PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 1, 1996

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Marsac Municipal Building, 445 Marsac Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, August 1, 1996.

AGENDA

Closed Session

2:15 p.m. Property acquisition
Potential litigation

Work Session

3:40 p.m. Council questions and comments
4:00 p.m. Weber Basin water project
5:00 p.m. Review of regular meeting
Brookside annexation agreement
Keetley Road vacation
Plats

Regular Meeting

6:00 p.m.

I ROLL CALL

II PUBLIC INPUT

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Work on I-80

2. Ownership disclosure by Hugh Daniels

3. Swearing-in of Officer Wyman Berg

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 18, 1996

V PUBLIC HEARINGS

1. Ordinance approving the amended plat for the Knoll at Silver Lake, a Utah condominium project, located at 7915 Royal Street in Section 22, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Utah

2. Ordinance vacating a non-dedicated right-of-way in Park City, Utah known as Keetley Road

VI CONSENT AGENDA

1. Ordinance approving the amended plat for the Knoll at Silver Lake, a Utah condominium project, located at 7915 Royal Street in Section 22, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Utah

2. Ordinance approving a final condominium plat for the Sterling Lodge at Deer Valley, a Utah condominium project, located at 7660 Royal Street, in Section 27, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Utah

3. Ordinance amending the Park City Land Management Code to zone sexually oriented businesses as conditional uses in the General Commercial Zone, Section 7.9 and to regulate the location of sexually oriented businesses

4. Ordinance amending Title 4, Chapter 9 of the Municipal Code of Park City regulating sexually oriented businesses; by clarifying the purpose, appeal procedure, and definitions within the chapter; and amending Section 8-4-20, of the Criminal Code by creating a dramatic works exception to lewdness

5. Award of bid for the public works facility to Mark Garff Construction Company in an amount not to exceed $3,172,000

VII NEW BUSINESS

1. Ordinance vacating a non-dedicated right-of-way in Park City, Utah known as Keetley Road

2. Deliberations on amendment to annexation agreement for Brookside

VIII ADJOURNMENT

Posted: 7/29/96

Note: It should be noted that the entries under Communications from Council and Staff occurred at the meeting and were not posted. They appear on this agenda for reference purposes.

PARK CITY WORK SESSION NOTES
SUMMIT COUNTY, UTAH
AUGUST 1, 1996

Present: Council members Hugh Daniels, Roger Harlan, Shauna Kerr, Chuck Klingenstein

Toby Ross, City Manager; Jodi Hoffman, City Attorney; Jerry Gibbs, Public Works Director; Kirsten Whetstone, Planner; Lloyd Evans, Assistant Chief of Police; Tom Bakaly, Finance Manager; Rick Lewis, Community Development Director; Eric DeHaan, City Engineer

Charlie Wintzer, Summit County Olympic Committee; Ivan Flint, Manager, Board Member Steve Osguthorpe and Jodi Williams, counsel Weber Basin Water Conservancy District; Summit County Commissioner Tom Flinders and Steve Clyde, counsel; McKay Edwards, Trans-Wasatch and David Luber, Deer Crest Associates (Telemark Park)

Absent: Mayor Brad Olch and Paul Sincock

1. **Council questions and comments.** Shauna Kerr reported that she was asked to be the liaison to the Friends of the Animals. She added that she has received comments from people regarding the Huntsman Park monument sign, because of its large size on the frontage protection zone and that the City is being inconsistent with its strict sign code. Toby Ross advised that the sign was reviewed by the Parks and Recreation Board and the Planning Commission. Much of the sign will be buried as the bottom is the support for the rock facing and there will be five feet of landscaped earth on top of it. This is what the Planning Commission requested which is different than what was proposed. It was pointed out that it will be lighted. Chuck Klingenstein relayed that he also received a complaint and recalled that he reviewed this application when he was on the Planning Commission who downsized it significantly. Ms. Kerr noted that she has received nice letters and calls from people in the community thanking Council for what they do, and she expressed her appreciation for their support. Hugh Daniels stated that he received calls on the Huntsman parcel sign. He suggested that there be better signage by the Town Lift construction for sidewalk use and pointed out parking problems on 8th Street. Mr. Daniels received a call from a member of the Restaurant Association complaining about moving patrons inside from dining decks after 10 p.m. He informed the business owner that the City is enforcing its ordinance and referred him to Rick Lewis. Mr. Ross explained that the liquor ordinance prohibits the dispensing of alcohol outside after 10 p.m., which is outlined in the conditional use permit. Lt. Lloyd Evans added that he has been working with Meg Ryan and Mark Harrington on this issue. He stated that there are now nine restaurants on Main Street with outdoor dining.

Trip to Europe. Hugh Daniels felt that it is an excellent idea for the Council to visit European Olympic venues. He heard that Atlanta didn't plan soon enough and it is important for Park City to look out for the benefit of our citizens. He doesn't want to make those decisions in a vacuum and is not very fond of reinventing the wheel. He hoped that the whole Council would go but recognized that it is an individual decision. Mr. Daniels pointed out that it won't be a fun trip and there is a lot to be learned. Shauna Kerr stated that she felt uncomfortable with all Council members going. It is a worthwhile experience for representatives and she is more inclined to send staff, and discussed the terms of Council members. She agreed that the planning needs to start now but that the focus should be dealing with the Salt Lake Organizing Committee and letting them know exactly how the events should be hosted in Park City, not how they will superimpose them on us. She pointed out that the European venues and governments are very different from us; the similarities and differences will be numerous. She felt that tax dollars would be better spent piggybacking on Atlanta. Chuck Klingenstein stated that he felt that every Council member needs to make an individual decision; he feels comfortable going to Europe and this is consistent with the City's philosophy. Even though the cities will be different, they are Olympic sites and 50% of the 2002 venues are in Park City. He is concerned about the AOC and Ms. Kerr asked if we would learn anything about this in Europe that we couldn't find out in Atlanta. Mr. Klingenstein hoped that he would find out what to ask and wants 2002 to be a positive experience. The European venues are more like Park City than Atlanta. Roger Harlan relayed Mr. Sincock's support of taking this trip. Mr. Harlan felt that the decision to go is optional and that you can't get too much information, as attendance will be incomprehensible. He hoped that it will be relayed to the public that the trip is a good use of City funds and pointed out that the Council recently saved the City $400,000 in the reissuance of bonds, and there is no recognition for those savings. Ms. Kerr also hoped that the press will reflect that this Council is very comfortable with having dissenting opinions; they support her in not going and she supports them in going. Charlie Wintzer, Summit County Olympic Committee, relayed that the biggest mistake made by the Sports Authority, is that they haven't taken enough trips for political reasons and relied on designers, users, and planners to tell them what they needed. He felt that the cost of the trip is minuscule compared to what can be saved by better planning. He discussed the huge differences in the Olympic Park of Atlanta and those of Calgary or Lillehammer. He encouraged all members to go as everyone sees things differently. The Lillehammer Olympics were the environmental games because the people there demanded it. Mr. Wintzer felt that the decisions made in a year and a half are more important that the decisions the year after that. There will be representatives from the Summit County Olympic Committee on the proposed European trip.

Mr. Harlan thanked the Police Department for its assistance in a funeral.

2. Review of regular meeting.

Public Works facility. Hugh Daniels pointed out that staff is requesting additional funds in the amount of $468,200 beyond what is budgeted. The original budget amount was $3,475,000 with architectural fees of $190,000. Mr. Gibbs explained that $172,000 for architectural fees was in the $3.4 million original number, and a second story was added which was not part of the original contract, estimated at $300,000. Mr. Ross explained that staff is tracking it to show that it is an expenditure and already committed, leaving $3.275 million to spend on construction. Jerry Gibbs added that the bid came in at $3.2 million; an additional $200,000 plus is needed for equipment so the actual building is at $3.4 million. Staff is also asking for the 10% contingency or

$341,000. In real net dollars for the project, is the difference between the $340,000 and the $468,000. Hugh Daniels expressed his concern about knowing what projects this money would be allocated from in the Capital Improvements Budget. Toby Ross explained that there is a five year CIP and many of the projects are not scheduled for several years, but there is money allocated this budget year. Funds would be shifted to this project and in subsequent CIP budgets, added to the CIP projects with revenues from bonding for this project. In response to a question from Roger Harlan, Finance Manager Tom Bakaly estimated that the money could be borrowed at a 5.5% to 5.6% range at this time. Hugh Daniels added that he is not against the project, but when $3.7 million is involved, he expects that Council be as comfortable as possible with the action. There was discussion about the Planning Commission decision that the roof be sage green; Ms. Kerr stated that she is inclined to support a standard color if it is more economical. Jerry Gibbs added that the original design was a flat roof; the Planning Commission wanted a pitched roof and through illustration of a rendering displayed the original plan. He stated that in consideration of the lack of office space available for City operations, it seemed appropriate to add the second story to the facility at an additional cost of $300,000; a basement was substantially higher in cost. Mr. Harlan supported the second story as opposed to retrofitting a building in the future. Mr. Gibbs explained that the second floor will be unfinished. Ms. Kerr mentioned how effective Ron Ivie was in saving money with the renovation of the Racquet Club and hoped that would occur again. Mr. Gibbs commented that staff has looked at reducing overall construction costs, but the City can no longer buy materials under current state law. Mr. Gibbs pointed out that $340,000 of the budget is the contingency and staff is hoping not to use any of it, and again, the second floor is being added to the design and these funds will cover part of those additional costs. Mr. Harlan suggested finishing the second floor and leasing it to recover some costs. Chuck Klingenstein suggested that this be pulled off the Consent Agenda for further discussion at the regular meeting.

3. **Weber Basin project.** Ivan Flint, Weber Basin Conservancy District General Manager, explained that they built Smith-Moorehouse Reservoir in 1985 and Park City entered into an agreement with them to settle water issues and part of the agreement was the City's commitment to purchase 1,000 acre feet of the Smith-Moorehouse water with an option to buy another 5,000 acre feet. At that time, Park City decided it didn't need to buy the water and the contract was canceled. Mr. Flint discussed the financing of the Smith-Moorehouse Project and the goal of the District to reserve the water for Summit County as its residents are taxpayers of the District assisting in retiring its debt. He continued that over the years, the Board has been approached by developers very interested in acquiring all of the water and it was felt that the cities should be contacted first. The County has been analyzing how it could purchase the water and a system to import water into Park City and Snyderville and Mr. Flint discussed the State Engineer's opinion that the ground water is probably overextended in the area. About six months ago, the County and Park City met with Weber Basin and asked that the District come up with a plan. Mr. Flint stated that the latest proposal would be to build a water treatment plant in the Wanship area below the dam and to run a pipeline over the hill and a storage reservoir with a pipeline into the various areas. Mr. Flint discussed a proposal that Summit County has submitted.

Summit Commissioner Tom Flinders pointed out that irrigation water is being used for culinary purposes which jeopardizes the future of our land if there is no water available. He feared that the Wasatch front could end up with the Smith-Moorehouse water and there could be a moratorium placed on the County by the State Engineer. He added that he is not a proponent of the ownership of water by a public agency, but felt that in this case the price and reserve could be controlled better by the public. Ms. Kerr emphasized that Park City is not a party to the proposed agreement drafted by the County. Tom Flinders recognized that although Park City is the largest city in the County, there are other cities who are interested in this water and preserving it for future generations. He added that it is difficult to make separate side agreements with everyone and it is easier for Weber Basin to deal with one entity. Mr. Ross asked if it was the District who preferred to deal with one entity and Mr. Flint stated that the County took the lead and there is provision that Park City's needs are adequately addressed. Ms. Kerr insisted that Park City be a party to the agreement. Tom Flinders added that in joint discussions, Atkinson Water Company was always designated as the facilitator and reiterated his concerns about separate agreements with other cities and/or parties. Ms. Kerr differentiated Park City as being part of the negotiations and asked if the other cities ready, willing and able to come up with the cash to be a player. Jodi Hoffman clarified that she is hearing that she and Toby have participated in meetings, and emphasized that she has not been in any meetings and received a draft of the original agreement only after finding out that this was scheduled on the County's agenda the day of the meeting by a KPCW reporter last winter. Ms. Hoffman added that she does not have a copy of the current proposed agreement, but an executive summary which was provided by Steve Clyde prior to this work session. Toby Ross explained that the last meeting City officials attended was a meeting in Summit County Attorney Jody Burnett's office where it was determined that there were some advantages in setting this discussion aside until some other issues were resolved, and then everyone would be called to commence the discussions again. The City Manager indicated that to this date, no one has contacted him and Steve Clyde noted that "this is the point we're at". Ivan Flint stressed that the District is not interested in conflicts between the County, Park City, Coalville, private developers, etc., but rather to meet the water needs of different agencies. Steve Clyde stated that it was felt that it would be easier to use Atkinson as the County umbrella jurisdiction over all of the municipalities and residents of the County and be the initial stage contracting party. He suggested that the allocation of the water occur at the County level and taking Weber Basin out of that process. Chuck Klingenstein discussed the Summit County Commission meeting that the entire Council attended six months ago, and felt that the proposal on the table is not one that Council has been involved. Steve Clyde responded that the agreement is not signed and it's not a done deal. Jodi Williams, Esq. explained that a draft agreement was distributed in May to Summit County and Park City and the District heard from the County whose comments are included in the present draft. Mr. Ross stated that the City strongly prefers the first draft.

Steve Clyde described his involvement in the past six weeks to work through numerous options to try to come up with a solution in keeping the water in reserve for area residents, develop the infrastructure without everyone paying for the water right up-front, which is a major break-through. He continued that Park City could participate as proposed or contract directly with

Weber Basin. Philosophically the County's desire was to get the water into a political subdivision where it has no profit motive and it can be a vehicle to better government borrowing rates which would finance the infrastructure in time. The initial goal is to obtain 1,600 acre feet of ground water and once parties are committed, SID financing will be secured by the water users. The water treatment plant and pipeline will be built as soon as there is enough water outstanding on any contract at a higher rate to amortize the infrastructure that will be developed by Weber Basin. In the meantime, Summit County will be paying an annual reservation fee. They will hold the water for seven years and will provide the District with revenues to design the broader project. He believed that Park City will determine the scope of the project, and could participate at any time. Mr. Clyde described the different rates for participation at subsequent stages. There are other cities with needs and the County is concerned about not having all of the water allocated to Park City or one or two individuals. Tom Flinders noted that it is uncertain how many acre feet they will be dealing with and the County has a problem with side deals. Ms. Kerr felt that it would be beneficial for the County to secure commitments in its planning. Tom Flinders reiterated the merits of keeping the water in Summit County and the affordable reservation rates. There was again discussion about the agreement drafts and Park City not receiving adequate notice. Mr. Flint pointed out that Park City had not called anyone. The City Manager again explained that the City bowed out of the discussions at the request of the County until other issues were resolved. Ms. Kerr emphasized that the City needs to deal directly with the District to move forward on this project. Ms. Hoffman clarified that with this proposed agreement, Park City has absolutely no enforcement rights. Mr. Flint discussed Summit County submitting a proposal and invited Park City to draft something. Ms. Hoffman asked if the City should contract for the 6,600 acre feet or pursue the 2,000 to 3,000 acre feet. Jodi Williams expressed the District's concern that Park City may not have the same broad ability to reserve water. Jodi Hoffman explained that the City has a water service district with exactly the same authority as the County and that the City's special district has a better bond rating than Atkinson. The City Manager added that if the County is the appropriate party to deal with the other cities, then Park City would propose to negotiate separately for the water it wants.

Hugh Daniels felt that everyone agrees that the water should be in the control of a governmental agency and other municipalities deserve the water they need as well. He pointed out that Park City is the largest tax base, has the largest number of visitors, has the largest need for water, and will probably need between 2,000 and 3,000 acre feet in the not too distant future. He continued that Council must protect its citizen's interests and it is difficult to evaluate the proposals at the last minute. He has no objection doing something with the County as long as there is an interlocal agreement with the County that protects the City. Mr. Daniels has some concerns about Atkinson divvying up the water. Chuck Klingenstein added that the City knows what its needs are, i.e., development approvals, water efficiency study. Mr. Flint again discussed the drafts produced. Hugh Daniels felt that communication broke down or that there was misunderstanding about Park City's interest in the project. Roger Harlan felt that this Council is willing to go forward and is not opposed to an interlocal agreement with the County. Chuck Klingenstein asked who should be the contact person and Shauna Kerr asked that nothing be signed until all parties are together and working. Tom Flinders brought up the requests of other cities and Ms. Kerr pointed out that the other cities are not special water service districts. Mr. Flint stated that he has been contacted by cities and private developers and Chuck Klingenstein responded that Park City has been paying taxes to support Weber Basin and considering selling to private developers seems to be contrary. Ms. Hoffman emphasized that the architecture of the proposal is 6,600 acre feet of water rights being allocated by Atkinson who has about 137 customers while Park City has about 3,700 customers. Toby Ross summarized that the Council if very interested in contracting for water but the agreement doesn't work for Park City. The City can work directly with Weber Basin or can work to modify the County's agreement. Mr. Harlan encouraged all parties to get together to work toward a solution.

