubell asked if Doe Pass Road would be two-way, public, and open to general vehicle traffic; not restricted to shuttles or transit, etc. Hannah Tyler stated it would be a public ROW going in both directions. DV would maintain that road. Council Member Rubell read the first paragraph of the LOI and asked to strike the last few words of the first paragraph, which states, "regarding the purposes and uses of contributed funds." Council Member Dickey noted it wouldn't change the agreement. Council Member Rubell stated the LOI was nonbinding. The PID was a future Council item. He asked if the soils mitigation would come back to the Council. Plane stated DV might handle it without coming back to the City. Council Member Rubell asked for clarification on the location of the regional transportation facility and stated it could be new or existing. Mayor Worel stated park and rides were being analyzed by Summit

County and those results would be discussed at a Council meeting. Council Member Rubell asked for some terms to be clearly defined in the PPPA.

Regarding the ordinance, Plane suggested amending Section Four to clean up language, striking “subsequent to” and adding “for” and striking “which PPPA is a condition subsequent. . .” Section Five would be changed to strike “subsequent” and replace with “required. . .” Section Six would strike “subsequent” and replace with “of entering into a PPPA and obtaining approval of an amended 13<sup>th</sup> Master Plan Development Permit and final Subdivision Plat(s), including the Final Plat, must be satisfied. . .” Council Member Dickey stated those were good changes. The Council agreed to the redline changes presented by the City Attorney’s Office. DV accepted the changes as well. Council Member Rubell stated this clarified that this whole thing was conditional on the PPPA, which was informed by the LOI. But the City and DV could agree to terms that could be slightly different than the LOI and that was in bounds as the PPPA was developed, as long as it was in line with the rest of the ordinance.

Council Member Rubell asked to specify parking in Section 1a(5). Council Member Dickey stated there was a specific number in the LOI and it would be consistent by including the 1,360 parking spaces in Number 5. Wade Budge, DV attorney and Mark Harrington, Senior City Attorney were present. They agreed to 1,360 parking spaces.

Council Member Rubell referred to Section 1a(13) and Section B5, and asked to duplicate B5 as an item Section 1a(14). The Council agreed to duplicate that provision. Council Member Rubell proposed striking Section 1(8) and (12). Council Members Dickey and Toly had the same suggestion. Budge was fine with striking those numbers. The Council agreed to that revision. Council Member Rubell referred to Section B1 and asked what the standard was. Plane stated nobody was denied access to their property so there was no material injury.

Council Member Rubell referred to Section B6 and stated the language could be confusing. Dias stated this was from talks with law enforcement, Public Works, the City Engineer, and other staff. DV wanted to dedicate the Doe Pass Road to the City and have the City maintain it. The City declined the offer and DV would maintain that road. Plane noted if a PID was levied, it could authorize an assessment of a mill levy. Budge stated the levy would not apply to anyone but DV. Council Member Rubell stated a new development could be assessed as part of the PID, if authorized by the City Council, to which Budge clarified only a new development that was owned by DV. Council Member Rubell asked for clarification on B7, specifically if pathways would not be allowed outside the loop; only in the middle area. Budge stated it would be for bike connectivity through the plaza.

Council Member Rubell stated this vacation was contingent on the future process. He appreciated DV agreeing to the changes in these documents. Council Member Dickey stated there were many ways the ordinance and LOI could have been written, but it showed both entities were on the same page.

Council Member Dickey moved to approve a resolution authorizing the mayor to execute a non-binding letter of intent regarding a public-private partnership with Deer Valley as amended. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

Council Member Gerber moved to approve an ordinance vacating a portion of Deer Valley Drive, Park City, Utah, as amended. Council Member Dickey seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

**2. Dining Deck Program Update:**

Jenny Diersen, Special Events Manager, stated the dining deck program ended in October and asserted this program contributed to vibrancy on Main Street during the spring, summer and fall. She noted the operational restrictions were vital to the success of the program. If complaints were received, the program would be reevaluated. The Council set a lease fee of 30% of potential lost revenue from the parking stalls the deck would occupy in 2019. That lease fee now only covers 15% of possible parking revenues. Additionally, the Kimball Art Center (KAC) lost revenue during Arts Fest when dining decks were not removed. Eight restaurants chose to keep the dining decks on Main Street during the festival and each paid KAC \$1,500 to help offset the \$36,000 in revenue lost from fewer booth spaces. Diersen indicated in 2024 there would be waterline infrastructure improvements on Main Street and the dining decks located north of the post office would not be able to open until mid-July, and the dining decks located south of the post office would not be able to open until mid-June. She heard feedback from restaurants that the permitting and lease process needed to be easier.

Council Member Gerber asked if the restaurants had concerns about the proposed rate increase. Diersen stated the restaurants wanted the rates to remain the same. Council Member Rubell indicated the more dining decks the better. He wanted to encourage vibrancy and would support a rate decrease. Council Member Doilney wanted to keep Main Street lively and he liked that it reduced parking. He felt the City should get something for the decks. He favored more dining decks. Council Member Gerber liked the program but suggested a 10% increase per year might be more feasible. Council Member Dickey stated this was for vibrancy and he supported keeping the rates the same. Council Member Toly favored keeping the rates the same and adding more decks. Mayor Worel summarized the majority of Council supported maintaining or increasing the number of decks and keeping rates the same.

Diersen asked if KAC should charge restaurants to keep the dining decks on Main Street during the festival. Council Member Toly did not support KAC charging the restaurants and explained Arts Fest used to set up booths on the sidewalks and now it

was in the middle of the street. Diersen clarified the booths could not be set up where the decks were located. Council Member Gerber stated Arts Fest had been there for 50 years and the dining decks were there for the past 13 years so preference shouldn't be given to the dining decks. Council Member Doilney noted Council wanted more dining decks and that would limit the booths further. The restaurants made more money with the decks so they shouldn't mind paying \$1,500 during Arts Fest. Council Member Rubell thought the \$1,500 was a barrier to setting up a deck for the season. He wanted to encourage dining decks. If it became a problem for KAC, they could address that problem. Council Member Dickey suggested making dining decks free and encouraging more decks. Then the restaurants could pay the fee to KAC. Council Member Doilney stated Arts Fest was a community event and he didn't want to hurt it. Council Member Rubell supported no fee for dining decks and hoped to address KAC's revenue loss through the community identifying events process. He did not favor KAC charging for the decks. Plane stated when public property was disposed below fair market value it would need a public hearing or it should be established in the fee schedule with the associated public hearing.

Council Member Rubell suggested promoting vibrancy and dining decks and keeping the fees the same. Then direct staff to have a discussion with KAC about the impact. Council Member Doilney expressed concern that this scenario would look like Council was subsidizing businesses on Main Street without giving consideration to businesses in other parts of town. He didn't disagree with the intent, but it gave KAC uncertainty, and it showed preferential treatment to one group. He was not comfortable moving forward as suggested. Diersen summarized Council wanted more vibrancy. She wanted to meet with KAC to understand their impacts. She would come back in early spring for another discussion.

**3. Consideration to Approve Ordinance No. 2023-54, an Ordinance Approving the North Norfolk Plat Amendment Amending the Knudson Subdivision Parcel C and Parcel SA-200, and Re-Subdividing the Vacant Lots into Four Lots to Allow Four Single-Family Dwellings:**

Alex Ananth and Jaron Ehlers, Planning Department, presented this item. Ehlers reviewed this item was on the agenda again for consideration since online public comments were stopped at the November 16<sup>th</sup> meeting where this item was originally discussed. The item was voted on to reopen the public hearing tonight. He reviewed the proposed plat amendment.

Mayor Worel asked to understand the stairs access. Mike Owens, Park City Fire District, stated this scenario was unusual. There needed to be a turnaround space on a right-of-way and this street didn't have a turnaround, but the road above allowed a turnaround. Stairs were required to get from that road to the residences on the street below. Council Member Rubell asked if the concern was about Lot D. Ananth stated the concern was the road was substandard and they wanted the road widened. The road could not be widened at this point since a historic residence was located there.

Mayor Worel opened the public hearing for those who did not give public comment on November 16<sup>th</sup>. No comments were given. Mayor Worel closed the public hearing.

Council Member Rubell asked if staff could look into Lot D for public benefit to mitigate concerns. Plane stated the question was the ordinance. Mayor Worel indicated it would be discussed when Woodside Park II Subdivision was discussed.

