

**PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 21, 2003**

Present: Mayor Dana Williams; Council members Peg Bodell, Kay Calvert, Candace Erickson; Jim Hier; and Fred Jones

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Alison Butz, Special Events and Facilities Manager

Jennifer Guetschow, COOL Executive Director

1. Council questions and comments. Council member Erickson commented on ice facility committee business, specifically fine-tuning the budget. She referred to the Mountainlands Community Housing Fannie Mae award ceremony. Jim Hier reported on the lower Park Avenue traffic study meeting held this week which was productive; the consultant attended and publicity on these traffic calming efforts would be helpful. Ms. Bodell also commented on the Mountainlands event and the pride of residents living at Holiday Village Apartments. Fred Jones referred to an Olympic legacy committee proposal, previously distributed to Council. He made some modifications prompted by suggestions from Ms. Bodell and encouraged everyone to respond so that the RFP can proceed. Council member Bodell emphasized that she would like the committee to identify locations and Mr. Jones agreed. There was discussion about some minor damage to a tower during the Arts Festival; Kimball Art Center is following-up on the damage claim.

2. Conservation easements. Alison Butz explained that one of Council's goals relates to obtaining conservation easements on properties purchased with bond proceeds. The effort includes gathering base information on parcels and developing a template for conservation easements, outlining prohibited uses and reserved rights. She continued that staff is recommending moving ahead with the Richards and Round Valley properties. She explained that Jeff Schoenbacher obtained a USDA easement on the Richards property and funding to vegetate the stream corridor. The City may dovetail on that easement. Staff is looking for direction from Council on prohibitions and reserved rights, and specifically reserved rights on the Richards property which may be a location for an Olympic legacy project. Additionally, the City has open space land which was not purchased with open space bond proceeds, including the Gillmor and McPolin Farm properties. Fred Jones recommended that trail heads and trail head parking not be precluded. He understood why signs are prohibited, but there are instances where they are appropriate, including way-finding signs.

Candace Erickson expressed concerns about overlooking possible uses or prohibitions on property. She suggested perhaps executing conservation easements solely on parcels where use is absolutely clear. For other parcels, it may be appropriate to proceed with a conservation easement after an associated project is completed on the site

providing an opportunity to refine the language. Ms. Butz explained that staff is suggesting accomplishing 75% of the easements by November. Jim Hier stated that the services rendered by COOL should be memorialized in a service contract, including an outline of projects and costs per hour; it should not be a percentage of the estimated value of properties. He asked that the Council be provided the deed restrictions of the Gillmor parcel. Peg Bodell discussed the importance of the City having access to the USDA easement for environmental mitigation and restoration work.

The Mayor suggested contacting Frank Richards directly with regard to the type of pesticides used on the property, rather than engaging in extensive soil testing. The Virginia Mining Claim is not addressed as well as all other properties purchased through COSAC and the name of the Farm property should be consistent. He expressed concerns about the potential of conservation easements diminishing the City's bond rating, and the City Attorney responded that he didn't believe so, as the property is already zoned open space. Jim Hier asked that an analysis be conducted because there are structures on the Farm. With regard to the name, Tom Bakaly recalled that staff conducted an historical search which will be shared again with Council. It was decided to bring back the template for final review at a work session before any easements proceed. Mark Harrington warned that although the intent for a parcel seems clear now, as experienced with limitations of bond language, it will be governed in the future by restrictions of the conservation easement. Fred Jones agreed and felt it prudent to carefully examine each parcel with regard to reserved rights. There was discussion about renaming rest areas. The Mayor felt that community events on these properties should be allowed and Ms. Butz pointed out that City sponsored activities are allowed if reviewed and approved by City Council.

Fred Jones suggested that Recreation Advisory Board also review the template to provide more assurance to avoid oversights and Council members agreed. Ms. Butz stated that she will refine the template with regard to reserved rights as well as looking at an Olympic legacy project on the Richards property. This new draft will then go to RAB and will return to Council sometime in September. In response to a concern expressed by Peg Bodell, Ms. Butz clarified that wildlife is included in the baseline and the Mayor pointed out the noxious weed infestation on many of our open space lands. Jennifer Guetschow invited the Council to a seminar hosted by COOL.