4. **Review of regular meeting.**

Vacation of Keetley Road. Eric DeHaan explained that the ordinance would vacate the motorized use of Keetley Road and paves the way to gate the road. He referred to the staff report with excerpts of the minutes of a Wasatch County Commission meeting vacating its portion of Keetley Road. He pointed out that the ordinance will take effect when Wasatch County has determined the density for Telemark Park and when any Wasatch County conditions of abandonment of the Wasatch County portion of Keetley Road have been met by the Telemark Park developer. McKay Edwards of Trans-Wasatch mentioned that Council's visit with Wasatch County officials was very positive and the settlement agreements will bridge relations with Park City and Wasatch County. He introduced David Luber who is the managing partner of Deer Crest Associates who will be the developers of Telemark Park.

Plats. In response to a question from Roger Harlan, Kirsten Whetstone felt that the plat amendment for the Knoll is unique; the plat amendment will convert approximately 1,000 square feet of common area to private ownership. Rick Lewis pointed out that the Knoll will maintain its 60% open space and parking requirements. The other plat is a final condominium plat for the Sterling Lodge at Deer Valley.

Brookside annexation. Because of time constraints, Brookside was not discussed in work session.

Prepared by Janet M. Scott

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
AUGUST 1, 1996

I ROLL CALL

Mayor Pro Tem Roger Harlan called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, August 1, 1996. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, and Chuck Klingenstein. Mayor Olch and Paul Sincock were excused. Staff present were Toby Ross, City Manager; Eric DeHaan, City Engineer; Jerry Gibbs, Public Works Director; and Jodi Hoffman, City Attorney.

II PUBLIC INPUT

The Mayor Pro Tem invited the public to comment on any matter of City business not scheduled on the agenda. With no comments, the public input session was closed.

III COMMUNICATIONS FROM COUNCIL AND STAFF

1. Work on I-80 - Eric DeHaan reported that eastbound I-80 at 27th East will be closed to traffic for a period of about five to six weeks starting around Labor Day to repair the bridge. This will impact airport traffic to Park City.

2. Ownership disclosure by Hugh Daniels - Hugh Daniels disclosed that he has just become part-owner of a parcel at 222 Grant Avenue and his disclosure statement will be appropriately amended.

3. Swearing-in of Officer Wyman Berg - Roger Harlan administered the oath of office for Officer Wyman Berg.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JULY 18, 1996

Chuck Klingenstein, "I move approval of the work session notes and minutes of the meeting of July 18, 1996". Hugh Daniels seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

V PUBLIC HEARINGS

1. Ordinance approving the amended plat for the Knoll at Silver Lake, a Utah condominium project, located at 7915 Royal Street in Section 22, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Utah - See staff report and work session notes. The Mayor Pro Tem invited questions and comments from the public and the Council. Hearing none, the public hearing was closed.

2. Ordinance vacating a non-dedicated right-of-way in Park City, Utah known as Keetley Road - See staff report and work session notes. The Mayor Pro Tem invited the Council and the public to comment. Hearing no input, the public hearing was closed.

VI CONSENT AGENDA

Shauna Kerr, "I move to remove Item No. 5 from the Consent Agenda and put it as Item No. 3 under New Business". Chuck Klingenstein seconded. Motion carried. Shauna Kerr, "I move approval of Consent Agenda Items 1 through 4, inclusive". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

1. Ordinance approving the amended plat for the Knoll at Silver Lake, a Utah condominium project, located at 7915 Royal Street in Section 22, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Utah - See staff report.

2. Ordinance approving a final condominium plat for the Sterling Lodge at Deer Valley, a Utah condominium project, located at 7660 Royal Street, in Section 27, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Utah - See staff report.

3. Ordinance amending the Park City Land Management Code to zone sexually oriented businesses as conditional uses in the General Commercial Zone, Section 7.9 and to regulate the location of sexually oriented businesses - See staff report.

4. Ordinance amending Title 4, Chapter 9 of the Municipal Code of Park City regulating sexually oriented businesses; by clarifying the purpose, appeal procedure, and definitions within the chapter; and amending Section 8-4-20, of the Criminal Code by creating a dramatic works exception to lewdness - See staff report.

5. Award of bid for the public works facility to Mark Garff Construction Company in an amount not to exceed $3,172,000 - See motion and entry under New Business.

VII NEW BUSINESS

1. Ordinance vacating a non-dedicated right-of-way in Park City, Utah known as Keetley Road - The City Manager indicated that the Council discussed this item in work session and invited further questions or an action. Shauna Kerr, "I move approval of the Ordinance vacating a non-dedicated right-of-way in Park City known as Keetley Road". Chuck Klingenstein seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye

Chuck Klingenstein	Aye
Paul Sincock	Absent

2. Deliberations on amendment to annexation agreement for Brookside - The City Manager explained that Brookside was originally proposed to be served by the Summit Water Company. Through a variety of negotiations, the proposal broke down and Brookside is now requesting as substitution of service by Silver Springs Water Company for the service that would have been provided by Summit Water. The proposed design is a 12" line that comes east and along the north side of Brookside. This would serve Brookside, and cross underneath the highway to also serve St. Mary's Church. A design feature was specifically made to allow a future separation of Brookside from the system without affecting the service to the church. The City views this as a useful solution to a problem as the former design brought the line through the middle of Brookside and made it difficult to segregate Brookside from the church. Toby Ross continued that it is the City's understanding that Silver Springs is willing to meet all City standards, including requirements for adequate fire flow and City inspection. The subdivision would be designed to be disconnected in the event the City would deliver water to that point. The principle issues regarding substitution are the quality of the facilities, water sources, and adequate fire flow.

Jeff Graham, agent for Brookside, presented design plans prepared by Eckhoff, Watson and Preattor for the Sun Peak Project as well as the Winter Sports Park. As part of that design there is a tank at an elevation of 7,590 feet and an intermediate tank which is at an elevation of 7,050 feet. The tank at the top was intended to store the fire flow for the entire Silver Springs Water Company and is the primary storage system for Sun Peak Development and will be the storage and transmission line system that will serve Brookside and St. Mary's Church at an elevation of 6,662 feet. Mr. Graham felt that the City Engineer would be comfortable with their analysis that there an adequate flow to the church at a rate of 1,500 gallons per minute through a 12" line which is the extension of the Silver Springs water system to these two projects. In response to a question from Roger Harlan regarding the tank as a back-up system for Brookside as it also serves Sun Peak, Mr. Graham responded that this network of the system is provided at this tank for Silver Springs Water Company. This is a million gallon tank and there is fire storage to provide 1,500 gpm for a two hour fire and 160,000 gpm is in reserve for that flow.

The City Manager stated that the City was also concerned about the adequacy of the water supply and Brian Getz of Silver Springs Water Company has provided letters from state agencies with respect to water rights to meet service demands including these projects. Mr. Getz referred to a report prepared in 1990 refuting Silver Springs' ability to serve and discussed updating the report to include new sources. At that time, Silver Springs used the springs as its sole source and a 100 gpm well. Since then, Mr. Getz relayed that Silver Springs has the 100 gpm well, a 260 gpm well, and a 275 gpm well. He indicated that the capacity and ability to serve is well beyond 1990 capabilities. He added that Sun Peak was estimated much higher than what is actually there and/or approved and these numbers have been reviewed with their consultants who are confident that Silver Springs can provide service for the six lots in Brookside as well as the water rights. Silver Springs has 730 acre feet of Weber Basin water rights, only 400 were used last year, and the remainder are reserved for build-out. Seven hundred acre feet is estimated for full build-out and commitments.

Toby Ross referred to prior discussions about the City providing water service and it was determined by Council not appropriate to extend the service. Staff looked at this again and it appears that the system that would be most beneficial to the overall City system is three times more expensive than the alternative of Silver Springs. A less expensive project would be an 8" line connecting to an existing line near the barn at a cost of about $250,000 which is probably about $50,000 more than Brookside's total project cost, but the developers actually only have to pay a portion of that cost or $170,000. The City Manager pointed out that this would not provide any substantial benefit to the City. Any substantial benefit would have to result from up-sizing the line from another source which could total $700,000 plus and there is not a policy commitment to justify that kind of expenditure on the part of the City and is not a recommendation of staff. Toby Ross explained that another issue is St. Mary's Church and how that relates to Brookside. St. Mary's is under construction and there is a current limitation on the building permit prohibiting combustible construction which would occur in about 60 days. A timely response is important to everyone. In addition Silver Springs is negotiating a contract for the construction of a facility. He reviewed the options outlined in the staff report including (1) substitute Silver Springs for Summit Water; (2) deny the request; or (3) approve the substitution with modifications and conditions that reflect the different circumstances between Summit Water and Silver Springs.

Jodi Hoffman stated that she has drafted an amendment to the existing annexation agreement that would incorporate service by Silver Springs Water Company while reserving certain benefits for the City negotiated in the original annexation and Summit Water. Generally, they include a reservation of an obligation of the owner to dedicate water rights and while there is an agreement in principle by Brookside, there probably is not an agreement in specifics as to which water rights and what quantity will be dedicated. The second item of the amendment would deal with the disconnection of the Brookside system from Silver Springs should the City decide to extend a trunk line down SR224, which was an issue that couldn't be worked out with Summit Water. It would be the City's election to bring the line down, but at the time of connection the normal connection and development fees would be paid and an offset for system contributions which would be the value of the water rights dedicated. There is provision if the Silver Springs system fails to provide adequate service, that it would be Brookside's responsibility to finance the cost of bringing the line to the property. Ms. Hoffman felt that once the Council provided direction, the staff would come back with exact language at a later date, probably August 22. Jeff Graham described the location of the proposed line.

Chuck Klingenstein stated that he would like to see Brookside and the church go forward with their projects; he directed legal counsel to negotiate the details so Silver Springs can provide service and supported the actions outlined by staff. Ms. Hoffman added that she would come back to Council with an actual agreement and stated that a continuance is not necessary but rather direction to staff, so that construction can commence. Shauna Kerr felt that a continuance may be a better option at this point. Jodi Hoffman indicated that that would be appropriate. Tom Ellison, Esq. speaking on behalf of the developer, stated that the concern with a continuance is that it arguably delays the policy direction of substituting Silver Springs for Summit Water in the original approval, which is the option the owners prefer. They have already included a right to bring the City in at the owners' expense should the Silver Springs system fail. He continued that there are some uncertainties in the negotiations here about the real cost exposure of going ahead with one line and then having at the City's option, a right to disconnect and there are engineering issues they have not been evaluated. Mr. Ellison emphasized that they would prefer a clear-cut substitution of Silver Springs. He understood this is not staff's recommendation, but they need a firm commitment of the substitution at this time. Jodi Hoffman explained that staff's position is that an agreement was reached with Summit Water and Brookside based on perhaps incorrect information about the status of water rights. The City was under the impression that the water rights were not available and needed to be dedicated to Summit Water and this turns out not to be the case but would have been a condition of the agreement at the time negotiated. The dedication of water rights needs to be included in the new agreement. She added that Summit Water required that it own the interior lines of the system complicating a future connection to the City system. Ms. Hoffman explained that this is not a prerequisite of Silver Springs and the design allows the City to connect and disconnect to the City's system very easily. These were objectives of the original annexation agreement and are highly recommended at this time. Ms. Hoffman continued that it would give the applicant comfort if Council could give clear direction that Silver Springs is appropriate and that matter is not subject to later modification, and that this intent be included in a motion. Other issues can be resolved in a complete agreement which could come back to Council perhaps August 22.

Mark Montgomery, co-owner/applicant, stated that he did not find it acceptable to wait until August 22. He introduced Joyce Clark who is a co-owner. He added that when they encountered problems with Summit Water, he consulted with Jodi Hoffman about substituting Silver Springs, as did Jeff Graham. He stated that they were led to believe that there would be no problem with inserting Silver Springs as opposed to Summit Water and this would not have to be considered by the City Council. He felt that they are not in a position of again being pushed off and he is adamant that Silver Springs is approved tonight or that they be issued a letter of denial. He stated that the change in the annexation agreement was submitted three months ago; there have been numerous calls made to the City and no replies. If this was going to be a problem, it should have [illegible]

Mr. Getz added that they will get water to the church, but it will very much complicate their finances and slow down the process if Brookside is not involved. Brian Getz urged Council not to table this matter because the combustible deadline for St. Mary's is not 60 days from now, but it is much sooner. Summit Water was approached in September of last year. Toby Ross asked Mr. Montgomery if his objections are based on the proposed conditions or the delays. Mr. Montgomery answered that it is the delay and they want to move forward. Tom Ellison interjected that there are some issues with the conditions that they don't fully understand. There are potential double jeopardy provisions and until those details are worked out, there can be substantial additional exposure with regard to the City's option as opposed to the owner's option to change over to the City's water. Jodi Hoffman pointed out that through discussions with all parties, the system has been redesigned so that the City could connect to the system if it brought the water line down. She felt that rendering a denial would be the worst of all possible circumstances for Mr. Montgomery. Ms. Hoffman suggested taking the time to arrive at mutually acceptable language with Mr. Ellison as he has been unavailable for the last 48 hours because of business commitments. At this point in the meeting, Ms. Hoffman left the chambers, and Council addressed Item 3 under New Business.

Jodi Hoffman stated that the parties have not reached agreement on the language at this point, but the consensus is to ask the Council to give direction that Silver Springs is the appropriate provider for the site, provided that the line is constructed to City standards, and to provide staff direction to negotiate within this next two week period to fine-tune these three points and to come back to Council with a complete agreement. Tom Ellison understood that by approving Silver Springs as the water provider, that the contract will be let, the line will be under construction in this time period, subject to compliance with City standards is final, and that is what is needed tonight. The Mayor Pro Tem asked if Mr. Montgomery and Ms. Clark were satisfied with the recommendation. Mr. Montgomery indicated that his counsel spoke for them. Eric DeHaan stated that with regard to the water line meeting City standards, that it is not the City's intention to have a City inspector on the project, but to rely on Silver Springs for the inspection according to City specifications..

Hugh Daniels, "I move that we direct a substitution in the agreement from Summit Water to Silver Springs Water Company as the appropriate company to provide the water services to the Brookside Development and that we further direct the City Attorney to meet with the applicants and their counsel to come back with the detailed language to be approved by this body with any amendments to the current language that we had with Summit Water, as we have discussed tonight, looking at a date of August 22 to make a final ruling". Chuck Klingenstein seconded. Hugh Daniels referred to comments made by Mr. Montgomery regarding the unreasonable length of time expended to process his application. He continued that Council is not insensitive to that, but there are many project before them and staff and unfortunately it takes a long. This is not done maliciously or to cost people money but to protect the citizens of the community. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Nay
Chuck Klingenstein	Aye
Paul Sincock	Absent

3. Award of bid for the public works facility to Mark Garff Construction Company in an amount not to exceed $3,172,000 - Jerry Gibbs explained that Council budgeted $3,475,000 for this project. The new request totals $468,200, for a total new budget of $3,943,200. Of that amount, construction represents $3,412,000; architectural fees represent $190,000; contingency represents $341,200. If the contingencies are taken back to the new request, $150,000 is being requested for new construction money. Four hundred square feet will be added to the facility for office space. The Planning Commission changed the flat roof to a pitched roof, added an additional $100,000, and these changes added about $400,000 in cost to the project. He stated that staff is requesting approximately $150,000 in new construction money; it is important for Council to understand that the 10% contingency outlined in the budget policy is $341,000. Because of the lateness in the construction season, the contractor needs to begin by September 1, and any extended delays will push the project back into the spring. The timing of the financing is also important with regard to bonding. Toby Ross continued that if the City bonds, it would like to bond for the largest number justified, including the contingency which is allowed by policy. If that contingency money is not spent, it goes to pay off principal at the end of the construction period.

Hugh Daniels thanked staff for the presentation which clarified that the new total is $3.9 million, not $3.475 or $3.753 million which were all referred to in the staff report. Nowhere in the staff report is $3.9 million. Mr. Daniels emphasized that he would hate to ever see something this big on the Consent Agenda again and it is totally inappropriate. He urged Council to consider this as a policy for setting agenda items. He supported bonding for the project, but this is a lot of money, and is concerned about the $341,000 "blank check". Mr. Daniels felt confident that staff will try to keep costs down but wondered why the contingency wasn't in the original budget and in the future, all costs should be included in the total amount. The original Council approved amount was $3,475,000 and he understands the additions of the contingency and the additional $150,000 of changes, but this is a lot of money and a chunk of the budget. Jerry Gibbs explained that the architect's estimate was $3.4 million, the bid came in at $3.1 million, and staff pulled equipment out of the bid, because the City could save 10% to 15% if it purchased those directly. Staff looked at nine to ten alternates to see what City staff could do to compare contractors' bidding for those items, including asphalt, irrigation, etc. The low bid was low on almost all of the alternates and the staff favored the contractor providing those services. The staff could provide those services but that would result in pulling them off of other projects. Hugh Daniels pointed out that the bid for the construction contract is $3.172 million and asked what the $3.412 million figure includes. Jerry Gibbs answered that it includes the bus lift, paint bay, mixing room, and bus washer. He clarified for Shauna Kerr a question on the contingency. The Public Works Director explained that the contingency is now based on the existing project cost and based on the architect's estimate of $3.4 million or $341,000 contingency and the 5% or the original budget is not part of the contingency. Shauna Kerr asked the difference between the $3.7 million in the staff report and the $3.9 million described tonight. Jerry Gibbs responded that it is the $190,000 in architectural fees and the $3.7 represents the construction costs. The City Manager apologized for scheduling this item under the Consent Agenda. He discussed a value engineering strategy and hopes to save some money, but because the Public Works Director was concerned about his budget and the expanded scope of the project, value engineering has been used all along and it is not envisioned that there will be a $100,000 to $200,000 savings. Council can award this bid and still proceed with that process. He continued that staff will attempt to keep the contingency expenditures under 10%, but staff felt it prudent to include that amount in the bond. The City Manager added that staff will provide status reports to the Council on the entire process with the goal of a 3% or 4% contingency. He warned not to have unrealistic expectations of major savings with value engineering.