Council Member Gerber moved to approve Ordinance No. 2023-54, an ordinance approving the North Norfolk Plat Amendment amending the Knudson Subdivision Parcel C and Parcel SA-200 and re-subdividing the vacant lots into four lots to allow four single-family dwellings. Council Member Dickey seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

**VI. NEW BUSINESS**

**1. Consideration to Approve 2024 Insurance Premiums or Alternative in a Form Approved by the City Attorney:**

Margaret Plane, City Attorney, reviewed the City's insurance would expire the end of the year. The subcommittee's recommendation was to join Utah Risk Management Agency (URMA). She and Sarah Pearce, Deputy City Manager, met with URMA today and they unanimously voted to accept the City into the risk management group.

Gary Ogden, Moreton, stated insurance companies were losing money and increasing their rates dramatically. He reviewed the terms of URMA and the cost savings by switching to URMA. Plane displayed different claim scenarios. She stated some benefits of joining URMA were that it was a Utah agency and there would be an independent inspector who would analyze the City to help it reduce loss and suggest areas of improvement. Another benefit to using URMA was the in-house counsel that would see similar claims with the other 15 cities and help the City with data analytics and loss runs. Ogden added there was a risk group that met once a quarter to discuss trends and other things they were seeing regarding claims. Currently, Park City did not receive any of those benefits.

Plane stated URMA couldn't participate in the City's auto insurance. The City tried to get quotes from three insurance companies and they wouldn't give quotes based on the City owning Proterra buses. Liberty was willing to cover the City for auto as long as the City also had them cover property. They asked that the City retire the Proterra buses early. Pearce explained there were 13 Proterra buses and they were trying to retire them early. They were frequently being repaired. Other companies now made electric buses and the City had successfully bought other brands and would continue to do so.

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



Council Member Gerber moved to approve joining URMA as proposed. Council Member Dickey seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

**2. Consideration to Approve a Level Five Special Event Permit for the 2024 Sundance Film Festival in a Form Approved by the City Attorney:**

Jenny Diersen, Special Events Manager, with representatives from Sundance Institute, presented this item. Diersen appreciated Sundance and their collaboration with the City to get things done. It was indicated Sundance started in 1985 and the Sundance team thanked City staff for their support.

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

Council Member Doilney moved to approve a Level Five Special Event Permit for the 2024 Sundance Film Festival in a form approved by the City Attorney. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

**3. Consideration to Authorize the City Manager to Execute a Professional Services Agreement, in a Form Approved by the City Attorney, with Bowen Collins and Associates Inc., to Provide Engineering Services for the Water and Storm General Engineering Service Project, in an Amount Not to Exceed \$200,000:**

Griffin Lloyd, Public Utilities Engineer, stated this contract was for storm drain improvements in the Thaynes Canyon area. The project also included replacing waterlines on Main Street. He talked to the Historic Park City Alliance (HPCA) about the replacements and talked to the Special Events Department regarding events that could be impacted. He noted he would return to Council to discuss the Main Street project in detail at a future meeting.

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

Council Member Gerber moved to authorize the City Manager to execute a professional services agreement, in a form approved by the City Attorney, with Bowen Collins and Associates Inc., to provide engineering services for the water and storm general engineering service project, in an amount not to exceed \$200,000. Council Member Rubell seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

**4. Consideration to Continue an Ordinance to Amend Land Management Code Section 15-2.13-2 to Prohibit Nightly Rentals, Accessory Apartments, and Internal Accessory Dwelling Units in The Bald Eagle Club at Deer Valley Subdivision in the Residential Development Zoning District PL-23-05770:**

Rebecca Ward, Planning Department, stated this was noticed for consideration but the Planning Commission continued the item.

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

Council Member Dickey to continue an ordinance to amend Land Management Code Section 15-2.13-2 to prohibit nightly rentals, accessory apartments, and internal accessory dwelling units in the Bald Eagle Club at Deer Valley Subdivision in the Residential Development Zoning District PL-23-05770 to February 1, 2024. Council Member Gerber seconded the motion.

**RESULT: CONTINUED TO FEBRUARY 1, 2024**

**AYES:** Council Members Dickey, Doilney, Gerber, Rubell and Toly

**VII. ADJOURNMENT**

With no further business, the meeting was adjourned.

\_\_\_\_\_  
Michelle Kellogg, City Recorder

Written Public Comments re: Deer Valley ROW Vacation:

Jack Rubin eComment: "Council, As a 9-year Park City resident, I try to keep up on issues that will have a direct impact on me and my enjoyment of life in Park City. The issue of the vacation of the right of way in front of Snow Park is a very complex issue. Even with the effort I have devoted to trying to understand the pros and cons, I still feel very unaware of the multiple layers that are "in play". Given that status, I question WHY THE RUSH to a vote? Have all the relevant details of the "secret negotiations" been aired Why is it appropriate for lame duck members of the City Council to make this decision when newly elected members may more accurately reflect the current thoughts of Park City citizens Have the proper procedures been followed (the recent court ruling on the PCMR lift issue does not give me confidence) Bottom line, I am not comfortable that the ultimate question has been answered; cui bono. I hope it is me and my fellow Park City residents. My view is that a vote on Thursday night is too much too soon."

David Rogers eComment: "As a Lower Deer Valley condominium owner just across the street from the bottom of the parking lot to be developed, it has been with keen interest I have followed the process of the submission of plans as well as the petition for the ROW vacation. For the record, I am in favor of the base village being developed, however whether it is or is not, Deer Valley will continue to be successful. But if the ROW vacation is approved under the current terms proposed, my fear is that it will cause great material injury in the form of even more frequent daily traffic jams on Deer Valley Dr E - and we won't even know until it is too late. As an outside observer, from my perspective the communication and arguments set forth by PTL have been non-judgmental, supportive of the development, and have shown concern for the public good as well as the compliance with Utah laws as noted repeatedly. On the other hand, the communication from Alterra has not offered anything new of substance ever since the plan submission of about a year ago. And the communication of the Council has been mostly silent until recently. Neither has adequately addressed the real concerns of the public. This behavior is concerning at best. Further, I am disturbed to read about the "partnership" and the suggestion that the ROW vacation will be approved by council at the upcoming December 14 meeting. Many members of the public have spoken to indicate real material injury will occur. The statutes are also clear that a vacation cannot be approved in such an instance. I have seen nothing communicated to indicate that the vacation will not cause material injury. In the agenda for December 14, it is noted "After reviewing all of the above, including past staff reports and public input, at their December 5, 2023 City Council meeting, a majority of the Council discussed good cause for the vacation and that the vacation does not cause any material injury..." JUST BECAUSE THE MAJORITY OF THE COUNCIL DISCUSSED THEN STATED THE VACATION DOES NOT CAUSE MATERIAL INJURY DOES NOT MEAN IT IN FACT DOES NOT CAUSE MATERIAL INJURY!!! Common sense tells me the burden of proof is on proving there will be no material injury. Let me go on record to further say that I suspect I will suffer material injury if the ROW vacation occurs, but I will not know for sure until the project is finished. Council members deciding it will not cause injury is not proof. Furthermore, the "Public Private Partnership" appears to be simply a way to

justify the Council not following State Law with regards to the ROW vacation and an attempt to persuade members of the public that they negotiated something substantial in return. Setting aside the two items that were "agreed upon" that were already part of the plan up for approval (why are they even in the LOI?), \$15 million dollars toward "improving transportation" is a drop in the bucket compared to the money Alterra will spend to develop the mixed use base village. \$150 million is a more appropriate amount to consider. Better yet, I suggest Council require that a tunnel be built underneath the proposed ski beach in the same path as the current ROW. That way the ROW vacation will not be necessary and regardless of the cost to Alterra, it will appease the overwhelming public objection to the ROW vacation and render the material injury issue moot. As the author Harvey McCay stated in his book *Swim With The Sharks Without Being Eaten Alive*, I paraphrase - "If you can buy your way out of a problem, you don't have a problem anymore - you simply have an expense". Council - please do not approve the ROW vacation or the Public Private Partnership at this time. If you acquiesce now, you will not be serving your constituents nor the long term good of Deer Valley homeowners and residents. You can and should get A LOT more from the developer. It's your job."