3. Historic Preservation Board interviews. The City Council then conducted interviews:

4:00 p.m.	Review of interview questions/process
4:15 p.m.	Fred Moore
4:30 p.m.	Puggy Holmgren
4:45 p.m.	Gary Kimball
5:00 p.m.	Melissa Band
5:15 p.m.	Mark Huber

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City Council Work Session
August 21, 2003

Prepared by Janet M. Scott, City Recorder

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

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 21, 2003. Members in attendance were Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Staff present were Tom Bakaly, City Manager; Mark Harrington, City Attorney; and Kathy Gammel, Water Manager.

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

Donation of services - Colin McCaffey explained that he recently started a deck business in Park City. He offered to donate his services to the City free of charge to refinish the Main Street benches. Council was pleased with his generous offer.

III COMMUNICATIONS FROM COUNCIL AND STAFF

Peg Bodell shared a paragraph from a *Time Magazine* article about the commitment of elected officials and local governments making improvements incrementally.

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 (motion to continue to a date uncertain) - The City Attorney explained that there is a pending appeal of the associated CUP which will be scheduled for deliberation by Council. Both the applicant and appellant agree that the plat should be continued. There was discussion about the appropriateness of opening this public hearing because of the filed appeal.

Joe Tesch, attorney for appellant Bob Ivory, Buggy Bath, stated that there is a traffic issue. The nursery parcel doesn't even front Bonanza Drive and he encouraged Council to take a look at the site.

The Mayor requested a motion to continue to a date uncertain. Fred Jones, "I so move". Kay Calvert seconded. Motion carried unanimously.

Mark Harrington explained that the Council always has the ability to open a public hearing or make a motion to continue before soliciting public input. In this instance, Mr. Tesch's comments were appropriate, but if he commented on the merits of the appeal without the applicant or staff present, the situation could become very awkward.

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 (motion to continue to a date uncertain) - Fred Jones, "I so move". Kay Calvert seconded. Motion carried unanimously.

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 - Kathy Gammel reported that staff was very pleased with the bids which were well below estimates. Fred Jones, "I move approval of the contract in the amount of \$867,775". Peg Bodell seconded. Motion unanimously carried.

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 September 11, 2003) - Jim Hier, "I move that we continue this item to September 11". Peg Bodell seconded. Motion unanimously carried.

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

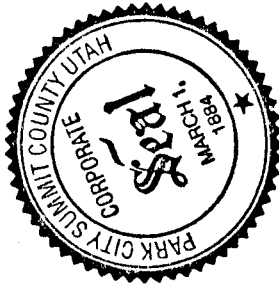
The City Council met in closed session at approximately 5:30 p.m. rather than after the regularly scheduled meeting, as advertised. Members in attendance were Mayor Dana Williams, Peg Bodell, Kay Calvert, Candace Erickson, Jim Hier, and Fred Jones. Kay Calvert, "I move to close the meeting to discuss personnel". Candace Erickson seconded. Motion carried unanimously.

The meeting opened at approximately 6 p.m.

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City Council Meeting
August 21, 2003