Roger Harlan prompted discussion on leasing the second floor office space. Mr. Gibbs indicated that the unfinished second floor addition will cost about $300,000 and added that office space in this are is approximately $10\square foot, yielding about $40,000 a year. The City Manager noted that the space would not be leasable without tenant improvements or the City could finish it. If staff is successful in not spending all of the contingency, it could come back to Council with a proposal to finish it. Shauna Kerr added that there is a glut of office space in the community and questioned if it should be considered as an option.

Chuck Klingenstein, "I move to authorize staff to negotiate a contract with Mark Garff Construction to build the new Park City Municipal Public Works facility, to purchase and install the necessary equipment for the public works facility project, and to provide for a 10% building construction contingency and also to authorize an additional $468,200 in the Capital Improvements Budget to cover these requests, and to authorize the financing of the project to the Municipal Building Authority if an average rate of less than 6% can be secured". Shauna Kerr seconded. Chuck Klingenstein felt that he would like the opportunity for more discussion when Council is dealing with these amounts of money. It may not be necessary to remove them from Consent Agendas, but there should be adequate dialog before action. He thanked Mr. Gibbs for his presentation and his hard work. Hugh Daniels felt it would have been helpful for Council to see a break-down of the original plan, the changes, additional costs and why they happened. At that point it may have been a policy decision of this Council that we couldn't afford two floors or other things; the Council needs to be involved in these kinds of decisions. Although he likes the revisions, there may be times when the City won't be able to fund a requested project. Mr. Daniels concurs that bonding is the way to fund it, but if that is not possible, he suggested reviewing the budget to potentially make cuts or adjustments to the CIP. Roger Harlan stated that reviewing the project earlier with renderings would have been helpful for him and asked for more lead time in the future. Jerry Gibbs added that this is the first new facility that the City has built; previously buildings have been remodeled and there was a long process with the Planning Commission. Roger Harlan noted that recently Council has been asked to make urgent decisions that should have more lead time for discussion, but understood that action tonight would be beneficial to accommodate this year's construction season. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 2:15 p.m. Members in attendance were Hugh Daniels, Roger Harlan, Shauna Kerr, and Chuck Klingenstein. Mayor Brad Olch and Paul Sincock were excused. Staff present were Toby Ross, City Manager; Jerry Gibbs, Public Works Director; Mark Harrington, Assistant City Attorney; and Jodi Hoffman, City Attorney. Chuck Klingenstein, "I move to close the meeting to discuss property acquisition and potential litigation". Shauna Kerr seconded. Motion carried.

Hugh Daniels	Aye
Roger Harlan	Aye
Shauna Kerr	Aye
Chuck Klingenstein	Aye
Paul Sincock	Absent

The meeting opened at approximately 3:40 p.m.

* * * * * * * * * * *

The meeting for which these minutes were prepared was noticed by posting 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

Janet M. Scott, Deputy City Recorder

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**July 26, 1996 (August 1, 1996 meeting)**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Kirsten A. Whetstone**
TITLE:	**Amendment to Record of Survey Plat - 7915 Royal Street East, The Knoll at Silver Lake Condominium**
TYPE OF ITEM:	**Legislative**

<u>SUMMARY RECOMMENDATIONS:</u> Conduct a public hearing, consider Planning Commission and staff's recommendation to approve an ordinance approving a plat amendment to convert approximately 1,030 square feet of common area to private ownership as shown on the amended condominium plat at 7915 Royal Street East, The Knoll at Silver Lake Condominium.

DESCRIPTION:

A. Topic.

The Knoll Condominium Association is requesting approval of a proposal to convert approximately 1,030 square feet of existing common space to private ownership. As per Utah State Code, this request requires City Council authorization in order to amend the recorded condominium plat for this project.

B. Background.

The four unit development, known as The Knoll Condominiums, located at 7915 Royal Street East, was platted as The Knoll at Silver Lake Phase I, Utah Condominium Project, in April of 1982 (see Exhibit A). The units range in size from approximately 3,500 to 4,500 square feet and consist of 3 to 4 bedrooms with a common underground parking garage. The total square footage of this project, open space, and corresponding parking requirements were considered under the original MPD process. The total area of The Knoll Condominium project is 27,184 square feet of which approximately 8,430 square feet are considered " built area". Approximately 69% of the total area is considered open space. The Association is now requesting that 1,027 sq. ft. of common space next to unit #4 be converted to private ownership for the purposes of an 1,867 sq. ft. building addition to unit #4. The addition and transfer of property from common to private has been approved of The Knoll Condominium Owner's Association. All owners within the condominium plat are required to sign the final mylar plat prior to recordation (see Exhibit B).

C. Analysis

The Planning Staff reviewed the proposal with regards to open space, parking, architectural design, neighborhood compatibility, existing vegetation, and utility conflicts. The proposal does not significantly reduce the amount of open space (from 69% to 65%) from what currently exists. The building addition does not change the parking requirements as the original MPD provided sufficient parking for 3 and 4 bedroom units.

The addition is located on the east side of the existing unit, below the level of the existing roof line. (see Exhibit C). The architecture is compatible with the existing structures. The east facade is currently tall and the mass is not well broken up. Staff believes that this addition will break up the stark east facade and add architectural character with the added windows, gables, and rock work. All exterior materials will match the existing Knoll Condominium buildings. The proposed addition is compatible with the surrounding buildings, including Double Eagle, The Cache, Sterling Wood, and Knoll Estates.

Some existing vegetation will be removed or relocated to accommodate the addition. The applicant has submitted a landscape plan to mitigate the removal of this existing vegetation. A significant number of new trees and shrubs will be planted following construction of the addition. The proposal will not create conflicts or problems for utility service.

The Knoll Condominium Association and Deer Valley Resort Company have approved the proposed addition and plat amendment (see Exhibit D).

On June 26, 1996 the Park City Planning Commission held a public hearing and voted to forward a positive recommendation to City Council to approve the proposed plat amendment.

D. Department Review.

The Community Development Department and City Attorney's Office have reviewed this request.

ALTERNATIVES

A. Approve the request to convert the common area to private ownership.
B. Deny the request to convert the common area to private ownership.
C. Postpone action for further discussion or clarification.

SIGNIFICANT IMPACTS:

Approval of the requested change allows a building addition to unit 4 of the Knoll Condominium project. Staff has reviewed the building plans and believes that the addition will not create significant negative impacts to either the condominium project or the community as a whole. Staff believes the addition is compatible with the existing building and will reduce the mass and scale of the existing east facade by breaking up the fairly large wall with windows, gabled roofs, rock work, and a significant facade shift.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

If the Council decides not to approve the proposed request the area would remain in common ownership.

RECOMMENDATION:

Staff recommends that the City Council conduct a public hearing and consider the Planning Commission and staff's recommendation to approve the amendment to the condominium plat for unit #4 The Knoll at Silver Lake Condominiums, located at 7915 Royal Street East, based on the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings:

1. The proposal to amend the condominium plat, to convert 1,027 square feet of common area to private area for the purpose of constructing an addition to an existing structure, is consistent with the Deer Valley Resort Large Scale Master Plan and with the Knoll at Silver Lake MPD.

2. The proposal is consistent with the Land Management Code.

3. The Homeowners Association is in support of the addition and conversion of common area to private ownership.

4. Property Owners within 300' and within plat were notified of this action as required by Utah state law and the Land Management Code.

5. In order to serve the site and surrounding lots with adequate utilities a 10' non-exclusive utility easement is required along the Royal Street East frontage.

6. The location of this proposal is in an area of heavy winter snow fall. In order to provide adequate and efficient snow removal from public streets a 10' non-exclusive snow storage easement is required along the Royal Street East frontage.

7. On June 26, 1996 the Park City Planning Commission held a public hearing and voted to forward a positive recommendation to City Council to approve the proposed amendment.

Conclusions:

1. There is good cause for the amendment.

2. Neither the public nor any person will be materially injured by the proposed plat amendment.

Conditions of Approval:

1. The City Attorney and City Engineer's approval of the amended plat, for compliance with State law, the Land Management Code, and conditions of this approval, is a condition precedent to plat recordation.

2. All standard project conditions apply.

3. A 10' non-exclusive utility and snow storage easement along Royal Street East shall be dedicated on the plat.

4. Approval of this plat amendment shall be null and void if the plat is not recorded within one year from the date of City Council approval.

EXHIBITS

Exhibit A - Location map
Exhibit B - Amended plat
Exhibit C- Architectural elevations
Exhibit D- Correspondence

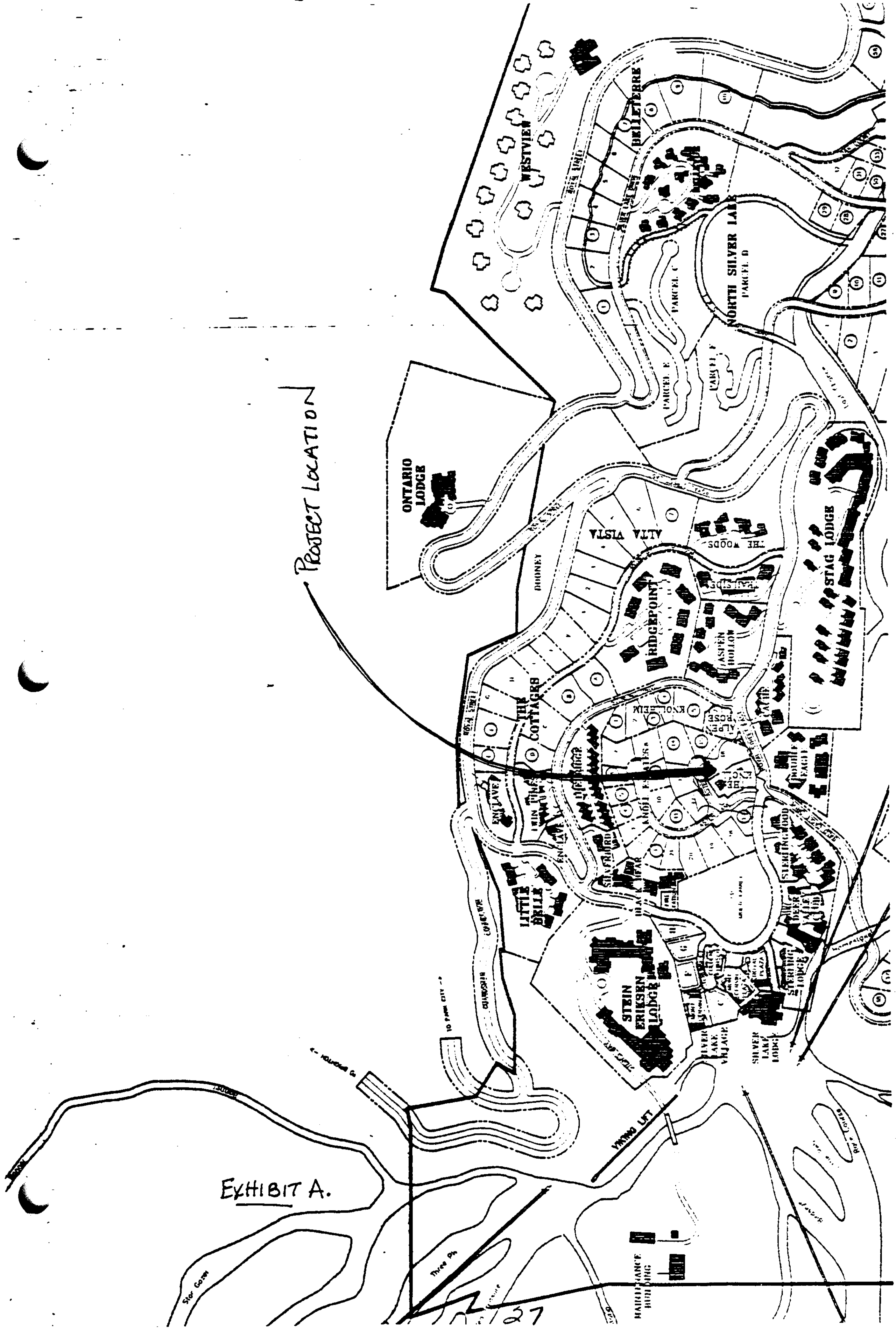
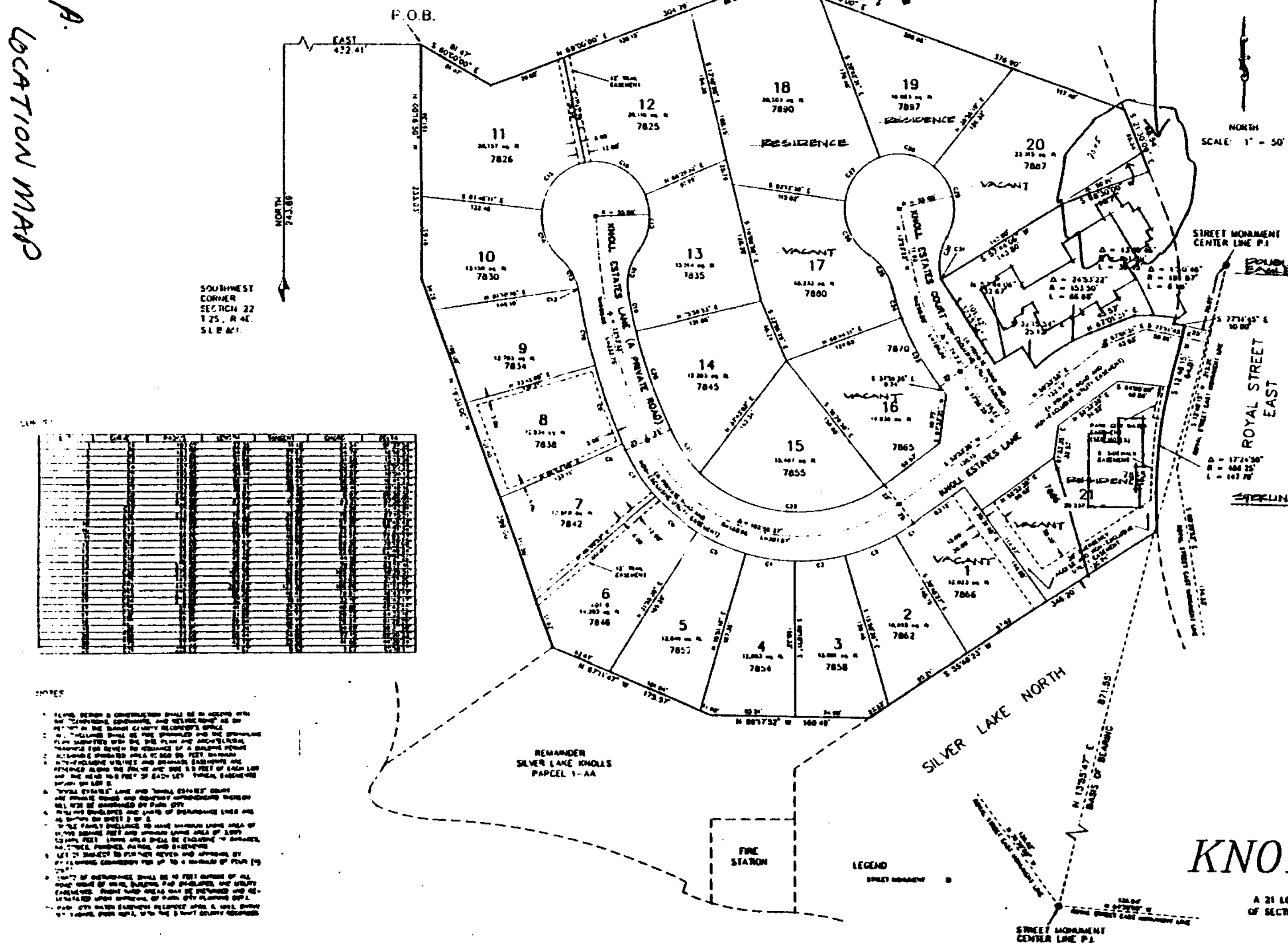

PROJECT LOCATION
ONTARIO LODGE
WESTVIEW
BELLETERRE
NORTH SILVER LAKE
PARCEL D
PARCEL C
PARCEL E
PARCEL F
ALTA VISTA
THE WOODS
RIDGEPOINT
ASPEN HOLLOW
STAG LODGE
THE COTTAGES
KNOLLHEIM
ENCLAVE
LITTLE BELLE
STEIN ERIKSEN LODGE
SILVER LAKE VILLAGE
SILVER LAKE LODGE
STERLINGWOOD
DEER VALLEY CLUB
DOUBLE EAGLE
VIKING LIFT
MAINTENANCE BUILDING

EXHIBIT A.

