

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 21, 2003**

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building City Council Chambers, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 21, 2003.

Work Session

3:00 p.m. Council questions and comments
3:30 p.m. [Conservation easements](#)
4:00 p.m. Historic Preservation Board interviews
5:45 p.m. Break

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT - (any matter of City business not scheduled on the agenda)

III COMMUNICATIONS FROM COUNCIL AND STAFF

IV PUBLIC HEARING

Ordinance approving the proposed plat amendment to combine Parcels A and B of the Kearns Business Center Subdivision into one lot of record for the purpose of constructing a plat and nursery stock production and sales facility, located at 1415 Kearns Boulevard, Park City, Utah

V NEW BUSINESS

1. Ordinance approving the proposed plat amendment to combine Parcels A and B of the Kearns Business Center Subdivision into one lot of record for the purpose of constructing a plat and nursery stock production and sales facility, located at 1415 Kearns Boulevard, Park City, Utah
2. [Authorize staff to enter into a contract with Wehyer Construction, the lowest responsible bidder, for upgrade of the Spiro Water Treatment Plant \(WTP\) in the amount of \\$867,775.](#)

VI OLD BUSINESS

Resolution adopting a revised personnel policies and procedures manual, dated August 14, 2003 for Park City Municipal Corporation **(motion to continue to August 28, 2003)**

VII ADJOURNMENT

Closed Session Personnel

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted.

Posted: 08/18/03
see parkcity.org

DATE: August 21, 2003
DEPARTMENT: Special Events and Facilities
AUTHOR: Alison Butz
TITLE: Conservation Easements on Open Space

SUMMARY RECOMMENDATIONS: Provide Staff with direction on the prohibited uses and reserved rights for both the Richards parcel and Round Valley parcels with regards to Conservation Easements. Staff will return to Council for formal approval of conservation easements in September, 2003.

I. TOPIC

Informational – No formal action required.

Conservation Easements for both the Richards parcel and Round Valley parcels.

II. BACKGROUND

The City Council has set a goal to obtain conservation easements on all parcels purchased with open space bond funds. The City Staff, in conjunction with the non-profit group Conserving Our Open Lands (COOL), has developed a template for the easements and has begun to gather baseline documentation for parcels.

The Richards parcel, purchased in August 1999, the Grover Round Valley parcel, purchased in May 2000 and the McMillian Round Valley parcel and Bilogio LLC Round Valley parcels both purchased in December 2001 are the first areas of focus for conservation easements. The easements essentially transfer the right to preserve and protect the conservation values of the property to COOL.

COOL is a Park City, non-profit land conservation association working in the Summit and Wasatch County areas. In addition to promoting options for conservation of open lands and facilitating the permanent protection of these conservation lands, COOL also holds and stewards conservation easements. Jen Guetschow, the Executive Director, has been meeting with the City weekly to expedite the recordation of conservation easements on City owned open space. Questions have arisen regarding the City's desire for reserved rights and uses on each open space area. As COOL will be monitoring and enforcing these easements, it is important that these rights are in the language specifically for each easement. COOL must also understand the effect, if any, of proposed rights and uses on the conservation values of the open space areas, before accepting the responsibility of the conservation easement.

III. ANALYSIS

The easement is granted to COOL in perpetuity, and the purpose is to assure that the property will be retained forever in open and recreational uses. COOL would confine the use of the property to those activities spelled out in the easement. If the City were to construct a trailhead, or other improvement, the City shall submit a request to COOL to receive their approval that the proposed improvement is consistent with the terms of the easement.

A baseline document, establishing the current condition of the property will be performed and attached to the document as an exhibit. Yearly monitoring, by COOL, would be performed and the result of the City's compliance with the easement would be submitted as a report by COOL. As part of the stewardship of the property COOL would charge the City the expense on monitoring the property for compliance. Funding for the monitoring would be taken from a budget line item. At this time Staff intends to present the line item to Council during the FY2005 review.

The easement is transferable, and COOL may assign their rights, with the City's approval to another suitable organization that is authorized, under Utah State Law to hold a conservation easement.

The easement contains prohibited uses and reserved rights for each of the parcels. Staff has provided suggested uses for each parcel. The following parcels were purchased with funds from the Open Space bonds.