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott




Janet M. Scott, City Recorder

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

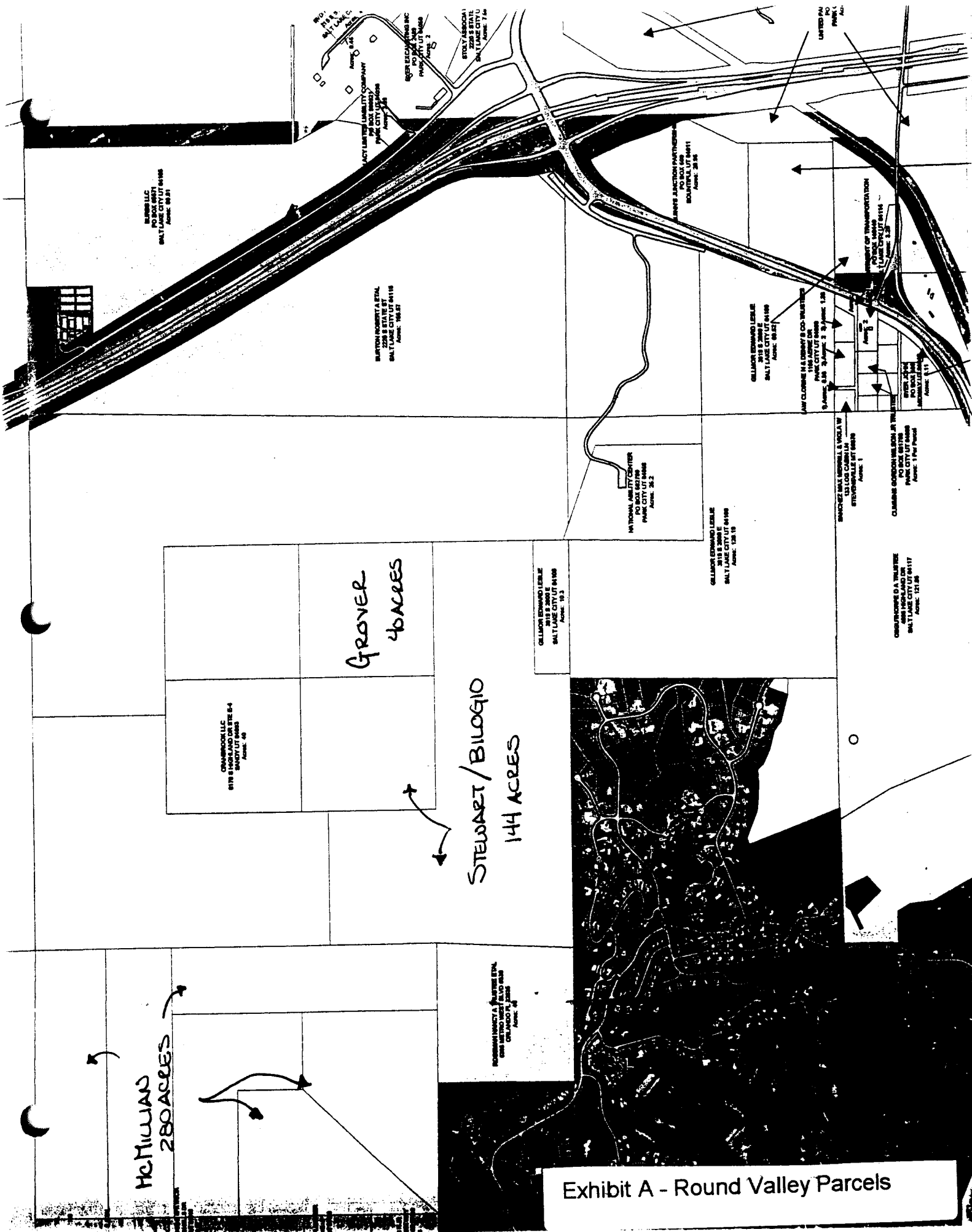
- Are the listed prohibited and reserved rights consistent with what Council envisioned for the Conservation Easement?
- Should Staff return to Council with similar work session discussions when moving forward on other easements?
- Should open space land, not purchased with open space bond money be looked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