THIS IS NOT THE AMENDED PLAT -
THIS IS FOR INFORMATION - LOCATION ONLY.

A.
LOCATION MAP

ADDITION



SURVEYORS CERTIFICATE

I, Richard W. Cummock, a registered land surveyor holding license No. 4583, in accordance with the laws of the State of Utah, hereby certify that I have made a survey of the above described parcel of land and that this plat is a true and correct representation of said survey.

Date: ______

Richard W. Cummock Registered Land Surveyor

NOTES

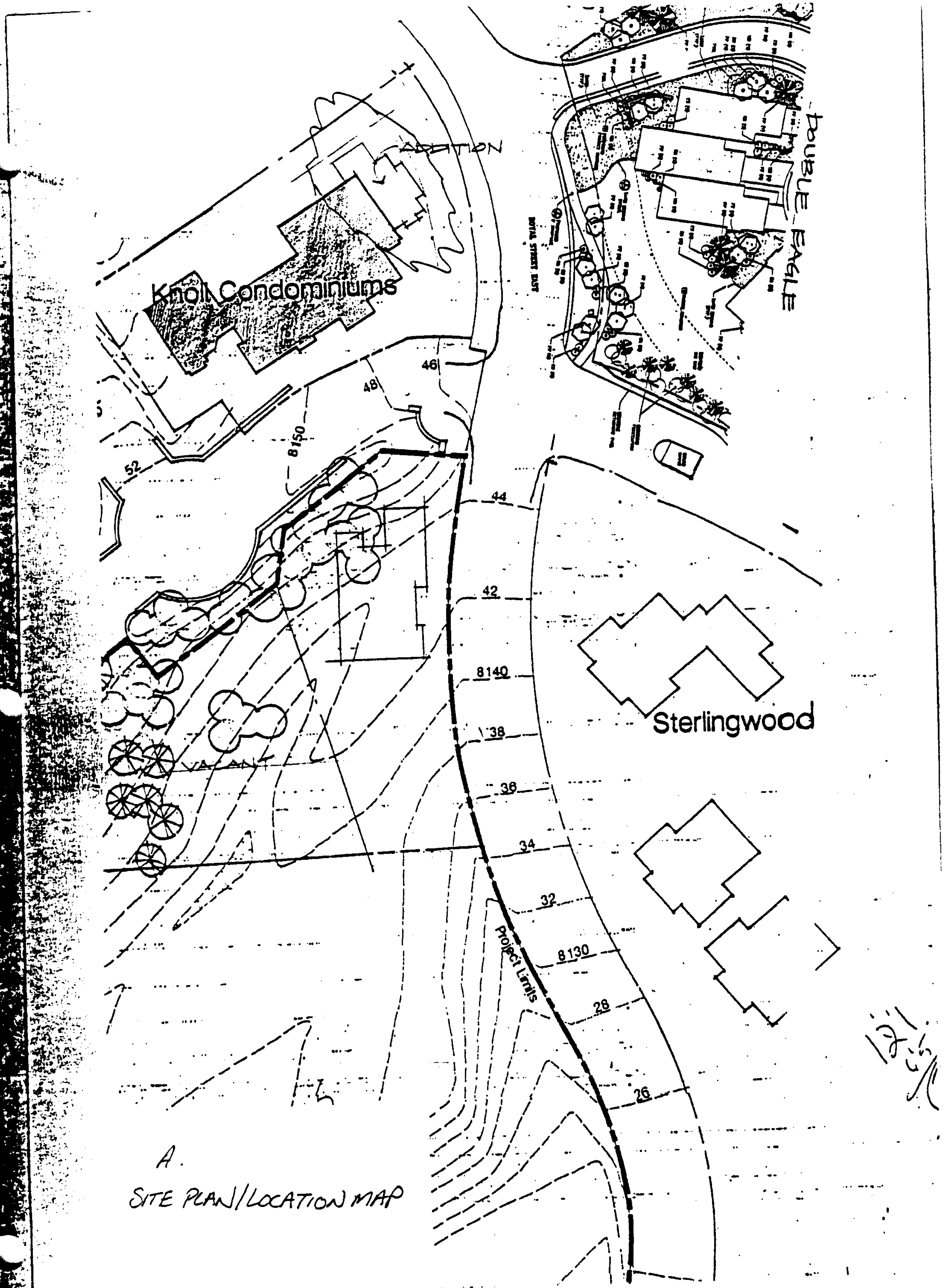
KNOLL ESTATES

A 21 LOT SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22 AND THE NORTHWEST QUARTER OF SECTION 27, T.2S., R.4E., S.L.B.&M.

PAGE 1 OF 2

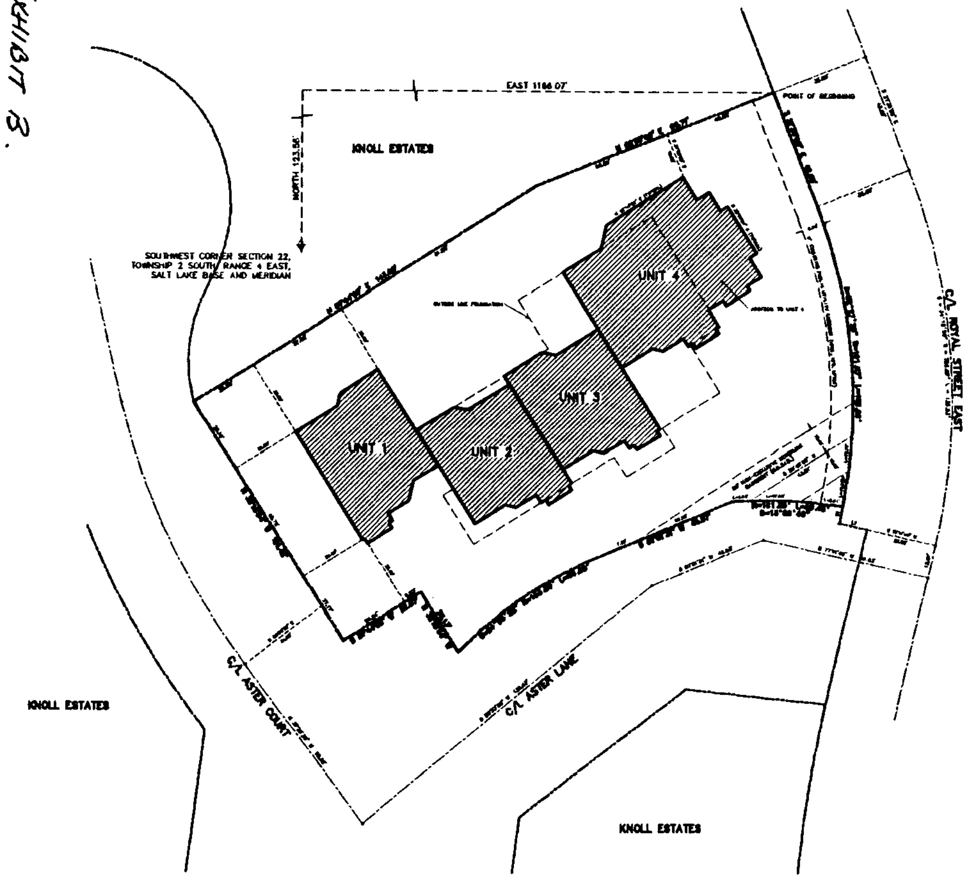
CITY COUNCIL APPROVAL	CITY ENGINEER	CITY PLANNING COMMISSION	APPROVAL AS TO FORM	RECORDED
PRESENTED TO THE BOARD OF CITY COUNCIL THIS ___ DAY OF ___ A.D. 19__ AT WHICH TIME THIS PLAT OF SURVEY WAS APPROVED. MAYOR ___ CITY RECORDER ___	APPROVED AND ACCEPTED BY THE ___ CITY ENGINEERING DEPARTMENT ON THIS ___ DAY OF ___ A.D. 19__ CITY ENGINEER ___	APPROVED AND ACCEPTED BY THE ___ CITY PLANNING COMMISSION ON THIS ___ DAY OF ___ A.D. 19__ CHAIRMAN ___	APPROVED AS TO FORM ON THIS ___ DAY OF ___ A.D. 19__ CITY ATTORNEY ___	No. ___ STATE OF ___ COUNTY OF ___ RECORDED AND FILED AT THE REQUEST OF: ___ COUNTY RECORDER ___

JACK JOHNSON COMPANY



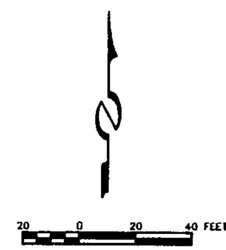
A.
SITE PLAN/LOCATION MAP

EXHIBIT B.



LEGEND

- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREAS AND FACILITIES ALLOCATED TO DESIGNATED UNIT
- COMMON AREAS AND FACILITIES



NOTES:

1. THIS AMENDED RECORD OF SURVEY MAP PLAT REFLECTS THE EXPANSION OF OWNERSHIP IN UNIT 4, AND EXCEPT AS SHOWN ON THIS PLAT, NO OTHER UNITS ARE CHANGED.

2. FOR COMPLETE DESCRIPTION AND DIMENSIONS OF UNITS 1-3 AND THE GARAGE SPACES, REFER TO THE RECORD OF SURVEY MAP OF THE KNOLL AT SILVER LAKE PHASE 1, RECORDED NO. 190071 IN THE SUMMIT COUNTY RECORDER'S OFFICE.

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	N 77°11'45" W	10.00'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	191.87'	6.16'	01°50'46"

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163031 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have prepared this Amended Record of Survey Map of the Knoll at Silver Lake in accordance with Utah Code Section 57-8-13.

JOHN DEMKOWICZ, L.S. #163031   DATE

BOUNDARY DESCRIPTION

THE KNOLL AT SILVER LAKE PHASE 1, a Utah Condominium Project, according to the official plat thereof on file in the office of the Summit County Recorder, recorded No. 190071, April 5, 1982.

CONSENT TO RECORD

The Management Committee of The Knoll at Silver Lake, a Utah condominium. Pursuant to action unanimously authorized by the Owners, hereby consents to the recordation of this amended Record of Survey Map for the Knoll at Silver Lake.

Dated this ________ day of ____________________ 1996

The Knoll at Silver Lake
Management Committee

by: ____________________
Richard W. Arendsee, President

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
:ss
COUNTY OF __________)

The foregoing instrument was acknowledged before me this ________ day of ________________, 1996 by Richard W. Arendsee in his capacity as President of the management committee of The Knoll at Silver Lake, a Utah condominium, with proper authority.

____
Notary Public

My Commission Expires: ____________

RECEIVED
JUN 21 1996
PARK CITY PLANNING DEPT.

FIRST AMENDED RECORD OF SURVEY MAP

THE KNOLL AT SILVER LAKE

A UTAH CONDOMINIUM PROJECT LOCATED IN THE SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

JOB NO. 7-3-96   FILE \DW\D\P-KNLP1

PAGE 1 OF 2

ALLIANCE ENGINEERING INC.
P.O. BOX 2664
323 MAIN STREET
PARK CITY, UT ... 60
(801) 649-...

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF __________, 19__ A.D.
BY ______________
CHAIRMAN

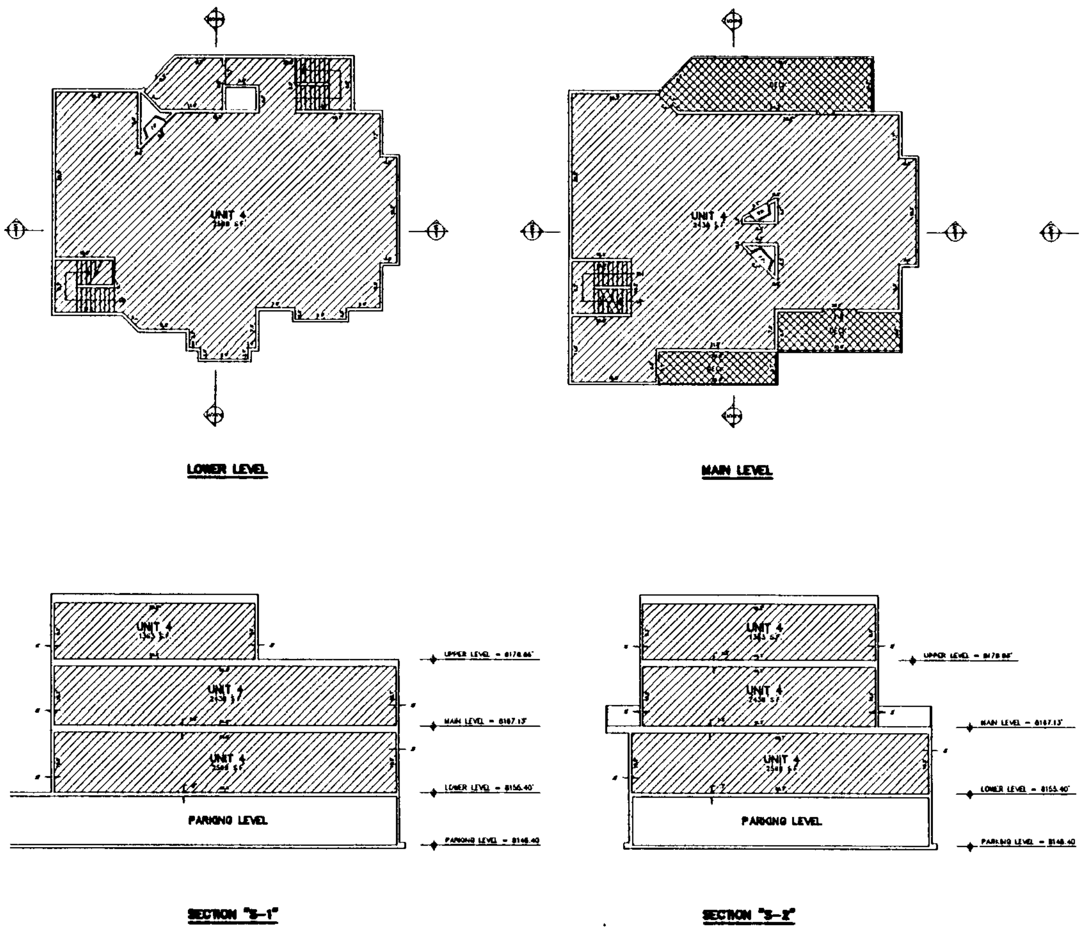
ENGINEERS CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF __________, 19__ A.D.
BY ______________
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ____ DAY OF __________, 19__ A.D.
BY ______________
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF __________, 19__ A.D.
BY ______________
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF __________, 19__ A.D.
BY ______________
MAYOR

RECORDED
STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ______________
DATE ______ TIME ______ BOOK ______ PAGE ______
FEE ______ RECORDER



RECEIVED
JUN 21 1996
PARK CITY
PLANNING DEPT.

10 0 20 FEET

FIRST AMENDED RECORD OF SURVEY MAP

THE KNOLL AT SILVER LAKE

A UTAH CONDOMINIUM PROJECT LOCATED IN THE SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

NOTES

1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY CRAIG T. KITTERMAN AND ASSOCIATE ARCHITECTS AND FROM THE RECORD OF SURVEY MAP OF THE KNOLL AT SILVER LAKE PHASE 1. NO FIELD VERIFICATIONS WERE MADE.
2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.

