PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 31, 2008

PUBLIC NOTICE IS HEREBY GIVEN that the City Council of Park City, Utah will hold its regularly scheduled meeting at the Library and Education Center, Room 205, 1255 Park Avenue, Park City, Utah for the purposes and at the times as described below on Thursday, July 31, 2008.

Closed session
3:30 p.m. Property and personnel

Work Session
5:00 p.m. Council questions and comments
5:20 p.m. Wind turbines at Quinns P. 4 - 19
5:50 p.m. Break

Regular Meeting
6:00 p.m.
I ROLL CALL

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

IV WORK SESSION NOTES AND MINUTES OF MEETINGS OF JULY 10, 2008 AND JULY 17, 2008 P. 20 - 34

V RESIGNATIONS AND APPOINTMENTS

Appointment of Sharon Bauman as Deputy City Recorder

VI OLD BUSINESS *(Continued public hearing)*

Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR 248 and US40 Interchange in the Quinns Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and amending the Official Zoning Map of Park City to zone the property in the Community Transition Zoning District (CT)
(a) Public hearing
(b) Motion to continue to August 7, 2008

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of an Ordinance to approve a plat amendment at 408 & 412 Deer Valley Drive Loop Road, Park City, Utah

(a) Public hearing

(b) Motion to continue to August 7, 2008

2. Public hearing on the issuance of approximately $10,000,000 Sales Tax Revenue Bonds, Series 2008 and any potential economic impact that the improvements financed with the proceeds of said bonds may have on the private sector P. 37 - 39

3. Consideration of a Master Festival License and partial street closure of Main Street for the Austin Healy Car Show to be held on August 16, 2008 P. 40 - 46

(a) Public hearing

(b) Action

4. Consideration of an Ordinance approving the Second Amended Subdivision for the Intermountain Healthcare Park clity Medical Campus/USSA Headquarters and Training Facility, located at 900 Round Valley Drive Plat Amendment, Park City, Utah

(a) Public hearing P. 47 - 57

(b) Action

5. Consideration of a Professional Services Agreement in the amount of $79,960 for preparation of the SR-248 Corridor Plan, in a form approved by the City Attorney

P. 58 - 72

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

IX ADJOURNMENT

A majority of City Council members may meet socially after the meeting. If so, the location will be announced by the Mayor. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

Posted: 07/28/08

See: www.parkcity.org

Note: This future meeting schedule is TENTATIVE and subject to change.
PARK CITY COUNCIL TENTATIVE MEETING SCHEDULE

July 2008
31 **Jan and Joe gone**
August 2008
7 Quarterly goal update
Joint Planning Commission work session – Historic Distsrict
460 Swede Alley condo conversion
Professional services contract for the Richardson Flats Road construction in the amount of $_____, in a form approved by the City Attorney.- KC
Consultant lobbying services contracts in the amount of $___, in a form approved by the City Attorney
Snow Creek MPD appeal
14-15 Management Team meeting – Zermatt, Midway
14 **No meeting**
21 Municipal carbon footprint report – work - DF
Snow removal discussion - PE
Water supply/demand update
7447 Royal Street #351 amendment to record of survey plat - BR
Appeal of denial for steep slope CUPs - King Ridge Estates, Lots 1 – 3, 158, 162, and 166 Ridge Avenue
28 State of the Sundance Film Festival at Silver Star – 4 p.m.
Farm trail update (20 min)
Deed restrictions for Snow Creek affordable housing project – PR
Affordable housing resolution
460 Swede Alley condo conversion – KW
September 2008
1 Labor Day
3-7 City Tour
4 **No meeting**
11
18
25 City-wide wireless – SR

Pending Items:
Resolution - Trails Master Plan
Carrying capacity/market analysis survey
Wild land interface issues

City Council Staff Report

Subject: Quinn's Junction Wind Project
Author: Crystal Ward
Department: Sustainability Department
Date: July 31, 2008
Type of Item: Informational

Summary Recommendation:
Direct staff to pursue a Special Exception from the Board of Adjustment allowing a 70 foot high tower with two (2) anemometers to temporarily conduct testing in the Quinn's Junction area for a six (6) month period. Testing will determine wind resource potential at the site and will provide information for acquisition and installation of a wind turbine. Staff will then return for direction from Council regarding whether to install a wind turbine and pursue Land Management Code amendments to allow this use.

Description:
Topic: City Council's review of implementation options for the Quinn's Wind project.

Background:

In 2006, the City Council provided direction to evaluate placing three (3) thirty-five foot high Skystream 3.7 wind turbines adjacent to the Park City Ice Arena with the intent to:

1. Take a leadership role in the promotion of sustainable energy by promoting both energy efficiency and renewable energy for Park City Municipal and the community (Wind Power Resolution, November 2003);
2. Educate the public regarding alternative energy sources (Analysis, City Council Staff Report, June 29, 2006);
3. "Pursue model environmental sustainability projects that are working symbols of the city's commitment" (part of Environmental Policies, Environmental Initiatives, Resolution No. 7, March 2, 2006); and
4. "Continually improve the efficient use of all energy resources in order to ensure a future with a secure and sustainable energy supply" (Environmental Initiatives, Resolution No. 07, March 2, 2006).

Additionally, the energy generated by the three wind turbines was intended to offset the electricity needed to charge the rink's Ukko, the electric ice resurfacing machine. The Ukko is estimated to require approximately 48 kW of electricity per day. The three Skystream 3.7 turbines are specified to produce approximately 400 kW each per month (approx. 13 kW per day), at optimal wind speeds of 12 to 20 mph; accounting for nearly 80% of the Ukko's annual energy consumption. Benefits of the Skystream 3.7 turbine include its small size, silent operation, grid-connectivity capabilities, gearless alternator (operates on a brushless permanent magnet), simple installation and aesthetic qualities.

Two locations on the original Recreational Open Space (ROS) zoned site were considered for turbine placement: on the hillside adjacent to the facility and in the facility's parking lot, atop lighting poles. Wind resource assessments were planned through the winter of 2006-07 to ascertain which of the two locations had optimal average wind speeds of 12 to 20 mph. To allow consideration of such uses in the ROS zone, the Planning Department drafted Land Management Code (LMC) amendment language specific to wind turbines and wind resource measuring towers (anemometers). As of yet, these amendments have not been considered by the City Council.

Concurrently, Park City was awarded $30,000 from Rocky Mountain Power's Blue Sky Fund for "help in funding the small wind project planned for the open space hillside adjacent to the Park City Ice Arena." Blue Sky Project Manager, Rhonda Rassmussen "expects projects to come on-line within two years of receiving the funding award." Therefore funds are expected to be expended by the fall/winter of 2008.

However, due to conflicts with the deed restrictions applicable to the original property, staff sought an alternative location for the wind turbines within the Ice Arena vicinity.

In December 2006, the City Council directed staff to collect potential energy output data for any alternative location via a wind resource assessment.

Analysis:

Alternative Site Selection:

Per Council's direction, staff sought an alternative location for wind turbine(s) in the Park City Ice Arena vicinity. To assist in this process, staff consulted Morgan Farley-Churst, Wind Energy Consultant and Project Manager with GPCo.

The original wind turbine model specified is the small-scale residential use Skystream 3.7, specified to produce 1.9 kW at optimum wind speeds of 12 – 20 mph. Please see Exhibit A: Wind Turbine Siting Diagrams. Because optimal wind speeds are achieved by tower siting and turbine height, the alternative site selection is based on the following criteria:

1. City owned property free of deed restrictions, conservation easements, etc;
2. Unobstructed from tall buildings and trees; and
3. Predicted potential wind resources.

Staff's recommended location is on Lot 5 of the IHC/USSA Subdivision, which was dedicated to the City through the subdivision's annexation and platting process. See Exhibit B: Site Plan (with topo). Coordinates of the proposed tower location are latitude 40 degrees North, 41`; longitude 111 degrees West 28`.

In addition to meeting the above three criteria, the site is zoned Community Transition (CT). The height restriction in the CT zone is twenty eight feet (28') from existing grade. Allowed uses in the CT zone include:

A. Conservation Activity, defined in the LMC 15-15-1.55. as "a process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources;" and
B. Conditional Uses, including
    (2) Public, Quasi-Public, Civic, Municipal Uses
    (16) Municipal/Institutional Accessory Building and Use; and
    (18) Public Utility or Essential Services.

Parameters: Rocky Mountain Power Blue Sky Fund Award:

The award is contingent on an original project agreement detailing the installation and grid-connection of three (3) Skystream 3.7 wind turbines. Their placement was, at the furthest point, approximately 360 feet from the Ice Arena (Exhibit B: Site Plan). The $30,000 award was estimated to cover gross costs of the project including turbines, towers, installation, and grid-connection/construction at the originally proposed locations.

The recommended alternative site is approximately 1500 feet from the Ice Arena (see Exhibit C: Alternative site trenching plan). Because construction costs for grid-connection are determined by trenching distance and required conduit/wire size (wire size and cost increases with distance, to avoid energy loss), the recommended site's associated costs are significantly higher than that of the original project. This cost differential threatens the possibility to acquire three (3) wind turbines with the awarded funds, as originally planned. Staff has therefore re-evaluated the project's scope under the following.

Implementation Options:
The following are proposed for Council's review:

Option 1: Install a 28 foot high tower with one (1) anemometer.

- Measure wind resource capacity at recommended site for six (6) months.
- Approximate cost (includes materials, installation and data acquisition): $12,000 of $30,000 Rocky Mountain Power's (RMP's) Blue Sky Fund award.
- Zoning:
  - Requires a Conditional Use Permit from the Planning Commission.

  -OR-
  - Requires amendments to the Land Management Code for wind turbines and anemometers as a Conditional Use in the CT zone.
- Pros:
  - Allowed under current code
  - Measures wind potential prior to turbine installation
  - Allows for future creation of an anemometer loan program
- Cons:
  - Height may not produce min. required wind speeds of 12 mph

Option 1 is **not recommended** due to lack of predicted wind resources at this height; Included because it is the only option currently allowed under code.

Option 2: Install a 70 foot high tower with two (2) anemometers – one at 28' high, one at 70' high (can vary)**.**

- Measure wind resource capacity at recommended site for six (6) months.
- Approximate cost (includes materials, installation and data acquisition): $14,000 of $30,000 RMP's Blue Sky Fund award.
- Zoning:
  - Requires a Special Exception approval from the Board of Adjustment for height exception and a Conditional Use Permit from the Planning Commission.

  -OR-
  - Requires amendments to the Land Management Code for wind turbines and anemometers as a Conditional Use in the CT zone.

  -AND, Phase 2: Turbine Installation -
  - Requires amendments to the Land Management Code for permanent placement of wind turbines and anemometers as a Conditional Use in the CT zone.

  Pros:
  - Measures wind potential at alternative heights, providing a strong indication of height specific wind capacity differential.
  - Measures wind potential prior to turbine installation
  - Option for turbine acquisition without additional tower purchase
- Cons:
  - No generation of electricity (measurement only)

Option 2 is **recommended** with an optional phase 2 adding a wind turbine.

Option 3: Install a 28, 42 or 70 foot high tower with a Skystream 3.7 (or similar model) turbine.

- Generate electricity at the recommended site.
- Approximate costs (includes materials, installation, and grid-connection/construction):
  - 28’ tower $41,500
  - 42’ tower $42,100
  - 70’ tower $42,800
- Zoning:
  - 28’ tower requires a Conditional Use Permit from the Planning Department.
  - 42’ or 70’ tower requires a permanent Special Exception approval from the Board of Adjustment for height exception and a Conditional Use Permit from the Planning Commission.

  -OR-
  - Requires amendments to the Land Management Code for wind turbines and anemometers as a Conditional Use in the CT zone.
- Pros:
  - Meets original project intentions of Park City Council
  - Generates electricity, meeting original agreement of RMP’s Blue Sky Fund award.
- Cons:
  - 28’ high turbine may not spin, nor produce optimal electrical wattage
  - A single turbine will produce only enough electricity to offset approximately 27% of ice resurfacing machine’s annual energy consumption.
  - Associated costs are greater than the allocated $30,000 awarded funds (should Council prefer this option, staff could return with funding options).

Option 3 is **not recommended** due to grid-connection costs incurred without the insurance of wind measurement data.

Economic Analysis:

Cost Comparison Charts:

Phase 1: Implementation Options 1, 2 & 3 as detailed above

	Option 1: 28’ tower with single anemometer	**Option 2: 70’ tower with two anemometers**	**Option 3: tower with wind turbine**
Wind Resource Assessment – anemometer (includes materials, installation and data acquisition)**:**	$12,000	$14,000	n/a
Wind Turbine (includes installation):	n/a	n/a	28’: $16,000 42’: $16,600 70’: $17,300
Grid-connection & construction:*	n/a	n/a	$25,500

Total:	**$12,000**	**$14,000**	**28': $41,500** **42': $42,100** **70': $42,800**

Optional Phase 2: Turbine Installation on Options 1 & 2

	Option 1: 28' tower with wind turbine	**Option 2: 70' tower with wind turbine**	**Option 3: tower with wind turbine**
Addition of Wind Turbine (includes materials and installation)**:**	$5,900	$5,900	n/a
Grid-connection & construction:*	$25,500	$25,500	n/a
Total:	**$31,400**	**$31,400**	**n/a**

**Grid-connection/construction and all wiring costs are based on distance of turbine tower to the Ice Arena's electrical panel.*

Grand Cost Comparison: Options 1, 2 & 3

	Option 1: 28' tower with single anemometer; added wind turbine	**Option 2: 70' tower with two anemometers; added wind turbine**	**Option 3: tower with wind turbine**
Phases 1 & 2 Total:	**$43,400**	**$45,400**	**28': $41,500** **42': $42,100** **70': $42,800**

<u>Potential of a separate alternative site:</u>
Due to the high grid-connection/construction costs associated with the recommended site, staff has explored locations closer in proximity to the Ice Arena that are also suitable to wind measurement and turbine placement.

The parcel just south of the recommended alternative site is owned by IHC (Lot 2). Like the recommended site, it is zoned CT and has identical allowed uses under the LMC. Exhibit E: Separate Alternative Site: IHC's Lot 2.

Its proximity to the Ice Arena would allow for a significant reduction in grid-connection costs, should a wind turbine be installed. The location on IHC's Lot 2 is approximately 720 feet from the rink's electrical panel, compared to the 1500 foot distance of the currently recommended site (on City owned property). See trenching detail on attached site plan. Estimated grid-connection savings are between $10,000 and $18,000.

Discussions between staff, Council liaisons (Dana Williams and Liza Simpson), and IHC management will commence on Monday, August 4th. Staff will report back to Council should IHC's Lot 2 be an option for wind measurements and turbine placement. Should IHC approve, Implementation Option 2: Install a 70 foot high tower with two (2) anemometers – one at 28' high, one at 70' high is still recommended by staff.