Susan McNamara eComment: "This is in response to the December 14, 2023, Agenda, Item No 1 under Old Business re the Deer Valley Right-of-Way Vacation 1. The Letter of Intent (LOI) (and the LOI Resolution ) is MEANINGLESS. By definition, an LOI is not binding and creates no obligations whatsoever. Deer Valley is not agreeing to anything. The last paragraph of the proposed LOI, states: "PCMC and DVR acknowledge and agree that this Letter is a statement of the parties' intent to negotiate and complete a PPPA on the basis set forth in this Letter and neither party will be contractually bound to the other, until they have each executed and delivered to the other the mutually acceptable definitive PPPA. This Letter is neither an agreement of the parties nor an offer to enter into an agreement, and this Letter neither creates nor imposes any legal or equitable obligations on either party before the execution of the PPPA." The public needs to know that there is no binding commitment, and yet in listening to the comments made at the December 5 meeting, several Council members and some members of the public are basing their decision to support on this DVR "promise". Yet, the LOI and the draft Resolution and proposed Ordinance do not contain a binding commitment. 2. Comments following the City's argument on Dec. 5, 2023, that a right of way cannot be sold and has no value. DVR is offering \$15 million without being asked, so we know the ROW has significant value. It's misleading to argue the ROW has no value because the land on which the ROW sits cannot be sold. That's comparing apples to oranges. Every lawyer who completed real property law in the first year of law school knows that a "property interest" has value. Easements and rights of way are all tangible property interests and have value. The City's lawyer and manager are not being objective here. 3. The claim that "good cause" is a legislative decision is legal mumbo jumbo and designed to undermine and suppress public criticism that is contrary to the Council's views. While an appellate court when reviewing a "legislative decision" will give deference to a city council's determination, that doesn't mean the Council can do whatever it wants or unilaterally define what is good cause. "Broad discretion" cannot

ignore or supplant the Council's duty under the Utah Code. Yet, that was the argument put forth by the City attorney on December 5 – to state it is council that will decide what is good cause even if you have a legitimate opposing view. The City's obligation is clear under the Utah Code that states there is a two-fold requirement (1) finding of good cause AND (2) neither a PUBLIC INTEREST nor "any person" will be materially injured by the vacation. If a single person is materially injured, then the requirement is not met. 4. The Draft Ordinance ignores the many public comments about the impact on the public interest and it does not give any deference to the individual complaints of the loss of the use of the right of way or the complaints from increased and changing traffic patterns. There have been public comments about the unknown extent of the taking of land to support the development that directly results from the ROW vacation. Any loss of use or land is a material injury to a person's property interest. Yet the Ordinance states just the opposite and claims no one has made a claim of injury. You have not listened to the public comments. 5. The Draft Ordinance does not support certain Recitals and the "Good Cause" statement is MISLEADING because it is not supported. The Ordinance states as point no. 1 of Good Cause: "Petitioners provided valuable consideration in the form of \$15,000,000 dollars to Park City, for the purposes detailed herein." This is misleading because: A. DVR has not provided ANY consideration and it also has not made a binding promise to provide any money to Park City. B. It is written in the past or present tense as if the money was paid. This is an expectation. In basic contract law – it is a failure of consideration. It's an empty promise. If DVR refuses pay or sign a final agreement, the City has no ability to enforce it. C. DVR's obligations for the \$15 million is not addressed in the draft LOI, LOI Resolution or Ordinance. We cannot be present and traveling the day of the meeting. We are not opposed to development on the original site. However, we oppose both the current ROW vacation and the non-binding LOI and current draft Ordinance. There is no reason to rush into any decision until we see a binding promise and we should consider alternate proposals."

Brad Baldridge eComment: "A 3-4 lane Doe Pass aimed directly at Comstock Lodge with a traffic light in front of the building directly and negatively impacts the experience of Comstock residents and guests. Lower DV currently is a quiet neighborhood but increased congestion, noise and lights in front of our building will degrade the high quality experience currently afforded . An alternative traffic pattern needs to be presented. A new Traffic Study is required. I concur with Mr. Shepard's comments from Dec 5."

Alex and Catherine Cimos eComment: "I am writing to voice my opinion against the vacation of roadway along the Deer Valley Loop as petitioned by Alterra Corporation in its present form for the following reasons: Park City Municipal Corporation is receiving very little, if nothing in return for their gifting of land to Alterra. It should be the responsibility of Alterra Corp. to move their customers and their employees to and from their place of business. Also, it is Alterra's responsibility to house their employees or pay wages that enable those employees to afford to live in the community. It should not fall upon the taxpayers of this city to subsidize Alterra's operation. Alterra Corporation paying money to the city for transportation and housing shifts the burden of those

programs away from Alterra and onto the taxpayers. The city will also have the burden for maintaining and administering those operations at additional taxpayer expense. When the money runs out and the infrastructure ages, only the city will have the responsibility to come up with needed funds. Alterra initially estimated an additional 3500 vehicle trips per day as a result of this project. Those numbers may be true for the first season but then will likely be exceeded - there is no penalty for their underestimating the actual impact. The traffic as a result of Deer Valley operations already exceeds what was expected for their current size. PC Muni states a desire to become a green city in the near future; how can the city say this in good faith if it is promoting additional auto traffic? Alterra Corp. should be required to undo the harm they have already done to this city by permanently cutting vehicle trips by 3500/day. The traffic plan is not acceptable for a residential neighborhood. If the roadway near the resort is given to Alterra for their expansion, then Doe Pass Road should be turned over to the city to realign the Deer Valley Loop. All Deer Valley Resort traffic should be circulated within the confines of Alterra property and cycled back to the western portion of Deer Valley Loop so as to minimize traffic, noise, and air quality impacts to nearby residential areas. All proposed traffic controlling devices (traffic lights) should be on Alterra property so that local residential traffic can continue to flow unimpeded. In return for approval of their expansion plans, Alterra should abandon plans for an additional phase of development at the resort base. The land that will not be developed in this phase (what is now the northern-most parking lot) should be given to the city as like-kind compensation for the roadway vacation the be designated as open space or a park for the benefit of local citizenry. I believe the road vacation in favor of DVC is inevitable, but I believe that the citizens of this town need adequate compensation and assurances that the project will at the very least have a neutral impact on our quality of life."

Debbie Disch eComment: "I would like to enter my objection to the ROW vacation planned for Deer Valley. While I don't oppose the overall village plan, I oppose the vacation and the plan for Doe Pass. I am a homeowner at Lakeside with Doe Pass in my backyard since 1988. Nobody has said what Deer Valley will do to alleviate the noise and light pollution that will now be put upon the owners who will lose enjoyment and potential property value. Per regulations, I believe that any homeowner within a certain distance must be given notice and I have never received anything from Deer Valley. In addition, Deer Valley has offered to reduce day skier parking by 20%. However, how much parking will they be dedicating to hotel(s) and condos proposed to be built and any other miscellaneous parking for key staff, etc? The total amount of traffic will go up significantly from its already high volume when this additional parking is also considered. Deer Valley must be required to submit the total amount of parking spaces they plan rather than simply stating that they will reduce day skiing parking by 20% as this may not alleviate anything. I realize that Alterra brings in great income to the state. However, the homeowners of lower Deer Valley have been paying high taxes for years and deserve consideration of their needs. It seems that there should be a solution where the village can be built without such infringement to the well-being of current lower Deer Valley residents. Adhering to a plan that continues to have buses and a transit center up by the current Snow Park Lodge does not necessitate the

vacation and still allows for the building of the village with consideration to all of the Deer Valley residents. Thank you in advance for your serious consideration of these issues.”

James Gaddis eComment: “: December 13, 2023 To Whom It May Concern: I've been coming to Park City since it opened in 1963 as a skier, coach, and for business. I've been a resident in Park City for 24 years. I've watched all Park City resorts grow and improve over the years. This necessary growth has benefitted every business in Park City and improved the skiing experience for tourists and locals alike. Now Deer Valley wants to expand and make improvements to the base area at Deer Valley. These improvements include: • Better access to Deer Valley base area from Park City with the road alignment. • New transit center which will lessen automobile traffic. • Paid parking which will also lessen auto traffic (witness Park City and Solitude). • Building a walkable village with shops and restaurants which will encourage guests and locals to stay longer and spend dollars and provide a comfortable place for non-skiers and skiers alike. • Build a new gondola with access to the new Mayflower. • Build covered parking. • Cooperating with the new Mayflower which will take much of the traffic and parking from the Deer Valley snow park base. In addition, Deer Valley, which will contribute \$15,000,000.00 to the city to make future improvement in the Park City area, such as improving roads, parking areas, and employee housing, etc. Park City and all involved are giving up nothing and getting so much from this Deer Valley expansion and improvement. Please approve this. It is long overdue and much needed.”