LEGEND

- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREAS AND FACILITIES ALLOCATED TO DESIGNATED UNIT
- COMMON AREAS AND FACILITIES

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF ____
DATE ____ TIME ____ BOOK ____ PAGE ____
____ FEE ____ RECORDER

JOB NO. 7-3-96 DV\D\P-KNLP2

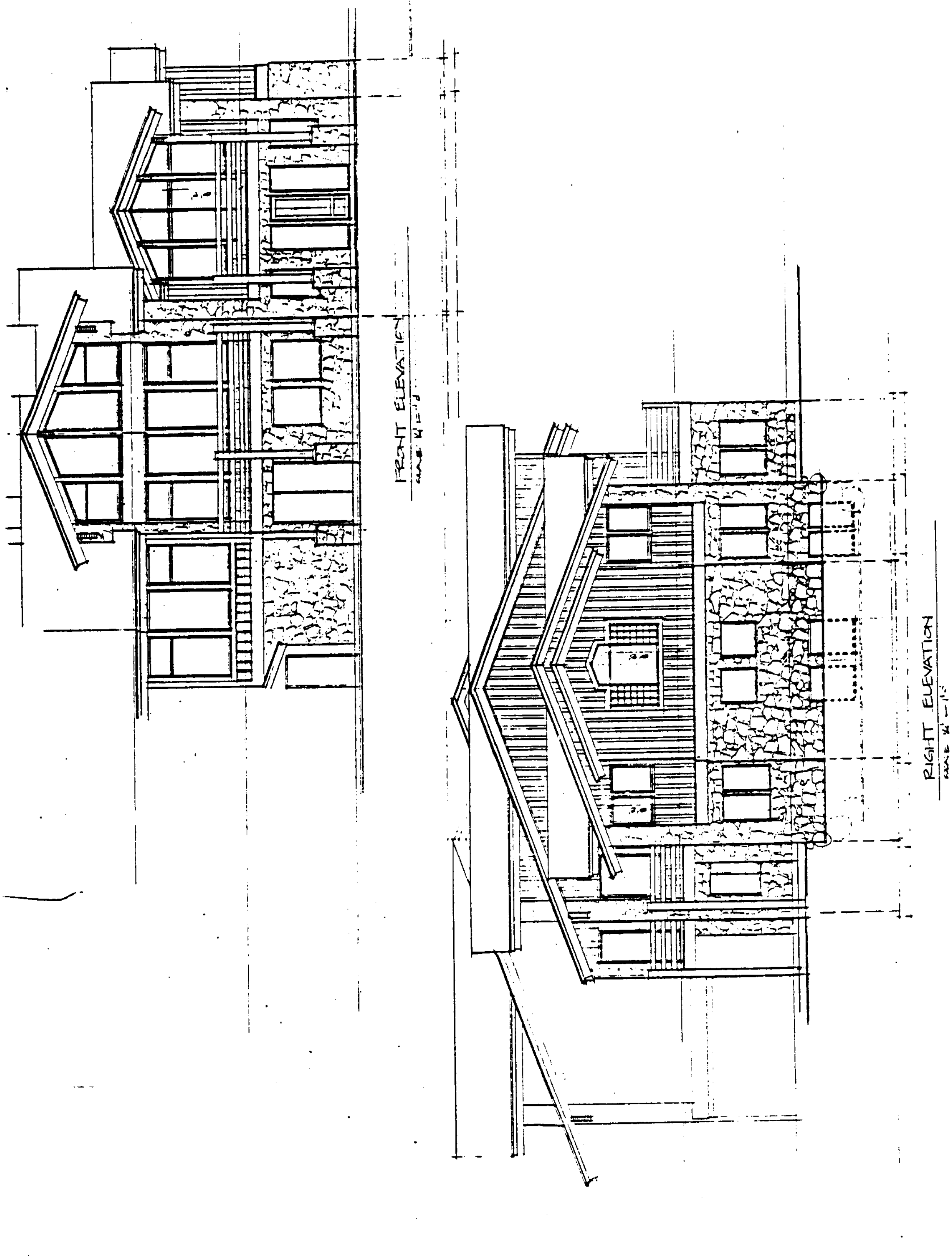
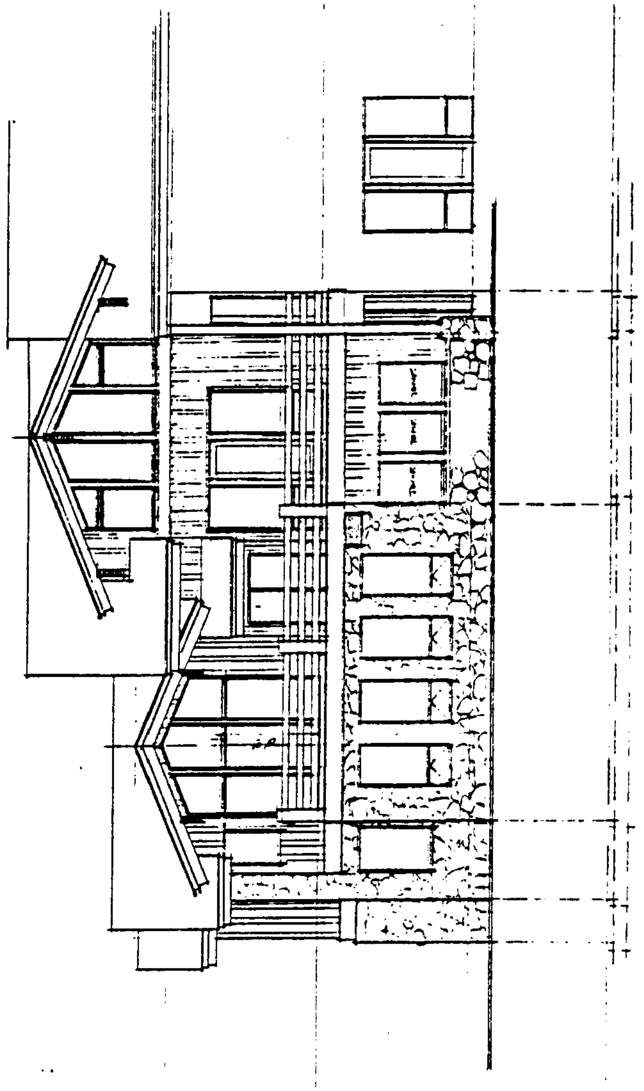


EXHIBIT C.



REAR ELEVATION

SCALE 1/4" = 1'-0"

DEER VALLEY

Executive Offices

June 4, 1996

Ms. Kirsten A. Whetstone
City Planner
Department of Community Development
Park City Municipal Corporation
P. O. Box 1480
Park City, Utah 84060

Re: Richard Iverson
Knoll Condominiums #4
Deer Valley

Dear Kirsten:

This is in response to your letter of May 28, 1996 to Craig Kitterman regarding the subject. Mr. Iverson has been in contact with Deer Valley with respect to the proposed addition to Knoll #4. We have reviewed the plans and find them consistent with the existing Knoll units and the Deer Valley Design Guidelines with negligible or no impact on surrounding developments. Accordingly we support his application for the addition.

Please let me know if you have any questions.

Sincerely,

DEER VALLEY RESORT COMPANY

By [signature]
Robert W. Wells

RECEIVED
JUN 06 1996
PARK CITY
PLANNING DEPT.

cc: Dick Iverson

EXHIBIT D.

Post Office Box 889 • Park City • Utah 84060 • 801/649-1000

THE KNOLL

Homeowners Association

P.O. Box 63, Park City, UT 84060

June 6, 1996

Kirsten A. Whetstone
Department of Community Development
Planning Department
Park City, UT 84060-1480

Dear Ms. Whetstone,

My name is Richard Arendsee and I am the President of The Knoll Condominium Association. The four members of the association are spread across the country so we hold our meeting over the Christmas holidays when they are all in Deer Valley. This year the meeting was held on December 31, 1995.

During the meeting the Iversons proposed the addition to Unit 4. There was no objection subject to review of the plans. In March the initial plans were on display at the Iverson Unit and the members individually reviewed the plans and again no objection was raised.

Attorney Tom Clyde presented the revisions of the plot plan in a letter to each member of the association for approval. This approval includes the transfer of common land to the Iversons. At this moment three of the four members have returned the agreement and the fourth is reviewing it and no problem is indicated.

Any further questions feel free to contact me at [619] 541-0106.

Sincerely,

R.W. Arendsee

R.W. Arendsee

Richard W. Arendsee, President

Ordinance No. 96-

AN ORDINANCE APPROVING THE AMENDED PLAT FOR THE KNOLL AT SILVERLAKE, A UTAH CONDOMINIUM PROJECT, LOCATED AT 7915 ROYAL STREET EAST IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE AND MERIDIAN PARK CITY, UTAH

WHEREAS, the owners of the property at 7915 Royal Street East, known as the Knoll at Silver Lake, have petitioned the City Council for approval of an amendment to the condominium plat; and

WHEREAS, the property was properly noticed and posted according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, on June 26, 1996 the Planning Commission held a public hearing to receive public input on the amendment to the Condominium plat; and

WHEREAS, on June 26, 1996 the Planning Commission forwarded a positive recommendation of approval to the City Council; and

WHEREAS, on August 1, 1996 the City Council held a public hearing to receive input on the proposed amended Condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment;

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

SECTION 1. FINDINGS OF FACT.

1. The above recitals are hereby incorporated as findings of fact.

2. In order to serve the site and surrounding lots with adequate utilities, a 10' non-exclusive utility easement is required along the Royal Street East frontage.

3. The location of this proposal is in an area of heavy winter snow fall. In order to provide adequate and efficient snow removal from public streets, a 10' non-

exclusive snow storage easement is required along the Royal Street East frontage.

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

SECTION 3. PLAT APPROVAL. The amended plat is hereby approved as shown on Exhibit A , with the following conditions:

1. The City Attorney and City Engineer's approval of the amended plat, for compliance with State law, the Land Management Code, and conditions of this approval, is a condition precedent to plat recordation.

2. All standard project conditions apply.

3. A 10' non-exclusive utility and snow storage easement along Royal Street East shall be dedicated on the plat.

4. Approval of this plat amendment shall be null and void if the plat is not recorded within one year from the date of City Council approval.

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

PASSED AND ADOPTED this 1st day of August, 1996.

PARK CITY MUNICIPAL CORPORATION

____
Mayor Bradley A. Olch

Attest:

____
Janet M. Scott, Deputy City Recorder

Approved as to form:

____

Mark D. Harrington, Assistant City Attorney

PARK CITY 1884

CITY COUNCIL REPORT

DATE: August 1, 1996
DEPARTMENT: Community Development
AUTHOR: Eric DeHaan, PE, City Engineer
TITLE: Keetley Road Vacation
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Approval of the attached ordinance vacating the public's right to motorized vehicular use of non-dedicated right-of-way in Park City commonly known as Keetley Road.

DESCRIPTION:

A. **Topic:** Keetley Road is the dirt road which intersects Queen Esther Drive on its easterly side. Keetley Road then proceeds uphill to the lowest pass in the ridge east of Deer Valley. The road was used by employees working at the Keetley Mine since the early mining days and has been enjoyed by members of the public for non-motorized vehicular use for a period in excess of 20 years. The property it accesses (Telemark Park) is about to be developed and would otherwise provide a direct paved link to the Jordanelle. In order to control Jordanelle and development traffic coming out onto Queen Esther Drive the public's right (if any) to vehicular use must be vacated. This vacation is necessary prior to gate construction.

B. **Background:** Keetley Road is older than any current member of the City Council. The controversy surrounding the dirt road reached a critical stage when Park City was named in a legal action filed by Trans-Wasatch Company and others in the Third Judicial District Court in Summit County on September 10, 1993. Park City has always had concerns about emergency access to the Telemark Park area in the case of wildland brushfires. With the Jordanelle Reservoir opening and a Wasatch County development plan approved to widen and pave the road for through traffic there was tremendous concern about the traffic level on Queen Esther Drive if Keetley Road were allowed to be improved without any barriers to traffic. Park City executed a settlement agreement in December 1995 which set the framework for dismissal of the lawsuit once Trans-Wasatch obtained an amended density determination from Wasatch County to reconfigure the project and sever the road. Pursuant to that settlement agreement Park City and Wasatch County must vacate any public interest in vehicular access to their respective portions of

Keetley Road. The road will then be improved and maintained as a private road. Park City received the attached Petition to vacate Keetley Road in June.

C. **Analysis:** The vacation of Keetley Road raises a serious issue regarding emergency firefighting access to the brushy hillsides between Park City and U.S. 40. Both the settlement agreement and the ordinance strengthen Park City's and the Fire District's ability to access Keetley Road and the soon-to-be built roads in Telemark Park (Deer Crest) for purposes of fighting fires. The access is regarded as an improvement over the existing condition.

The other substantial issue is the perpetuation of trail connections once Keetley Road has been paved and gated. Both the ordinance and the Wasatch County density determination provide for trail easements over the existing and yet-to-be built roads and trails. Some of the Telemark Park area trails are among the most heavily used in the Summit-Wasatch County area.

D. **Department Review:** The Planning Department and the Building Department have reviewed the Keetley Road vacation. The main issue is emergency response to brush fires, which has been resolved, and adequate road and trail access, which is part of the project design.

ALTERNATIVES:

A. **Approve the Request:** This action would be in conformance with all of the discussions we have had related to the Trans-Wasatch settlement agreement. Vacating Keetley Road would relinquish whatever right the public has obtained by historic use to drive a motorized vehicle over the historic Keetley Road, but it will prevent through traffic, all construction traffic and most development traffic from congesting Queen Esther Drive.

B. **Continue the Item:** If the Council would like more information regarding Telemark Park (Deer Crest) and Keetley Road, the item could be continued.

C. **Do Nothing:** Failing to vacate Keetley Road would reinvigorate the lawsuit and would nullify the settlement agreement.

SIGNIFICANT IMPACTS: The Mayor, City Council and your City Manager and City Attorney worked hard on the settlement agreement so that the impacts on Park City from the massive Telemark Park project are minimized. Approving this ordinance will keep the settlement agreement on track. Please note that there will still be traffic coming into Park City from Telemark Park (Deer Crest), but the location of gates will limit this traffic to local traffic as much as possible.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION: A continuance of this item would not be too serious. Staff can do additional research on any items identified by the Council and the matter can be reconsidered. Doing nothing (or not approving the vacation of Keetley Road) would negatively impact our settlement agreement with Trans-Wasatch and could lead to additional traffic on Queen Esther Drive.

RECOMMENDATION: Approval of the attached ordinance vacating the non-dedicated right-of-way in Park City known as Keetley Road.

ORDINANCE NO. __________

AN ORDINANCE VACATING A NON-DEDICATED RIGHT-OF-WAY IN PARK CITY KNOWN AS KEETLEY ROAD

WHEREAS, the owners of parcels of land within Park City have petitioned for the vacation of the public's right (if any) to motorized vehicular use of a portion of Keetley Road which serves said parcels; and

WHEREAS, the Utah Code provides for the vacation of public roads through a process of petition and public hearing; and

WHEREAS, Park City is concerned about traffic and the impact of traffic on the health, safety, and welfare of its residents and visitors; and

WHEREAS, as a result of this vacation, the public will maintain the right to use the road for pedestrian, horseback and non-motorized vehicular use and for emergency vehicle use and utility easements; and

WHEREAS, it is in the best interest of Park City to vacate the public right (if any) to motorized vehicular use of the road known as Keetley Road;

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

SECTION 1. Park City hereby vacates any and all public interest (if any) in motorized vehicular use of that portion of Keetley Road between the Park City limits and the easterly right-of-way of Queen Esther Drive. Park City retains a public trail easement over the unpaved trail which roughly parallels Keetley Road between the City limits and Queen Esther Drive and over the Keetley Road, which trail easement allows the public use of such road and trail for pedestrian, horseback and non-motorized vehicular use. Park City also reserves or conditions this action on the property owner's acquiescence in the public's right to use the Keetley Road for emergency vehicles responding to a condition of emergency.

SECTION 2. This Ordinance does not affect valid utility easements which might exist in all or a portion of Keetley Road, and Park City hereby retains an access easement for purposes of emergency such as wildland fire, or any other emergency which, in the sole opinion of Park City, necessitates a vehicular response.

SECTION 3. It is the specific intent of the Park City Council that Park City shall perform no road maintenance such as (but not limited to) snowplowing, debris removal, or guardrail repair on Keetley Road.

SECTION 4. This Ordinance shall take effect when Wasatch County has approved the amended density determination and also when any Wasatch County conditions of abandonment of the Wasatch County portion of the Keetley Road have been met by the Telemark Park (Deer Crest) developer.

DATED this __________ day of ____________________, 1996.

PARK CITY MUNICIPAL CORPORATION

____

Bradley A. Olch, Mayor

ATTEST:

____

Anita L. Sheldon, City Recorder

APPROVED AS TO FORM:

____

Jodi F. Hoffman, City Attorney

BEFORE THE CITY COUNCIL
CITY OF PARK CITY
SUMMIT COUNTY, UTAH

PETITION FOR THE VACATION
OF A PORTION OF KEETLEY ROAD IN SECTION
15 OF TOWNSHIP 2 SOUTH,
RANGE 4 EAST, SALT LAKE BASE
& MERIDIAN, SUMMIT COUNTY,UTAH

The undersigned property owner, Trans-Wasatch Company L.L.C., (the Petitioner) hereby petitions Park City to vacate the public rights of way, if any, in the existing unimproved road generally known as Keetley Road, also known as Heber Avenue, through their property and a portion of a neighboring property whose owner has consented to this vacation. In support of this petition, the Petitioner states and represents as follows:

1. The existing road consists of a graded dirt and gravel roadway extending generally in a southeasterly direction from its intersection with Queen Esther Drive, a Park City street, to the Wasatch County Line and City Limits. Petitioner seeks vacation of the roadway only beyond the City owned Right of Way for Queen Esther Drive. Petitioner does not seek abandonment of any City improvements or right of way currently owned of record by the City. The roadway petitioned for vacation crosses through lands owned by Trans-Wasatch Company L.L.C., (the Petitioner), for approximately 1,900 lineal feet and lands owned by Utah State Division of School and Institutional Trust Lands (State) for approximately 110 lineal feet. The Petitioner is the beneficiary of a perpetual easement across that portion of the Roadway located on State lands. The Properties are depicted on Exhibit A.

2. There has been no formal dedication of the right of way petitioned for vacation, and it is not shown on the Summit County inventory of Class B roads nor on the Park City Streets Map. No public funds have been expended in the improvement or maintenance of the roadway section proposed for vacation.

Now, therefore, pursuant to Utah Code Section 27-12-102.1, the Petitioner petitions the City Council of Park City, Summit County, Utah as follows:

1. To publish notice of the request for vacation as required by Utah Code Section 27-12-102.4 and to notice a public hearing for the purpose of considering the request for vacation.