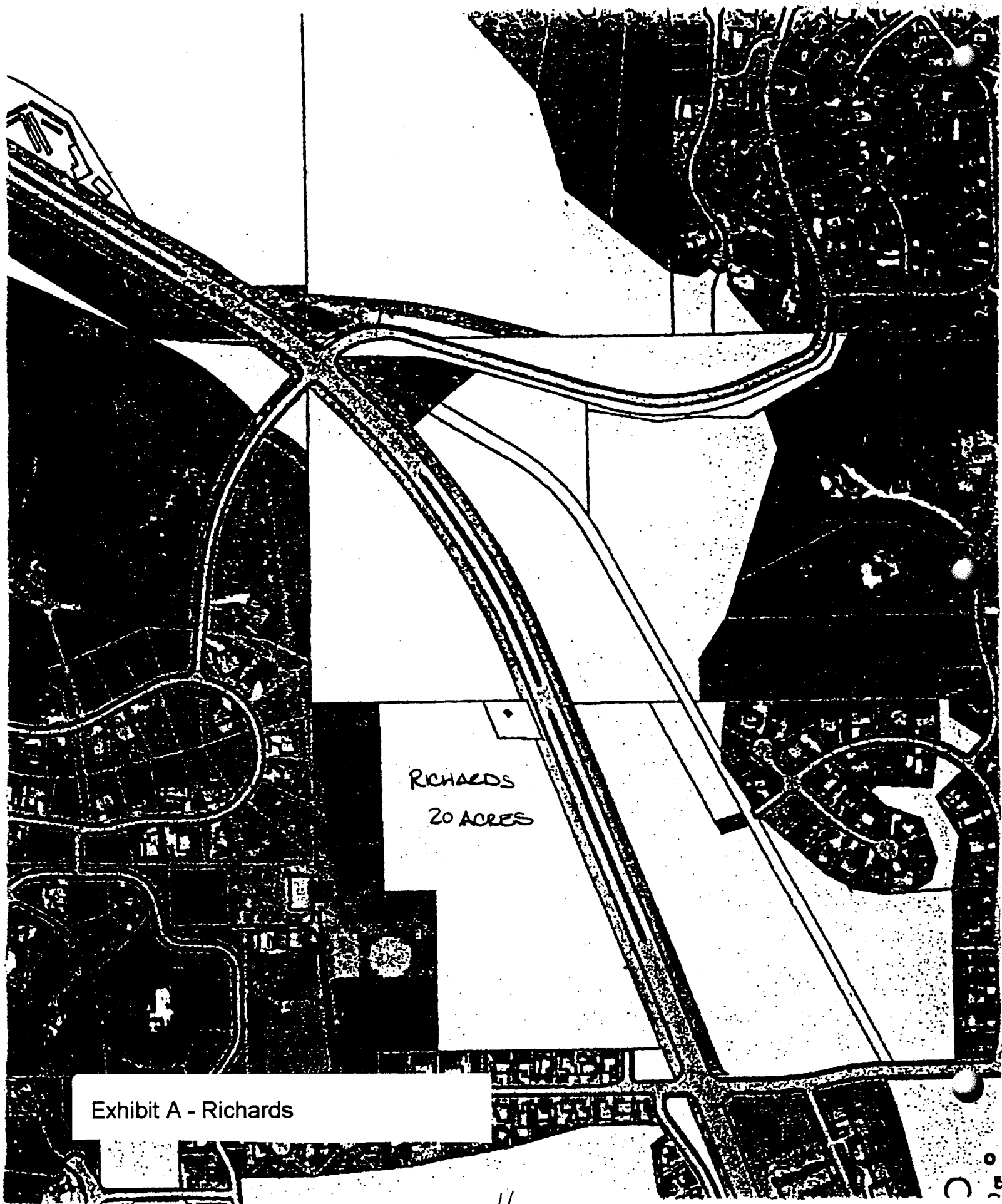


Exhibit A - Richards

August 18, 2003

To: Honorable Mayor/Members of City Council

From: Jan Scott, City Recorder

HISTORIC PRESERVATION BOARD INTERVIEWS

The schedule is as follows:

4:00 p.m.	Review of interview questions/process
4:15 p.m.	Fred Moore
4:30 p.m.	Puggy Holmgren
4:45 p.m.	Gary Kimball
5:00 p.m.	Melissa Band
5:15 p.m.	Mark Huber

The sixth applicant is Ken Martz who will be out-of-town this Thursday. Mr. Martz is a former Historic District Commission member. Please advise if you would like to make special arrangements for him by accommodating his interview at another date. The work session of August 28 is very full, but there may be time at work session on September 11 where appointments are slated on the regular agenda.

Under separate cover are applications and sample interview questions for your review. A closed session is posted after the adjournment of the regular meeting in the event Council chooses to deliberate on appointments.