Andrea Barros eComment: “While I am in favor of the original MPD plan, I am truly concerned that Deer Valley Residents like myself will have a great deal of difficult coming off Royal Street to Deer Valley Drive. Even now, from December to April we cannot leave our home from 3:15 PM until after 6:00 without being stuck in a huge traffic jam. This is midweek and before the ski season gets underway. We haven't even reached our “peak days”! None of the traffic reports reflect this .Sadly, these traffic concerns only get worse each year. Additionally my concerns are that emergency vehicles will not be able to get. through. - its a disaster waiting to happen! As I understand the plans I do not see a separate designated safe area for each of bicyclists and pedestrians. The traffic study Deer Valley presented was performed during the early stage of the covid epidemic and does not represent what is reality. I hoped The Deer Valley would come up with an alternative plan which does not require the city to give up its control of the right of way on 2.6 acres of land. Indeed, despite repeated requests from planning commission, staff and community members who requested that Deer Valley present an alternative plan which would not require the vacation of the land, sadly, Council has not made this request and no changes to the loop have been submitted. Instead the Mayor took two members of Council into private meetings with Deer Valley for the last year without letting citizens be aware of what was transpiring. and not getting a single change to the proposed circulation There has been no transparency about the 15 million dollars offered by Deer Valley which also requires 15 million dollars of tax payers funds. Deer Valley is not losing any money - they are getting the 15 million dollars right back from the city. The original MPD already requires Deer

Valley to provide worker housing and the addition of a Deer Valley owned coffee shop/bus stop is hardly worth what have been asked to give up. I have been associated with Deer Valley as a skier and then as a volunteer since the year before the Olympics which worked in the international press room at Deer Valley. Every year since I have volunteered with the World Cup in that Capacity I have many friends who are employed at Deer Valley and have come to know and like Todd Bennett. They are good people and Deer Valley has ben an integral part of why we live here. Council would be remiss in rendering a vote on something so significant and precedent setting, The is no urgency to have this vote before the end of the year.”

Steve Nail eComment: “I live on Deer Valley Drive East and what I have heard over the past year or so, is very comprehensive and a job well done by both Deer Valley Resort and Park City Council. I like the proposal for road vacation and the expanded development of Deer Valley Resort. Please vote in favor of the proposed development and lets make Park City and Deer Valley Resort a world class resort ready for the Winter Olympics and travelers from around the world.”

Casey Christ eComment: “As a full-time resident of Lower Deer Valley, I am writing to extend my support for the proposed re-development plan for Deer Valley Resort. This transformative plan not only aims to enhance our esteemed ski resort but also takes crucial steps to address traffic and parking concerns. Deer Valley Resort is an integral part of our community, attracting visitors from across the globe to experience our unparalleled slopes and the breathtaking beauty of our region. The proposed re-development plan showcases a visionary approach, particularly in its strategic initiatives to alleviate traffic congestion and parking limitations. The incorporation of a gondola system and the development of the Extell base area stand out as forward-thinking solutions to mitigate those traffic and parking challenges. These initiatives not only promise to streamline traffic flow and reduce parking demand but also present an opportunity to enhance the overall guest experience. The implementation of a gondola system represents a sustainable and scenic mode of transportation, reducing reliance on vehicular traffic while providing guests with a unique journey to access the resort. Additionally, the enhancements to the Extell base area not only offer alternative parking solutions but also enrich the visitor experience by providing added convenience and amenities. As a full-time resident, I am also concerned about the potential disruptions caused by construction activities. I hope that Deer Valley Resort's leadership will prioritize plans to ensure that construction traffic is as minimally disruptive as possible. This consideration is crucial in maintaining the quality of life for residents in Lower Deer Valley during the redevelopment phase. Moreover, this re-development plan underscores a commitment to responsible growth and environmental preservation, aligning with our community's values and aspirations for a sustainable future. I respectfully urge the City Council to support this visionary plan, recognizing its comprehensive approach to address traffic and parking concerns while enhancing accessibility and appeal for Deer Valley Resort. This re-development is a pivotal step towards creating a more sustainable and vibrant destination for our community and visitors alike. Thank you for your thoughtful consideration of the profound impact this re-



development plan holds for our community's prosperity, environmental preservation, and the continued success of Deer Valley Resort."

Julie and Stephen Tolhurst eComment: "I am writing to express my concern with Deer Valley's ROW petition. As an owner in the Fawngrove neighborhood, I'm particularly concerned about traffic flow and impact to the natural environment around the loop. The existing plans as proposed by Deer Valley would have a substantial negative impact on the neighborhoods surrounding the Deer Valley ponds. When Deer Valley first proposed the right away vacation, I was hoping to see creative solutions to the traffic from the new village, instead residents of the area were promised more traffic and more inconvenience with the only winner being Deer Valley. I honestly was hoping for a robust gondola system similar to Telluride where you can park your car and not have to get in it and just take gondolas and it's a lovely experience. The current proposal with buses and inadequate parking is going to be a nightmare for everyone involved and I hope you vote against it. As an owner and resident of the area, I ask that you push Deer Valley to come up with more creative transit solutions in conjunction with the city. Regardless of how this process plays out, I ask for transparency and jurisprudence as well request that all written comment correspondence is made part of the public record."

Deb Rentfrow eComment: "The agenda for last night's Planning Commission meeting included a communication from staff regarding inactive applications. I assumed this was a result of Commissioner Suesser requesting clarification and information regarding inactive applications during the last Planning Commission meeting on November 29th, 2023. Unfortunately, this item was omitted from the meeting. As no one on the Commission pointed out the item had been inadvertently skipped, it leads one to believe it was omitted on purpose and the Commission was advised that there would not be any communication on the matter and to not inquire about it during the meeting. Consequently, this leads one to believe advice from legal or perhaps the Mayor and Council was given to avoid any clarification or discussion on the matter. If it was staff needed more time, why not state that as is the usual protocol? So again, why not address? Perhaps there was fear that the discussion might lend credence to the assertion the Deer Valley Snow Park application is indeed inactive and there are valid grounds for termination. Perhaps it would strengthen the argument that the ROW vacation before the Council tonight, December 14th is also inactive. There had to be a reason and it's not a very far leap to assume it was determined the timing was bad for an in-depth review or discussion of what makes an application inactive as it could negatively impact the Deer Valley applications and/or strengthen the public's assertions regarding the status of either or both applications. Whatever the reason, this again raises the issue of transparency or lack thereof and it is both concerning and disappointing. Please include this statement in the Public Record for the next Planning Commission meeting as well as the December 14th, 2023 City Council meeting."

Tina Quayle eComment: "I moved to Park City in 1980 to live at 8,500 feet in the original location of the Mid Mountain Lodge and started my Park City career by working for the Badami family and The Park City Ski Area. That was the beginning of spending many

years in ski marketing. I later served my community in the nonprofit sector as GM for KPCW and oversaw the construction of the studio in Swede Alley. Later on, I became the Executive Director of Swaner Nature Preserve. I also conducted GIS conservation compliance for Summit Land Conservancy and worked on the conservation easement for the McPolin property. Currently, I am the president of The Park City Sister City Association with Courchevel, France. I only tell you my past, to show you that I have been present and involved in the development and growth of Park City. Many of the citizens who moved here in the 70s and 80s have tried to hold onto the way Park City used to be but to no avail. Clearly, we can't stay stuck in the past nor can Park City. I totally understand that folks don't want any change at the base of Deer Valley but we cannot stop the growth nor the fact that we undoubtedly will be an Olympic host in 2034. Deer Valley has been a good and conscientious neighbor to Park City from day one, when all the locals called it "Bambi Basin". The proposition on the table to propose a more inviting and European-style commercial space will benefit us in every respect. Todd Bennett has proven himself an able and caring leader for Deer Valley. I am sure he will lead the development in the right direction. I simply want to tell all of you that your hard and difficult work on this project has not gone unnoticed by us "old" ski bums. Pat yourselves on the back. You have more support than you realize. Know that many of your citizens have your back as you guide and make these difficult decisions for the benefit of our wonderful ski town. Cheers to all of you and thank you for taking the arrows on our behalf!"