2. Following notice and hearing as required by law, to enact an ordinance vacating the public rights of way, if any, in that portion of Keetley Road shown on the attached Exhibit A and within the properties described on Exhibit B.

Dated this 13th day of June, 1996.

TRANS-WASATCH COMPANY L.L.C.
a Utah limited liability
company.

By:______________________________________
H. McKay Edwards, Chief Operating
Officer

EXHIBIT "A"
KEETLEY ROAD VACATION

PARCEL & ROADWAY LOCATION EXHIBIT

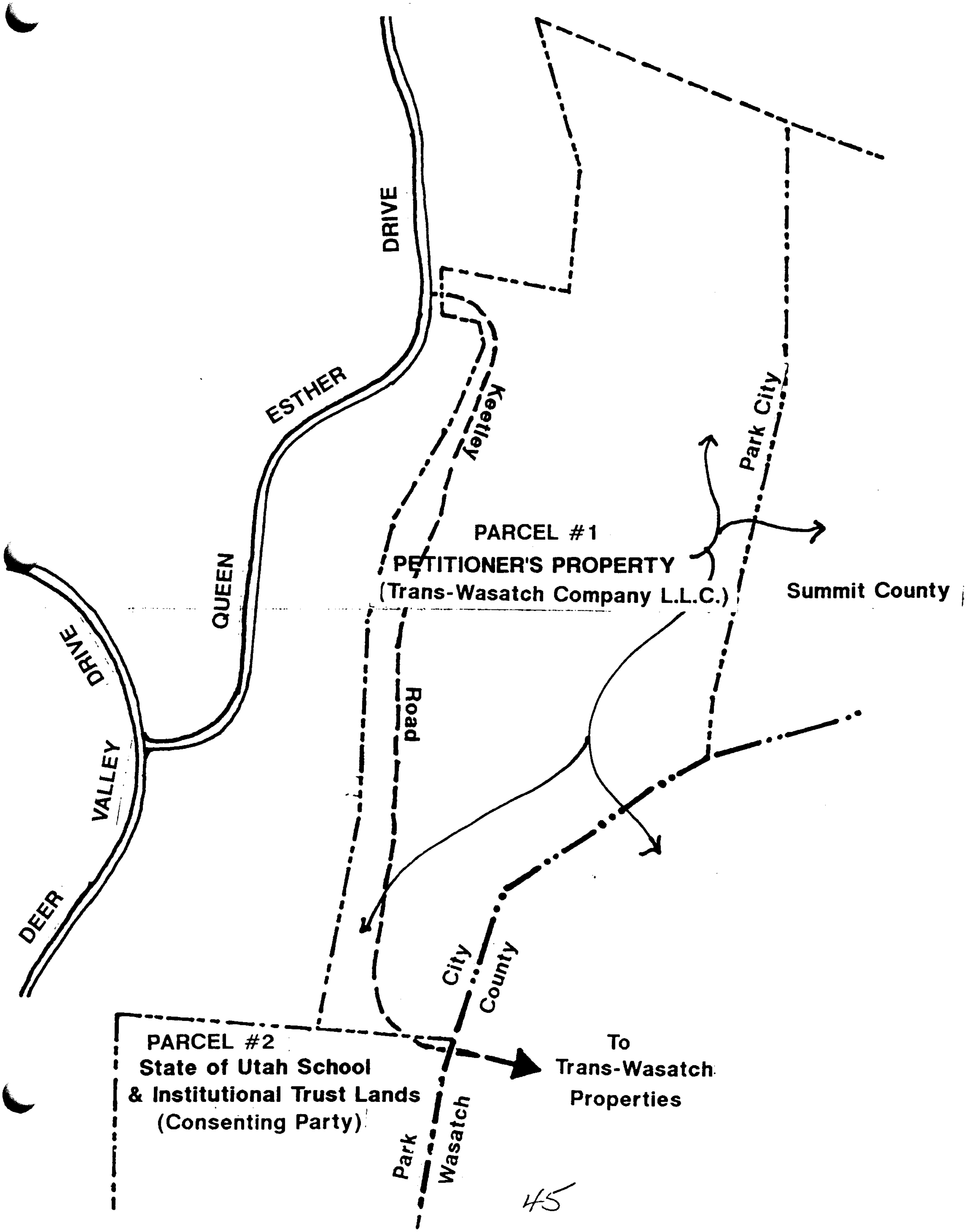


EXHIBIT "B"

LEGAL DESCRIPTIONS OF PARCELS

KEETLEY ROAD VACATION.

1. PARCEL #1, TRANS-WASATCH COMPANY LAND WITHIN PARK CITY CONTAINING KEETLEY ROAD:

Beginning at a point on the Summit-Wasatch County line; said point being South 0°30'11" West 529.16 feet along the section line and East 5719.73 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the county line the following 3 courses 1) South 61°48'14" West 133.55 feet; thence 2) South 55°24'54" West 454.52 feet; thence 3) South 17°33'57" West 370.98 feet more or less; thence along the North line of the McKinley mining claim (MS 6645) North 85°42'00" West 328.95 feet more or less; thence North 10°11'15" East 539.77 feet more or less; thence North 1°37'00" East 432.66 feet; thence North 14°00'00" East 258.00 feet; thence along the boundary line of the Nordic Village PUD Parcel B the following 4 courses: 1) North 29°36'17" East 266.20 feet; thence 2) North 23°00'00" East 189.00 feet; thence 3) North 8°00'00" West 55.58 feet; thence 4) North 80°00'00" West 97.00 feet to a point on a 275.00 foot curve to the left, whose radius point bears North 83°13'29" West; thence along the arc of said curve and along the Queen Esther Drive right-of-way line 54.92 feet thru a central angle of 11°26'31"; thence along the Queen Esther Drive right-of-way line North 4°40'00" West 57.72 feet; thence along the boundary line of the Nordic Village PUD Parcel A the following 3 courses; 1) South 80°00'00" East 315.23 feet; thence 2) North 4°00'00" East 303.94 feet; thence 3) North 17°00'00" West 360.40 thence along the South line of the Weary Willie and the Republican Mining Claims South 68°19'00" East 649.62 feet more or less; thence South 0°40'51" East 620.11 feet; thence South 12°19'16" West 761.76 feet; thence South 4°33'29" West 142.89 feet to the point of beginning.

PARCEL #2. STATE OF UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS WITHIN PARK CITY CONTAINING KEETLEY ROAD:

TOWNSHIP 2 SOUTH, RANGE 4 EAST, SLB&M
Section 15: In SE4 as follows:

MCKINLEY PARCEL 1B

Beginning at a point on the North line of the Mckinley mining claim (MS 6645). Said point being N 85°42'00" W 920.24 feet from the northeast corner of said claim and N 30°06'04" W 2071.89 feet more or less form the southeast corner of Section 15, Township 2 South, Range 4 East, SLB&M; and running thence along the North line of the Mckinley mining claim S 85°42'00'' E 520.00 feet; thence along the Wasatch-Summit County line S 17°33'57" W 75.94 feet; thence along the Summit-Wasatch County line S 8°43'41" W 527.66 feet; thence along the South line of the McKinley mining claim N 85°42'00" W 705.05 feet; thence N 0°11'40" W 90.00 feet; thence N 30°25'32" E 568.34 feet to the point of beginning.

Contains 8.67 acres

46

July 8, 1996

THE WASATCH COUNTY COMMISSION MET ACCORDING TO ORDNANCE

PRESENT: Commission Chair Provost; Commissioner Jacobson, Commissioner Winterton, Clerk/Auditor Titcomb, MR. Noffisinger Wasatch Wave Editor.

Karolyn Kirkham
County Treasurer

Karolyn Kirkham asked the Commission to make some changes in her office. The Treasurer would like to change Mrs. Stevens to the depute Treasurer and change her from $7.65 to $8.04. Mrs Kirkham would like to buy a new Computer for her office and not hire a new person now This will save the County $3,064.00. The computer will cost $2,500.00. Commissioner Jacobson made a motion to change Mrs. Stevens to the job of depute Treasurer and give her the raise asked for, and to approve the computer. Commissioner Winterton seconded the motion that carried.

Minutes

The minutes of July 1, 1996 were read Commissioner Winterton made the motion to accept the minutes as corrected. Commissioner Jacobson seconded the motion that carried.

Public Works

Two public works employs, have been sent to help with the fire in Millard County. The bids for the transfer station will be in next weeks Commission meeting.

Keetley Road
Abandonment

Mr. Edwards asked the Commission for a motion for abandonment of the Keetley road, after some decision Commissioner Winterton made a motion for abandonment of the Keetley road and that the County make an agreement where the gate should be place on the Park City side along with the recommendations of the planning office. Commissioner Jacobson seconded the motion that carried.

Robyn Pearson
Environmental review Specialist
for CDBG Grant

Commissioner Winterton made a motion making Mr. Pearson the environmental review specialist for the County, working with the CDBG grant. Commissioner Jacobson seconded the motion that carried.

Robyn Pearson
CD Video
Compact Disk

Mr. Pearson presented what the County could do with the part of the $15,000.00 grand for Local Improvement and Development Issues. The funds could be used for the production of a video and a compact disk that will promote Wasatch County and economic growth in the County.
Mr. Pearson presented two videos and asked the Commission to allow the committee to make a recommendation and present it to the Commission. Commissioner Jacobson made a motion to allow Mr. Pearson and the committee to make the recommendation. Commissioner Winterton seconded the motion that carried.
Mr. Pearson also asked the Commission to sign a letter, asking for the National High school Rodeo Finals to consider Heber City as a futher host.

Drug free Work Place

Dan Matthews reported to the Commission that the County will now be a drug free work place meaning that there will be drug testing of all new County Employees.

Status of Charleston Bridge
Mr. Cowley

Mr. Cowley asked about a right of way in the South fields, the Commission asked Mr. Cowley and the other land owners to work out the problem with Bob Mathis, the County Planner.

Jim & Tom Stringham
Tax Appeal on Property
in Midway

Mr. Stringham asked the Commission about the assessed land in Midway. The commission asked him to get a letter from the Assessor office and to bring the matter back to the Commission.

Sheriff Department Matters
Employees, Contracts etc.
Sheriff Spanos

Sheriff Spanos and Fire Warden Dale Wallberg and Kent Berg asked the Commission to make the County a no fire County from now tell Oct. 31, 1996. It will mean that fire can only be in improved areas. Commissioner Winterton made the motion making the County a no burn County. Commissioner Jacobson seconded the motion that carried.

Sheriff also asked the commission to let him advertise for a hiring rouster for his department. The commission agreed to let him do so.

Sheriff Spanos also review with the Commission the need to have more training for emergencies, as the need to train other departments that use the dispatch so that all calls will work better.

Commissioner Winterton made a motion making Kent Berg incident Commander Sheriff Spanos seconded and Kenny VanWangoner third Commissioner Jacobson seconded the motion that carried.

BEING NO FUTHER BUSINESS THE MEETING ADJOURNED AT 6:30 P.M.

Commission Chair T. LaRen Provost

Clerk/Auditor Brent R. Titcomb

PARK CITY
1884

CITY COUNCIL STAFF REPORT

DATE:	**July 29, 1996 (August 1, 1996 meeing)**
DEPARTMENT:	**Planning Department**
AUTHOR:	**Kirsten A. Whetstone**
TITLE:	**7660 Royal Street East, Sterling Lodge Final Condominium Plat**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Approve the final condominium plat for the Sterling Lodge at Deer Valley with the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated in this staff report.

DESCRIPTION:

A. Topic

PROJECT STATISTICS:

Applicant:	Jeff Graham, Jack Johnson Company
Location:	7660 Royal Street East, Lot 2 Silver Lake East Subdivision
Zoning:	RD-MPD
Adjacent Land Uses:	Condominiums, ski base, commercial
Date of Application:	April 15, 1996
Project Planner:	Kirsten A. Whetstone
Staff Recommendation:	Approval

B. Background

The Silver Lake East Subdivision was recorded in July of 1990 as a subdivision of 3 lots. The first lot is developed as the Deer Valley Club. Lot 2 is the subject of this proposal and Lot 3 is dedicated as open space. On August 30, 1995 the Planning Commission approved the Small Scale Master Planned Development for the 14 unit Sterling Lodge at Silver Lake condominium project. A subdivision plat amendment was approved by the City Council on August 3, 1995 to make a minor adjustment to the previous lot lines. The density and heights are consistent with the Deer Valley Resort 7th Amended MPD and the Sterling Lodge MPD. This project provides pedestrian connections to the adjacent properties with pedestrian bridges and sidewalks. Each of the units are town-house in nature and range in size from 2,500 to 4,900 square feet.

This request is for approval of the final condominium plat for the Sterling Lodge Condominium project. A final plat must be recorded with the County in order for the current owner to sell ownership interests to other parties. The Sterling Lodge Condominiums are currently under construction according to the approved building plans on file at the City's building department. The 14 unit project is being constructed in one phase (Exhibit B).

On July 10, 1996 the Park City Planning Commission held a public hearing and voted to forward a positive recommendation to City Council to approve the final plat for Sterling Lodge at Deer Valley Condominiums.

C. Analysis

This condominium project is currently under construction. The project consists of 14 units in one building with an underground parking structure with access to Royal Street East. The proposed condominium plat is consistent with the Land Management Code, approved Sterling Lodge MPD plans, and the approved building plans. There are outstanding public utility issues and therefore staff is recommending a condition of approval that a financial guarantee, for completion of all public improvements associated with this project, be posted prior to plat recordation. The plat changes the type of ownership of this parcel to condominium ownership.

D. Department Review

The City Engineer has reviewed the plat and has recommended some changes prior to plat recordation. The City Attorney's office will be required to review and approve the plat and CC&R's prior to recordation.

RECOMMENDATION:

The staff recommends approval of the final condominium plat for 7660 Royal Street East, Sterling Lodge, based upon the following:

Findings of Fact

1. The plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

2. The plat is consistent with the Planning Commission approval of the Sterling Lodge MPD and the Deer Valley 7th Amended MPD.

3. 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.

4. The proposed plat changes the type of ownership of this property to condominium ownership.

5. On July 10, 1996 the Park City Planning Commission held a public hearing and voted to forward a positive recommendation to City Council to approve the final plat for Sterling Lodge at Deer Valley, a Utah Condominium project.

Conclusions of Law

1. There is good cause for this condominium plat.

2. Neither the public nor any person will be materially injured by the proposed condominium plat.

3. Approval of the plat, subject to the conditions of approval, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval

1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval, including conditions of approval for the Sterling Lodge MPD, shall apply.

3. All standard project conditions shall apply.

4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

EXHIBITS:

Exhibit A- Location map
Exhibit B- Proposed condominium plat
Exhibit C- Proposed Ordinance