Richards Ranch

Purchased: August 30, 1999

Size: Approx 20 acres

Current Use: Trails, Grazing and Cross-Country Skiing

USDA Easement: *Currently the McLeod Creek Stream corridor starting at the Richards parcels and ending at the city limits has been enrolled into the Continuous Conservation Reserve Program (CCRP). The CCRP is a 15- year USDA - Farm Service Agency contractual agreement for 23 acres of stream corridor. The enrollment into this program is a component of Park City's Storm Water Management Plan (compliant with the Clean Water Act Phase II Rule) for controlling non-point source pollution. The first incentive payment was received this year and the annual payments will commence in October of 2003. The stream corridor that is enrolled is 180' from the stream embankment and the designated land classification is riparian buffer zone. The stream restoration work plan that was developed by NRCS for this area was started in October 2002 and has resulted in the re-vegetation and introduction of woody species for the riparian areas that have been deemed impacted.*

Grover Round Valley

Purchased: May 10, 2000

Size: 40 acres

Current Use: Trails and Cross-Country Skiing

McMillian Round Valley

Purchased: December 14, 2001

Size: 280 acres

Current Use: Trails and Cross-Country Skiing

Stewart/Bilogio LLC Round Valley

Purchased: December 27, 2001

Size: 144 acres

Current Use: Trails and Cross-Country Skiing

Edward L. Gillmor Parcel

Purchased: *Under Agreement, 2003*

Size: *191 acres*

Current Use: *Trails*

Standard Prohibited Uses for all parcels:

- (a) Development, pre-sale, division, subdivision, or defacto subdivision (through long-term leasing or otherwise) of the Property for any type of human occupation or use;
- (b) Quarrying, mining, excavation, depositing, or removing of rocks, gravel, minerals, sand, or other similar materials from the Property;
- (c) Dumping, depositing, abandoning, discharging, storing, maintaining, or releasing any gaseous, liquid, solid or hazardous wastes, substances, materials, pollutants, or debris of whatever nature on, in, or over the ground or into the surface or ground water of the Property;
- (d) Placement, erection, or maintenance of signs, billboards, or outdoor advertising structures on the Property;
- (e) Construction of buildings, residences, mobile homes, improved streets or roads, or other structures, or any other permanent improvements for use for human habitation, constructed or placed in, on, under, or upon the Property;
- (f) Residential or industrial uses of the Property;
- (g) Uses of the Property that would be detrimental to the water quality; and
- (h) Any unanticipated use or activity on or at the Property which would significantly impair the conservation values of the Property, unless such use or activity is necessary for the protection of the conservation values that are the subject of this Easement, in which case such use or activity shall be subject to the prior approval of Grantee, which approval shall not be unreasonably withheld.

Standard Reserved Rights for all parcels:

- (a) Construct and use temporary structures on the Property;
- (b) Use mechanized equipment to maintain the Property;
- (c) Construct and maintain ancillary structures on the Property, including but not limited to restrooms, storage, and equipment sheds;
- (d) Construct and maintain improved trails for use by the public;
- (e) Place, erect, and maintain a reasonable number of signs on the Property for purposes consistent with the intent of this Easement, including but not limited to declaring the name of the Property and the purpose(s) for which it is preserved;
- (f) Control noxious weeds;
- (g) Permit grazing on the Property and/or the leasing thereof for grazing or otherwise use the Property for agriculture within in designated areas and accompanied with an approved animal management plan (excepting feedlots);
- (h) Repair, restore, reconstruct, or replace existing fencing as necessary in a manner consistent with its condition established through the Baseline Documentation, and to construct and maintain additional fencing as necessary for agricultural or recreational purposes;

- (i) Permit public access in accordance with the rules and regulations established by the Park City Parks Department and any subsequent regulations governing the safety and well-being of the public on City-owned property;
- (j) any significant gathering must be a City sponsored event;
- (k) Engage in all acts or uses that are not prohibited by governmental statute or regulation, not expressly prohibited herein, and not inconsistent with the purpose of this Easement.

Possible Additional Reserved Right for the Richards Parcel

The item below is additional language suggested to address Council's possible desire to place an Olympic Legacy in the Hwy 224 corridor.

- (l) Construct and maintain any landscaping, art, wayfinding and entryway identification, resident and visitor rest areas, and other public improvements at the sole discretion of the City Council consistent with the Open Space Bond Issues, to enhance the resident and tourist experience in Park City.

Issues for Discussion

- Are the listed prohibited and reserved rights consistent with what Council envisioned for the Conservation Easement?
- Should Staff return to Council with similar work session discussions when moving forward on other easements?
- Should open space land, not purchased with open space bond money be looked at for conservation easements such as the Osguthope farm?

IV. RECOMMENDATION:

Provide Staff with direction on the prohibited uses and reserved rights for both the Richards parcel and Round Valley parcels with regards to Conservation Easements. Once received Staff will continue to draft the easements and will return to Council for approval of the easements in September, 2003.

V. EXHIBITS

Exhibit A – Area maps for each parcel



DATE: August 21, 2003
DEPARTMENT: Public Works
AUTHOR: Kathy Gammell
TITLE: Spiro Water Treatment Plant Upgrade
TYPE OF ITEM: Contract Authorization

SUMMARY RECOMMENDATIONS: Authorize staff to enter into a contract with Wehyer Construction, the lowest responsible bidder, for the Phase I upgrade of the Spiro Water Treatment Plant (WTP) in the amount of \$867,775.