Significant Impacts:

<u>Community/Public Perception:</u>

- There may be public resistance to a wind turbine or anemometer tower at this location. Research shows that small-scale wind turbine projects, like this one, are less likely to face community resistance than large-scale projects. The Park City Ice Arena turbines, with their educational function and potential energy offset, are anticipated to receive more support than resistance. However, should the turbines not continuously spin, it is likely that the public will question their functionality.

<u>Visual Impact:</u>

- Visual analysis for each proposed option is attached: Exhibit D.
- Located on the S.R. 248 entry corridor, the project will be highly visible. The visual impact of towers with turbines will be greater than that of a tower with an anemometer. While such visibility is considered a benefit in regard to project intent, the proposed tower location is nonetheless visually obstructed by the USSA and IHC facilities, as both structures are large-scale. Sightlines from distant points on I-40, as well as that from the on-off ramp to S.R. 224, are those most obstructed. The wind tower location is most visible from S.R. 248 (from Kamas, Utah) until the on-off ramp section of I-40 is reached, and from the southern portion of S.R. 248, outbound from Park City, until the Richardson Flats road is reached.
- Federal Aviation Administration mandates to not require nighttime lighting on a structure under 200 feet tall.

<u>Environmental Impact:</u>

- Based on the implementation option selected, installation will have varied environmental impacts. All turbine and anemometer components, and the majority of tower components, are lightweight and can be carried to the site on foot. In the circumstance that a vehicle is required for installation, the existing dirt road accessed off National Ability Center Way and/or the newly paved road connecting the Ice Arena and the IHC Medical campus could be utilized to avoid significant site impact.
- If a wind turbine is installed, approximately 1500 feet of trenching will be necessary to connect to the existing utility grid. Utilities will be buried.
- Any physical impacts that contradict the ‘environmental friendly’ image portrayed by wind turbines will be avoided.

Issues for Discussion:

- Council’s preferred implementation option.
- Would the City Council like to see an amendment to the Land Management Code to allow wind turbines as a Conditional Use in certain zones including, but not limited to, the Community Transition zone?
- Should the IHC lot be an option for tower placement, would Council prefer testing to occur at that site rather than at the City owned Lot 5 location?
- The purchase of an anemometer and tower could facilitate the creation of a loan program. Is this of interest to the Council in regard to the promotion of sustainable energy and public education?

Department Review:

All applicable departments (Sustainability, Planning, Public Works, Ice and Fields and Legal) have reviewed the proposed implementation options and their comments have been incorporated within this report.

Recommendation:

Staff recommends Option 2: Temporary installation of a 70 foot high tower with two (2) anemometers to determine the alternative site’s wind resource potential by obtaining a Special Exception from the Board of Adjustment for the additional height. This recommendation avoids expenses beyond those awarded by RMP’s

Blue Sky Fund, and provides data to later inform Council about a decision to acquire and install a wind turbine.

Consequences of not taking the recommended action:

- Continuation would postpone project timeline and risk not meeting RMP's Blue Sky Fund expectation of being on-line by fall/winter 2008.
- Staff cannot apply for additional awards from the Blue Sky Fund until the current grant is expended.

Exhibits (attached):

Exhibit A – Wind Turbine Siting Diagrams
Exhibit B – Site Plan (with topo)
Exhibit C – Alternative site trenching plan
Exhibit D – Visual Analysis:
    Part 1: Vantage Points
    Part 2: Vantage Point A, view from I-40, westbound
    Part 3: Vantage Point B, view from S.R. 248
        Vantage Point C, view from S.R. 248
    Part 4: Vantage Point D, view from I-40, eastbound
Exhibit E – Separate Alternative Site: IHC's Lot 2

Exhibit A - Wind Turbine Siting Diagrams

General Siting Diagram

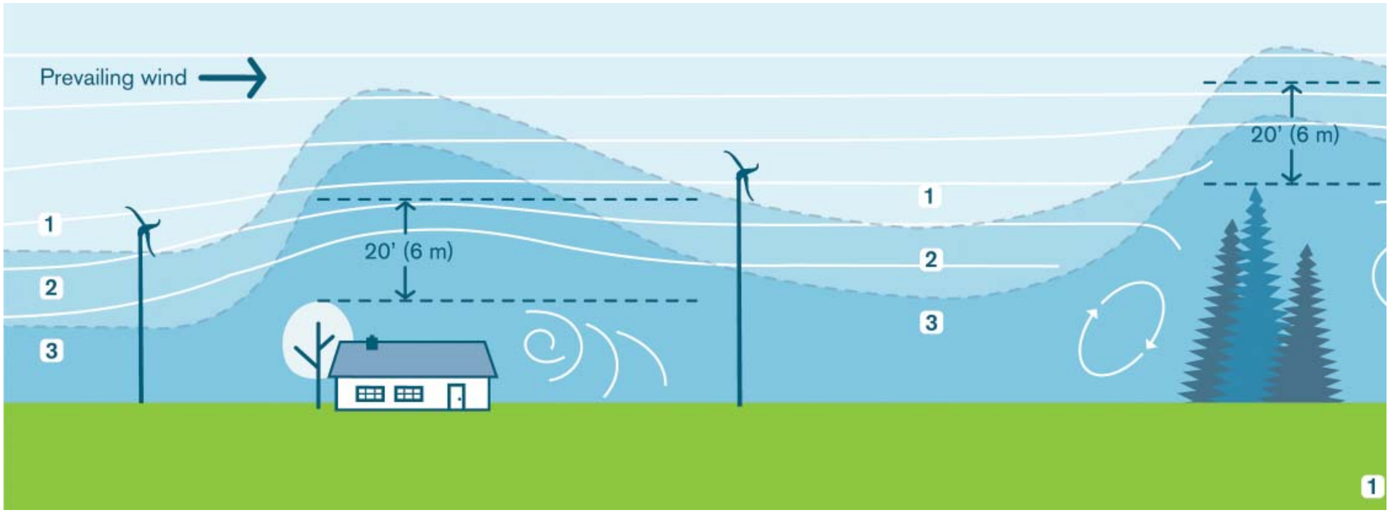


Diagram source: Southwest Windpower Consumer Guide: Siting Wind Generators

Wind Speed Diagram

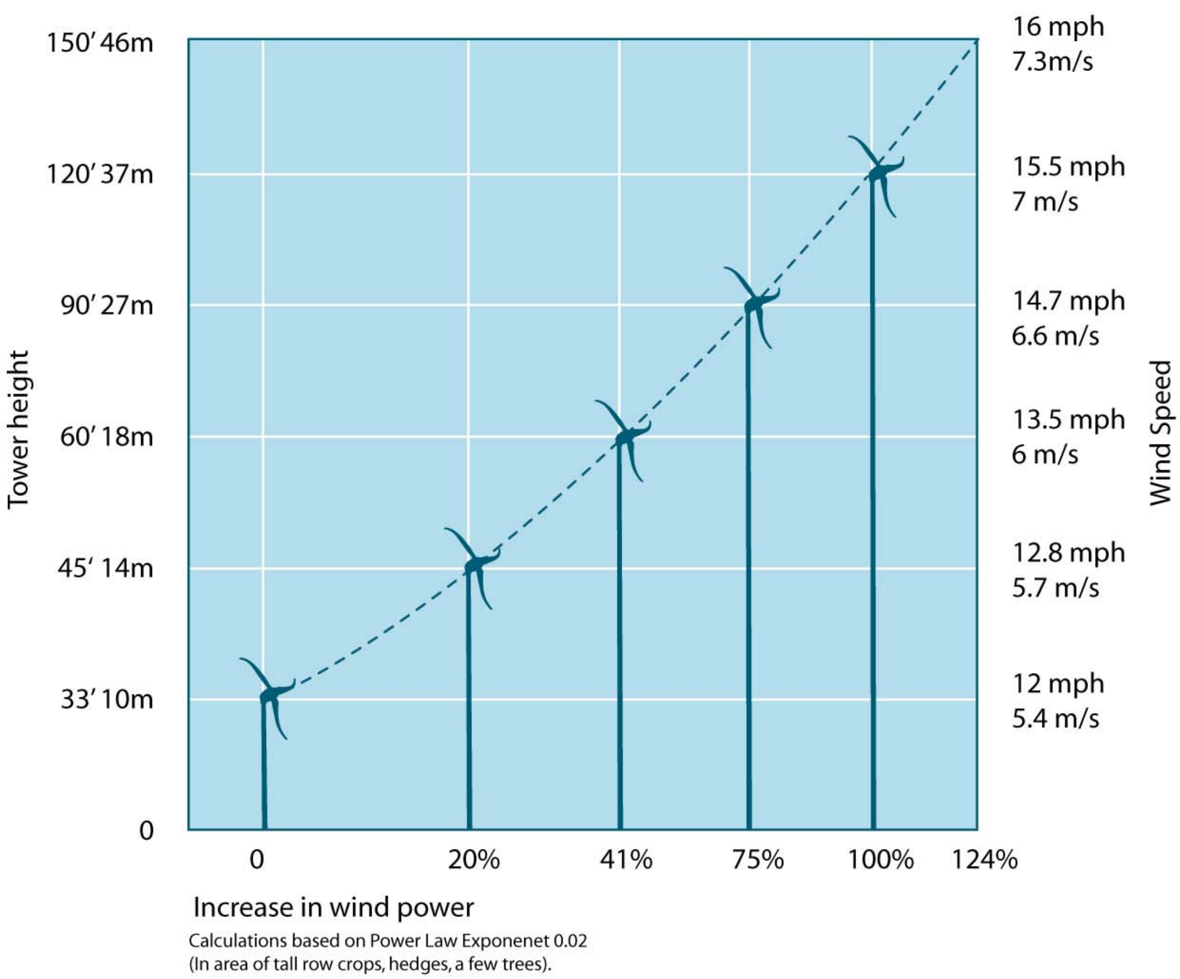


Diagram source: Southwest Windpower Consumer Guide: Siting Wind Generators

Exhibit A - Wind Turbine Siting Diagrams

Exhibit B - Site plan (with topo)

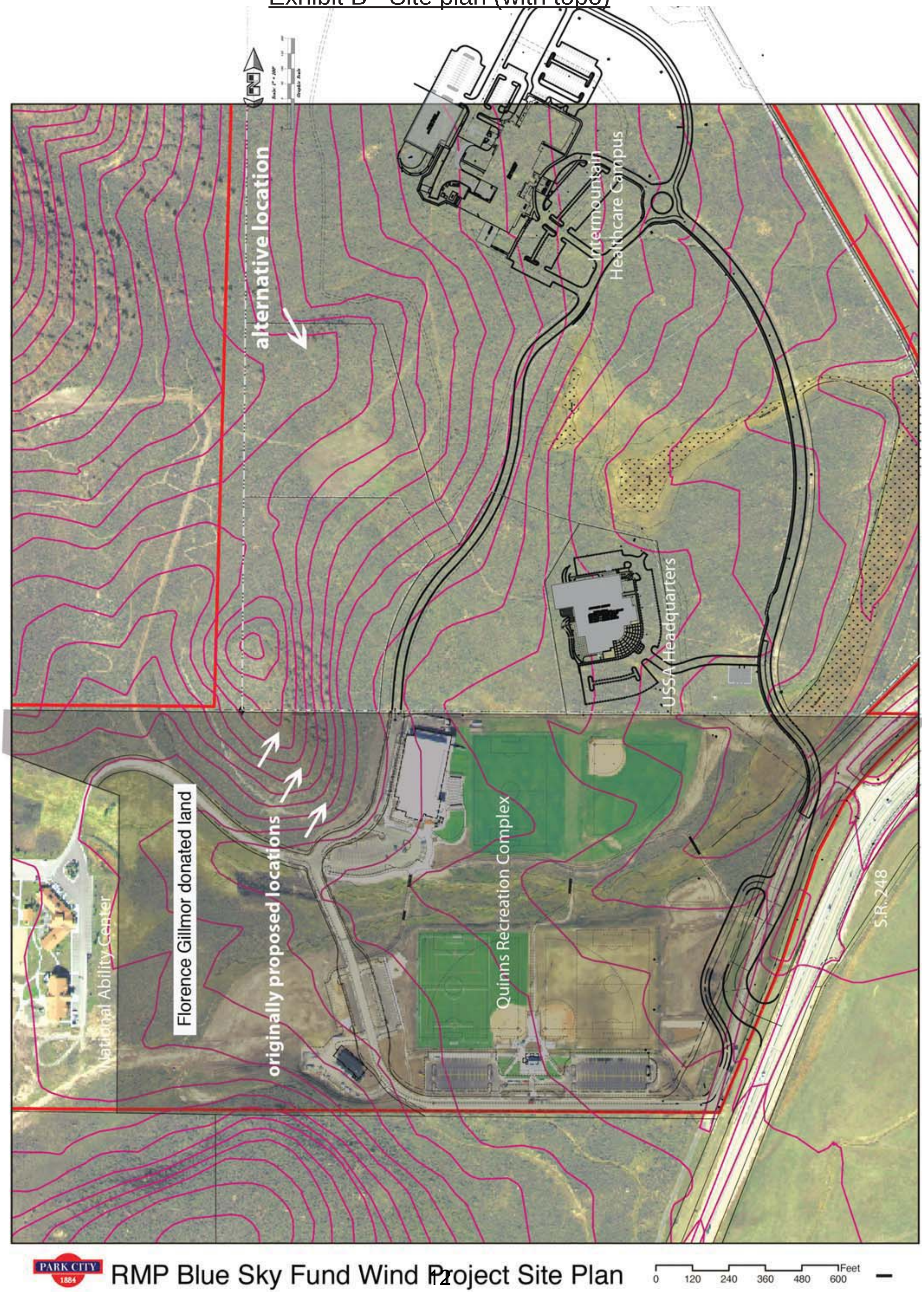
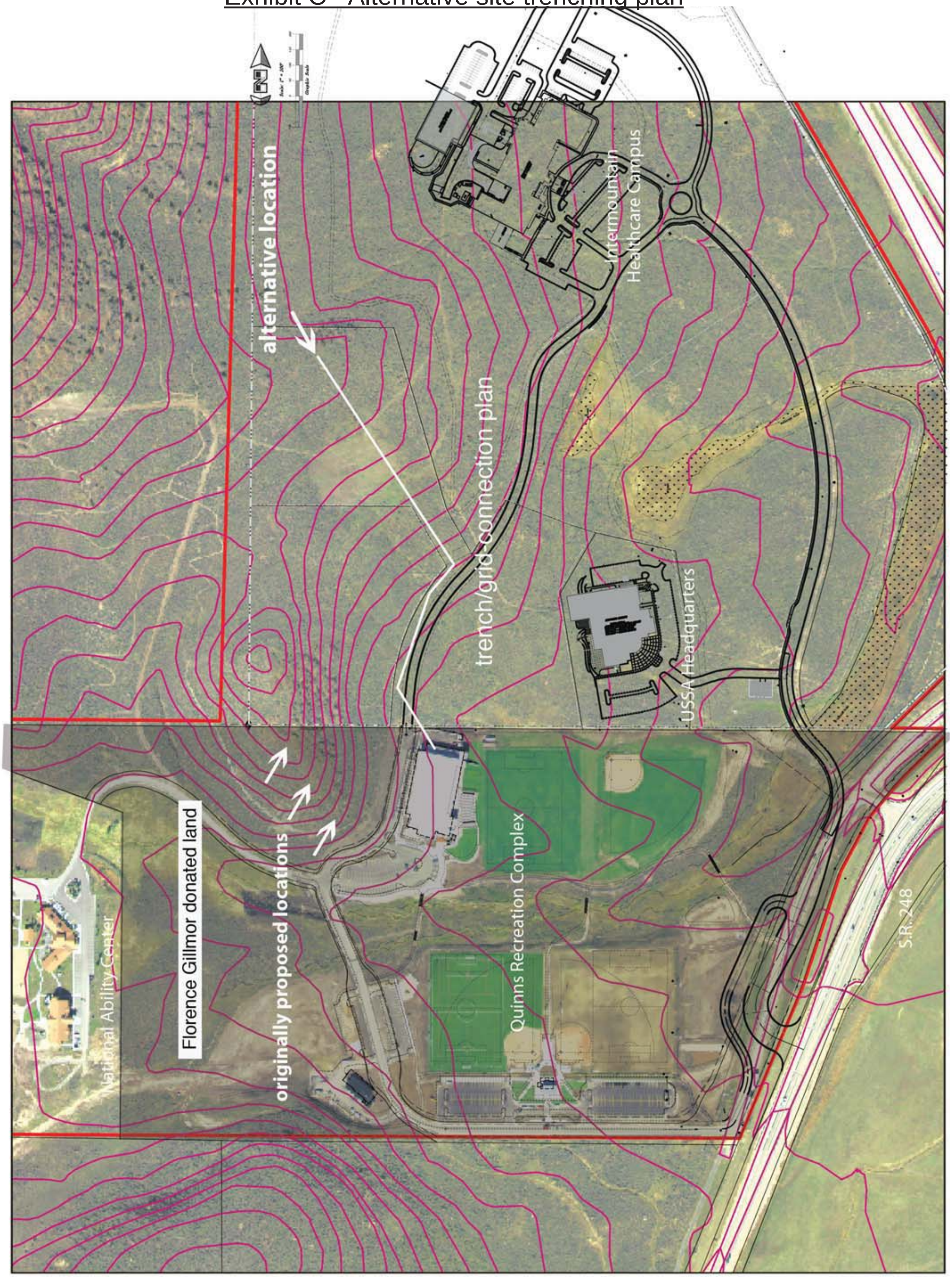