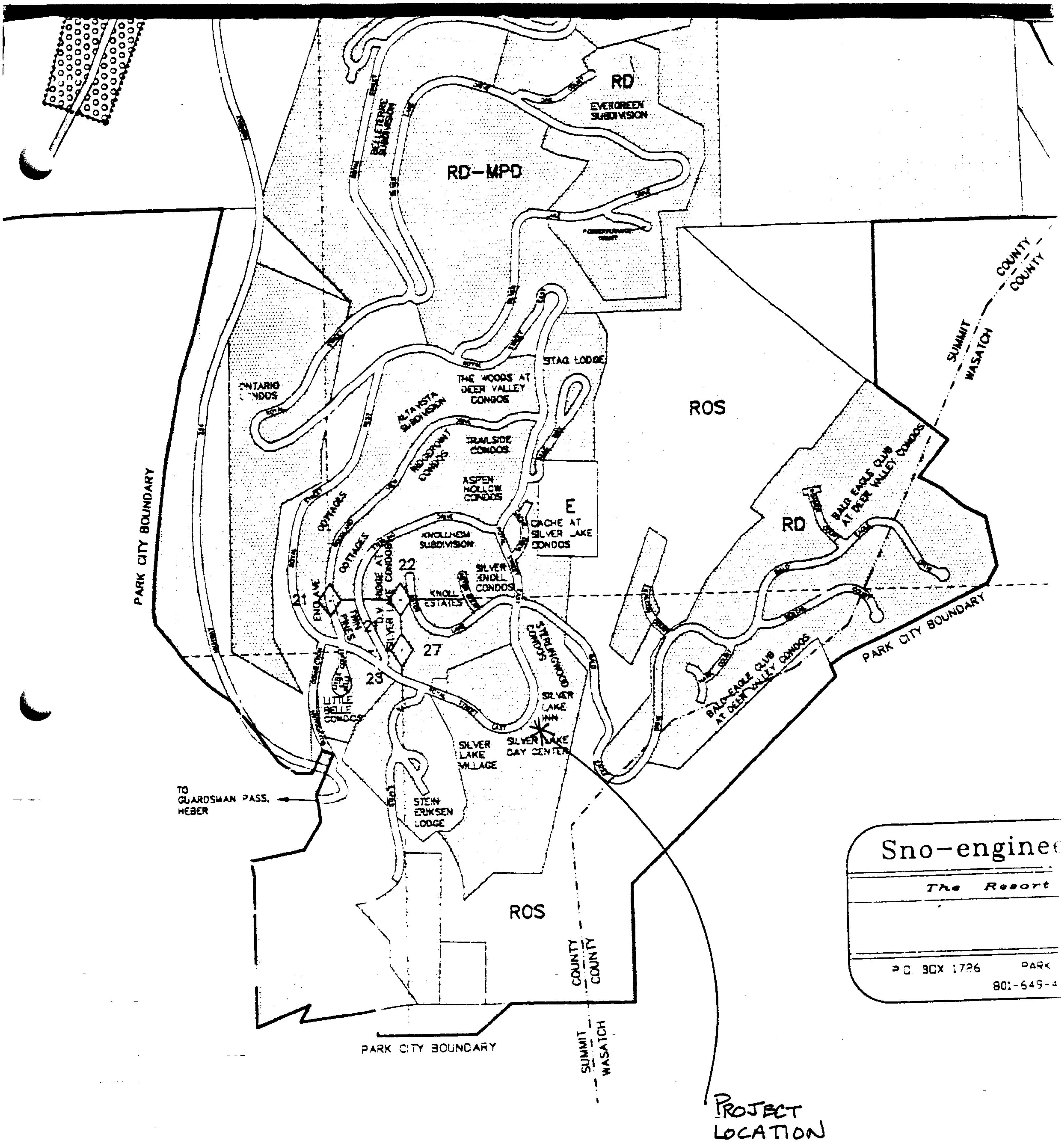
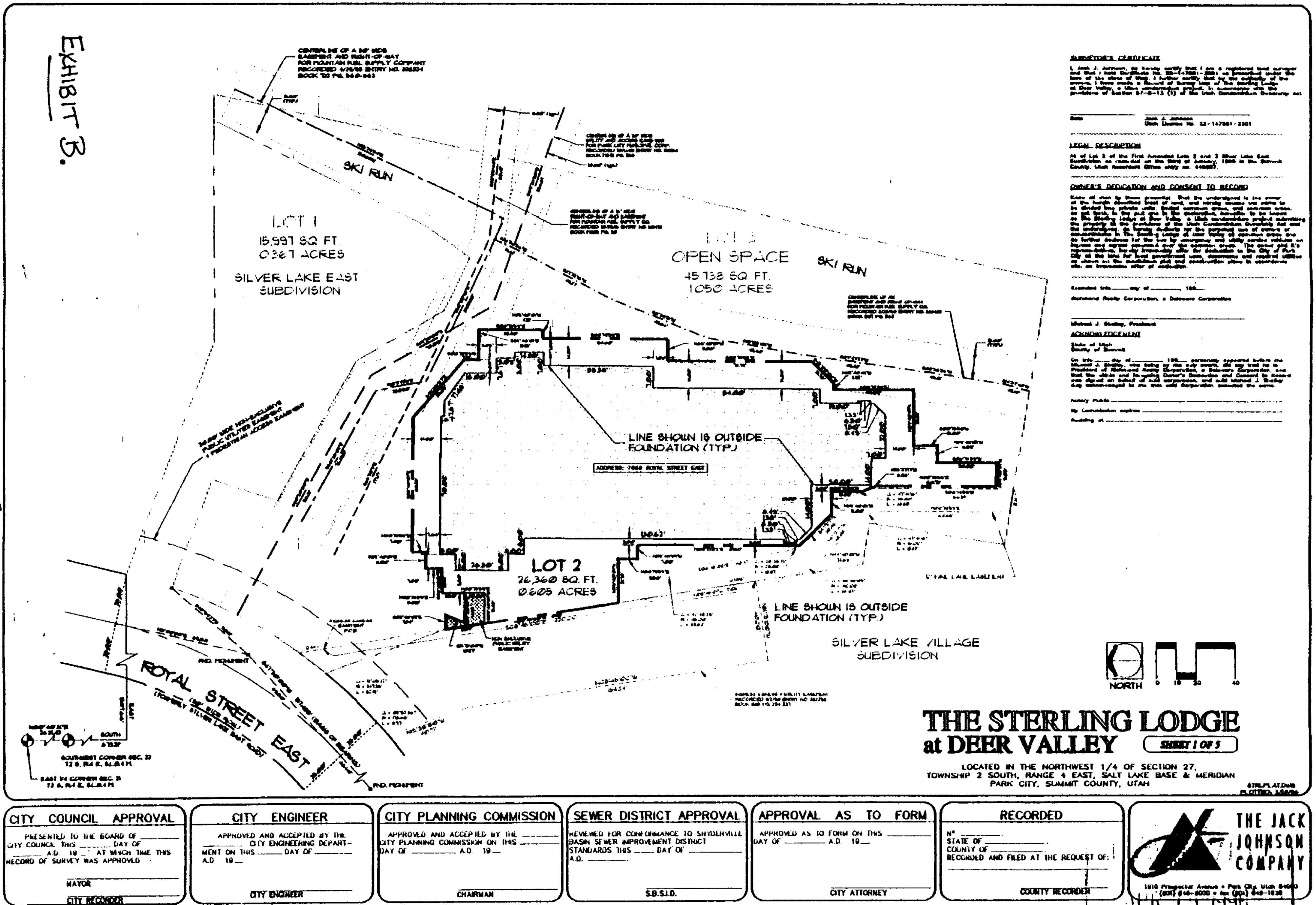

RD
EVERGREEN SUBDIVISION
RD-MPD
BELLETERRE SUBDIVISION
STAG LODGE
THE WOODS AT DEER VALLEY CONDOS
ONTARIO CONDOS
ALTA VISTA SUBDIVISION
TRAILSIDE CONDOS
WOODSPOINT CONDOS
ASPEN HOLLOW CONDOS
E
CACHE AT SILVER LAKE CONDOS
KNOLLHEIM SUBDIVISION
COTTAGES
22
SILVER KNOLL CONDOS
KNOLL ESTATES
21
ENCLAVE
TWIN PINES
27
STERLINGWOOD CONDOS
23
LITTLE BELLE CONDOS
SILVER LAKE INN
SILVER LAKE DAY CENTER
SILVER LAKE VILLAGE
STEIN ERIKSEN LODGE
ROS
RD
BALD EAGLE CLUB AT DEER VALLEY CONDOS
PARK CITY BOUNDARY
COUNTY
SUMMIT
WASATCH
TO GUARDSMAN PASS, HEBER
Sno-engine
The Resort
PO BOX 1726
PARK
801-649-
PROJECT LOCATION

EXHIBIT A.

EXHIBIT B.


LOT 1
15,997 SQ FT
0.367 ACRES
SILVER LAKE EAST
SUBDIVISION
SKI RUN
OPEN SPACE
45,738 SQ FT
1.050 ACRES
SKI RUN
LINE SHOWN IS OUTSIDE FOUNDATION (TYP.)
LOT 2
26,360 SQ. FT.
0.605 ACRES
LINE SHOWN IS OUTSIDE FOUNDATION (TYP.)
SILVER LAKE VILLAGE
SUBDIVISION
ROYAL STREET EAST
FND. MONUMENT
NORTH
0 10 20 40
THE STERLING LODGE
at DEER VALLEY
SHEET 1 OF 5
LOCATED IN THE NORTHWEST 1/4 OF SECTION 27,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH
SURVEYOR'S CERTIFICATE
LEGAL DESCRIPTION
OWNER'S DEDICATION AND CONSENT TO RECORD
ACKNOWLEDGEMENT
CITY COUNCIL APPROVAL
PRESENTED TO THE BOARD OF
CITY COUNCIL THIS DAY OF
A.D. 19 AT WHICH TIME THIS
RECORD OF SURVEY WAS APPROVED
MAYOR
CITY RECORDER
CITY ENGINEER
APPROVED AND ACCEPTED BY THE
CITY ENGINEERING DEPART-
MENT ON THIS DAY OF
A.D. 19
CITY ENGINEER
CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE
CITY PLANNING COMMISSION ON THIS
DAY OF A.D. 19
CHAIRMAN
SEWER DISTRICT APPROVAL
REVIEWED FOR CONFORMANCE TO SNYDERVILLE
BASIN SEWER IMPROVEMENT DISTRICT
STANDARDS THIS DAY OF
A.D.
S.B.S.I.D.
APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS
DAY OF A.D. 19
CITY ATTORNEY
RECORDED
N°
STATE OF
COUNTY OF
RECORDED AND FILED AT THE REQUEST OF:
COUNTY RECORDER
THE JACK
JOHNSON
COMPANY

55

Ordinance No. 96-

AN ORDINANCE APPROVING A FINAL CONDOMINIUM PLAT FOR THE STERLING LODGE AT DEER VALLEY, A UTAH CONDOMINIUM PROJECT AT 7660 ROYAL STREET EAST, LOCATED IN SECTION 22,TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, UTAH

WHEREAS, the owners, Richmond Realty Corporation, of the property at 7660 Royal Street East, located in the Section 22, Township 2 South, Range 4 East, Park City, Utah and to be known as the Sterling Lodge at Deer Valley Condominiums, have petitioned the City Council for approval of a condominium plat; and

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

WHEREAS, on July 10, 1996 the Planning Commission held a public hearing to receive public input on the proposed condominium plat 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, the proposed plat changes the type of ownership of this property to condominium ownership.

WHEREAS, it is in the best interest of Park City, Utah to approve the condominium plat;

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

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

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

EXHIBIT C.

SECTION 3. PLAT APPROVAL. The condominium plat, known as the Sterling Lodge at Deer Valley Condominium plat, at 7660 Royal Street East, is hereby approved as shown on Exhibit A, with the following conditions:

1. The City Attorney and City Engineer's review and approval of the final form and content of the plat and the Conditions, Covenants, and Restrictions (CC&R's), for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recording the plat.

2. All conditions of approval, including conditions of approval for the Sterling Lodge MPD shall apply.

3. All Standard Project Conditions shall apply.

4. A financial guarantee, for the value of all public improvements to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.

5. The final condominium plat shall be recorded at the County within one year from the date of City Council approval. If recordation has not occurred within the one year time frame, this approval and the plat shall be considered null and void.

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

PASSED AND ADOPTED this 1st day of August, 1996.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

PARK CITY
1884

CITY COUNCIL REPORT

DATE: July 5, 1996
DEPARTMENT: Community Development Department
AUTHOR: Megan B. Ryan
TITLE: Amendment to the Land Management Code and Official Park City Zoning Map to allow for Sexually Oriented Businesses ("SOB's") in the General Commercial Zone.
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Conduct a public hearing and consider the Planning Commission's recommendation to amend the Land Management Code and Official Park City Zoning map to allow for Sexually Oriented Businesses ("SOB's") in the General Commercial Zone as outlined in the ordinance attached as Exhibit A.

DESCRIPTION:

A. Topic.

Sexually Oriented Business zoning ordinance.

B. Background.

The City Council adopted a licensing procedure for SOBs on January 19, 1995, and forwarded a recommendation to the Planning Commission to establish the zoning parameters and conditions for such businesses. The Planning Commission held a public hearing on the matter on June 12, 1996 and voted to forward a positive recommendation to the City Council to establish Sexually Oriented Businesses as Conditional Uses in the General Commercial zone. The City Council discussed this item at their work session meeting of July 11, 1996 and directed the staff to proceed with a public hearing on the ordinance as drafted. A public hearing was held on July 25, 1996.

C. Analysis.

For analysis and background please see Staff Report for 7/25/96 Council meeting.

D. Department Review.

The Community Development Department, with assistance from the Legal Department, drafted the proposed ordinance. The City wide staff review team has also reviewed the proposal.

RECOMMENDATION:

Conduct a public hearing, consider public input and discuss consider the Planning Commission's recommendation to amend the Land Management Code and Official Park City Zoning map to allow for Sexually Oriented Businesses ("SOB's") in the General Commercial Zone as outlined in the ordinance attached as Exhibit A.

Refer to the ordinance enclosed in last week's packet

PARK CITY 1884

DATE: July 29,1996
DEPARTMENT: Legal
AUTHOR: Mark Harrington
TITLE: Amendment of Title 4, Chapter 9 of the Municipal Code of Park City regulating Sexually Oriented Businesses (SOB); and Section 8-4-20, Lewdness, of the Criminal Code
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Adopt the proposed amendments to the code sections regarding Sexually Oriented Business licensing and Lewdness.

DESCRIPTION:

A. Topic:

Amendments to Title 4, Chapter 9 of the Municipal Code of Park City regulating Sexually Oriented Businesses and Section 8-4-20, Lewdness, of the Criminal Code.

B. Background:

The City Council held a public hearing on this matter at its last meeting on July 25, 1996. Please refer to your July 25th packet for the ordinance. Attached to this report are the two changes.

C. Analysis:

The change to the definition of "Semi-Nude" requested by Shauna has been incorporated to the final amendment. In response to a concern raised by Joe Tesch, the language "as its principal business" has been added to the definition of an Adult Motion Picture Theater to further narrow the class of businesses which the City wishes to regulate. The change further distinguishes SOBs from the occasional showing of a film rated "NC-17" or higher, since clearly the SOB regulations are not intended to apply to the special screenings of the Sundance Film Festival, the Park City Film Series or the Egyptian Theater.

D. Department Review:

The Legal Department and CDD reviewed this matter.

ALTERNATIVES:

A. **Adopt the Ordinance as proposed.**

B. **Continue the Item.** If the Council would like more information on this matter, it may postpone action on the ordinance.

SIGNIFICANT IMPACTS: The proposed changes simplify and clarify the existing licensing regulations for SOBs. The changes would de-regulate one area that most other communities include in their SOB ordinances.

RECOMMENDATION: Adopt the Ordinance as proposed.

depicts or describes ~~"s~~Specified ~~s~~Sexual ~~a~~Activities~~"~~ or ~~"s~~Specified ~~a~~Anatomical ~~a~~Areas~~"~~, or instruments, devices or paraphernalia which are designated for use in connection with ~~s~~Specified ~~s~~Sexual ~~a~~Activities, except for legitimate medically-recognized contraceptives.

(C) **ADULT MOTION PICTURE THEATER** - a Business ~~commercial establishment~~ which:

(1) Holds itself out as such a business; or

(2) As its principal business, regularly shows films, motion pictures, video cassettes, slides or similar photographic reproductions which are primarily characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

~~(2) Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or~~

~~(3) As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".~~

(D) **ADULT THEATER** - a ~~theater, concert hall, auditorium, or similar~~ Business ~~commercial establishment~~ which:

(1) Holds itself out as such a business; or

(2) Regularly features persons who appear in a State of Nudity or live performances which are primarily characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
~~(2) Excludes minors from the showing of two consecutive exhibitions (repeated performances of the same presentation shall not be considered a~~

~~consecutive exhibition); or~~

~~(3) As its principal business, features persons who appear in live performance in a state of nudity or which are characterized by the exposure of specified anatomical areas, or by specified sexual activities.~~

(E) **NUDITY** or **STATE OF NUDITY** - A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of Semi-Nude.

(F) **OBSCENE** - Any material or performance is Obscene if:

(1) The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;

(2) It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and

(3) Taken as a whole, it does not have serious literary, artistic, political or scientific value.

(G~~F~~) **OPERATOR** - the manager or other natural person principally in charge of a S~~s~~exually O~~o~~riented~~-b~~ Business.

(H~~G~~) **SEMI-NUDE** - a state of dress in which a person wears opaque clothing covering (1) only the male or female genitals, pubic region, anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point, and if applicable, ~~or~~ (2) the nipple and areola of the female breast~~, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point~~.

~~(H) **SEMI-NUDE DANCING AGENCY** - any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book or otherwise engage the service of a professional dancer licensed~~

DATE: August 1, 1996
DEPARTMENT: Public Works
AUTHOR: Jerry Gibbs
Hope Bleecker

TITLE: Public Works Facility Contract
TYPE OF ITEM: Legislative

SUMMARY RECOMMENDATIONS: Authorize staff to negotiate a contract with Mark B. Garff Construction Company to build the new Park City Municipal Public Works Facility; to purchase and install necessary equipment for the Public Works Facility project; and to provide for a 10% building construction contingency. Authorize an additional **$468,200** in the capital improvement budget to cover these requests. Authorize financing of the project through the Municipal Building Authority if a average rate of less than 6% can be secured.

DESCRIPTION:

A. Topic: Public Works Facility Building Construction.

B. Background:

The budget for the new Public Works Facility was prepared in May 1995 and listed a total of $3.4 M under account #426 in the CIP. An additional $75,000 was added to the budget to provide locker, equipment, and parking spaces for the Police Department as a result of their relocation from the bus barn. Presently $3,475,000 is programmed for the project. The funding is programmed over a three year period. $1.2 M is not available for use until July 97. The total three year project amount provides for $190,000 in architectural design fees and a total of $3,285,000 in construction funding.

Richardson Design of Salt Lake City was commissioned to design the new facility in July 1995. Their initial design attempted to preserve two other city-owned parcels on the three parcel site bordered by Iron Horse, Short Line, and Deer Valley Drive in anticipation of selling the lots to pay for the new facility. The result yielded a small rectangular building of comparable size to the present facility which met neither functional objectives nor aesthetic requirements of the Planning Commission.

A second design was developed which included use of the northwest parcel and separation of the administrative space from the mechanical shop bays. The new design created the opportunity for development of another level of city administrative office space or leasable commercial office space. The cost to include this element was approximately $300,000. The new design occupied greater site area and exceeded the original budget. However, it fulfilled departmental program requirements more effectively than the initial design and included architectural elements and finishes that complied more effectively with Planning Commission requirements.