CITY COUNCIL STAFF REPORT

DATE: August 21, 2003
DEPARTMENT: Planning Department
TITLE: 1415 Kearns Boulevard
TYPE OF ITEM: Plat Amendment

RECOMMENDATION: Staff recommends that the City Council review and approve 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 plant and nursery stock production and sales facility, according to the findings of fact, conclusions of law and conditions of approval outlined in this staff report.

DESCRIPTION

Project Name: 1415 Kearns Boulevard Nursery
Project Planner: Ray Milliner
Applicant: Rodman Jordan
Owner of Property: Centura Development
Location: 1415 Kearns Boulevard
Zone: General Commercial (GC) Frontage Protection Zone (FPZ)

BACKGROUND

The applicant, Centura Development is requesting a 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 plant and nursery stock production and sales facility. The applicant is proposing the construction of a 1,716 square foot green house, with office, sales and growth areas. Additionally, 6 shade structures wherein larger plants will be stored and displayed, two storage bins for bark and topsoil and a 32 stall parking area are proposed. The Planning Commission reviewed this application request and forwarded a positive recommendation to the City Council at their August 13, 2003 meeting.

ANALYSIS

The property is located in the GC and FPZ zones. The proposed use is an allowed use in the GC zone provided it meets the criteria in LMC Chapter 15-2.18, and a CUP within the Frontage protection zone requiring review and approval by the Planning Commission. The applicant has submitted a CUP application that was reviewed and approved by the Planning Commission at their August 13, 2003 meeting. The proposed lot complies with all required LMC lot size, lot arrangement, lot dimension and access requirements. There are existing sewer and access easements running throughout the property that staff is recommending remain as part of this application.

The lots subject to this application have no frontage on Bonanza Drive or Munchkin Road instead it fronts Kearns Boulevard. However, access to the site requires that automobiles enter the site from either Bonanza Drive or Munchkin Road through the curb cuts on either side of White Pine Touring or the Diamond Rental parking lot. None of these access points originate from the property. The Planning Commission conditioned that the plat include a non-exclusive access easements to the property from Bonanza between the Clinic and White pine touring, and from Munchkin Road through the Diamond Rental Parking Lot. A condition was added requiring that the easements be shown on the plat along with the location of the easements and book and page number when recorded at Summit County. (There is an existing non-exclusive access easement between White Pine Touring and the Buggy Bath carwash that will remain).

Criteria for Review:

Pursuant to the Land Management Code and State Subdivision statutes, the Council must be able to conclude that:

1. There is good cause for the amendment.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.

NOTICE

Notice of this hearing was sent to property owners within 300' on July 23, 2003. The Property owner of the Buggy Bath Car Wash presented to the Commission during the August 13, 2003 meeting, concerns that going forward with the Plat Amendment would create too much congestion in terms of automobile and pedestrian circulation, and perhaps the easement between the Buggy Bath and White Pine Touring should not be allowed access to the nursery site. The applicant still has access between White Pine Touring and the Clinic and Munchkin Road.

DEPARTMENT REVIEW

The Community Development Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on August 5, 2003, where representatives from local utilities and City Staff were in attendance.

RECOMMENDATION

Staff recommends that the City Council review 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 plant and nursery stock production and sales facility, according to the findings of fact, conclusions of law and conditions of approval.

Findings of Fact:

3. The property is located in the General Commercial (GC) and Frontage Protection (FPZ) zones.
4. The Planning Commission forwarded a positive recommendation to the City Council at their August 13, 2003 meeting.
5. The property owner of the Buggy Bath was concerned with allow access to the nursery site would create additional congestion between the Buggy Bath Car Wash and White Pine Touring.
6. The GC zone is a residential/commercial mix zone characterized by a mix larger contemporary residences and commercial structures.
7. The amendment will remove the lot line between two existing lots of record, creating a 1.13-acre lot in the Kearns Boulevard Business Center Subdivision.
8. There are no existing structures on the property.
9. The construction of a nursery stock production and sales facility in the GC zone is an allowed use subject to the requirements of LMC Section 15-2.18.
10. Any construction within the FPZ zone requires a CUP subject to review by the Planning Commission and the requirements in Chapter 15-2.20-3 of the LMC.
11. The lot has frontage only on Kearns Boulevard.
12. There is no access to the property from Kearns Boulevard, neither is it proposed.
13. Access to the lot will be via non-exclusive access easements from Bonanza Drive and Munchkin Drive.