Exhibit B - Site plan (with topo)

Exhibit C - Alternative site trenching plan

Exhibit C - Alternative site trenching plan



RMP Blue Sky Fund Wind Project Site Plan

0 120 240 360 480 600 Feet

Exhibit D - Visual Analysis - Part 1: Vantage Points

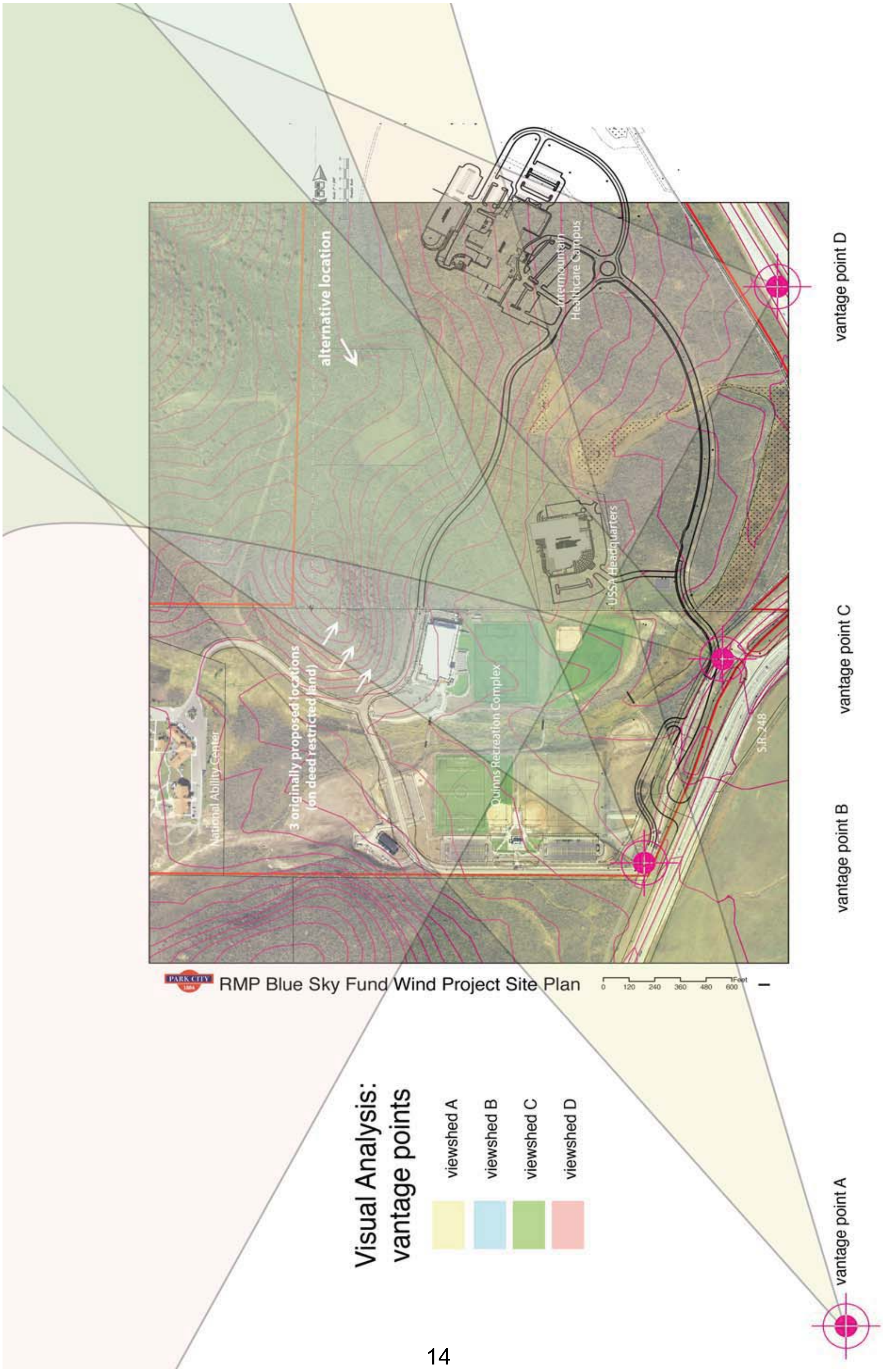
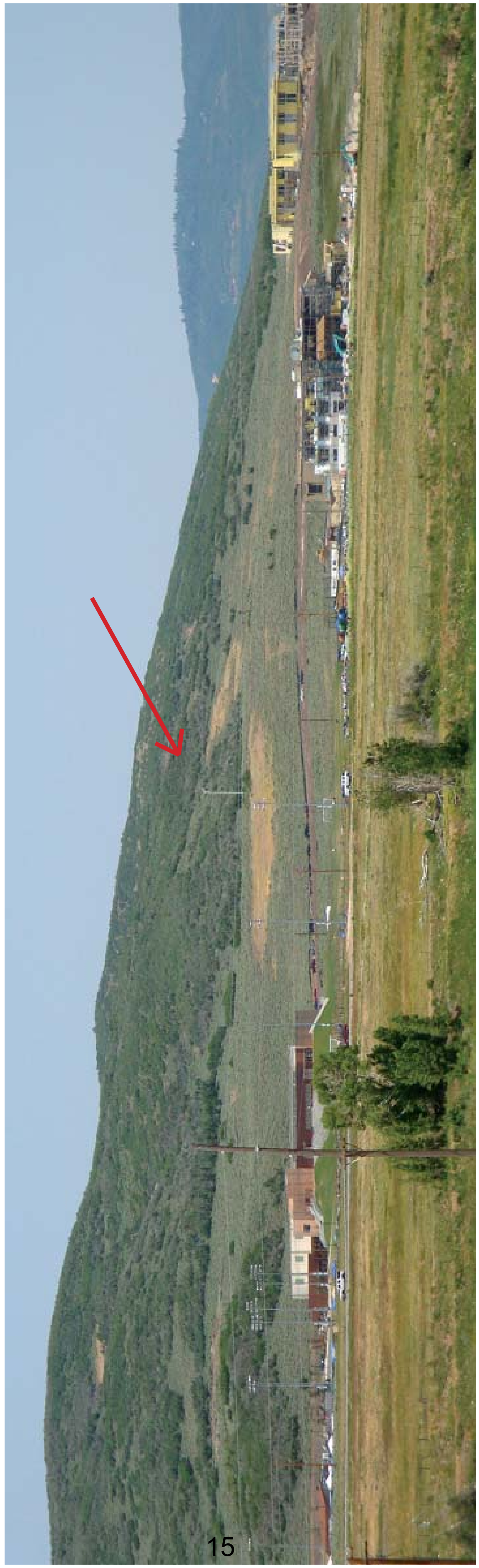


Exhibit D - Visual Analysis - Part 2: Vantage Point A, view from I-40 westbound

Exhibit D - Visual Analysis - Part 2: Vantage Point A, view from I-40 westbound



Vantage point A: 70’ high turbine

<u>Exhibit D - Visual Analysis - Part 3: Vantage Point B, view from S.R.248</u>

Exhibit D - Visual Analysis - Part 3: Vantage Point B, view from S.R.248

Vantage point B: 70' high turbine

Exhibit D - Visual Analysis - Part 3: Vantage Point C, view from S.R.248

Vantage point C: 70' high turbine

Exhibit D - Visual Analysis - Part 4: Vantage Point D, view from I-40 eastbound

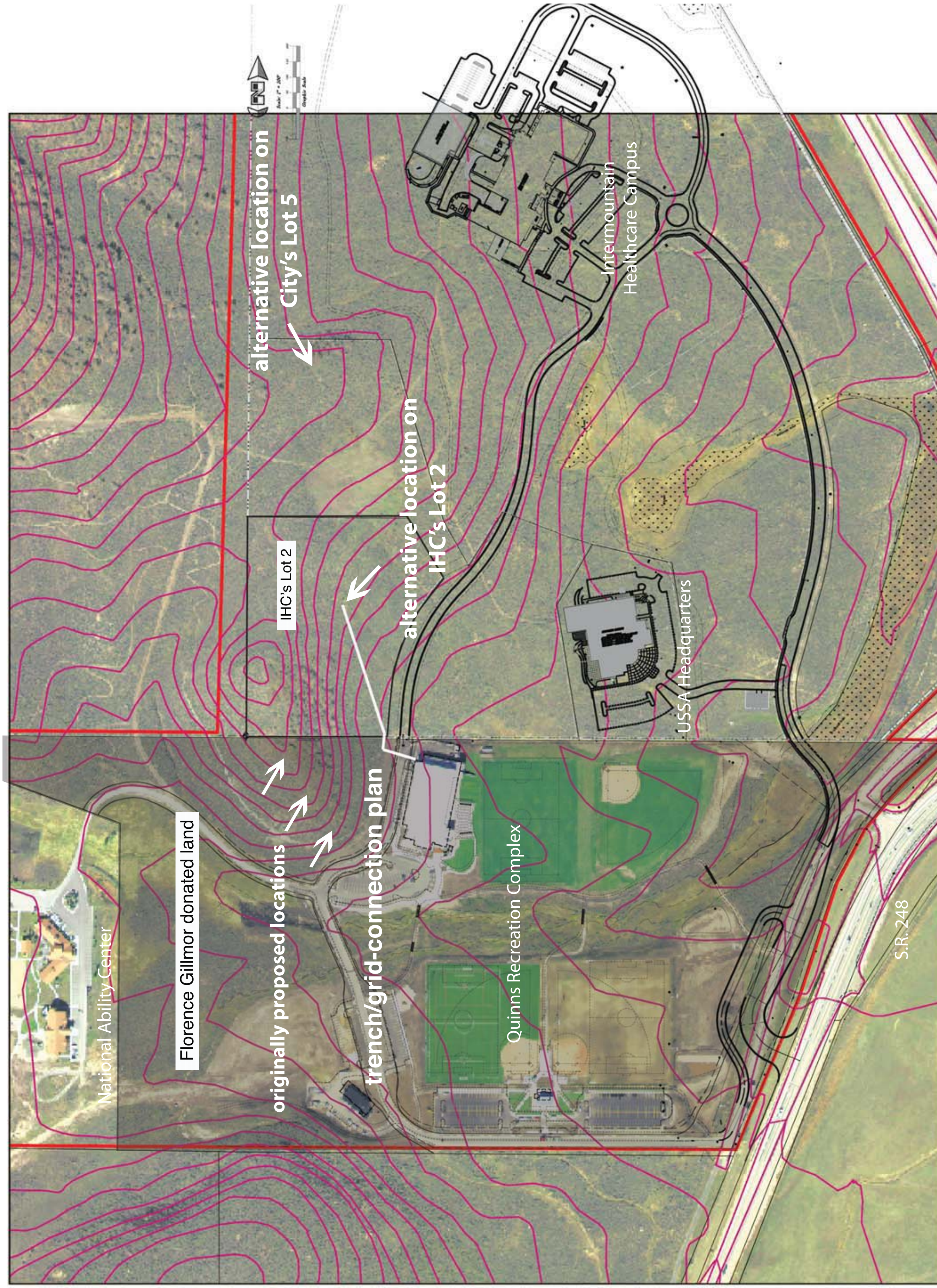
Exhibit D - Visual Analysis - Part 4: Vantage Point D, view from I-40 eastbound

Vantage point D: 70' high turbine

Vantage point D (zoom 200%): 70' high turbine

Exhibit E - Separate Alternative Site: IHC’s Lot 2

Exhibit E - Separate Alternative Site: IHC’s Lot 2



Separate Alternative Site Plan, IHC Lot 2

0 120 240 360 480 600 Feet

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 10, 2008

Present: **Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Joe Kernan; and Liza Simpson**

Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Jon Weidenhamer, Economic Development Manager; Tamara Lindsay, Water Analyst; and Kathy Lundborg, Water Manager

Bob Kollar, Special Events Contractor

Absent: **Council member Jim Hier**

1. Council questions/comments. Members commented on meetings attended during the week and associated business. Comments were made on street work and the great job Special Events is doing with all of the activities occurring in town. The Mayor discussed a productive meeting with Utah Power about relocating substations.