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P.O. Box 550  
Louisiana, Missouri 63353

December 14, 2023

To: Mayor Nan Worell and Park City Council

RE: ROW Vacating of Deer Valley Drives by Park City to Deer Valley Resort

From: William W. Sheppard, Jr.  
1787 Lakeside Circle Dr.  
Park City, UT 84060

Dear Mayor Worell and Council members,

We request this letter be entered into the public record: Utah Code 17-27(a) – 609.5 – Petition to vacate a public street.

(A). As per (2) (II), (2) (c) and (3) (b) we reside within 300 feet of the vacation request and have not consented to the vacation as per (2) (c)

(B). We are materially injured under (3) (b) if the vacation of Deer Valley Drive west is passed. We are injured as follows:

- a. Excessive bus and vehicle traffic on Doe Pass
- b. Environmental pollution from additional buses and vehicles on Doe Pass
- c. Noise pollution from buses and vehicles
- d. Light pollution from buses and vehicles
- e. Loss of privacy
- f. Nighttime disruptive traffic

We are in full support of the development of Deer Valley's SnowPark project as development is within the boundaries of Deer Valley or the "Loop" is maintained to ground level (where the curved parking lot tram unloads) and then allow a plaza development above the recessed Deer Valley Drive.

Respectfully submitted,

William W. Sheppard, Jr.  
1787 Lakeside Circle Dr.  
Park City, UT 84060  
314-249-7453



December 13, 2023

To Whom It May Concern:

I've been coming to Park City since it opened in 1963 as a skier, coach, and for business. I've been a resident in Park City for 24 years.

I've watched all Park City resorts grow and improve over the years. This necessary growth has benefitted every business in Park City and improved the skiing experience for tourists and locals alike.

Now Deer Valley wants to expand and make improvements to the base area at Deer Valley. These improvements include:

- Better access to Deer Valley base area from Park City with the road alignment.
- New transit center which will lessen automobile traffic.
- Paid parking which will also lessen auto traffic (witness Park City and Solitude).
- Building a walkable village with shops and restaurants which will encourage guests and locals to stay longer and spend dollars and provide a comfortable place for non-skiers and skiers alike.
- Build a new gondola with access to the new Mayflower.
- Build covered parking.
- Cooperating with the new Mayflower which will take much of the traffic and parking from the Deer Valley snow park base.

In addition, Deer Valley, which will contribute \$15,000,000.00 to the city to make future improvement in the Park City area, such as improving roads, parking areas, and employee housing, etc.

Park City and all involved are giving up nothing and getting so much from this Deer Valley expansion and improvement.

Please approve this. It is long overdue and much needed.

Sincerely,

James Gaddis

D



CDR W.M. O'Connell, USN (Ret)  
1307 Norfolk Ave  
Park City, Ut 84060

06 Dec 2023

Dear Mayor / City Council

Provided for on-record review / standing. I am unable to attend the Dec 14 meeting, recently changed from Jan 2024, due to working the late / night shift.

As a former deputy Inspector General for the Chairman of the Joint Chief of Staff at the Pentagon during 9/11, I am respectfully requesting an Inspector General review of the "unsafe" conditions / driveway, which is lower Norfolk Ave, e.g., 1307 Norfolk Ave.

Very respectfully

W.M. O'Connell  
26-year Veteran USMC / USN





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# HOUSING RESOLUTION

## BIENNIAL REVIEW AND ANALYSIS

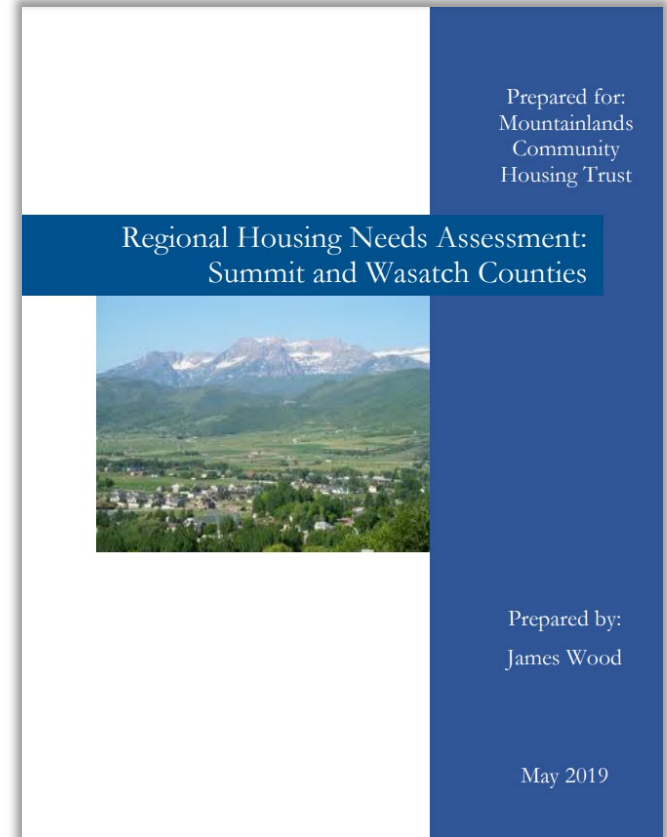
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December 14, 2023



# BACKGROUND

- Since 1991, Park City has facilitated the creation of new affordable housing using the **Housing Resolution**.
- It ensures that new developments **expand the availability of housing** affordable to the workforce and residents and **mitigate the impact** of new projects on the community.
- The current Housing Resolution provides guidelines and standards for developing affordable housing in Park City based on the **2019 Regional Housing Needs Assessment**.





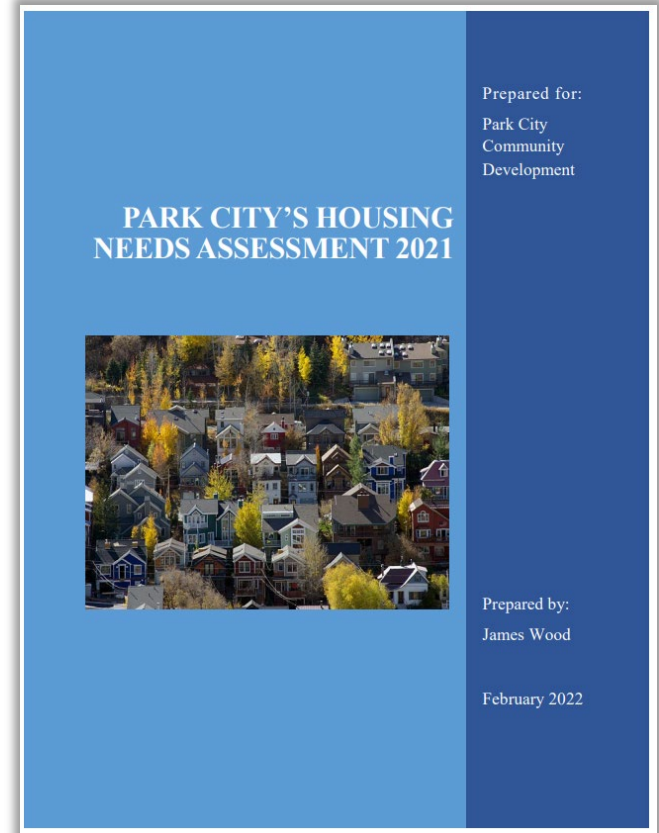
# BACKGROUND

- The Housing Resolution specifies **essential parts** of Park City's housing **policy**, including:
  - Definitions of **housing costs** (less than 30% of a household's income)
  - Calculations of **minimum affordable housing requirements**
  - **Methods** to fulfill housing obligations
  - Minimum **unit dimensions**
  - **Occupancy** requirements.
- **Housing Mitigation Plans** are required for certain developments like **annexations**, **MPD** applications or modifications, and **AMPD** projects.
- These are reviewed and approved by the **Park City Housing Authority** to ensure compliance with the Housing Resolution.