14. There is an existing non-exclusive access easement to the property from Bonanza Drive between lots 46-C and 46-D of the Prospector Square Subdivision (the Buggy Bath Carwash and White Pine Touring).
15. No remnant lots will be created as a result of this application.

Conclusions of Law:

1. There is good cause for this lot line adjustment.
2. The re-plat is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed re-plat.
4. As conditioned the use is consistent with the Park City General Plan.

Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant shall be required to show all easement locations on the plat, and place a plat note displaying the County Recorders Book and Page number.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. Easements granting access to the property between lots 46-B and 46-C of the Prospector Square Subdivision and from the access point off of Munchkin Road shall be recorded at the County Recorder's office prior to the commencement of any construction on the lot.
6. All existing access and utility easements on the property shall be shown on the plat and remain in place.

EXHIBITS

Exhibit A - Draft Ordinance

Exhibit B - Proposed Plat Amendment

Ordinance No. 03-

AN 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 PLANT AND NURSERY STOCK PRODUCTION AND SALES FACILITY, LOCATED AT 1415 KEARNS BOULEVARD, PARK CITY, UTAH

WHEREAS, the owner, Rodman Jordan, of the property at 1415 Kearns Boulevard, Park City, Utah, have petitioned the City Council for approval for an amendment to the Kearns Business Center Subdivision; and

WHEREAS, proper notice was sent and the property posted according to requirements of the Land Management Code and state law; and

WHEREAS, on August 13, 2003 the Planning Commission held a public hearing to receive public input on the proposed amendment and forwarded a positive recommendation of approval to the City Council; and

WHEREAS, a financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.

WHEREAS, it is in the best interest of Park City, Utah to approve the amended Record of Survey;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact.

1. The property is located in the General Commercial (GC) and Frontage Protection (FPZ) zones.
2. The Planning Commission forwarded a positive recommendation to the City Council at their August 13, 2003 meeting.
3. The property owner of the Buggy Bath was concerned with allow access to the nursery site would create additional congestion between the Buggy Bath Car Wash and White Pine Touring.
4. The GC zone is a residential/commercial mix zone characterized by a mix larger contemporary residences and commercial structures.

5. The amendment will remove the lot line between two existing lots of record, creating a 1.13-acre lot in the Kearns Boulevard Business Center Subdivision.
6. There are no existing structures on the property.
7. The construction of a nursery stock production and sales facility in the GC zone is an allowed use subject to the requirements of LMC Section 15-2.18.
8. Any construction within the FPZ zone requires a CUP subject to review by the Planning Commission and the requirements in Chapter 15-2.20-3 of the LMC.
9. The lot has frontage only on Kearns Boulevard.
10. There is no access to the property from Kearns Boulevard, neither is it proposed.
11. Access to the lot will be via non-exclusive access easements from Bonanza Drive and Munchkin Drive.
12. There is an existing non-exclusive access easement to the property from Bonanza Drive between lots 46-C and 46-D of the Prospector Square Subdivision (the Buggy Bath Carwash and White Pine Touring).
13. No remnant lots will be created as a result of this application.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby concludes that there is good cause for the above-mentioned subdivision plat and that neither the public nor any person will be materially injured by the proposed subdivision plat.

1. There is good cause for this lot line adjustment.
2. The re-plat is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed re-plat.
4. As conditioned the use is consistent with the Park City General Plan.

SECTION 3. Plat Amendment. The subdivision plat, known as 1415 Kearns Business Center Subdivision, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
3. The applicant shall be required to show all easement locations on the plat, and place a plat note displaying the County Recorder's Book and Page number.
4. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
5. Easements granting access to the property between lots 46-B and 46-C of the Prospector Square Subdivision and from the access point off of Munchkin Road shall be recorded at the County Recorder's office prior to the commencement of

6. any construction on the lot.
All existing access and utility easements on the property shall be shown on the plat and remain in place.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 21st day of August 2003

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney



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 Bodel 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.