2. Special event joint venture update – Bob Kollar detailed the goals of the joint venture program initiated by the City and the Chamber and explained the distribution of his time. He highlighted a variety of applications, including both on-going and new events. With regard to supporting new events on a year-round basis, Mayor Williams expressed concerns about impacts to residents and recalled a discussion to provide some sort of break in the shoulder seasons. Jon Weidenhamer explained that staff is aware of this direction, but pointed out opportunities to schedule some special events in the shoulder seasons. Members were pleased with the information provided in Mr. Kollar's presentation and the overall success of the program.

3. Direction on future conservation revisions to Water Code - Tamara Lindsay discussed conservation programs and standards already in place and those implemented by other communities. The short term conservation goal is to reduce water consumption by 8 to 10%. The long term goal is to match the state goal of 25% reduction in per capita water use by 2050. She explained that staff continues to explore innovative ways to conserve water and referred to measures outlined in her staff report. One suggestion is to revise the watering schedule set forth in the water conservation program to be twice per week instead of every other day. Another option is to formulate a landscape ordinance as part of the permit process to be in effect by spring 2009 for new construction, remodels and additions. She described possible watering and landscaping ordinance provisions, including limiting turf to 50% or less of the total landscaped area. A third alternative is researching and implementing water budget rate structures for customers which defines volume allotments based on customer-specific characteristics and conservation resource standards to encourage the efficient use of water. Ms. Lindsay emphasized that a significant amount of research will be required to design a water budget rate system to ensure equitability to all City customers. Council members Harlan and Kernan expressed interest in the landscaping ordinance approach.

Ron Ivie emphasized the difficulty in enforcing the City's current landscaping rebate program. The problem lies specifically with monitoring permitted landscaping over a period of time when subsequent buyers of the property may expand the landscaping and associated water rebate fees can not be collected by the City. He strongly encouraged approaching conservation *at the meter*.

Kathy Lundborg added that increased water user fees are beginning to make a difference in heightening the level of water conservation in the community.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 10, 2008

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, July 10, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Joe Kernan, and Liza Simpson. Jim Hier was absent and excused. Staff present was Tom Bakaly, City Manager; Polly Samuels McLean, Assistant City Attorney; Ron Ivie, Chief Building Official; Katie Cattan, Planner; Bret Howser, Budget Analyst; Tamara Lindsay, Water Analyst; and Kyle MacArthur, Water Worker.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. Historic District Guideline meetings – Katie Cattan explained the schedule of meetings to be held on the draft Guidelines in Room 205 Library and Education Center, on July 14, 2008 at 6:00 p.m., July 16, 2008 at 6:00 p.m.; July 23, 2008 at 5:30 p.m.; August 7, 2008 TBD; and August 13, 2008 at 5:30 p.m.

2. Rail Trail sinkhole – Ron Ivie stated that the City continues to monitor the situation and relayed that sometimes sink holes are caused by the collapse of mine shafts, but staff believes that this one may have been caused by an earthquake.

3. Administration of Oath of Office - Wade Carpenter, Chief of Police – The Mayor administered the oath of office to the new Police Chief, Wade Carpenter.

III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

1. Snow Creek affordable housing - Dolly Makoff, Thaynes Canyon resident, expressed concerns about the location of the Snow Creek affordable housing project It is a natural site that should not be disturbed. She emphasized that she is not opposed to affordable housing, but is against this project; she can't understand how the Council could approve something like this. The housing should be built some place else.

Mira Strachan, Thaynes Canyon resident, agreed with Ms. Makoff's comments and pointed out that the wildlife and wetlands in the area will be negatively impacted. The property should be left as open space.

Judy Hale, McLeod Creek resident, agreed with previous comments. The property is pristine and other areas would be more conducive to affordable housing. She questioned the decision to build housing at the Snow Creek location and felt that citizens may not support future open space bond initiatives because of the development of this property.

Candace Erickson emphasized that there are no other City-owned properties available to construct affordable housing and the Snow Creek property was not purchased with open space proceeds. She further explained that properties purchased with bond proceeds are preserved as open space, but understood how adjacent neighborhoods must feel about the Snow Creek site.

Mayor Williams stated that this project has been discussed in many public meetings over a two year period and the Planning Commission approval rendered last night can be appealed to the City Council, if so desired.

2. 408 & 412 Deer Valley Drive plat amendment - Ed Brophy, resident, acknowledged that this plat amendment is recommended to be continued tonight. However, he asked that the record reflect his concern about potential snow storage problems if this project proceeds. He was encouraged to meet with the planning staff.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 19, 2008 AND WORK SESSION NOTES OF JOINT PLANNING COMMISSION CITY COUNCIL MEETING OF JUNE 13, 2008

Joe Kernan, "I move approval of the work session notes and minutes of the meeting of June 19 and the work session notes of the joint Planning Commission City Council meeting of June 13". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

V RESIGNATIONS AND APPOINTMENTS

1. Consideration of the appointment of Martin Fox and Jennifer Johnson and reappointment of Charles Neal to the Police Complaint Review Board for terms expiring July 2010 – The Mayor requested a motion to approve. Liza Simpson, "I so move". Candace Erickson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

2. Consideration of the appointment of Shaun Jackson, Veronica Miller, and Pat Ball to the Library Board for terms expiring July 2011 – The Mayor recommended approval of the appointments. Roger Harlan, "I so move". Joe Kernan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

3. Consideration of the appointment of Bob Peek and Greta Church and reappointment of Rhoda Stauffer and Julie Hopkins to the Public Art Advisory Board for terms expiring July 2010 – The Mayor requested a motion to approve. Candace Erickson, "I so move". Liza Simpson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

VI NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. Consideration of a plat amendment for 900 Round Valley Drive, Park City, Utah (IHC) – The Mayor opened the public hearing and with no comments from the audience, closed the hearing and requested a motion to continue to July 31, 2008. Roger Harlan, "I so move". Joe Kernan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

2. Consideration of a plat amendment for 408 & 412 Deer Valley Drive Loop Road, Park City, Utah – See public input comment. The Mayor opened the public hearing and with no comments, closed the hearing. Candace Erickson, "I move to continue the plat amendment for 408 & 412 Deer Valley Loop Road to July 31, 2008". Roger Harlan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

3. Consideration of an Ordinance approving the 543 Woodside Avenue Plat Combining Lots 11 and 12 of Block 28 of the Park City Survey, Park City, Utah -

Planner Katie Cattan explained that the applicant is the owner of Lots 11 and 12 of Block 28 of the Park City Survey. Each lot is 25 feet wide and 75 feet deep and by combining the two lots, the new area of the proposed single lot would be 3,750 square feet. She pointed out the historic home which currently sits on a lot line on the property. This structure will be reconstructed due to the failing current condition of the home. Compliance with the Land Management Code and Historic District Guidelines, as well as approval of a steep slope CUP by the Planning Commission are required actions prior to issuance of a building permit. The Mayor opened the public hearing; there were no comments.

Candace Erickson, "I move approval of an Ordinance approving the 543 Woodside Avenue Plat Combining Lots 11 and 12 of Block 28 of the Park City Survey". Liza Simpson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

4. Consideration of an Ordinance approving the First Amended Agio 260 Condominium Record of Survey Plat located at 260 Main Street, Park City, Utah - Planner Cattan explained that two changes to the original plat triggered the necessity of recording a new plat. The structure of the building was changed slightly for engineering purposes and to accommodate electrical lines. Also, a portion of the basement floor area designated to be common area was changed to a convertible area for storage. The Planning Commission forwards a positive recommendation. The Mayor opened the public hearing and with no input from the audience, closed the hearing. Joe Kernan, "I move approval of an Ordinance Approving the First Amended Agio 260 Condominium Record of Survey Plat". Candace Erickson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

5. Consideration of a Resolution authorizing the issuance and sale of not more than $10,000,000 aggregate principal amount of sales tax revenue bonds, Series 2008; and related matters – Bret Howser explained that the parameters resolution relates to the sales tax bond issuance for Old Town street construction projects. The Mayor invited public input; there was none. Roger Harlan, "I move approval of a Resolution authorizing the issuance and sale of not more than $10,000,000 aggregate principal amount of sales tax revenue bonds, Series 2008". Joe Kernan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

6 Consideration of Ordinance amending Title 13, Chapter 1 of the Water Code – Tamara Lindsay explained that that the amendment is necessary to update the existing Water Code which does not address critical issues related to control of backflow and cross connections. The State of Utah requires that these controls be outlined in the Code to ensure the protection of the water system and the quality of the City's water supply. Kyle MacArthur discussed protecting the public's water supply by supporting a backflow prevention program. The Mayor opened the public hearing.

Alex Butwinski, resident, expressed his support of the Water Code amendment.

With no further public input, the Mayor closed the public hearing. Joe Kernan, "I move to approve an Ordinance amending Title 13, Chapter 1 of the Water Code". Liza Simpson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

VIII ADJOURNMENT

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

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Candace Erickson, Roger Harlan, Joe Kernan, and Liza Simpson. Jim Hier was absent and excused. Staff present was Tom Bakaly, City Manager; Brook Moss, Human Resources Analyst; Polly Samuels McLean, Assistant City Attorney; Jerry Gibbs, Public Works Director; Myles Rademan, Public Affairs Coordinator; Phyllis Robinson, Public Affairs Manager; and Diane Foster, Sustainability Manager. Joe Kernan, "I move to close the meeting to discuss property and personnel". Candace Erickson seconded. Motion carried.

The meeting opened at approximately 5 p.m. Roger Harlan, "I move to open the meeting". Joe Kernan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Absent
Joe Kernan	Aye
Liza Simpson	Aye

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

Prepared by Janet M. Scott

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Janet M. Scott, City Recorder

PARK CITY COUNCIL WORK SESSION NOTES
SUMMIT COUNTY, UTAH
JULY 17, 2008

Present: **Mayor Dana Williams; Council members Candace Erickson; Roger Harlan; Jim Hier; and Joe Kernan**

Tom Bakaly, City Manager; Mark Harrington, City Attorney; Diane Foster, Sustainability Manager; Phyllis Robinson, Public Affairs Manager

Absent: **Council member Liza Simpson**

1. Council questions/comments. Joe Kernan referred to Al Gore's recent initiative and asked if members are interested in setting a goal of eliminating the use of fossil fuel produced electricity within ten years. Mayor Williams emphasized that the goal has to be attainable before he supports it and Mr. Kernan felt that electricity could be achieved with wind turbines and funding. Dana Williams stated that 90% of the countries committed to the Kyoto Accord will not achieve this standard and questioned how realistic it is; the City already has goals to reduce its carbon footprint by 2012. Joe Kernan felt that it is a matter of cost and Park City can afford it. Candace Erickson asked if the idea is that the City become a utility company and/or produce wind-generated electricity and sell it back to the power company.

Diane Foster explained that Al Gore presented a proclamation today specifically challenging communities to eliminate the use of non-renewably produced electricity within the next ten years. Electricity would be produced with turbines, geo-thermal, etc. She understood Mr. Gore will be providing more details in the near future. Staff is planning on addressing Council on August 21 to review the sustainability plan and this may be something that can be considered if more information is available at that time.

Candace Erickson thanked Craig Sanchez and his staff for their support on the breast cancer fund-raiser on the golf course. Mayor Williams and Jim Hier presented Joe Kernan with a bike helmet. The Mayor extended his appreciation to everyone participating in the Historic District Guidelines process. He was contacted by the Conference for Mayors interested in featuring Park City this year, and through a presentation on the Internet, he displayed Mayors TV which highlights a variety of information about a community. This piece will be paid for and produced by the Conference of Mayors. If Council concurs, he hoped that the Chamber and Myles Rademan would be involved with video segments and assisting with the script. Members were supportive. Jim Hier asked Gary Hill to clarify conflicting information regarding the resort cities tax in the recently distributed sales tax analysis at some point.

Mayor Williams relayed that he received calls on the Snow Creek Affordable Housing Project because of misinformation in a newspaper article. Phyllis Robinson explained that last week the Planning Commission approved the MPD application for the Snow

Creek cottages, a 13 unit detached condominium project. The Commission placed standard conditions and others including performing a wildlife study on the site and he soils test was completed last week. She stated that there is a misnomer that the taxpayers are subsidizing housing costs, and she emphasized that the affordable housing in-lieu fees collected from private developers will be used for the housing. Jim Hier asked that a budget be developed for Council's information. Ms. Robinson noted that staff will return to Council on August 28 on deed restrictions on the property and an overall update of the housing resolution and in-lieu fees.

2. Scope of Community Visioning Program. The Mayor complimented Ms. Robinson on her staff report. Phyllis Robinson pointed out the importance of recognizing gathering places in creating community engagement. Staff is close on finalizing a RFP for the project and has shared this report with the Planning Commission members for their feedback. She emphasized that visioning is more about community engagement than land use, but the outcomes should help shape the General Plan and other land use decisions. Ms. Robinson referred to comments that Park City is losing its character and/or the debates over the Historic District Guidelines and staff is hoping to re-engage the community and encouraging people to share their stories. There are tangible and intangible elements that residents hold dear. She felt that a successful program will require a team approach with a multitude of talent and expertise and trying new ways to encourage public involvement. Staff is also recommending the tried and true living room sessions and using social networking sites. The team will customize its strategy for reaching out to the community, including second home owners. She emphasized that the focus will not be *what does City Hall need to fix* and pointed out that when there have been issues over time, some one always seems to step up to the plate which is how a myriad of non-profits in town were created. Non-profits represent another segment of our community and historically have made significant contributions to Park City over the past 30 years.

Ms. Robinson asked for direction of whether the RFP review panel should consist of representation from Council, Planning Commission and other organizations in town who have expressed an interest in the process. Joe Kernan asked if this will be an on-going program and Phyllis Robinson explained that community programs were held every three to five years and the last one occurred in 2002. Roger Harlan was pleased that living room meetings are contemplated to be held again and felt that the questions outlined in her report are very positive and there are some great questions. Jim Hier stated that he is concerned about inviting other organizations to design the RFP which may complicate and compromise the RFP. He felt that the City could distribute the RFP draft for comment; there was discussion about designating outreach sessions for specific groups. However, Mr. Hier felt that the Planning Commission should be asked to participate in the RFP process.