# BACKGROUND

- 2022: The city received an updated **Housing Needs Assessment**.
- It found that **more than half** of affordable housing units in Park City (293) are a **result of Housing Resolution obligations**.
- It also found that while the City was progressing towards its goal of creating **800 new affordable housing units** by 2026, the **projected supply** will still **fall short** of demand.



# BACKGROUND

- The City has also moved forward with **two new affordable housing policies**:
  1. Enacting the **Affordable Master Planned Developments (AMPD)** chapter of the Land Management Code (LMC).
    - Provides incentives (density and parking reductions) for projects that provide at least fifty percent (50%) of the Residential Unit Equivalents as Affordable Units
  2. Council prioritized **Public-Private Partnerships (PPP)** as the preferred method to develop new affordable housing units.
    - EngineHouse was the first PPP project, which also utilized the new AMPD section of the LMC.

# – 2023 AFFORDABLE HOUSING ANALYSIS –

- The 2023 Park City Affordable Housing Analysis (the “Analysis”) by the **Kem C. Gardner Policy Institute** covers four areas of analysis:
  1. Demographic and Workforce Highlights
  2. Review of Resolution 05-2021 Affordable Housing Guidelines
  3. Review of the Fee-In-Lieu and the Development Process
  4. Review of Employee Generation Formulas

# – DEMOGRAPHICS & WORKFORCE –

- Park City has 10,200 jobs within City limits
  - 12.1% of the workforce currently lives in Park City
  - The General Plan's goal is for 15% to live within the City
- Of the **entire workforce**:
  - 55.8% live in the **Wasatch Back**
  - 37.2% live in the **Wasatch Front**
- Park City's **mean household income** (\$176,064) is **73.6% higher** than Utah
- Park City's **workers** have **lower average annual incomes** (\$41,729 – \$44,763).
- Park City has approx. 8,585 housing units
  - 32.9% are occupied and
  - 67.0% are vacant

	Occupied Units	Average HH Size	Median HH Income
Owner-Occupied Households	2,032	2.55	\$140,147
Renter-Occupied Households	795	3.85	\$79,295

# -AFFORDABLE HOUSING GUIDELINES-

- The Housing Resolution **defines** affordable housing as units **affordable** to households with incomes **at or below 80% of AMI**.
- The Analysis found that new commercial development “will **employ low-wage workers...** but provide **relatively expensive** rental housing.”
- It found that since January 2022, only **5.21% of homes** sold in Park City (72 homes) were **affordable** to households making **80% of AMI**.
- It found that **less than 2% of homes** sold would be **affordable** to the **average teacher** or **local government worker**.
- Two **recommendations** from this section include evaluating why:
  - 2,000 square feet is used as one Residential Unit Equivalent
  - 20% is used as the standard for housing obligations.

# –FEE-IN-LIEU CALCULATIONS–

- The Housing Resolution establishes **Fee-In-Lieu** as the lowest priority method that developers can propose to **fulfill housing obligations**.
- The current payment In Lieu of Development fee is **\$389,700** per Affordable Unit Equivalent (AUE).
  - Each AUE is equal to 900 square feet of Net Livable Space.
  - This assumes a **per-square-foot cost** of approximately **\$433**.
- The Analysis found that the **cost per square** foot in Park City is estimated at **\$445**, similar to the assumed value.

# -EMPLOYEE GENERATION FORMULAS-

- For developments with commercial components, the Housing Resolution requires that the Developer mitigate 20% of the employees generated.

Existing Table:

Type of Use	Full Time Equivalents (2080 hours) per 1,000 Net Leasable Square Feet
Restaurant/Bar	6.5
Education	2.3
Finance/Banking	3.3
Medical Professional	2.9
Other Professional Services	3.7
Personal Services	1.3
Real Estate/Property Management	5.9
Commercial/Retail	3.3
Recreation/Amusements	5.3
Utilities	2.9
Lodging/Hotel	.06/room
Condominium Hotel	Greater of lodging/hotel calculation or residential mitigation rate
Overall/General	4.4

Proposed Table:

		# of Employees
NAICS	Industry	per 1k Sq. Ft.
31	Manufacturing	1.7
42	Wholesale Trade	2.1
44	Retail Trade	6.7
48	Transportation and Warehousing	0.5
51	Information	1.7
52	Finance and Insurance	1.6
53	Real Estate and Rental and Leasing	6.8
54	Professional and Technical Services	3.1
55	Management of Companies and Enterprises	3.1
56	Admin., Support, Waste Mgmt, Remediation	1.9
61	Education Services	2.2
62	Health Care and Social Assistance	5.1
71	Arts, Entertainment, and Recreation*	2.6
722	Food Services and Drinking Places	8.8



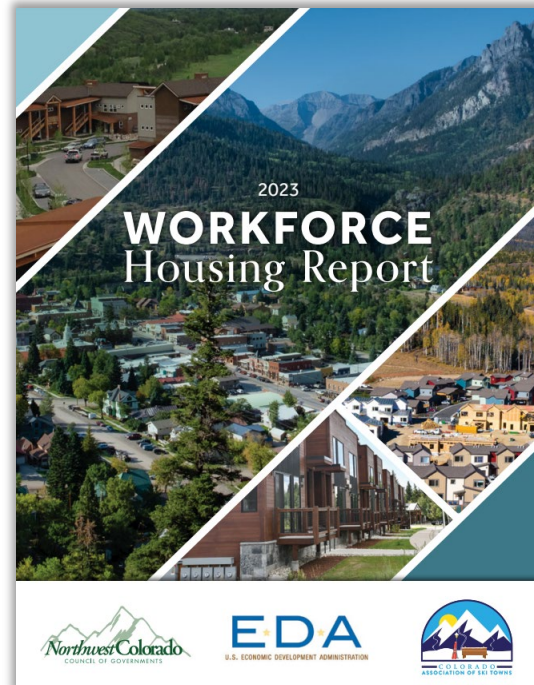
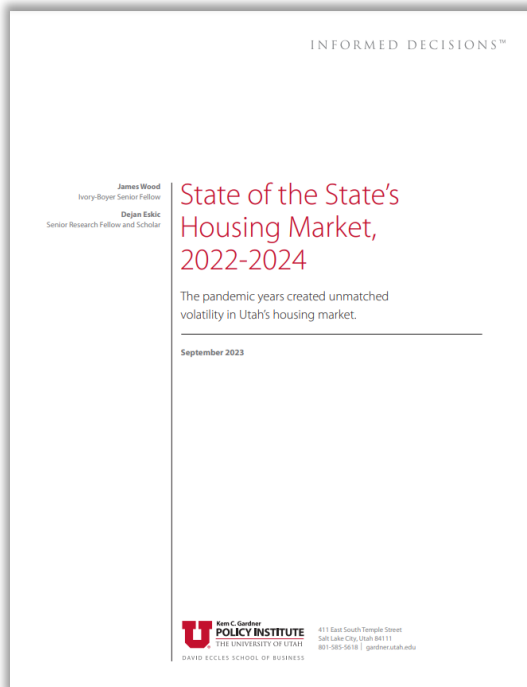
# -EMPLOYEE GENERATION FORMULAS-

- “High-end” versus “average” hotel employee generation:
  - The “average” hotel employs **0.7 workers** per room.
  - “High-end” hotels employed on average **3.7 employees** per room.
- Short-term rental employee generation:
  - Each short-term rental listing accounts for an avg. of **0.4 full-time jobs**.
- Ski Resort employee generation:
  - There are approximately **0.44 employees** per skiable acre.
  - There are **63 employees** per ski lift.

# — CONCURRENT ANALYSES —

The Housing team is conducting **interviews** with entities who have dealt with the **Housing Resolution**.

- Residents
- Businesses
- Stakeholders
- Developers
- Other interested entities



# RECOMMENDATION

- Review the findings of the **Kem C. Gardner Policy Institute** review of Park City's Housing Resolution
- Consider **areas** of the housing policy for **potential changes** or updates.
- Following the Council's discussion, the Housing team will prepare a **working draft** for a new Housing Resolution or other housing policy and **return at a future meeting** for potential adoption.

An aerial photograph of a mountain town covered in snow. The town features numerous buildings with snow-laden roofs, interspersed with snow-covered trees. In the background, a steep, snow-covered mountain slope rises, with a winding path or road visible. The overall scene is serene and wintry.