DESCRIPTION:

A. Topic: Award of Contract

B. Background:

The EPA has mandated that all public water systems meet an arsenic maximum contaminant level (MCL) of 10 parts per billion (ppb) by February of 2006. Currently the Spiro WTP treats and blends Spiro Tunnel water to a maximum arsenic level of 35 ppb. This meets the current MCL of 50 ppb.

As part of City Council's water quality priorities, staff was directed to implement processes required to meet the new EPA mandated arsenic treatment MCL of 10 ppb for Spiro Tunnel water as quickly as possible. The original Spiro WTP upgrade included both the treatment process and an expanded finished water clear well. However, with the need to have an arsenic treatment process on-line quickly, staff and MWH separated the project into two phases so that the expanded clear well would not delay the arsenic treatment portion of the project. The arsenic treatment process installation is Phase I and the expanded clear well is Phase II.

During the past two years staff and Montgomery Watson Harza (MWH) have been testing numerous treatment processes for removal of arsenic. In the fall of 2002 a final process was demonstrated that provides treatment of Spiro Tunnel water down to an average level of 5 ppb. This level exceeds EPA's new arsenic requirements. After selection of the treatment process, MWH began engineering under a contract with the Army Corps of Engineers in early 2003. The Spiro WTP design was funded with \$100,000 from the Corps and with Council approved Park City matching funds of \$100,000 based on an open "Indefinite Delivery, Indefinite Quantity" (IDIQ) contract that MWH has with the Corps. Acceptance of the Corps funding required that the Corps contract directly with MWH for design engineering.

Staff solicited Statements of Qualification (SOQs) for pre-qualification of general contractors in April 2003. Park City's legal staff was consulted during the bid process to ensure compliance with city policies and procedures, and for review of contract requirements in the bid documents. Ads were placed in the Park Record and the Salt Lake City newspapers. Seven general contractors submitted SOQ's and each were thoroughly evaluated by MWH. MWH recommended pre-qualifying Bodell Construction, Counterpoint Construction, and Wehyer Construction based on direct experience with construction of water treatment plants. Staff supports MWH's assessment.

C. Analysis:

Bids from general contractors for the Phase I Spiro Water Treatment Plant upgrade were accepted at 11:00 a.m. on Wednesday, August 13, 2003 at the Public Works Building. Results are as shown below:

Bidder	Lump Sum Bid	Add for Stainless Steel Underdrain *	Total
MWH Engineering Estimate	\$1,498,000		
Wehyer Construction	\$ 847,775	\$20,000	\$867,775
Bodell Construction	\$ 924,059	\$20,200	\$944,259
Counter Point Construction	\$1,035,000	\$24,000	\$1,059,000

* Note: A PVC underdrain (filter media support floor) was included in the "Lump Sum Bid" with an add for upgrading to a stainless steel underdrain, to allow fair competition between filter suppliers with different preferences for underdrain material.)

Wehyer Construction was low bidder at \$867,775 which includes an "add" bid of \$20,000 for upgrading to a stainless steel underdrain (filter media support floor), and was found to be responsive to bid requirements. Staff recommends the stainless steel underdrain upgrade in each of the two new filters to avoid potential failure of a PVC underdrain under pressure. The existing filter has a stainless steel underdrain that was installed in 2000 as a result of a failed PVC underdrain. MWH supports this recommendation based on the selected filter manufacturer's preference for stainless steel.

MWH performed a subsequent thorough evaluation of Wehyer Construction's bid and has found Wehyer's bid "to be responsive to the requirements set forth in the bidding documents" with no significant errors.

D. Department Review: The City Manager, Public Works Director, and Water Department.

ALTERNATIVES:

A. Authorize staff to enter into a contract with Wehyer Construction, the lowest responsible

bidder, for Phase I upgrade of the Spiro Water Treatment Plant (WTP) in the amount of \$867,775. **This is staff's recommended alternative.**

- B.** Award the contract to another responsible bidder and authorize staff to enter into an agreement for upgrade of the Spiro Water Treatment Plant (WTP). **This is not recommended by staff.**
- C.** Continue the award of contract to a future City Council meeting. **This is not recommended by staff.**
- D.** Reject all bids and re-bid the project. **This is not recommended by staff.**
- E.** Reject all bids and delay the project. **This is not recommended by staff.**

SIGNIFICANT IMPACTS: The Spiro WTP upgrade is funded in the current 2004 budget year. With approval of staff's recommended alternative, the Spiro Tunnel arsenic treatment process will be on-line in March 2004.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: Alternative C may delay the completion schedule in proportion to the delay in approval, or longer if the delay pushes the construction schedule into the 2004 irrigation season. Alternative D will delay the project a minimum of 2 months, or longer if the construction schedule is pushed into the 2004 irrigation season. Alternative E will delay the project until such time as will be required to complete the project by February 2006 per EPA requirements.

RECOMMENDATION:

Authorize staff to enter into a contract with Wehyer Construction for the Phase I upgrade of the Spiro Water Treatment Plant (WTP) in the amount of \$867,775.