Candace Erickson asked if there are targets with regard to percentage of people reached or a segment of the community and Phyllis Robinson responded that she will rely on the consultant for advice. Ms. Erickson agreed with Mr. Hier's comments about the City formulating the RFP. Discussion ensued regarding reaching second home owners. Ms. Erickson added that a Planning Commissioner should sit on the review panel. In response to a question regarding training, Ms. Robinson explained that a few months ago the City had three staff members who attended the National Charette Institute but now she is the remaining trained person. Mark Harrington referred to specific feedback from the Planning Commission and public to hire an independent facilitator for purposes of objectivity. Mayor Williams liked the idea of an independent facilitator because the public is less likely to vent about political issues and focus more on community vision. Candace Erickson strongly felt that the City is seeking answers to its own questions. If other organizations are involved, the things that the City finds important may be missed or diluted. Joe Kernan is supportive of Council and Commission representation. He pointed out that the plan contemplates buy-in from other organizations and it should look as much like the community as possible.

Roger Harlan agreed with comments about limiting the number of individuals involved in writing and reviewing the RFP. In response to a question from Mr. Harlan, Ms. Robinson relayed that the budget is $55,000 which is reasonable and in line with other cities. He asked if there have been any negative reports or advice from other cities about what not to do and Ms. Robinson felt this may be helpful information and will follow-up.

Prepared by Janet M. Scott, City Recorder

PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
JULY 17, 2008

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Library and Education Center on Thursday, July 17, 2008. Members in attendance were Dana Williams, Candace Erickson, Roger Harlan, Jim Hier, and Joe Kernan. Liza Simpson was absent and excused. Staff present was Jerry Gibbs, Acting City Manager; Mark Harrington, City Attorney; Kirsten Whetstone, Planner; Kathy Lundborg, Water Manager; and Jim Carter, planning consultant.

II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

1. <u>Tribute to Blair Feulner</u> – Mayor Williams thanked Blair Feulner for his work in the community over the past 28 years as the Manager of Community Wireless. He fondly recalled his own father's involvement in the grassroots effort to establish a radio station in Park City as the first classical music director on KPCW. Blair will be missed on the air and he wished him well.

2. <u>Council disclosure</u> - Joe Kernan disclosed that Talisker is among his recycling customers.

III PUBLIC INPUT *(Any matter of City business not scheduled on agenda)*

None.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF JUNE 26, 2008

Roger Harlan, "<u>I move approval of the work session notes and minutes of the meeting of June 26, 2008</u>". Jim Hier seconded. <u>Motion carried</u>.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

V NEW BUSINESS *(New items with presentations and/or anticipated detailed discussions)*

1. <u>Consideration of an Ordinance approving the 426 Woodside Subdivision being a replat of Lots 24 and 25, Block 4 of the Park City Survey, Park City, Utah</u> – Kirsten Whetstone explained the request to combine Lots 24 and 25 of Block 4 into one lot for the purpose of constructing a new single family home. There was a non-conforming

four-plex on the site which was demolished in June. On June 25, the Planning Commission held a public hearing and there was no public input at that meeting and a positive recommendation was forwarded to the Council. The Mayor opened the public hearing; there was no input from the audience. Jim Hier, "I move that we approve the plat amendment for the replat of Lots 24 and 25 of Block 4, based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance". Joe Kernan seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

2. Consideration of a Construction Agreement with Landmark Excavating, Inc. for the construction of the Ontario Avenue Waterline Replacement Project for a lump sum amount of $363,096, in a form approved by the City Attorney – Kathy Lundborg noted that project is identified in both the Water Master Plan and OTIS. The 6" water line is old and inadequate and will be upsized to 10" which will help increase fire flows. The Mayor invited public input; there was none. Roger Harlan, "I move approval of a Construction Agreement with Landmark Excavating, Inc. for the construction of the Ontario Avenue Waterline Replacement Project for a lump sum amount of $363,096". Candace Erickson seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

VI OLD BUSINESS *(Continued public hearing)*

Consideration of an Ordinance annexing approximately 286.64 acres of property located at the southwest corner of the SR 248 and US40 Interchange in the Quinns Junction area, known as the Park City Heights Annexation, into the corporate limits of Park City, Utah, and amending the Official Zoning Map of Park City to zone the property in the Community Transition Zoning District (CT) – Consultant Jim Carter referred to his staff report and asked that Council comment on the draft Annexation Agreement to ensure that it adequately addresses the direction of members with regard to residential density and affordable housing. He relayed that Talisker and Boyer-Plum have recently received the draft but have not had an adequate opportunity to review and respond.

The Annexation Agreement incorporates standards of the Green Build Checklist and/or the LEED for homes rating system. The Mayor explained that he has been grappling with requiring the applicant to be LEED certified. It is helpful that the project is evaluated by a third party but he remains concerned about the additional cost. The savings in green building may cover the cost of the third party review and LEED projects may market themselves. He suggested that this be determined at the MPD stage. Jim Hier stated that if the savings could offset the cost of the project which benefits the buyer and he feels that the City's building officials are capable of conducting both Build Green or LEED inspections which could also be verified. Mayor Williams indicated that he is comfortable with the City inspecting but pointed out the credibility associated with a LEED project which may make it more of a model. Joe Kernan viewed the benefit of LEED certification as a marketing tool but acknowledged that he does not feel strongly about this and like keeping options open at this stage. Roger Harlan felt comfortable addressing the decision during the MPD process and Candace Erickson agreed.

Jim Hier pointed out language that needed to be changed with regard to timing of the annexation and approval of the ordinance. He felt the rest of the draft looked good. Dana Williams pointed out that UDOT's plans for SR248 are unknown at this stage and flexibility in the traffic mitigation plan is probably appropriate.

David Smith of Talisker referred to Section 10, Affordable Housing Requirement, which addresses timely construction, 44.778 AUEs for IHC, 20 additional AUEs for Montage but there is no mention of the number for Flagstaff in subsection (d) which implies that it is zero. Jim Hier suggested that the AUEs be defined throughout the document.

The Mayor asked for the timing of action on the Annexation Agreement and Jim Carter indicated that a key component is water which is moving toward resolution. Kathy Lundborg emphasized that she received a very broad preliminary plan and has a call into the project engineer because she has a whole list of questions; there are many unresolved issues. Patrick Moffat, Boyer Company, stated that the 24 acres parcel being donated to the City is zoned CT as part of the Annexation Agreement. Mark Harington stated that this is the intent and discussion ensued about the distinction of the CT-MPD zoning. The Mayor reopened the public hearing on the annexation. There were no comments. Jim Hier, "<u>I move we continue the Park City Heights Annexation Petition to July 31</u>". Joe Kernan seconded. <u>Motion carried</u>.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Aye
Liza Simpson	Absent

VII ADDITIONAL DISCUSSION – AGENDA ITEMS

See Council questions and comments in work session notes. Since Jim Hier was not present when Joe Kernan again spoke about meeting Gore's goal of using only renewably produced electricity within ten years. He felt the goal is achievable. Mark Harrington interjected that Diane Foster suggested addressing this element in her next update to Council on the sustainability plan. Jim Hier felt the level of the City's commitment to the Kyoto Accord is significant but is willing to become more informed about renewably produced electricity.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

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Janet M. Scott, City Recorder

City Council Staff Report

PARK CITY
1884

Subject: **Appointment of Sharon Bauman as Deputy City Recorder**
Author: **Tom Bakaly, City Manager**
Date: **July 31, 2008**
Type of Item: **Administrative**

Summary Recommendations:
Ratify the City Manager's appointment of Sharon Bauman as Deputy City Recorder.

Topic/Description:
The City Manager is requesting that the Mayor and City Council ratify his appointment of Sharon Bauman as Deputy City Recorder. The Deputy City Recorder would as City Recorder when the City Recorder is not available. This appointment will ensure that recorder services are readily available for City Staff and the community.

Background:
Sharon Bauman has served in the City Manager's Office since July 2004 and during the past four years has performed City Recorder duties during vacations or other absences of the City Recorder. In addition to providing recorder duties at City Council meeting, she has also assisted the Elections Officer with voter registration and early voting.

Analysis:
The Municipal Code authorizes the City Manager, with the approval of the Mayor and Council, to appoint a City Recorder who shall be custodian of the City seal and who shall keep a journal of Council proceedings and record in full all ordinances, motions and resolutions. The City Recorder shall have power to administer oaths and take acknowledgments under seal of the City and shall perform such other duties as required by this Code, the Mayor and the Council, or the City Manager. The City Manager may also appoint a deputy or deputies who shall have authority to act in the absence of the City Recorder. Sharon Bauman will be the only Deputy City Recorder.

Department Review:
City Manager, City Attorney and City Recorder have reviewed the appointment.

Alternatives:

A. Approve:
Ratify the City Manager's appointment of Sharon Bauman as Deputy City Recorder

B. Deny:
Deny the City Manager's appointment.

C. Modify:
There would be no modification; either approval or denial.

D. Continue the Item:
Continue for further review.
E. Do Nothing:
Same as deny.

Significant Impacts:
There is benefit to having a Recorder available at all times. The appointment of Sharon Bauman as Deputy Recorder will ensure that Recorder services are available to provide the needed services to City Staff as well as the community.

Consequences of not taking the recommended action:
When the City Recorder is out of the office, execution of some Recorder duties may be delayed.

Recommendation:
Ratify the City Manager's appointment of Sharon Bauman as Deputy City Recorder.

City Council Staff Report

Subject: **OTIS Sales Tax Bond Public Hearing**
Author: **Bret Howser**
Department: **Budget, Debt, & Grants**
Date: **July 31, 2008**
Type of Item: **Legislative**

Summary Recommendations:
Staff recommends that Council hold a public hearing to solicit public comment related to the proposed issuance of sales tax bonds for old town street reconstruction projects.

Topic/Description:
OTIS Sales Tax Bond Parameters Resolution

Background:
The City has completed 3 of the 21 street reconstruction projects outlined in the 2002 Old Town Improvement Study (OTIS). The final projects of Phase I of OTIS (Lower Norfolk and Woodside North of 13th) are budgeted in FY 2009 at a total cost of $4,213,000. That includes $1,283,045 from General Fund Surplus (cash on hand) and $2,929,955 from anticipated sales tax bond proceeds. Staff has enough money with the cash on hand to move forward with the projects, but with the bulk of the construction getting underway next spring, bond proceeds would be required.

In addition, Phase II(a) of the OTIS projects is scheduled for the spring. Council adopted a budget of $4,036,000 for these projects for FY 2009, which would include reconstruction of Sandridge in FY 2009, Hillside in FY 2010, and Empire and Upper Lowell in FY 2011. This proposed bond issuance would provide the funding for these projects as well.

The budgeted costs for each of these projects are based on cost estimates which were updated in 2006. Council expressed concern on May 1st that projected costs for future phases of OTIS are underestimated. Staff is preparing a work group to review future OTIS projects this summer (before issuing the proposed sales tax bond) to update cost estimates, realign scheduling of the projects, and make updated recommendations. This update will be considered along with the reprioritization of the CIP during next year's budget process. Its impact on the bond issuance at hand will be analyzed and presented in a staff report prior to the final bond resolution adoption.

On July 10, Council considered and approved a parameters resolution which set the maximum issuance for this proposed bond at $10 million principal and 6%

interest. Staff currently anticipates the bond will be issued for $7-8 million at a rate closer to 4%. The parameters resolution set the project definition as follows:

> Capital improvements including street improvements, storm sewer, utility relocations, curb, gutter, sidewalks, signage, landscaping, engineering, design and other related improvements

Notice of this public hearing was published in the Park Record once a week for the previous two weeks in accordance with specifications outlined in the parameters resolution as well as on the Utah Public Notice Website.

Analysis:
Pursuant to the Municipal Bond Act, §11-14-307(6)(a)(ii), Utah Code Unannotated 2006, as amended, Park City must hold a public hearing to receive input form the public with respect to the issuance of the proposed sales tax bond. A notice of the public hearing must be published, in accordance with State Statute, in the Park Record on July 16, 2008, and July 23, 2008, as well as on the Utah Public Notice Website.

Following the public hearing, bond counsel, the City's financial adviser, and staff will begin preparing bond documents in the coming months. Staff is also exploring the possibility of obtaining a higher bond rating for sales tax bonds. In the fall or early winter, Council will have an opportunity to consider a final bond resolution.

Department Review:
Budget, Debt & Grants; City Manager; Legal

Alternatives:

A. Approve:
Staff recommends holding a public hearing related to the sales tax bond issuance for OTIS street reconstruction projects.

B. Deny:
So doing could impact the old town street reconstruction plans and scheduling. Council would have to revisit funding decisions during the capital budgeting process.

C. Modify:

D. Continue the Item:
This may impact the construction schedule as currently laid out by staff.

E. Do Nothing:
This would have a similar impact as B.

Significant Impacts:
The public hearing is the next step in initiating a bond issuance. This bond issuance is budgeted as the funding source for the remaining OTIS

reconstruction projects. The funding would allow staff to continue these projects as currently planned next spring.

Consequences of not taking the recommended action:
Reconstruction of designated old town streets could be delayed until Council decides to move forward with the bond issuance process or until an alternative funding source is identified.

Recommendation:
Staff recommends holding a public hearing regarding the proposed sales tax bond issuance for old town street reconstruction projects.

City Council
Staff Report

Subject: Healey Days
Author: Max J. Paap
Department: Sustainability
Date: July 31, 2008
Type of Item: Administrative – Master Festival License

Summary Recommendations:
Review the Master Festival License application, conduct a public hearing, and approve the license for Healy Days, on August 16, 2008 to be held on Main Street, between 7th and 9th Street.

Description:

Topic:
Review the Master Festival License Application, submitted by The Bonneville Austin Healey Club, for Healey Days on Main Street, between 7th and 9th Street, on August 16, 2008.

Background:
The Bonneville Austin Healey Club submitted an application requesting a Master Festival License to hold a showing of Austin Healey and other various sports cars. The event includes vehicle displays on Lower Main Street, with awards given for various categories at the end of the show. The vehicle display on Main Street would run from 11:00 am - 4:00 pm on Saturday, August 16, 2008. In the initial application closure from Heber Avenue to 9th Street was contemplated; due to the minimal number of cars entered the closure has been determined to only be necessary from 9th to 7th Street. HMBA has been notified of the partial closure to Main Street and has no negative comment on the temporary closure.

The Healey Days Car Show is consistent with the City Council's Goal #4 which is to continue to promote Park City as multi-seasonal resort by maintaining its status as a World Class Resort which hosts such events as this and to increase the number of events.

Analysis:
The event organizers have requested to hold their event on Saturday, August 16, 2008. The event would begin at 11:00 am and conclude at 4:00 pm. Organizers anticipate attendance of 60 spectators at any given time throughout the day, with 30 cars on display. Lower Main Street would be closed to begin build out of the display area beginning at 6:00 am and will have the street open to the public by 5:00 pm. This application is being reviewed as a Master Festival License due to the request to display temporary signs and use of City property.