# SNOW PARK VILLAGE PROPOSED PUBLIC-PRIVATE PARTNERSHIP



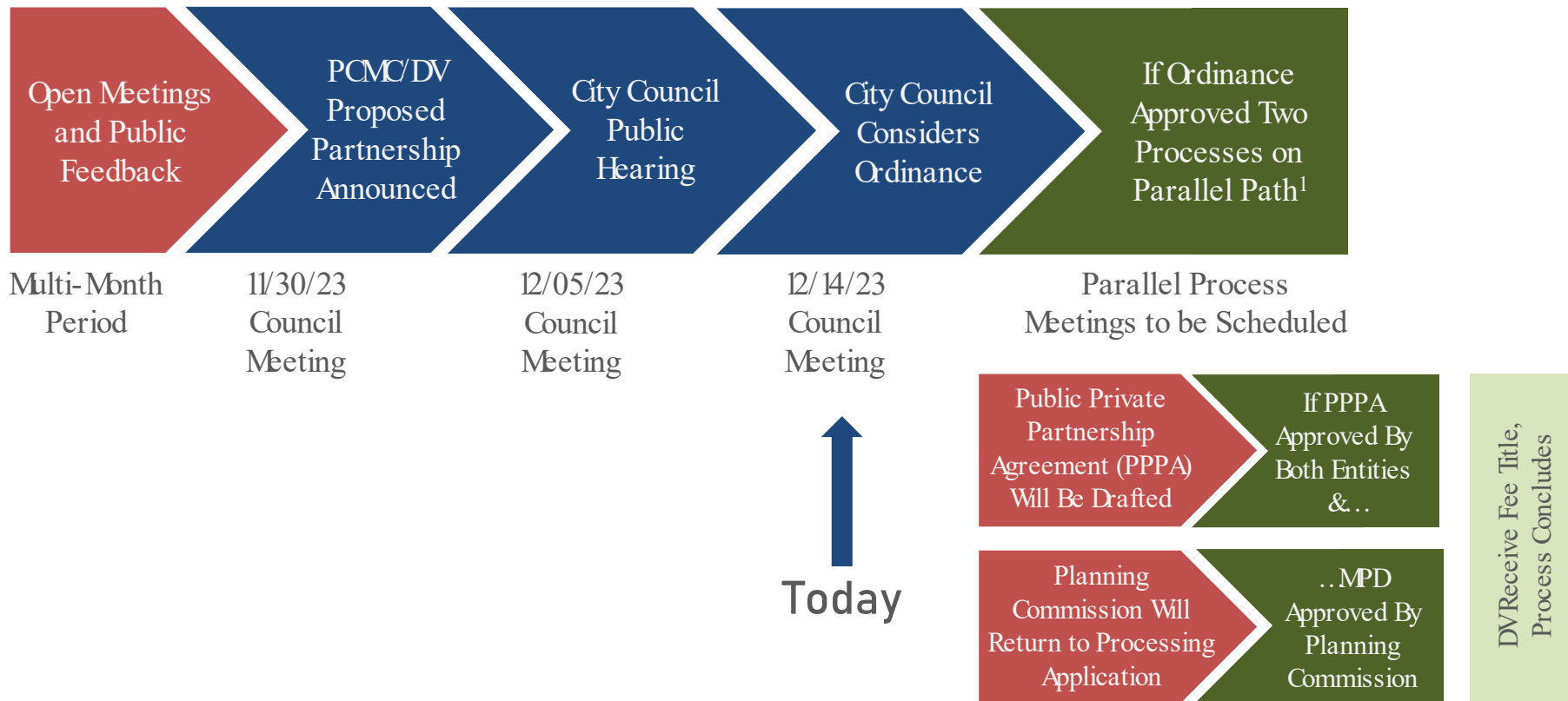
# Proposed Public-Private Partnership

Full details of the proposed partnership are published on the City's website.

*Scan the QR code with your phone to view today's Council packet.*



# The Public Process



Source: Park City Municipal Corporation. As of December 2023.

1. PPPA's broad terms to be outlined in ordinance for 12/14/23 should Council direct staff to prepare one.

# FAQs



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# FAQs

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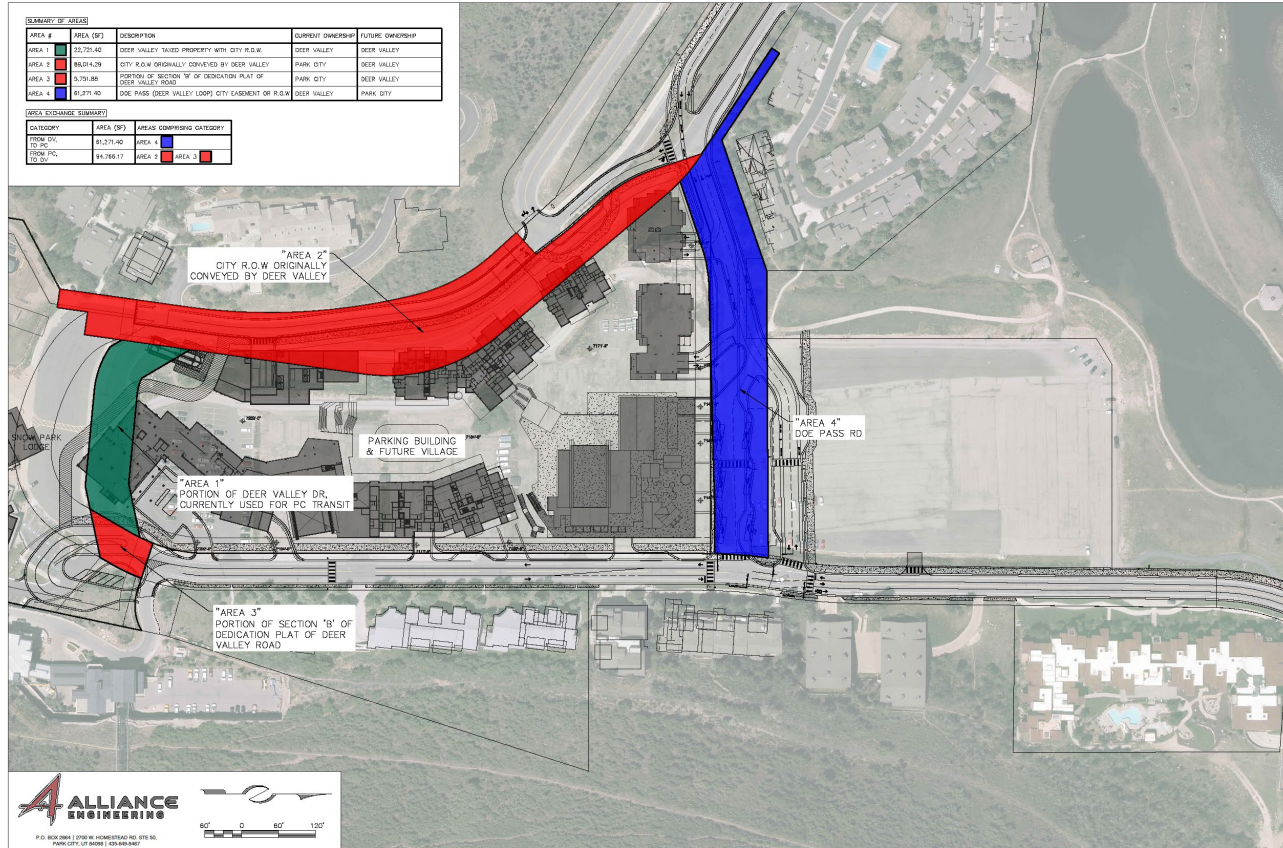
**Which exact portions of Deer Valley Drive are under consideration for vacation?**

**Is Deer Valley trying to “take away” public access across portions of their property?**





# FAQs



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# FAQs

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**Will traffic lights be required on Deer Valley Drive?**



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# FAQs

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**Will the cost to build required affordable housing come from Deer Valley's \$15 million contribution?**

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# FAQs

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**What can Park City's \$15 million matching contribution be used for?**



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# FAQs

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**Describe what the Planning Commission's review of the Snow Park MPD might entail?**



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# FAQs

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**Clarify the expectations regarding soil mitigation measures**

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# FAQs

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**How does something like the Pending Ordinance related to Support Commercial within MPDs potentially impact this project?**

