



R. McConnell Group PLLC

VIA EMAIL

Michelle Kellogg, City Recorder
Records Officer
Park City Municipal Corporation
445 Marsac Avenue
Park City, Utah 84060

September 25, 2026

Re: GRAMA Request No. 26-574

Dear Ms. Kellogg:

Thank you for your prompt reply to our records request. We appreciate the care your office gave it.

The City estimates \$552.08 and requires prepayment because the fee exceeds \$50. The City invokes extraordinary circumstances under Utah Code Ann. § 63G-2-204(6). The City denies the fee waiver on three grounds: that the request is “voluminous,” that our stated basis “does not articulate a specific public issue at hand nor how releasing the records would benefit the public,” and that the request is “not narrowly tailored.” The City points us to its webpage, to five meeting pages under § 63G-2-201(7)(a)(v)(A)(I), and, under a heading it labels Section 7.a, to Exhibit I of the September 9 packet.

We have read that webpage and all five packets. We are not asking the City to produce anything on its website. We want the records behind those documents. One clarification on the Exhibit I answer. The City’s answer labeled Section 7.a quotes Category 7(c). Category 7(a) asks for a different record—the completed Housing Mitigation Excel Workbook for this project—and remains outstanding.

Three questions about the estimate.

The City writes that the records “will likely need to be reviewed to remove non-public and/or protected information.” Section 63G-2-203(5)(b)(i) bars a fee for “reviewing a record to determine whether it is subject to disclosure.” Please break the \$552.08 into search and retrieval, and disclosure review.

Section 63G-2-203(3)(c) requires fees set “by ordinance or written formal policy adopted by the governing body.” Please identify it and send a copy.

Section 63G-2-203(1)(b) requires the executive officer to approve the fee. Please confirm that approval.

Section 63G-2-203(4)(a) asks one question: whether releasing the records “primarily benefits the public rather than a person.” The City answered it. The Five-Acre Site, the City wrote, “has appeared on a City Council or Planning Commission agenda with accompanying packet materials ... numerous times during the period of your records request.” The City noticed five Planning Commission meetings on this project between June and September 2026, three of them public hearings, and built a webpage for the project. Public comment in the September 9 packet counts 2,399 petitioners against this project. September 9 packet 677. The Park Record has published more than a dozen news stories and letters on the Site since late June. This matter fits within the public interest exception.

The City writes that our stated basis is factually incorrect because the City is not an applicant and the Commission has not decided the applications. Both points are well taken, and we correct our request accordingly: Brinshore Development, LLC is the applicant of record, and the Commission has not yet voted. Neither correction touches the reason for the waiver. On September 9, 2026, staff reported that Park City owns the Site and proposes the redevelopment with Brinshore Development, LLC. On March 19, 2026, the Council approved a second amendment to the exclusive negotiation agreement, which the City’s Strategic Initiatives Advisor described as carrying “a City contribution up to \$40 million, and a commitment from the City to pay for soil remediation.” Park City City Council Minutes 18 (Mar. 19, 2026). The City owns the land it bought using taxpayer money. The City pays Brinshore using taxpayer money. The City decides how to use taxpayer money with taxpayer input. Brinshore’s development actively seeks to sidestep legal requirements for land development and use and poses significant harm to Park City residents. That is the public issue.

Yet, the City would charge \$552.08 to show how it commits up to \$40 million of public money on its own land. Section 63G-2-203(4)(a) exists for this exact issue. We urge you to reconsider your position.

Please produce the following four items first.

1. Any recommendation by the Transportation Department or the City Engineer of the modeling method and study area for the traffic study, and any communication about it. Categories 5(a) and 5(f).
2. Records sufficient to show the date the City published Ordinance 2026-19. New Category 13.
3. The 2026 Transportation Impact Study Guidelines and Transportation Demand Management Toolbox adopted by Ordinance 2026-19. New Category 14.
4. Any determination or analysis of which listed Use in the Land Management Code applies to the amphitheater. Category 1(a).

These four require little search. Section 63G-2-203(8)(a) permits a prepayment demand only where fees are expected to exceed \$50, and we do not expect these four to reach it. If the City disagrees, please state the estimate for these four alone.

We add two more categories. Same period, same definitions.

15. All communications between any City officer or employee and any news organization about the Five-Acre Site or Applications PL-26-06914, PL-26-06915, PL-26-06917, or PL-26-06920, including The Park Record.
16. All communications between any City officer or employee and Brinshore Development, LLC, or anyone acting for it, about the Site or those four applications. This includes drafts of staff reports, findings, or conditions of approval exchanged with the applicant, and communications about the exclusive negotiation agreement, the City’s contribution, and soil remediation.

Categories 15 and 16 reach every City officer, including the Mayor and each member of the City Council. § 63G-2-103(9). An email about these applications is a record wherever it sits. § 63G-2-103(25) (a).

If the City prefers to process these separately, please open a request and send us the number.

The Commission has noticed a public hearing and possible final action for October 14, 2026. Please produce records as you locate them, not in one delivery at the end.

Our clients reserve every right of appeal under §§ 63G-2-203(6) and 63G-2-401. We withdraw no category.

We appreciate your help. Please direct any response to the undersigned.

Best regards.

Very truly yours,

A handwritten signature in blue ink, appearing to read "RD McConnell", is positioned above the typed names.

Ryan D. McConnell (Utah Bar 20650)
Matthew S. Boyden (Utah Bar 20701)