The final design is a two level administrative facility joined by a main entrance to a ten-bay mechanical shop area. The specifications for the mechanical shop area also include a paint bay, an automatic bus washer, and a hydraulic bus lift. The third building, a twelve-bay bus storage facility, will be situated on the south edge of the site adjacent to the existing vehicle storage area. The project is expected to commence this September and will be completed in October 1997.

A public bid process on the project was recently completed. Submittals ranged from $3.1M to $4.3M. The architect's specification requested a base bid price for the administrative facility and the shop areas, along with seven alternative items. The purpose of bidding alternatives was to identify elements that could be completed by city crews and compare pricing between bidders. This provided flexibility to delete an element if the cost was excessive.

C. <u>Analysis</u>:

Mark B. Garff Construction Company submitted the lowest qualified bid in the amount of $3,172,000. Award of the total construction contract is recommended. The contract includes construction of the bus storage building, the administrative offices and mechanical shops, demolition of the existing facility, and other accepted alternatives. Staff has requested the contractor to conduct a value engineering analysis on the project for the purpose of identifying possible cost reductions which will not compromise the design aesthetics or integrity of the building. The information on possible options for cost reduction have not yet been received, and reductions in the contract amount may be accepted prior to finalizing the contract. Because of the necessity to expedite construction, staff is recommending authorization of the full bid amount at this time.

Staff is also recommending authorization of three separate purchase and installation contracts for the automatic bus washer, the paint mixing room and spray booth, and the hydraulic vehicle lift. These elements were pulled out of the general contract to avoid potential mark up of 10-15% in contractor overhead costs, and to ensure specification accuracy and procurement standards for federally funded equipment. Cost estimates for purchase and installation of necessary equipment are not expected to exceed $240,000.

The total contract authorization request is as follows:

Construction Contract	$3,172,000
Equipment Purchase and Installation	$ 240,000
Construction Contingency (10%)	$ 341,200
Total Cost	**$3,753,200**

The additional budget request is as follows:

Original Budget Amount (Account #426).........$3,475,000
Architectural Fees...($ 190,000)
Estimated Construction Costs,
Equipment Purchase and Installation, and
10% Contingency...($3,753,200)
New Request **$ 468,200**

Financing Alternatives:
It is anticipated that the current project design and construction costs would be paid from the CIP. Based on the contractor's anticipated draw schedule, additional program funds will be required within the current budget year. This can be accomplished by transferring balances from other projects that are not scheduled to commence in this budget year.

Another financing strategy to consider is bonding through the Municipal Building Authority. A bond rate between 5.5 and 5.9% would provide a financial incentive to the City for a 15 year bond. Staff is recommending bonding through the Municipal Building Authority if it is financially beneficial for Park City.

Staff is requesting an additional **$468,200** for program costs.

D. Department Review:

This item has been reviewed by the City Manager, the Department of Finance, and the Department of Planning. The building design was approved by the Planning Commission in April 1996.

ALTERNATIVES:

A. Approve the Request: Authorize staff to enter into a contract with Mark B. Garff Construction Company for completion of the Public Works Facility Contract; to purchase and install necessary equipment within that facility, and to authorize a (10%) contingency fund for all necessary change orders. An additional **$468,200** is requested in program cost. The Council could authorize financing of the project through the Municipal Building Authority (actual authorization of bonds would require additional Council action). Or, the Council could authorize staff to transfer money from within the CIP and pay cash for the project.

B. Modify the Request: The project scope could be reduced. The bus storage area could be delayed for an extended period of time. The second floor of the administration building could be deleted. Other alternatives could be reviewed. A reduction in scope will impact other areas and increase construction cost at a later date. Staff does not support this option.

C. Reject all Bids: This alternative will result in an increase in project costs primarily because of a lack of construction time still remaining this season. If the request is denied, the project will not proceed as originally planned, and the result will be that additional costs will be incurred.

D. Continue the Item: As stated under "Alternative C", a long delay will result in the loss of construction time necessary to complete the project for the specified cost.

E. Do Nothing: This alternative is not recommended for the same reasons cited under "Alternatives C and D".

SIGNIFICANT IMPACTS:

Approval as recommended will cost $3.75 million which would be financed with lease revenue bonds to be paid off over 15 years. Money is availble in the CIP to either pay cash or the debt service on the bonds. The Transportation, Water and General funds would pay for the project. Authorization of the project will allow for completion of the facility in October 1997. The new facilities are necessary in order to ensure adequate vehicle storage and mechanic work spaces, as well as more functional offices for the Public Works staff. Authorization will allow the project to proceed on schedule and will ensure more efficient delivery of services from the Department of Public Works.

CONSEQUENCES OF NOT TAKING THE RECOMMENDED ACTION:

The consequences of not taking the recommended action include delay in completion, higher costs or abandonment of the project.

RECOMMENDATION:

Authorize staff to negotiate a contract with Mark B. Garff Construction Company to build the new Park City Municipal Public Works Facility; to purchase and install necessary equipment for the Public Works Facility project; and to provide for a 10% building construction contingency. The total estimated project amount should not exceed $3,753,200. Authorize an additional **$468,200** in the capital improvement budget to cover these requests. Authorize financing of the project through the Municipal Building Authority if an average rate less than 6% can be secured.

RICHARDSON DESIGN PARTNERSHIP, INC.
510 SOUTH 600 EAST
SALT LAKE CITY, UTAH 84102

RDP/64
07/15/96

BID TABULATION

PROJECT: Park City Public Works

OWNER: Park City Municipal Corporation

ARCHITECT: RDP

NAME OF CONTRACTOR	BOND	ADDENDA	BASE BID	ALT. 1	ALT. 2	ALT. 3	ALT. 4	ALT. 5	ALT. 6	ALT. 7	Base Bid + Alt's	Remarks
ALDER CONSTRUCTION											0	
BRUBAKER CONSTRUCTION	X	XXX	$2,628,000.00	$384,000.00	$38,000.00	$82,000.00	$52,000.00	$120,000.00		$52,000.00	$3,356,000.00	2
MARK B. GARFF CONSTRUCTIO	X	XXX	$2,444,000.00	$442,000.00	$31,000.00	$83,000.00	$46,000.00	$100,000.00		$26,000.00	$3,172,000.00	1
HHI CORPORATION	X	XXX	$2,774,386.00	$505,500.00	$75,159.15	$123,001.95	$66,660.00	$77,770.00		$50,000.00	$3,672,477.10	4
J.L. HARDY CORPORATION											$0.00	
INTERWEST CONSTRUCTION											$0.00	
TINGEY CONSTRUCTION	X	XXX	$2,838,800.00	$277,228.00	$53,264.00	$79,091.00	$49,945.00	$95,139.00		$53,117.00	$3,446,584.00	3 Interpret glass panels in the door
UNITED CONSTRUCTION	X	XXX	$3,295,000.00	$548,424.00	$112,663.00	$148,000.00	$46,000.00	$112,400.00		$88,400.00	$4,350,887.00	Interpret glass panels in the door
WADMAN CORPORATION	X	XXX	$3,166,000.00	$431,000.00	$59,000.00	$97,000.00	$53,000.00	$99,000.00		$29,000.00	$3,934,000.00	
											0	
											0	

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PARK CITY
1884

COUNCIL AGENDA REPORT

DATE:	**July 29, 1996**
DEPARTMENT:	**Executive**
AUTHOR:	**Toby Ross**
TITLE:	**Amendment to Brookside Annexation Agreement**
TYPE OF ITEM:	**Legislative**

SUMMARY RECOMMENDATIONS: Staff hopes to offer a recommendation Thursday based on discussion scheduled for later this week.

DESCRIPTION:

A. Topic.

Brookside has requested an amendment to its annexation agreement to allow Silver Springs Water Company (Silver Springs) rather than Summit Water Company (Summit Water) to provide water service to the subdivision.

B. Background.

PROJECT STATISTICS

Project Name:	**Brookside Estate Farms**
Applicant:	**Jack Johnson Company for Mark Montgomery and Dean Clark**
Location:	**Highway 224 across from White Pine Canyon Road**
Proposal:	**Annexation and Small Scale Master Planned Development for Residential Development**
Zoning:	**Estate, E (proposed)**
Adjacent Land Uses:	**Snowed Inn, Open Space, Quarry Mountain**
Date of Application:	**July 27, 1994 (under Ken Norton)**

Late last year, the City Council approved annexation of the Brookside Estates Farms subdivision (Brookside) with water service to be provided by Summit Water. The improvements were to be installed to City standards but owned by the Summit Water. All City standards would be met including the requirement for adequate fire flows and would be designed so that the subdivision could be connected to the City's system if the development ever requested that the City provide water service in that area (at full cost to the owners of the subdivision). A note to the final plat would indicate that a special improvement district for the Brookside property would be formed to pay for any future connection to City services.

Brookside was not ultimately able to work out an acceptable arrangement with Summit Water and proceeded to discuss water service with Silver Springs. At approximately the same time representatives for St. Mary's Catholic Church (St. Mary's) also approached Silver Springs eventually resulting in a contract to serve St. Mary's. Unfortunately, service to St. Mary's depends on an extension of service to the Brookside property. Extension of service to Brookside requires an agreement with Silver Springs and the Council to approve an amendment to the annexation agreement substituting Silver Springs for Summit Water. Silver Springs has retained a contractor to construct the improvements necessary to serve Brookside and St. Mary's.

C. Analysis

The principal issues in the proposed substitution of Silver Springs for Summit Water are: adequacy of water sources, facilities and system design to serve Brookside; willingness of Silver Springs and Brookside to provide for later City service including dedication of water rights and improvements; appropriateness of the City providing the water service to Brookside and St. Mary's which is not in the City. At this point, many of the technical and design problems have been resolved but questions remain about all of these issues. Staff hopes to meet with all the parties before the Council meeting to better understand the status of the project and explore potential solutions to the problems. Staff will also attempt to estimate the cost and timing of a project that would allow the City to provide water service.

The applicants probably are primarily concerned about the cost and timing of water service. Construction is not anticipated at Brookside for some time, but St. Mary's is under construction. Currently, St. Mary's cannot begin combustible construction without adequate water service in place. That restriction may be modified if the Fire District knew that St. Mary's had contracted with Park City for water service.

D. Department Review

This amendment request has been reviewed by the City Engineer, City Manager, Public Works Director, Community Development Director and City Attorney.

ALTERNATIVES:

A. **Approve the amendment to the Annexation Agreement allowing Silver Springs to provide water service subject to the same restrictions imposed on Summit Water.**

B. **Deny the amendment to the Annexation Agreement allowing Silver Springs to provide water service.**

C. **Approve the amendment to the Annexation Agreement allowing Silver Springs to provide water service with additional conditions regarding dedication of water rights and facilities to Park City if the City were willing and able to serve the project.**

D. **Deny the amendment to the Annexation Agreement allowing Silver Springs to provide water service, but offer to serve Brookside and St. Mary's.**

E. **Continue the item to resolve any outstanding issues.**

SIGNIFICANT IMPACTS:

- Alternatives A and C would allow the projects to proceed as planned if acceptable arrangements can be made with Silver Springs. Alternative C could delay St. Mary's construction slightly.
- Alternative B would significantly delay both projects and probably force Brookside to seek a solution in the County.
- Alternative D would allow the projects to proceed but would delay water service, though not necessarily church construction, by about three months. Costs are expected to be similar but additional work is required to know this precisely. Silver Springs and their contractor likely will object to this solution.
- Alternative E would delay construction at St. Mary's. St. Mary's hopes to begin combustible construction by the middle of the month.

Recommendation:

Staff hopes to offer a recommendation Thursday based on discussion scheduled for later this week.

Resolution No. 7-95

A RESOLUTION DETERMINING THAT AN ANNEXATION OF APPROXIMATELY 5.21 ACRES OWNED BY ST. MARY OF THE ASSUMPTION CATHOLIC CHURCH IS DEEMED PREMATURE

WHEREAS, a request was filed by the owners of the land, St. Mary of the Assumption Catholic Church, consisting of approximately 5.21 acres, located in Section 6, Township 2 South, Range 4 East, in Summit County, requesting Park City Municipal Corporation to determine if said land was suitable at this time for annexation; and

WHEREAS, the described land is included within the Park City Annexation Policy Declaration Statement and Annexation Boundary Area; and

WHEREAS, the request was reviewed by the Planning Commission on February 22, 1995 and March 22, 1995; and

WHEREAS, the Planning Commission at its meeting of March 22, 1995 determined that it would be premature to annex the St. Mary's Church Property at this time due to the lack of a looped City water line and adequate City water storage to serve the site; and

WHEREAS, St. Mary's Catholic Church has agreed to mitigate potential impact on the City by cooperating with the site design of the parking lot and structures;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Park City, Utah that the property owned by St. Mary of the Assumption Catholic Church located at the intersection of State Highway 224 and White Pine Canyon Road not be considered for annexation at this time; and

SECTION 1. DESIGN AGREEMENT. St. Mary of the Assumption Catholic Church and Park City Municipal Corporation shall enter into an agreement which mitigates the following design issues:

1. All exterior lighting on the building and in the parking lot, sidewalks and entryway will be muted and in conformity with Park City's lighting regulations.

2. Right-hand turning movements only will be allowed for access to the Church parking lot from SR224.

3. A 10-foot wide trail easement adjacent to SR224 will be included in the Church's master plan.

4. Landscaping will be provided by the Church to screen the parking lot at the east and south aspects of the property.

5. If a monument sign is installed, it will be no more than six feet tall, and will be in conformity with Park City's Sign Code.

6. Should Park City seek to negotiate the annexation of the Church property, or adjacent property, in the future, the Church will not protest contingent upon such negotiations being in conformity with Utah State Statutes with respect for the rights of all property holders and with due consideration of all costs incurred as a result of the refusal of Park City to annex the St. Mary's parcel at this time.

7. Park City will not seek annexation of the St. Mary's Church parcel for a period of three years, and, should the church parcel be annexed, Park City Municipal Corporation would be obligated to do so at no cost to St. Mary's Catholic Church.

SECTION 2. EFFECTIVE DATE. This Resolution shall take effect upon passage.

PASSED AND ADOPTED this 20th day of April, 1995.

PARK CITY MUNICIPAL CORPORATION

Mayor Bradley A. Olch

Attest:

Janet M. Scott, Deputy City Recorder

Approved as to form:

Mark D. Harrington, Asst. City Attorney

PARK CITY SUMMIT COUNTY UTAH
CORPORATE
Seal
MARCH 1, 1884

AGREEMENT BETWEEN ST. MARY OF THE ASSUMPTION CATHOLIC CHURCH AND PARK CITY MUNICIPAL CORPORATION RELATING TO DESIGN CRITERIA

WHEREAS, the City Council of Park City Municipal Corporation has determined that an annexation of approximately 5.21 acres owned by St. Mary of the Assumption Catholic Church and located near the intersection of White Pine Canyon and S.R. 224 is deemed premature at this time; and

WHEREAS, St. Mary of the Assumption Catholic Church has agreed to cooperate with Park City Municipal Corporation in an effort to mitigate certain various design issues; and

WHEREAS, Park City Municipal Corporation has agreed to not seek annexation for a period of three years and that, should the church parcel be annexed it would be done so at no cost to the Church; and

WHEREAS, St. Mary's Catholic Church has agreed to not protest any such annexation contingent upon such negotiations being in conformity with Utah State Statutes with respect for the rights of all property holders, and with due consideration of all costs incurred as a result of the refusal of Park City to annex St. Mary's parcel at this time, St. Mary's Catholic Church does hereby agree to the following:

NOW THEREFORE, PCMC and St. Mary's Catholic Church, based upon mutual considerations herein, the sufficiency of which is hereby acknowledges, do hereby agree as follows:

1. All exterior lighting on the building and in the parking lot, sidewalks and entryways will be muted and in conformity with Park City's lighting regulations.

2. Right-hand turning movements only will be allowed for access to the Church parking lot from S.R. 224.

3. A 10-foot wide trail easement adjacent to S.R. 224 will be included in the Church's master plan.

4. Landscaping will be provided by the Church to screen the parking lot at the east and south aspects of the property.

5. If a monument sign is installed, it will be no more than 6-feet tall, and will be in conformity with Park City's Sign Code.

St. Mary of the Assumption Church

Fath Robert J. Bussen

Date: May 1, 1995

Shirley A. Mares

Notary Public
SHIRLEY A. MARES
27 C Street
Salt Lake City, Utah 84103
My Commission Expires
October 20, 1998
State of Utah

STATE OF UTAH)
: ss
COUNTY OF SUMMIT)

On this 24th day of May, 1995, personally appeared before me R. J. Bussen personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed on the preceding Agreement, and acknowledged to me that he/she signed it voluntarily on behalf of St. Mary's Catholic Church.

Shirley A. Mares

Notary Public
SHIRLEY A. MARES
27 C Street
Salt Lake City, Utah 84103
My Commission Expires
October 20, 1996
State of Utah

Park City Municipal Corporation

Bradley A. Olch, Mayor

Date: June 29, 1995

ATTEST:

Anita Sheldon

Anita Sheldon, City Recorder

Approved as to form:

Mark Harrington, Assistant City Attorney