Department Review:
All applicable departments have reviewed the Healey Days application and their comments have been incorporated into the report.

Alternatives:
Approve the Request:
Approve the Master Festival License allowing Healey Days as described.
Deny the Request:
Deny the Master Festival License, preventing the addition of Healey Days to Park City's schedule of events.
Continue the Item:
The City Council may continue the discussion in order to receive additional information.

Significant Impacts:
Park City has held many similar events to Healey Days. The activities will be contained within the venue and will conclude by 4:00 pm. The street will be opened to the public by 5:00 pm on Saturday, August 16, 2008.

Consequences of not taking the recommended action:
Healey Days would not take place.

RECOMMENDATION:
Staff recommends the City Council conduct a public hearing and approve a Master Festival for Healey Days on August 16, 2008 based on the following Findings of Fact, Conclusions of Law and Conditions of Approval.

Findings of Fact:

1. Healey Days will be held Saturday, August 16, 2008. The event will last from 11:00 am to 4:00 pm and will occur on the lower portion of Main Street, between 7th and 9th Streets.
2. Parking for the anticipated crowd of 60 people can be accommodated with the existing parking in and around the venues. The conduct of Healey Days will not substantially interrupt or prevent the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its venue.
3. The events associated with Healey Days will not require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the City.
4. The event will be held on lower Main Street. The concentration of persons, vehicles, or animals will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the streets or with the provision of other public health or safety services.
5. There are other Master Festival or Special Event licenses that have been granted for August 16, 2008. The table below will show in column (A) – Geographic separation of the events; column (B) – Proposed time and duration

of the events; and column (C) – Anticipated attendance.

2008 DATE	EVENT	A – Geographic Separation	B - Proposed Time & Duration	C – Anticipated Attendance
August 16	**Healey Days**	**Main Street**	**11:00AM-4:00PM**	**60**
August 15 & 16	Relay for Life	Park City Ice Arena & Sports Complex	6PM-10AM	300
August 16	Mountain Town Stages	La Casita Stage	6:00PM-8:30PM	100
August 16	RAD Antique Market	Treasure Mountain Middle School	8AM-9PM Daily	100 people per hour
August 16	Utah Symphony & Opera	Snow Park Lodge Outdoor Amphitheatre Deer Valley	6:00PM-10:00PM	5,000
August 16	Mountain Town Stages/Miners Park	Miners Park on Main Street	1:00PM-3:00PM AND 3:30PM-5:00PM	100

1. The size of the crowd and nature of the event will not create an imminent possibility of violent disorderly conduct likely to endanger public safety or cause significant property damage.
2. The applicant has been working with City Staff and applicable departments to address all event concerns. The Applicant demonstrates an ability and willingness to conduct the event pursuant to the terms and conditions of this Chapter and has not failed to conduct a previously authorized event in accordance with the law or the terms of a license, or both.

Conclusions of Law:

1. The application is consistent with the requirements of the Park City Municipal Code, Title 4, Chapter 8.

Conditions of Approval:

1. The applicant, at its' cost, shall incorporate such measures as directed by Staff in order to ensure that any safety, health, or sanitation equipment, and services or facilities reasonably necessary to ensure that the event will be conducted with due regard for safety are provided and paid for by the applicant.
2. Applicants shall provide proof of liability insurance in the amount of two million dollars ($2,000,000) or more as may be required by the Special Events Manager or the City Attorney's Office, and shall further name Park City Municipal Corporation as additional insured. All Applicants shall further indemnify the City from liability occurring at the event except for any claim arising out of the sole negligence or intentional torts of the City or its employees.
3. Applicant shall notify all adjacent neighbors 48 hours prior to the event.
4. All plans for tents, stages and other temporary structures shall be submitted to

the Building Department for review and permitting by August 6, 2008.

5. The applicant shall barricade and provide detour signage for the street closure in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the duration of the event.

Attachments

Exhibit A- Applicant's Summary of Activities

Exhibit A-

PARK CITY MUNICIPAL CORPORATION
SPECIAL EVENT AND MASTER FESTIVAL LICENSE
EVENT APPLICATION-PART i
A completed electronic copy submitted to the Special Events Department

Special Events and Facilities Department
435.615.5150
specialevents@parkcity.org

APPLICATION FORM
Part I of the application form (pages 1 and 2) must be completed and submitted **electronically** to the Special Events Department no less than 90 days prior to a Master Festival or no less than 60 days prior to a Special Event. Part II of the application form (pages 3-6) which are more comprehensive, must be submitted 45 days before all events. **Parts I and II of the application must be sent electronically** to the Special Events Department at specialevents@parkcity.org. The application will be reviewed by the Special Events Department and compared to master calendar for date availability. Applicant must schedule a meeting with City Staff 30 days prior to the event to review logistics. Granting of the permit is not guaranteed.

EVENT NAME: Healey Days

FIRST TIME OR ANNUAL EVENT (IF ANNUAL, HOW MANY YEARS): 24 years

EVENT DATE(S): August 16, 2008

EVENT TIME(S): 11AM to 4PM

EVENT LOCATION(S): *Please describe in detail the exact location(s)*
Lower Main Street North of Heber Avenue to near the end of the street or less to accommodate no more than 30 sports cars.

ANTICIPATED ATTENDANCE: Up to 60

EVENT DESCRIPTION: *Please describe in detail the activities associated with the event*
The Showing of Austin Healeys years 1954 to 1967 and other sports cars that register and attend. Awards will be given for various categories at the end of the show.

APPLICANT: *(name of organization)* Bonneville Austin Healey Club

CONTACTS

Event Manager: David Maxwell
Mailing Address: 1752 Paulista Way
Phone: 801-943-4803 Fax:435-940-1911
Cell Phone: 801-259-1404

E-Mail: sanddmax@q.com

Assistant Event Manager: Jim Revel
Mailing Address: 2040 Mahre Drive
Phone: 435-940-0930 Fax:435.940-1911
Cell Phone: 435-640-3347
E-Mail: jimrevel@AOL.com

TYPE OF EVENT: *to be confirmed by the Special Events Department*

☒ **Master Festival;** *(If even one box is checked, the event is automatically a Master Festival)*
A public event which any one of the following:
☐ attraction of large crowds, (Over 500)
☒ street closure,
☐ use of City park, building or property,
☐ use of off-site parking facility,
☐ use of amplified music.

☐ **Special Event;**
A private or public event, which creates significant public impacts through:
☐ causes significant public impacts via disturbance, crowd, traffic/parking,
☐ disruption of the normal routine of the community or affected neighborhood,
☐ necessitates temporary business or liquor licensing
☒ event signs, visible from public property
☐ temporary structures

CITY SERVICES (SERVICES WILL REQUIRE ADDITIONAL APPROVAL AND FEES)

- request for street closure(s)? ☒yes ☐no
  if yes, then list street(s) and closure time and date: Main Street north of Heber Ave. from 11AM to 4PM on Saturday August 16, 2008
- request for closure of or access to any public parking spaces? ☒yes ☐no
  if yes, then list lot and closure times and dates: same as street closure to accommodate up to 30 sports cars on one side of street
  if yes, complete and attach *Request for Special Use of Public Parking* form.
- request for use of any City owned bleachers? ☐yes ☒no

SALES AND FOOD VENDING

- will there be beer, wine and/or liquor sales during the event? ☐yes ☒no
  if yes, have you filed a *Beer and Liquor License Application* with Park City Finance Department? ☐yes ☐no
  if yes, have you filed a* Single Event *or* Temporary Beer Permit *application w/ UDABC?* ☐*yes* ☐*no

APPLICATION FEES

All new applications require a $100 processing fee, all applications for returning events require a $50 application fee, due at the time of application. Additional fees for other services, including Health Department and Fire Department, will be estimated and provided to the applicant. A final bill for services will be delivered to the applicant approximately two weeks after the event concludes. Please remit application check to:

Park City Municipal Corporation
Attn: Special Events and Facilities
P.O. Box 1480
Park City, UT 84060

INSURANCE
Park City Municipal requires proof of liability insurance in the amount of two million dollars ($2,000,000) or more, and applicant shall further name Park City Municipal Corporation as an additional insured. This must be submitted 10 days prior to the event.

City Council Staff Report

Subject: **Second Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility**
Author: **Brooks T. Robinson**
Date: **July 31, 2008**
Type of Item: **Administrative – Subdivision Plat**

PARK CITY
1884
PLANNING DEPARTMENT

Summary Recommendations
Staff recommends the City Council hold a public hearing for the Second Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility and consider approving the application based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant:	IHC Hospitals, Inc.
Location:	900 Round Valley Drive
Zoning:	Community Transition as part of the IHC Annexation and Master Planned Development (CT-MPD)
Adjacent Land Uses:	National Abilities Center, Park City Recreation Complex, US 40, SR 248, Open Space
Reason for Review:	Final Plats require Planning Commission review and City Council approval

Background
On April 17, 2008, the City received a completed application for the Second Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility. On December 7, 2006, Council approved an annexation ordinance and annexation agreement for the property. On January 11, 2007, the Council approved a subdivision plat for the purpose of creating lots of record so that associated property sale and property transfers could be completed. The applicant prepared necessary easements, road layouts, and cost breakdowns prior to finalizing the amended subdivision plat. That amended plat was recorded on May 19, 2008.

The site is currently heavily under construction. It is 157.243 acres in size and located at the northwest corner of the State Route 248/Highway 40 interchange. The site is adjacent to the City's Ice Arena and Fields Complex.

The zoning designation of the property is Community Transition (CT-MPD) which has a base density of 1 unit/20 acres. The District permits density bonuses up to a maximum of 3 units/acre provided specific standards are met relating to open space, Frontage Protection Zone (FPZ) setbacks, parking, affordable housing, and public land/facilities. Development of each lot is subject to the requirements of the Community Transition zone and may require a Master Planned Development and a Conditional Use Permit.

The proposed land uses for the site consist of a hospital/medical campus, USSA's proposed new headquarters and training facility, open space lots, a lot dedicated to the City for possible expansion of the Recreation complex, and possible affordable housing. The proposed total density at build-out for the annexation area is 535,000 square feet (gross) and equates to 2.64 units/acre, not including any affordable housing.

The existing subdivision consists of nine lots and, as outlined below, two new lots will be created out of existing lot 8. Lots 1-7 do not change; all utility and road easements are in place.

The eleven lots consist of:

Lot 1 and Lot 2:	Intermountain Healthcare Campus (107.551 acres)
Lot 3:	USSA Headquarters and Training Facility (5 acres)
Lot 4:	PCMC (5 acres—Possible Affordable Housing Site)
Lot 5:	PCMC (15 acres—Ice Facility/Fields Complex Expansion)
Lot 6:	Support Medical Office (3.041 acres)
Lot 7:	Support Medical Office (3.396 acres)
Lot 8:	Support Medical Office (9.934 acres, previously 13.974 acres)
Lot 9:	Questar facility (0.174 acres)
Lot 10 (new lot):	Community Medical (3.088 acres)
Lot 11 (new lot):	IHC, no programmed uses (0.951 acres)

Lots 10 and 11 are being created with this plat out of the previous Lot 8. Lot 10 will contain the Summit County Health Department and the People's Health Clinic in a single building. A Master Planned Development for this building is currently in process with the City.

The IHC hospital received approval of a Master Planned Development and Conditional Use Permit on May 23, 2007.

The Planning Commission heard this application at its regular meeting of July 9, 2008, and forwards a positive recommendation. There was no public input.

Analysis:

The proposed subdivision request is in compliance with Land Management Code, Section 15-7: Subdivisions. Access to the IHC hospital campus is by way of SR-248 and a right-of-way across a corner of the City's Ice Facility and Fields Complex property. A 30 foot wide access easement connects IHC's Lots 1 and 2. Public access to the IHC site is also available from the existing public road behind the new City Ice Facility. The proposed plat dedicates a 50-foot wide public street as a continuation of this road to the IHC facility. The USSA property and the City's 5-acre potential affordable housing site are accessed via SR-248 and a 50 foot wide public road. The City's 15 acre lot 5 will be accessed by way of the existing fields complex street (Gillmor Way) and driveway system and the public loop road (Round Valley Drive) through the IHC subdivision. A 50 foot wide Public Street and Right of Way is also dedicated, but not proposed to be built at this time, along the east side of the property parallel to US 40 for a possible future frontage road.

The proposed two new lots are consistent in size and location with uses contemplated during the annexation review process, as well as the approved Master Planned Development and Conditional Use Permit. The approved Phasing Plan for IHC identified the location and uses for the entire annexation area. Power and sewer are available adjacent to the site. All provisions of the approved annexation ordinance and agreement, including but not limited to road and easement dedications, intersection and signalization improvements, water and water infrastructure, affordable housing, and trails, remain in effect with this application.

Staff finds good cause for this subdivision as it will memorialize the lots and easements for the IHC campus.

<u>Process</u>
The approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Development of each lot is subject to the requirements of the Community Transition zone and may require a Master Planned Development and a Conditional Use Permit. Individual Staff review of any Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed.

<u>Department Review</u>
This project has gone through an interdepartmental review. No further issues were brought up at that time.

<u>Notice</u>
The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

<u>Public Input</u>
No public input has been received by the time of this report.

Alternatives

- The City Council may approve the Second Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility plat as conditioned or amended **(This is the recommended action)**, or
- The City Council may deny the Second Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility plat and direct staff to make Findings for this decision, or
- The City Council may continue the discussion on Second Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility plat.

Significant Impacts

There are no significant fiscal and environmental impacts from this amended subdivision.

Consequences of not taking the Suggested Recommendation

Lot 8 will remain in its current configuration.

Recommendation

Staff recommends the City Council hold a public hearing for the Second Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility plat and consider approval based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Attachments

Ordinance with proposed plat (Exhibit A)
Previous subdivision ordinance

Ordinance No. 08-

AN ORDINANCE APPROVING THE SECOND AMENDED SUBDIVISION FOR THE INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS/USSA HEADQUARTERS AND TRAINING FACILITY, 900 ROUND VALLEY DRIVE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 900 Round Valley Drive have petitioned the City Council for approval of the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 9, 2008, to receive input on the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility;

WHEREAS, the Planning Commission, on July 9, 2008, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 31, 2007, the City Council held a public hearing on the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Amended Subdivision Plat for the Intermountain Healthcare Park City Medical Campus / USSA Headquarters and Training Facility as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 900 Round Valley Drive.
2. The zoning is Community Transition (CT) within the IHC Master Planned Development (CT-MPD).