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# FAQs

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**Good Cause**

**No Material Injury**





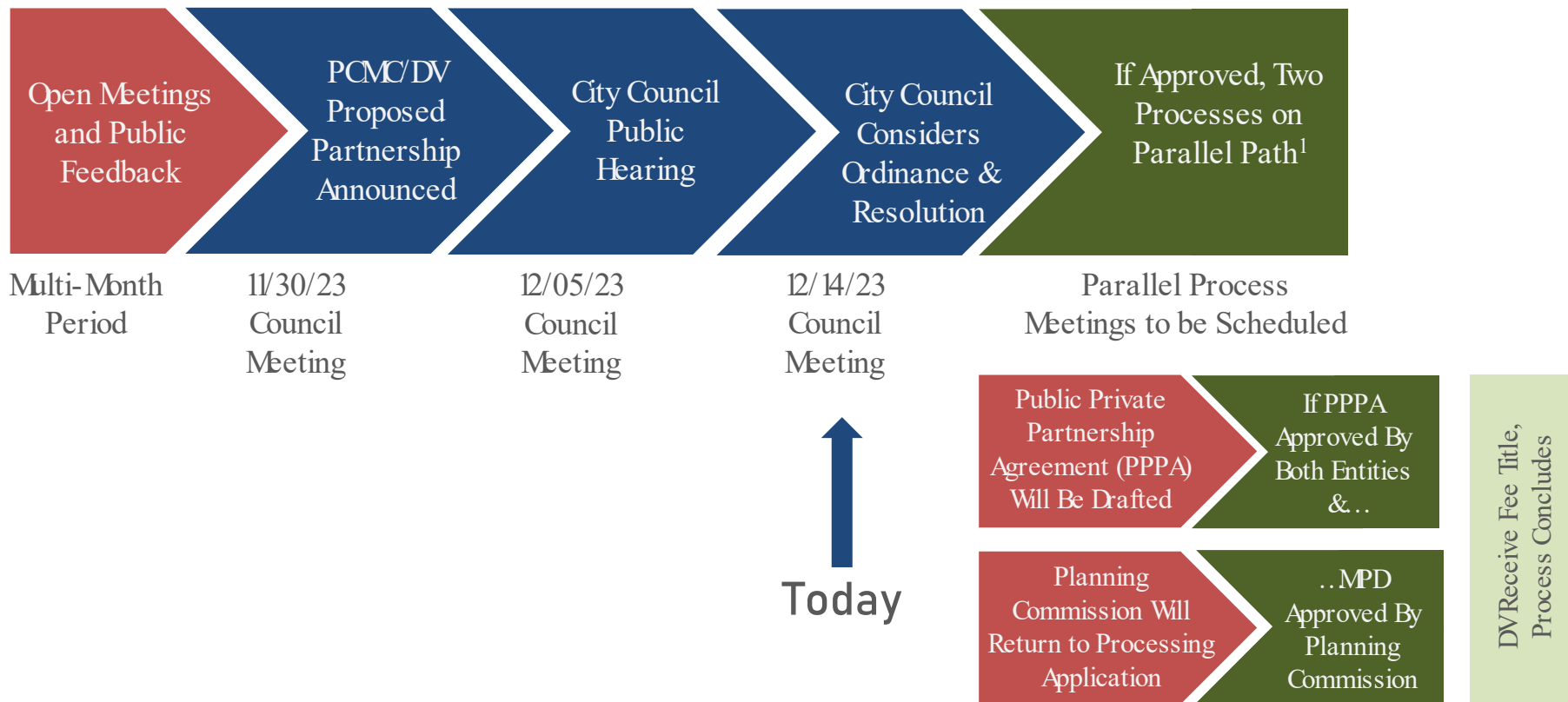
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# FAQs

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**If Council moves forward tonight, when would the formal ROW vacation actually occur, and how?**

# The Public Process



Source: Park City Municipal Corporation. As of December 2023.

1. PPPA's broad terms to be outlined in ordinance for 12/14/23 should Council direct staff to prepare one.

An aerial photograph of a mountain town covered in snow. The town features numerous buildings with snow-laden roofs, interspersed with snow-covered trees. In the background, a steep, snow-covered mountain slope rises, with a winding path or road visible. The overall scene is serene and wintry.

# SNOW PARK VILLAGE PROPOSED PUBLIC-PRIVATE PARTNERSHIP



# Proposed Public-Private Partnership

## HIGHLIGHTS

- **\$15 million partnership** to construct a regionally significant transportation and parking facility.
- **20% reduction in day skier parking** from current peak conditions.
- **Integration of gondola infrastructure with U.S. Highway 40** to distribute resort access more efficiently across the mountain.
- **67.1 Affordable Housing Unit Equivalents** built within Park City limits and with immediate access to public transit.



# Proposed Public-Private Partnership

## HIGHLIGHTS

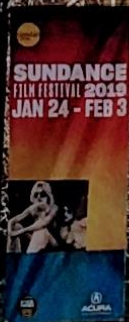
- **Substantial infrastructure investments** at the project site — including roads, intersections, crosswalks, transit, parking structure, and more.
- **Ensure access to Doe Pass Road** for emergency, utility, and public vehicles.
- **Maintain public access to Deer Valley Drive** throughout construction and minimize construction traffic.





# SUNDANCE FILM FESTIVAL

## 2024 SUPPLEMENTAL PLAN



RISK INDEPENDENCE



# — 40 YEARS OF SUNDANCE —



THE EARLY YEARS



TODAY







# 40 YEARS OF SUNDANCE

- 40 Years in Park City
- Sundance Film Festival 2024
  - 17,000+ Festival Submissions
  - New for this Year
    - Premiere Screenings begin as early as 12pm on Opening Day
    - Open Captioning
    - Alumni programming during B Week

**Sundance  
Film Festival  
2024**



# 2024 CHANGES

- 11-day in-person festival
- Venue Changes & New Sponsors
- Updates since the report published
- Street Directionality
- Drop and Loading
- Extended Transit
- Parking Adjustments
- Outreach and Engagement



# Sponsors

The Sundance Institute is proud to acknowledge and thank the official sponsors of the 2024 Sundance Film Festival. Their support reflects a commitment to sustaining the vitality of independent film, filmmakers, and audiences. Our sponsors enrich the Festival experience and help sustain the Institute's programs for artists throughout the year.

## PRESENTING



## LEADERSHIP



## SUSTAINING



## MEDIA





## QUESTIONS & RECOMMENDATION

Hold a public hearing and consider approving a Level Five Permit for the 2024 Sundance Film Festival.



An aerial photograph of a mountain town, likely Park City, Utah, covered in a thick layer of snow. The town is nestled in a valley, with snow-covered mountains in the background. The houses and buildings are densely packed, and their roofs are covered in snow. The overall scene is serene and wintry.

# **Bowen Collins and Associates**

## General Water and Storm Engineering Services



# Main Street Water Infrastructure

## Background

- Current water piping installed in 1980
  - Iron pipe similar in age and material as Heber Avenue
  - Life span of iron pipe typically 50-75 years in good soils
  - Soils around Park City found to be highly corrosive
- In the last 5 years Main Street has had 19 water breaks
  - 9 being in 2023 (not counting Heber Avenue)
  - Most breaks on smaller diameter lines
  - Resulting breaks have caused substantial damage and costly repairs



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# Storm Drain

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- Thaynes Canyon ditch and storm system
  - Culverts are showing extensive corrosion
    - Bottom fully corroded
    - Collapsing of culverts
  - Two culverts designed and Bid for replacement in Fall 2023
    - One bidder, 3x more than engineers estimate.
    - Staff elected to create larger project with additional replacements
- Silver Maple Claims
  - Required to supplement flows to wetlands as part of Judge Environmental study





# Engineering Services

## Main Street Replacement

- Develop replacement plans for new water infrastructure implementing materials to increase asset life span in corrosive soils.
- Work with stakeholders to minimize disruption to businesses and traffic
  - HPCA
  - Transit, Parking, Events, Economic Development, Fire, PD, Public Works, and Engineering
    - Potential street closures, traffic routing, pedestrian access
  - Other utilities
- Phased approach to take advantage of Spring shoulder season
  - April to July for 3 years



Consider authorizing the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with Bowen Collins and Associates Inc., to provide engineering services for the Water and Storm General Engineering Service Project, in an amount not to exceed \$200,000.

———— **Questions?** ————