3. On December 7, 2006, Council approved an annexation ordinance and annexation agreement for the property. On January 11, 2007, the Council approved a subdivision plat for the purpose of creating lots of record so that associated property sale and property transfers could be completed.
4. This property is subject to the IHC/USSA/Burbidge Annexation plat approved by the Park City Council on December 7, 2006, with an effective date of January 1, 2007. An Annexation Agreement for this property was recorded on January 23, 2007.
5. The Annexation Agreement sets forth maximum building floor areas, development location, and conditions related to developer-provided amenities on the various lots of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat, such as roads, utilities, and trails.
6. The IHC hospital received approval of a Master Planned Development and Conditional Use Permit on May 23, 2007.
7. The proposed subdivision creates eleven lots.

Lot 1 and Lot 2:	Intermountain Healthcare Campus (107.551 acres)
Lot 3:	USSA Headquarters and Training Facility (5 acres)
Lot 4:	PCMC (5 acres—Possible Affordable Housing Site)
Lot 5:	PCMC (15 acres—Ice Facility/Fields Complex Expansion)
Lot 6:	Support Medical Office (3.041 acres)
Lot 7:	Support Medical Office (3.396 acres)
Lot 8:	Support Medical Office (9.934 acres, previously 13.974 acres)
Lot 9:	Questar facility (0.174 acres)
Lot 10 (new lot):	Community Medical (3.088 acres)
Lot 11 (new lot):	IHC, no programmed uses (0.951 acres)

8. Development of each lot requires a Conditional Use Permit.

<u>Conclusions of Law:</u>
1. There is good cause for this subdivision.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions, the Park City General Plan, and the IHC Annexation and Master Planned Development.
3. Neither the public nor any person will be materially injured by the proposed subdivision.
4. Approval of the subdivision, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

<u>Conditions of Approval:</u>
1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with the Annexation Agreement, State law, the Land Management Code, and the conditions of

approval, prior to recordation of the plat.

2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the IHC Annexation and Amended Subdivision shall continue to apply.
4. A financial guarantee for all public improvements in an amount approved by the City Engineer and in a form approved by the City Attorney shall be in place prior to plat recordation.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 31st day of July, 2008.

Exhibits

Exhibit A – Record of Survey plat

Previous Ordinance Approving the IHC Subdivision
Ordinance No. 07-

AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR THE INTERMOUNTAIN HEALTHCARE PARK CITY MEDICAL CAMPUS/USSA HEADQUARTERS AND TRAINING FACILITY LOCATED AT THE NORTHWEST CORNER OF THE HIGHWAY 40/SR-248 INTERCHANGE NEAR QUINNS JUNCTION, PARK CITY, UTAH

WHEREAS, the owner of the subject property, has petitioned the City Council for approval of subdivision plat for the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility; and

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

WHEREAS, the Planning Commission held a public hearing on January 10, 2007, to receive input on the matter; and

WHEREAS, the Planning Commission, January 10, 2007, forwarded a positive recommendation to the City Council; and,

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

SECTION 1. FINDINGS OF FACT. The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. IHC Health Services has submitted a combined preliminary/final subdivision plat application for the Intermountain Healthcare/United States Ski and Snowboard site located in the Quinns Junction area on December 26, 2006.

2. Council approved an annexation ordinance and annexation agreement for the property on December 7, 2006 with an effective date of January 1,2007.

3. The approved annexation agreement establishes conditions of approval and commitments by the petitioner, including but not limited to the dedication of property; road and easement dedications; intersection and signalization improvements; water and water infrastructure; affordable housing; and trails.

4. The site of the subdivision is currently vacant, 157.243 acres in size, and

located at the northwest corner of the State Route 248/Highway 40 interchange.

5. The site is adjacent to the City's Ice Arena and Fields Complex.

6. The zoning designation of the property is Community Transition (CT-MPD).

7. The proposed land uses for the subdivision consist of a hospital/medical campus and USSA's proposed new headquarters and training facility. The proposed total density at build-out for the annexation area is 535,000 square feet (gross) and equates to 2.64 units/acre.

8. The proposed 157.243 acres is to be subdivided into five lots:

Lot 1 and Lot 2:	Intermountain Healthcare Campus *(132.2 acres)*
Lot 3:	USSA Headquarters and Training Facility *(5 acres)*
Lot 4:	PCMC *(5 acres—Possible Affordable Housing Site)*
Lot 5:	PCMC *(15 acres—Ice Facility/Fields Complex Expansion Area)*.

9. The purpose of the subdivision plat request is to create lots of record so that associated property sale and property transfers may be completed.

10. Associated Master Planned Development (MPD) and Conditional Use Permit (CUP) applications have been submitted to the City and are pending Planning Commission review and action.

11. The project application states that the plat will be amended concurrent with or directly following the Master Planned Development and Conditional Use Permit process to reflect all final road and public dedications as well as all utility dedications and improvements consistent with the approved annexation agreement.

SECTION 2. CONCLUSIONS OF LAW. The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this Subdivision Plat.
2. The Subdivision Plat is consistent with the Park City Land Management Code and applicable State subdivision regulations
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

SECTION 3. CONDITIONS OF APPROVAL. The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. A utility, grading and drainage plan shall be submitted to the City Engineer for review and approval prior to the issue of any building permit.

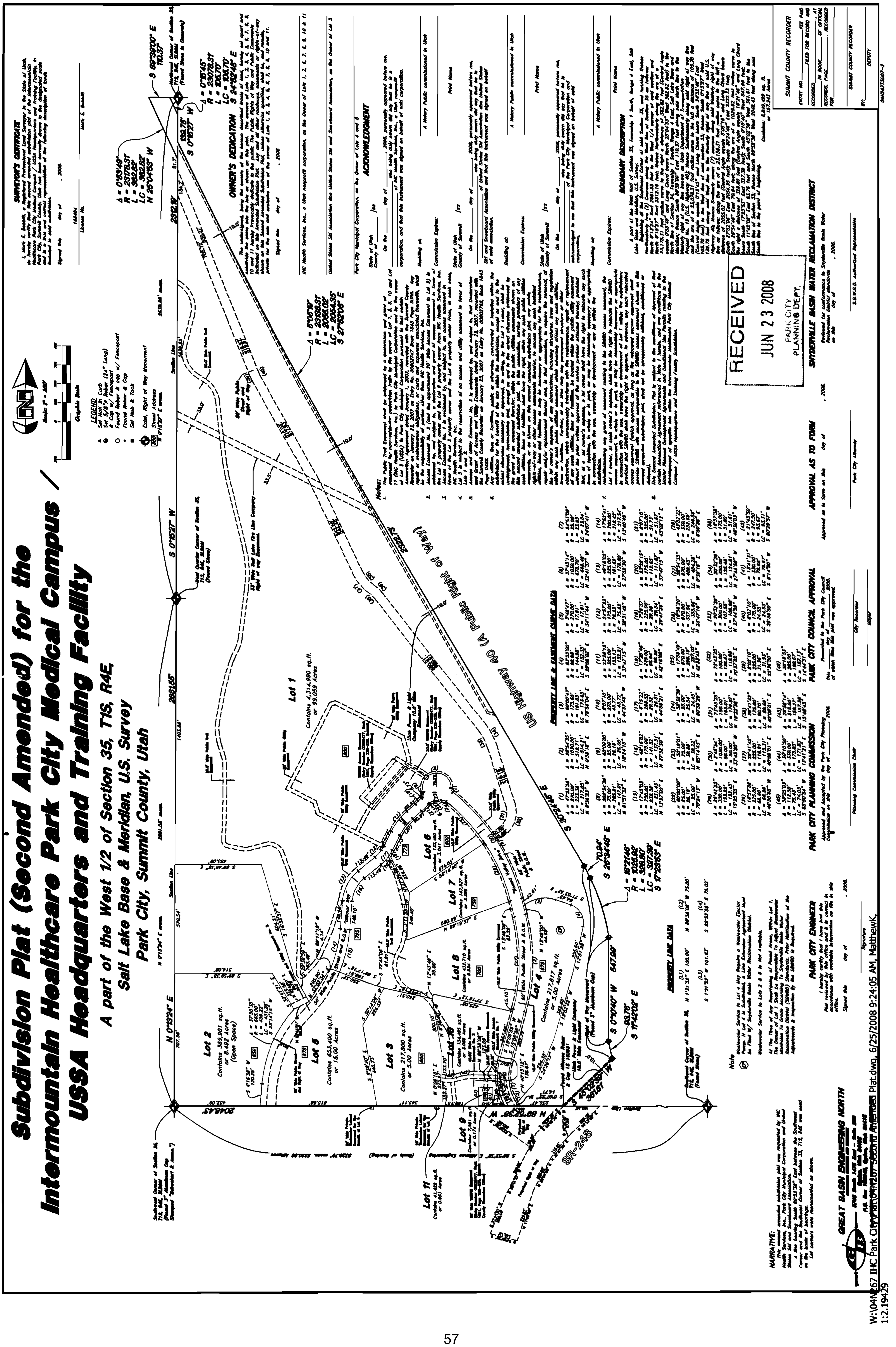
3. No building permits shall be issued on any of the subject lots until such time as Master Planned Development and Conditional Use Permit approvals are obtained and all requisite annexation ordinance and annexation agreement commitments have been satisfied by an amended subdivision plat. This note shall appear on the plat.

4. The applicant will record the Subdivision Plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

5. Nothing in this ordinance implies approval of the pending Master Planned Development or Conditional Use Permit applications.

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

PASSED AND ADOPTED this ____ day of ____ 2007.



Subdivision Plat (Second Amended) for the
Intermountain Healthcare Park City Medical Campus /
USSA Headquarters and Training Facility
A part of the West 1/2 of Section 35, T1S, R4E,
Salt Lake Base & Meridian, U.S. Survey
Park City, Summit County, Utah
Lot 1
Lot 2
Lot 3
Lot 4
Lot 5
Lot 6
Lot 7
Lot 8
Lot 9
Lot 11
US Highway 40 (A Public Right of Way)
SR-248
RECEIVED
JUN 23 2008
PARK CITY
PLANNING DEPT.
SURVEYOR'S CERTIFICATE
OWNER'S DEDICATION
ACKNOWLEDGMENT
BOUNDARY DESCRIPTION
PROPERTY LINE & EASEMENT CURVE DATA
PROPERTY LINE DATA
PARK CITY PLANNING COMMISSION
PARK CITY COUNCIL APPROVAL
APPROVAL AS TO FORM
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
PARK CITY ENGINEER
SUMMIT COUNTY RECORDER
GREAT BASIN ENGINEERING NORTH
NARRATIVE:
Notes:
LEGEND

City Council
Staff Report

Subject: SR-248 Corridor Study
Author: Kent Cashel
Department: Public Works
Date: July 31st, 2008
Type of Item: Administrative

Summary Recommendations:
Council should authorize Staff to execute a Professional Services Agreement with H.W. Lochner, Inc. in a form approved by the City Attorney and in an amount not to exceed $79,960 for the preparation of an SR-248 corridor plan.

Background:
Council adopted the Entry Corridors Management Strategic Plan on March 20th, 2006. This strategic plan set forth objectives for the management of transportation and traffic along the City's entry corridor's (SR-224, SR-248 and Bonanza Drive). One of the key objectives identified in the strategic document is, "to gain a thorough understanding of volumes and travel patterns that make up the current and future traffic conditions along the entry corridors." Another key objective identified in the plan is, "ensure current capacity of entry corridors are utilized effectively before expanding roads or related infrastructure." These two objectives are driving the development of an SR-248 corridor plan.

Summit County began assessing a $10 local option transportation corridor preservation fee in 2007. The Summit County Council of Governments (COG) has initially prioritized the SR-248 corridor as a corridor to consider for funding using corridor preservation fees. The County estimates it will have collected $822,000 in fees by June 2008. On May 14th, 2008 the COG voted to prioritize the acquisition of SR-248 right of way for funding in the amount of $392,000.

The City's park and ride lot, to be located at Richardson Flats, will be utilized to remove single occupant vehicles, from the SR-248 corridor during peak hours and special events. Staff believes the success of the park and ride will be contingent upon providing dedicated bus lanes along the SR-248 corridor to provide users of the park and ride (voluntary or mandated) with the benefit of avoiding delays associated with congestion.

On February 28th, 2008 Council authorized Staff to execute a contract with Interplan Transportation Consultants to consolidate existing SR-248 studies into one corridor plan. This study accomplished the following tasks:

1. Consolidation of existing studies of portions of SR-248 into one corridor plan.
2. Explored alternatives and developed recommendations for reducing transit travel times to and from the park and ride (e.g., dedicated bus lanes, bus use of shoulders, HOV lanes, queue jumping, signal prioritization and etc.)
3. Completed an inventory of existing UDOT right of way and conducted a needs analysis for additional right of way.

While Phase I of the SR-248 Study provides a solid understanding of automobile challenges (and provided recommendations for congestion mitigation) along the SR-248 corridor , the study does not constitute a comprehensive corridor plan. To complete a comprehensive corridor plan will require: consideration of pedestrian and bicycle modes, public review and input and more detailed engineering.

On May 29th, 2008 City Council reviewed Phase I of the SR-248 Corridor study and provided direction on the alternatives to be studied and directed Staff to proceed with Phase II of the Study.

Staff has conducted a procurement process to secure a transportation consultant to assist in the preparation of Phase II of the corridor Study.

Analysis:
Staff (based upon work completed in phase 1 of the study and the WALC recommendations) developed a scope of work for the SR-248 Study. That scope included the following 13 elements:

1. Integrate WALC Recommendations into the alternatives to be reviewed in the SR-248 corridor study.
2. Design (preliminary level) and evaluate the following alternatives for SR-248(including WALC recommends):

    1. Directional Lanes
    2. Dedicated Bus\HOV Lanes
    3. 4 Lane Expansion

3. Each alternative must have an engineer's cost estimate attached with it. The downstream performance impacts of each alternative should be quantified for the following roads and intersections:
    - Bonanza Drive through intersection with SR-224
    - Park Avenue (SR-224 through Empire Av.)

4. Preliminary design of pedestrian tunnel to be located at Comstock Dr. and SR-248.
5. Conduct a comprehensive public education and input process regarding the alternatives (outreach to all affected corridor users).
6. Develop a proposed Transportation Demand Management Plan (including strategies, implementation plan and resource requirements).
7. Concept level analysis and recommendations identifying what (if any) additional corridor's the City should begin considering in its long range planning. This analysis and recommendations should include concept layout, initial right of way requirements and challenges (including legal issues) , and quantification of traffic benefit (diversion) to SR-248.
8. Include review and recommendations on Corridor Traffic Operations Management (Signal Timing, Access Control, Turning Movements, Incident Management, School Bus Operations and etc.) Make recommendations to improve throughput and safety.
9. Refine and identify right of way needs based upon alternative designs.
10. Develop a recommended Corridor & Transportation Demand Management Plan. The carbon savings for all alternatives explored should be included in analysis and recommendations.
11. Create a draft report that includes all data, design drawings, and textual discussion of study and recommendations. Present that report to the steering committee and City Council for review and comment.
12. Create a final report (incorporating City Council and steering committee comments) that includes all data, design drawings, and textual discussion of study and recommendations. Provide City with 15 bound copies and a PDF file of report on a CD.
13. Create an Executive Summary of final report and provide City with 15 bound copies and a PDF file of executive summary on a CD.

This comprehensive scope of work is designed to provide the City with an SR-248 corridor plan to guide demand management, operations and capital projects for the corridor through the year 2020.

Once the scope of work was defined Staff conducted a procurement in compliance with applicable federal, state and local requirements. A Request For Proposal (RFP) was advertised eight times between June 8^{th} – June 18th in the Salt Lake Tribune and Deseret News.

Seven individual RFP packages were issued and ultimately two proposals were submitted to the City for consideration. It is important to note that the two proposals submitted represented four of the seven firms that requested RFP packages (each proposal submitted was on behalf of a team of two consultants).

A cross functional project selection and steering committee was formed. The members of that team are:

▪ Matt Cassel	City Engineer
▪ Jonathan Weidenhamer	Sustainability
▪ Bret Howser	Budget
▪ Katie Cattan	Planning
▪ Sayre Brennan	Public Works
▪ Lisa Wilson	UDOT Region II Engineer
▪ Kent Cashel	Public Works

The selection committee utilized a two step qualifications based selection process as follows:

1. Proposals were ranked based upon the quality of the proposal and the experience of the project firm and team.
2. Cost negotiations were entered into with the top ranked team. The RFP required proposers to submit a cost proposal in a separate sealed envelope with their proposal. These cost proposals were not opened, or considered until after proposals were ranked.

<u>Step 1 Qualifications Based Ranking</u>
The selection committee ranked each proposal based upon the following criteria (detailed in the RFP):

- Overall Quality of Proposal
- Firms Experience with Similar Projects
- Relevant Experience of Project Team Members
- Project Approach
- Project Timeline

Each of the proposing teams was then invited to make a live presentation before the selection committee. Based upon the proposal ranking and the live presentations the selection team selected H.W. Lochner's proposal as the top ranked submittal.

<u>Step 2 Cost Negotiation</u>
Once the proposals were ranked the sealed costs proposals were opened and negotiations began with the top ranked proposer (HW Lochner). The sealed cost proposals came in as follows:

H.W. Lochner, Inc.	$92,000
Fehr and Peers	$76,000 – $94,000 (bid 2 levels of engineering design)

Staff negotiated with Lochner to bring the proposal cost down to $79,960 (without a reduction in study scope). Staff believes, based upon the study scope and the range of cost proposals received that H.W. Lochner's fee is fair and reasonable.

The Utah Department of Transportation (UDOT) has agreed to participate in funding $30,000 of the cost of this project. Funding for the balance of this request ($49,960) is available in the Transportation Fund.

Staff recommends Council authorize Staff to execute a Professional Services Agreement with H.W. Lochner, Inc. in a form approved by the City Attorney and in an amount not to exceed $79,960 for the preparation of an SR-248 corridor plan.

Should Council approve Staff's request Staff will begin the study immediately, returning to Council with a draft report for review and comment in mid-September 2008, and then bring a final report to Council for adoption in mid-October, 2008.

Department Review:
This Staff report has been reviewed by the City Manager's Office, the City Attorney's Office, the Office of Budget, Debt and Grants, The Sustainability Team and Public Works. All comments received from these offices have been incorporated into this report.

Alternatives:

A. Approve the Request:
Council should authorize Staff to execute a Professional Services Agreement with H.W. Lochner, Inc. in a form approved by the City Attorney and in an amount not to exceed $79,960 for the preparation of an SR-248 corridor plan.

B. Modify Staff's request:
Council could modify Staff's request

C. Deny the Request:
Council could deny Staff's request.

D. Continue the Item:
Council could continue the item

E. Do Nothing:
Council could do nothing

Recommendation:
Council should authorize Staff to execute a Professional Services Agreement with H.W. Lochner, Inc. in a form approved by the City Attorney and in an amount not to exceed $79,960 for the preparation of an SR-248 corridor plan.

PARK CITY MUNICIPAL CORPORATION SERVICE PROVIDER/PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into in duplicate this ____ day of ______________, 2008, by and between PARK CITY MUNICIPAL CORPORATION, a Utah municipal corporation, ("City"), and H.W. Lochner, Inc., a Wisconsin corporation ("Service Provider").

WITNESSETH:

WHEREAS, the City desires to have certain services and tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient City resources are not available to provide such services; and

WHEREAS, the Service Provider represents that the Service Provider is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, the parties hereto agree as follows:

1. SCOPE OF SERVICES.

The Service Provider shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as Service Provider responsibilities throughout this Agreement and as set forth in the "Scope of Services" attached hereto as "Addendum A" and incorporated herein (the "Project"). The total fee for the Project shall not exceed **Seventy Nine Thousand Nine Hundred and Sixty Dollars** ($79,960).

2. TERM.

The term of this Agreement shall commence on the date of execution on this Agreement and shall terminate on June 30, 2009 or earlier, unless extended by mutual written agreement of the Parties.

3. COMPENSATION AND METHOD OF PAYMENT.

A. Payments for services provided hereunder shall be made monthly following the performance of such services.

B. No payment shall be made for any service rendered by the Service Provider except for services identified and set forth in this Agreement.C. For all “extra” work the City requires, the City shall pay the Service Provider for work performed under this Agreement according to the schedule attached hereto as “Addendum B,” or if none is attached, as subsequently agreed to by both parties in writing.

D. The Service Provider shall submit to the City Manager or his designee on forms approved by the City Manager, an invoice for services rendered during the pay period. The City shall make payment to the Service Provider within thirty (30) days thereafter. Requests for more rapid payment will be considered if a discount is offered for early payment. Interest shall accrue at a rate of six percent (6%) per annum for services remaining unpaid for sixty (60) days or more.

E. The Service Provider reserves the right to suspend or terminate work and this Agreement if any unpaid account exceeds sixty (60) days.

4. <u>REPORTS AND INSPECTIONS</u>.

A. The Service Provider, at such times and in such forms as the City may require, shall furnish the City such statements, records, reports, data, and information as the City may request pertaining to matters covered by this Agreement.

B. The Service Provider shall at any time during normal business hours and as often as the City may deem necessary, make available for examination of all its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the City or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The City may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the Service Provider’s activities, which relate directly or indirectly, to this Agreement.

5. <u>INDEPENDENT CONTRACTOR RELATIONSHIP</u>.

A. The parties intend that an independent Service Provider/City relationship will be created by this Agreement. No agent, employee, or representative of the Service Provider shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Service Provider are not entitled to any of the benefits the City provides for its employees. The Service Provider will be solely and entirely responsible for its acts and for the acts of its agents, employees, subcontractors or representatives during the performance of this Agreement.

B. In the performance of the services herein contemplated the Service Provider is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the City and shall be subject to the City's general rights of inspection and review to secure the satisfactory completion thereof.

6. <u>SERVICE PROVIDER EMPLOYEE/AGENTS</u>.

The City may at its sole discretion require the Service Provider to remove an employee(s), agent(s), or representative(s) from employment on this Project. The Service Provider may, however, employ that (those) individuals(s) on other non-City related projects.

7. <u>HOLD HARMLESS INDEMNIFICATION</u>.

A. The Service Provider shall indemnify and hold the City and its agents, employees, and officers, harmless from and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against the City arising out of, in connection with, or incident to the execution of this Agreement and/or the Service Provider's defective performance or failure to perform any aspect of this Agreement; provided, however, that if such claims are caused by or result from the concurrent negligence of the City, its agents, employees, and officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Service Provider; and provided further, that nothing herein shall require the Service Provider to hold harmless or defend the City, its agents, employees and/or officers from any claims arising from the sole negligence of the City, its agents, employees, and/or officers. The Service Provider expressly agrees that the indemnification provided herein constitutes the Service Provider's limited waiver of immunity as an employer under Utah Code Section 34A-2-105; provided, however, this waiver shall apply only to the extent an employee of Service Provider claims or recovers compensation from the City for a loss or injury that Service Provider would be obligated to indemnify the City for under this Agreement. This limited waiver has been mutually negotiated by the parties, and is expressly made effective only for the purposes of this Agreement. The provisions of this section shall survive the expiration or termination of this Agreement.

B. No liability shall attach to the City by reason of entering into this Agreement except as expressly provided herein.

8. <u>INSURANCE</u>.

The Service Provider shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Service Provider, their agents, representatives, employees, or subcontractors. The Service Provider shall provide a Certificate of Insurance evidencing:

A. General Liability insurance written on an occurrence basis with limits no less than two million dollars ($2,000,000) combined single limit per occurrence and four million dollars ($4,000,000) aggregate for personal injury, bodily injury and property damage.

The Service Provider shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in Section 63-30d-604 of the Governmental Immunity Act of Utah, as calculated by the state risk manager every two years and stated in Utah Admin. Code R37-4-3.

B. Automobile Liability insurance with limits no less than two million dollars ($2,000,000) combined single limit per accident for bodily injury and property damage.

C. Professional Liability (Errors and Omissions) insurance written on claims made basis with limits no less than one million dollars ($1,000,000) combined single limit per occurrence.

D. Workers Compensation insurance limits written as follows:
Bodily Injury by Accident $500,000 each accident;
Bodily Injury by Disease $500,000 each employee, $500,000 policy limit

E. The City shall be named as an additional insured on the insurance policies, identified as A & B above, as respect to work performed by or on behalf of the Service Provider and a copy of the endorsement naming the City as an additional insured shall be attached to the Certificate of Insurance. The Certificate of insurance shall warrant that the City shall receive thirty (30) days advance notice of cancellation. The City reserves the right to request certified copies of any required policies.

F. The Service Provider's insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

9. <u>TREATMENT OF ASSETS</u>.

Title to all property furnished by the City shall remain in the name of the City and the City shall become the owner of the work product and other documents, if any, prepared by the Service Provider pursuant to this Agreement (contingent on City's performance hereunder).

10. COMPLIANCE WITH LAWS.

A. The Service Provider, in the performance of this Agreement, shall comply with all applicable federal, state, and local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of services.

B. The Service Provider specifically agrees to pay any applicable fees or charges which may be due on account of this Agreement.

11. NONDISCRIMINATION.

A. The City is an equal opportunity employer.

B. In the performance of this Agreement, the Service Provider will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap; provided that the prohibition against discrimination in employment because of handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved. The Service Provider shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to: employment, upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The Service Provider shall take such action with respect to this Agreement as may be required to ensure full compliance with local, state and federal laws prohibiting discrimination in employment.

C. The Service Provider will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap.

D. If any assignment or subcontracting has been authorized by the City, said assignment or subcontract shall include appropriate safeguards against discrimination. The Service Provider shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. ASSIGNMENTS/SUBCONTRACTING.

A. The Service Provider shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the City, and it is further agreed that said consent must be sought in writing by the Service Provider not less than thirty (30) days prior to the date of any proposed assignment. The City reserves the right to reject without cause any such assignment.B. Any work or services assigned hereunder shall be subject to each provision of this Agreement and property bidding procedures where applicable as set forth in local, state or federal statutes, ordinance and guidelines.

C. Any technical/professional service subcontract not listed in this Agreement, must have express advance approval by the City.

13. <u>CHANGES</u>.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached to and made part of this Agreement.

14. <u>MAINTENANCE AND INSPECTION OF RECORDS</u>.

A. The Service Provider shall maintain books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by the City, its authorized representative, the State Auditor, or other governmental officials authorized by law to monitor this Agreement.

B. The Service Provider shall retain all books, records, documents and other material relevant to this Agreement for six (6) years after its expiration. The Service Provider agrees that the City or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. <u>POLITICAL ACTIVITY PROHIBITED</u>.

None of the funds, materials, property or services provided directly or indirectly under the Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

16. <u>PROHIBITED INTEREST</u>.

No member, officer, or employee of the City shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

17. <u>MODIFICATIONS TO TASKS AND MISCELLANEOUS PROVISIONS</u>.

A. All work proposed by the Service Provider is based on current government ordinances and fees in effect as of the date of this Agreement.

B. Any changes to current government ordinances and fees which affect the scope or cost of the services proposed may be billed as an “extra” pursuant to Paragraph 3(C), or deleted from the scope, at the option of the City.

C. The City shall make provision for access to the property and/or project and adjacent properties, if necessary for performing the services herein.

18. <u>TERMINATION</u>.

A. Either party may terminate this Agreement, in whole or in part, at any time, by at least thirty (30) days written notice to the other party. The Service Provider shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Service Provider shall promptly submit a termination claim to the City. If the Service Provider has any property in its possession belonging to the City, the Service Provider will account for the same, and dispose of it in a manner directed by the City.

B. If the Service Provider fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any other provisions of the Agreement and fails to correct such noncompliance within three (3) days written notice thereof, the City may immediately terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the Service Provider setting forth the manner in which the Service Provider is in default. The Service Provider will only be paid for services performed in accordance with the manner of performance set forth in this Agreement.

19. <u>NOTICE</u>.

Notice provided for in this Agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

20. <u>ATTORNEYS FEES AND COSTS</u>.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney’s fees and other costs incurred in that action or proceeding.

21. <u>JURISDICTION AND VENUE</u>.

A. This Agreement has been and shall be construed as having been made and delivered within the state of Utah, and it is agreed by each party hereto that this Agreement shall be governed by laws of the state of Utah, both as to interpretation and performance.

B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement, or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Summit County, Utah.

22. <u>SEVERABILITY</u>.

A. If, for any reason, any part, term, or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

B. If it should appear that any provision hereof is in conflict with any statutory provision of the state of Utah, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform in such statutory provisions.

23. <u>ENTIRE AGREEMENT</u>.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize time is of the essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

PARK CITY MUNICIPAL CORPORATION
445 Marsac Avenue
Post Office Box 1480
Park City UT 84060-1480

____
Thomas B. Bakaly, City Manager

Attest:

____
City Recorder's Office

Approved as to form:

____
City Attorney's Office

SERVICE PROVIDER
Address:

Tax ID#: _________________________

____
Signature

____
Printed name

____

Title

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

On this ____ day of ________________, 2007, personally appeared before me ______________________________, whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed, did say that he/she is the __________________________ (*title or office*) of ____________________ Corporation by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged that he/she signed it voluntarily for its stated purpose as _______________________ *(title)* for ________________________________, a _______ corporation.

____
Notary Public